Procedure Guide: Gateway Assessment and Strategic Planning Committee Referral Process

1. Purpose

1.1. This procedure sets out how planning applications are considered under the National Scheme of Delegation and, where required, referred to Planning Committee.

1.2. The procedure ensures that applications are assessed consistently, transparently and in accordance with the statutory requirements of the National Scheme of Delegation.

1.3. The procedure provides a clear and proportionate route from initial officer screening to a recorded referral decision. It is intended to support timely decision-making, give case officers a consistent approach, and ensure that applications are referred to the Strategic Development Committee only where the statutory requirements are met.

2. Scope

2.1. The process comprises:

(i) classification of the application under the National Scheme of Delegation;
(ii) officer screening against the statutory Gateway Criteria and indicative local thresholds;
(iii) consideration at a Gateway Meeting where required;
(iv) a recorded referral decision; and
(v) reporting and publication.

Schedule 1 Applications

2.2. Schedule 1 applications are applications that must be determined by delegated powers under the National Scheme of Delegation, except where the own-interest provisions apply.

2.3. An application falls within Schedule 1 where it comprises:

- Householder development;
- Lawful development;
- Minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- Minor residential development including only dwellings or incidental to dwellings, between 1 and 9 dwellings, less than 0.5ha site, or is to be carried out on a site having an area smaller than 0.5 hectares
- Minor commercial development;

- Modify / discharge a planning obligation pursuant to a Schedule 1 Approval; Discharge of planning conditions (AODs);
- Under S73 to vary / remove a condition where the original permission was Schedule 1;

Schedule 2 Applications

2.4. Schedule 2 applications are applications identified in Schedule 2 of the National Scheme of Delegation that are capable of being determined under delegated powers but may require consideration under the Gateway Test where there is a potential basis for concluding that one or more of the statutory gateway criteria are engaged.

2.5. Schedule 2 applications include:

- Major residential development.
- Major commercial, industrial, storage or distribution development.
- Major mixed-use development.
- Major education, health, leisure, community or institutional development.
- Major infrastructure development.
- Major reserved matters applications.
- Applications under section 73 or section 73A of the Town and Country Planning Act 1990 which may materially alter the scale, nature, impact or planning balance of an approved development that was under Schedule 2.
- Applications under section 106A seeking to modify or discharge planning obligations where those obligations are central to the planning acceptability of a major or strategic development.
- Other forms of development specified in Schedule 2 of the National Scheme of Delegation.

2.6. The inclusion of an application within Schedule 2 does not mean that it will automatically be referred to Planning Committee. There remains a presumption in favour of officer determination unless, following assessment through the Gateway process, the Nominated Officer and Nominated Member jointly conclude that referral is required.

2.7. Where a Schedule 2 application is identified through the Council's triage process as potentially engaging one or more of the statutory Gateway Criteria, it shall be considered in accordance with the procedure set out below to determine whether referral to Planning Committee is necessary.

2.8. For clarity, an application would only count as Schedule 1 if it is not also a Schedule 2 application. For example, a minor residential application that the Council identifies as being related to a listed building consent application would be classified as Schedule 2, and would therefore become referable, even though

residential development is otherwise a must-delegate. Minor schemes impacting listed buildings can therefore still be committee referable.

Own-Interest Applications

2.9. This procedure also applies to applications involving Council-owned land, Council development proposals or applications where the Council has a financial or land interest.

2.10. Not every Schedule 2 or own-interest application will require formal Gateway consideration.

3. Officer Assessment and Initial Screening

Purpose

3.1. The purpose of the triage process is to identify Schedule 2 applications and Council own-interest applications which may engage one or more of the statutory Gateway Criteria and therefore require consideration at a Gateway Meeting.

Initial Assessment

3.2. As part of the assessment of a Schedule 2 application or Council own-interest application, the Case Officer shall consider whether there is a realistic prospect that one or more of the statutory Gateway Criteria may be engaged.

3.3. The assessment shall be proportionate to the scale, nature and complexity of the proposal and shall be recorded on the planning file and Gateway Tracker.

3.4. Applications which clearly do not raise:

- an economic, social or environmental issue of significance to the local area; or
- a significant planning matter having regard to the development plan and other material considerations,

may proceed to delegated determination without referral to the Gateway Meeting.

Indicators and Threshold for Gateway Consideration

3.5. The following matters may indicate that a Schedule 2 application should be referred to the Gateway Meeting for consideration:

Development Characteristics

- the scale, nature or location of the proposal;
- major reserved matters applications relating to large outline permissions;
- section 73 or section 73A applications which may materially alter the scale, character, impact or planning balance of an approved development;
- section 106A applications where the obligation proposed to be modified or discharged is central to the planning acceptability of a major or strategic development.
- proposals affecting designated heritage assets of exceptional importance (e.g. Scheduled Ancient Monuments; and grade I and II* listed buildings); the total or substantial demolition of any listed building;

Economic Implications

- substantial implications for housing delivery, employment, regeneration or infrastructure;
- significant implications for Council assets, investment or strategic sites.

Environmental Implications

- significant impacts on town centres, district centres or local centres;
- heritage assets or conservation areas;
- transport and highways;
- public realm;
- flood risk and drainage;
- biodiversity;
- air quality; or
- climate matters.

Planning Considerations

- a substantial departure from the development plan;
- significant tension between development plan policies;
- unresolved objections from statutory consultees;
- substantial planning judgement involving competing material considerations; or
- potential precedent-setting implications.

Other Factors

- major applications affecting Council-owned land or assets;
- proposals involving prominent listed buildings or other significant heritage assets; or

- any other matter which, in the opinion of the Chief Planning Officer, indicates that the statutory Gateway Criteria may be engaged.

3.6. The presence of one or more of these factors does not require referral to Planning Committee. It indicates only that a formal Gateway assessment may be required.

3.7. Only those applications identified through the triage process as potentially engaging one or more Gateway Criteria shall proceed to the Gateway Meeting.

3.8. For the purposes of identifying Schedule 2 applications that may raise significant economic, social or environmental issues, or significant planning matters under Regulation 5(3), the Council shall apply a proportionate screening approach having regard to the scale, nature, location and potential impacts of the proposed development.

3.9. The Government's statutory Gateway Criteria are qualitative and do not prescribe numerical thresholds for significance. The Council therefore uses indicative local thresholds to provide a practical and consistent starting point for case officers, reflecting the scale and complexity of development commonly considered in Newham. These thresholds are screening indicators only: they do not amend the statutory tests, create an entitlement to committee consideration, or prevent smaller applications from being considered where significant issues arise.

3.10. Schedule 2 applications meeting one or more of the following indicative thresholds shall normally be subject to formal Gateway consideration:

1. Residential development: Proposals involving 150 or more dwellings, including major mixed-use residential schemes.
2. Commercial and mixed-use development: Proposals involving 15,000 sqm or more of new floorspace.
3. Development requiring an Environmental Impact Assessment
4. GLA referral: Applications requiring referral to the Mayor of London under the relevant statutory provisions.
5. Applications attracting substantial public interest or community concern.
6. Council-owned development: Major development involving Council-owned land, including proposals for 50 or more dwellings or 5,000 sqm of non-residential floorspace, or where significant Council interests arise.
7. Reserved matters: Applications relating to large outline planning permissions that were GLA referral schemes
8. Section 73 applications: Applications involving substantial amendments to major developments, including significant increases in approved residential or commercial floorspace, material changes to affordable housing provision, infrastructure delivery or other strategic planning obligations.

9. Development plan departures: Proposals involving substantial conflict with strategic development plan policies or significant competing material considerations.
10. An application which the local planning authority is minded to approve contrary to a direction of a statutory consultee requiring referral to the Secretary of State.
11. Applications which must be referred to the Secretary of State under a development order, direction or other statutory requirement.

3.11. These thresholds are intended to guide the initial triage process and do not constitute automatic grounds for referral to Planning Committee.

3.12. Applications falling below these thresholds may nevertheless be considered through the Gateway process where their particular circumstances raise significant economic, social or environmental issues or significant planning matters.

3.13. The Nominated Officer and Nominated Member shall determine whether the statutory Gateway Criteria are satisfied and whether committee determination is appropriate, having regard to the specific circumstances of the application. In reaching their decision, the Nominated Officer and Nominated Member shall have regard to the statutory Gateway Criteria and the specific planning circumstances of the application. The indicative thresholds shall not be treated as determinative

3.14. The following matters will not, in themselves, justify referral to Planning Committee, unless the application also meets one or more of the statutory gateway criteria:

- the number of objections;
- requests from ward members;

4. Gateway Meeting/Pre Meeting Preparation

4.1. Gateway meetings will be used to decide whether Schedule 2 applications identified by officers should be referred to Planning Committee. Where officers consider that gateway consideration may be required, the application will be added to the Gateway Tracker and scheduled for consideration at a meeting.

4.2. Before the meeting, the Case Officer shall prepare a briefing note and complete the relevant entries in the Gateway Tracker, including the application details, the relevant statutory criterion or criteria, and a concise explanation under 'Gateway Matters Considered' explaining why the proposal may be considered significant. The completed Tracker should be circulated sufficiently in advance of the meeting

to allow the Nominated Officer and Nominated Member adequate time to review the cases.

4.3. A Gateway Meeting shall normally be held monthly, within one week following each meeting of the Strategic Development Committee to consider Schedule 2 applications which may be reported to the next or future meeting of the Committee.

4.4. The purpose of the Gateway Meeting is to enable the Nominated Officer and Nominated Member to determine whether an application should be referred to Planning Committee having regard to the statutory Gateway Criteria.

4.5. The Gateway Meeting shall be attended by:

- the Nominated Officer (or appointed substitute);
- the Nominated Member/Chair (or appointed substitute); and
- a Governance Officer, who shall record the discussion, decision and reasons for the decision.
- Case Officers

4.6. The Nominated Officer shall present each application identified through the assessment process and provide a recommendation as to whether the application engages one or more of the Gateway Criteria.

4.7. Where appropriate, the Case Officer may attend the meeting to present the application, answer questions and provide clarification on relevant planning issues. Where the application is expected to be reported to the next Strategic Development Committee, the Case Officer may also use the meeting to provide an initial briefing to the Committee Chair.

4.8. The Nominated Member shall consider the assessment and recommendation of the Nominated Officer and determine whether they agree that one or more of the Gateway Criteria are engaged and whether referral to Planning Committee is required.

4.9. The outcome of the Gateway Meeting, including the decision reached and the reasons for the decision, shall be recorded in the Gateway Tracker and published in accordance with this Procedure.

5. Statutory Gateway Criteria and Nominated Member Assessment

5.1. The Nominated Member shall consider, together with the Nominated Officer, whether the application satisfies one or more of the statutory Gateway Criteria.

5.2. The assessment shall consider whether the application:

Gateway Criterion A

The application raises a matter of economic, social or environmental significance to the local area.

Gateway Criterion B

The application raises a significant planning matter having regard to the development plan and other material considerations.

5.3. Further guidance on the interpretation of these criteria is set out elsewhere in this document.

5.4. The existence of public interest, objections, petitions, media attention or political sensitivity shall not, of itself, justify referral to Planning Committee.

6. Referral Decision

6.1. An application shall be referred to Planning Committee (SDC) only where:

a. one or more Gateway Criteria are considered to be engaged
b. the Nominated Officer and Nominated Member both agree that committee determination is required.

6.2. Where the Gateway Criteria are not satisfied, or where referral is not considered necessary, the application shall remain under delegated authority.

7. Recording and Transparency

7.1. A central Gateway Tracker shall record the following information:

- application reference;
- application description;
- whether the application was considered through the Gateway process;
- the Gateway Criterion or Criteria considered;
- whether the Criteria were satisfied;

- whether the application was referred to Planning Committee or retained under delegated powers;
- summary reasons for the decision; and
- the date of the Gateway decision.

7.2. The "Nominated Member Decision" field in the working Tracker may record "Agreed", "Disagreed" or "Deferred for Further Discussion". The relevant Gateway Matters Considered entry and meeting record should provide a clear explanation of the final outcome, including whether the application is referred to Committee or retained under delegated powers. A deferred entry is not a final referral decision.

8. Publication of Gateway Decisions

8.1. The Council shall publish a Gateway Decision Tracker on its planning webpage recording all applications considered through the Gateway process, including:

- applications referred to Planning Committee; and
- applications retained for delegated determination.

8.2. The published record shall include the decision reached.

8.3. Where an application is referred to Planning Committee following the Gateway process, the Gateway decision and reasons shall be published alongside the Committee agenda and associated officer report.

8.4. Where an application is retained under delegated powers, the Gateway decision shall be published as soon as reasonably practicable following the Gateway Meeting and shall be referenced within the delegated officer report.

9. Officer Reports and Publication

9.1. For all Schedule 2 applications and all Council own-interest applications, the delegated officer report shall record:

- whether the application was considered through the Gateway process;
- whether either of the statutory Gateway Criteria was considered to be engaged;
- the outcome of the Gateway assessment; and
- the reasons why the application was either referred to Planning Committee or retained for delegated determination.

9.2. Where an application is referred to Planning Committee, the committee report shall include a summary of the Gateway assessment and the reasons why the Nominated Officer and Nominated Member concluded that referral was required.

9.3. The Council shall maintain and publish a Gateway Decision Register recording all Schedule 2 applications and Council own-interest applications considered through the Gateway process. The Register shall record:

- the application reference and description;
- whether the statutory Gateway Criteria were considered to be engaged;
- whether the application was referred to Planning Committee or retained for delegated determination; and
- a concise summary of the reasons for the decision.

9.4. Where an application is referred to Planning Committee, the Gateway decision and summary reasons shall be published alongside the committee agenda, officer report and supporting papers for the relevant Strategic Development Committee meeting.

9.5. Where an application is retained for delegated determination, the Gateway decision and summary reasons shall be published through the Gateway Decision Register and referenced within the delegated officer report.

9.6. The publication of Gateway decisions shall provide a clear audit trail demonstrating compliance with the National Scheme of Delegation and shall ensure transparency in the operation of the Gateway process and the exercise of delegated planning powers.