

# **Audit and Governance Committee**

**12 October 2026**

## **Planning Applications – Officer Scheme of Delegation**

### **For Review and Consultation**

**Cabinet Member:**

Cllr S Bartlett, Planning

**Local Councillor(s):**

All Councillors

**Senior Leadership Team:**

J Mair - Director, Assurance and Governance

**Report author and job title:**

Anna Lee – Service Manager for Development Management and Enforcement

[anna.lee@dorsetcouncil.gov.uk](mailto:anna.lee@dorsetcouncil.gov.uk)

Philip Crowther – Legal Business Partner – Regulatory

[philip.crowther@dorsetcouncil.gov.uk](mailto:philip.crowther@dorsetcouncil.gov.uk)

**Statutory Authority:**

Amendments to the Town and Country Planning Act 1990 made in February this year (sections 319ZZC-319ZZF) and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the 2026 Regulations) introduced a national and statutory scheme of delegation for a number of planning decisions.

**Report status:** Public (the exemption paragraph is N/A)

**1. Executive summary**

- 1.1 The Government is introducing a national scheme of delegation for planning decisions, with the aim of ensuring greater clarity and consistency about the role of planning committees in planning decision making. Regulations to implement the national scheme of delegation were made on 15 July 2026 (the 2026 Regulations) and the national scheme of delegation will come into force on 31 October 2026.
- 1.2 The Monitoring Officer has authority under the Constitution (Article 15.2) to amend the Constitution to reflect legislative change. This report seeks the views of the Committee to inform his proposed changes as a result of the 2026 Regulations.

- 1.2 Under the new national scheme of delegation, some application types must be determined by officers under delegated powers (Schedule 1 applications). For other application types (Schedule 2 applications) these can be referred to the planning committee subject to the agreement of a nominated officer and a nominated member that certain criteria are met. The national scheme of delegation also sets out that 'own-interest' applications, (e.g. those made by or on behalf of the Council, a Member or an Officer), can be referred to the planning committee if this is agreed by the nominated officer and the nominated member.
- 1.3 The Government has made clear that local authorities will need to amend their constitutions to align with the national scheme of delegation. This report seeks the Committee's views on the Monitoring Officer's proposed changes to Part 3 (Scheme of Delegation) and Part 4 (Code of Conduct) of the Council's Constitution. The proposed changes to the Constitution set out how the new national scheme of delegation will work in Dorset. This includes updates to reflect the application types which must be determined by officers (Schedule 1 applications).
- 1.4 The Government has published Statutory Guidance on the national scheme of delegation, which states that "local planning authorities may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral". This report is proposing a triage approach, to set triggers for the nominated officer and nominated member to consider committee referral in the case of application types which have the potential to be referred to committee (Schedule 2 applications and own-interest applications).
- 1.4 The report also sets out the proposed nominated members and nominated officers for each of the four planning committees in Dorset. Updates are also proposed to the Protocol for Members and Officers on Planning Procedures (included within Part 4 of the Constitution) to reflect the proposed approach to own-interest applications.
- 1.5 The proposed updates to the Scheme of Delegation, the proposed nominations and the proposed updates to the Protocol for Members and Officers on Planning Procedures would, save as below, come into effect as soon as possible after the Audit and Governance Committee meeting, and in any event by 31 October 2026 at the latest, thus minimising delays to decision-making and enabling planning decision-making to operate in line with the national scheme of delegation once this is in force. Where it has already been decided that an application should be considered by a planning committee under the current Constitution, the proposed changes would come into effect on 31 October.

## 2. **Recommendation(s)**

- 2.1 That the Committee provide the Monitoring Officer with its comments on the proposed amendments to Part 3 – Scheme of Delegation and Part 4 – Code of Conduct of the Council's Constitution to change the process for determining which planning applications are referred to the planning committees, in line with the national scheme of delegation. The proposed amendments to Part 3 – Scheme of Delegation of the Council's Constitution are shown in Appendices 1 and 2 and the proposed amendments to Part 4 – Code of Conduct are shown in Appendix 3.
- 2.2 That the Committee provides the Monitoring Officer with its comments on the proposed nominated members and nominated officers (set out in paragraphs 4.39 - 4.42).

## 3. **Reason for the recommendation(s)**

- 3.1 The Council's constitution needs updating to align with the national scheme of delegation which is due to come into force on 31 October 2026.
- 3.2 The proposed changes have been drafted with the aim of ensuring the Council's decision-making remains open and transparent, whilst also enabling efficient processes and avoiding unnecessary delays through the proposed use of a triage system, to set out which applications will be considered for committee referral by the nominated member and nominated officer.

## 4. **The report**

### *Background / context*

- 4.1 The Government is introducing a national scheme of delegation for planning decisions, with the aim of ensuring greater clarity and consistency about the role of planning committees in planning decision making. The Government has set out that planning committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the 2026 Regulations) were made on 15 July 2026, and the national scheme of delegation will come into force on 31 October 2026.
- 4.2 The Government has set out that local authorities will need to amend their constitutions to align with the national scheme of delegation. The national scheme of delegation identifies three categories of application:
  - Schedule 1 applications must be delegated to officers in all cases.
  - Schedule 2 applications must be delegated to officers unless the nominated member and nominated officer agree that the application meets certain

criteria (set out in the 2026 Regulations) and should be referred to the planning committee.

- Own-interest applications (i.e. an application made by or on behalf of the Council or an officer or member of the Council, or an application where the Council or any of its members or officers has an interest) may be referred to a planning committee if the nominated member and nominated officer agree that committee referral is appropriate. In the case of own-interest applications, the nominated member and nominated officer do not need to consider whether the application meets the same criteria as for Schedule 2 applications in order to agree committee referral but do need to consider the Government's statutory guidance, which has been published alongside the regulations. The statutory guidance does not currently provide much detail in relation to 'own interest' applications, simply stating that "there may be cases where, in the interests of transparency and accountability, it may be appropriate for some such applications ... to be referred to a planning committee".

- 4.3 The primary legislation enabling the introduction of the national scheme of delegation is set out in the Town and Country Planning Act 1990 (the 1990 Act). The 2026 Regulations set out the detail of the new national scheme of delegation. The 1990 Act sets out that, in operating the national scheme of delegation, "local planning authorities must have regard to any relevant guidance issued by the Secretary of State". The Government has published statutory guidance for local planning authorities alongside the 2026 Regulations.
- 4.4 This report seeks the Committee's views on the proposals to update Part 3 – Scheme of Delegation and Part 4 – Code of Conduct of the Council's Constitution to set out how the new approach will work in Dorset. The proposed updates to the Constitution would, save as below, come into effect as soon as possible after the Audit and Governance Committee meeting, and in any event by 31 October 2026 at the latest, thus minimising delays to decisions and enabling planning decision-making to operate in line with the national scheme of delegation once this is in force. Where it has already been decided that an application should be considered by a planning committee under the current Constitution, the proposed changes would come into effect on 31 October.

#### *Dorset Council's current scheme of delegation for planning applications*

- 4.5 Dorset Council's current Scheme of Delegation for planning applications is set out in Part 3 – Scheme of Delegation, of the Council's Constitution. This scheme of delegation has been in place since July 2024. It is worth noting that most planning decisions in Dorset are currently taken by officers under

delegated powers. In the period April 2025 to March 2026, Dorset Council issued 2,781 planning decisions, of which 97% were delegated decisions<sup>1</sup>.

4.6 Under the Council's current scheme of delegation, planning applications are automatically referred to the planning committee if one of the following criteria is met:

- The application is submitted by or on behalf of a Member or his/her spouse or civil partner, or relates to land in which a Member has an interest;
- The application is submitted by or on behalf of an employee or his/her spouse or civil partner, or relates to land in which an employee has an interest, and that employee is either directly involved in the processing and/or determination of planning applications; or is a Chief Officer;
- The application is submitted by or on behalf of the Council or on land owned by the Council;
- That in the opinion of the nominated officer, the application would be contrary to the Development Plan when assessed as a whole, and would be required to be referred to the Secretary of State for a decision; or
- An application for development which falls within Schedule 1 of the Environmental Impact Assessment Regulations.

4.7 In addition to the above, applications are also currently automatically referred to the planning committee if the application is for major development (broadly 10 or more homes, building(s) of 1,000m<sup>2</sup> or more additional floorspace, sites of 1 hectare or more, mineral extraction and waste development) and the following criteria are met:

- A written representation has been received from a Member of Dorset Council or from the relevant town/parish council; and
- The representation has been received within 21 calendar days or an agreed extended period; and
- In the opinion of the nominated officer, the representation contains one or more material planning considerations; and
- In the opinion of the nominated officer, the representation contains a response which is contrary to the proposed decision of officers.

4.8 For non-major applications, if the triggers set out above in paragraph 4.7 are met, then these applications are currently referred to the Chair and Vice-Chair of the relevant planning committee, who determine whether or not the application should be referred to committee.

---

<sup>1</sup> Planning Performance Statistics, available to view online here: [Live tables on planning application statistics - GOV.UK](#)

- 4.9 The Scheme of Delegation summarised above (paragraphs 4.6 to 4.8) currently applies to all planning applications, applications to modify planning conditions (section 73 applications), retrospective applications (section 73A applications), applications for listed building consent, applications for permission in principle, applications for technical detail consent and reserved matters applications.
- 4.10 The following application types are currently delegated to officers: certificates of lawfulness, prior notification and prior approval applications relating to permitted development rights, applications for non-material amendments, discharge of condition applications and applications seeking confirmation of compliance with any condition or obligation, tree work applications, and applications for advert consent.
- 4.11 Applications to modify Section 106 agreements are currently referred to the planning committee if the Section 106 agreement was imposed by planning committee and the proposed modifications would result in a material reduction of benefit to the community. Where these criteria are not met, applications to modify Section 106 agreements can currently be determined by officers under delegated powers.

*National Scheme of Delegation: Schedule 1 applications*

- 4.12 Under the new National Scheme of Delegation, the following application types must be determined by officers under delegated powers unless they are an 'own interest' application, are connected with an application for listed building consent, or are a retrospective application:
- a) Householder applications;
  - b) Minor commercial applications (for development of existing commercial, business and service premises in Use Class E);
  - c) Minor residential applications (for 1-9 dwellings on less than 0.5ha and some other incidental development);
  - d) Applications for permission in principle;
  - e) Reserved matters applications where the outline consent is for less than 500 dwellings and/or less than 50,000 sqm floorspace;
  - f) Variation of condition applications where the original planning permission falls within Schedule 1;
  - g) Applications to modify or discharge a Section 106 agreement where this is connected with an application type which falls within Schedule 1;

- h) Applications for certificates of lawfulness for existing or proposed development;
- i) Non-material amendment applications;
- j) Applications for approval of a biodiversity gain plan;
- k) Applications to discharge planning conditions;
- l) Prior approval applications;
- m) Applications for certificates of alternative development (these are hypothetical 'planning permissions' to assist in determining land value for compulsory purchase); and
- n) applications for certificates of lawfulness for proposed works to a listed building.

- 4.13 Under the Council's current scheme of delegation, householder applications, minor commercial and residential applications, applications for permission in principle, reserved matters applications, and applications for variation of conditions or to discharge or modify Section 106 agreements relating to Schedule 1 permissions are sometimes referred to planning committee.
- 4.14 In the period between 1 April 2025 and 31 March 2026, a total of 115 applications were considered by the 4 planning committees in Dorset. Of these, 25 were applications which would fall within Schedule 1 of the new national scheme of delegation (this included 5 householder applications; 19 small-scale residential applications for between 1 and 5 dwellings on less than 0.5ha; and one reserved matters application for 48 homes)<sup>2</sup>. These applications must be determined by officers under delegated powers under the new arrangements.
- 4.15 The Council will need to update its Constitution to reflect the new national scheme of delegation and matters which must be delegated to officers from 31 October 2026, as set out above. This requires updates to Part 3 – Scheme of Delegation, including 'Functions of the Council' and 'Officer Scheme of Delegation'. **Appendix 1** sets out proposed changes to the 'Functions of the Council' and **Appendix 2** sets out proposed changes to the 'Officer Scheme of Delegation' to make clear that applications falling within Schedule 1 of the 2026 Regulations cannot be referred to planning committee unless they are an 'own interest' application, are connected with an application for listed building consent, or are a retrospective application.

---

<sup>2</sup> Note this figure of 25 applications which would fall with Schedule 1 does not include applications which were referred to committee because they were made by or on behalf of the Council, a Member or Officer, or were on Council-owned land.

### *National Scheme of Delegation: Schedule 2 applications*

- 4.16 Schedule 2 of the new National Scheme of Delegation sets out application types which may be referred to planning committee, subject to meeting certain criteria. The following application types fall within Schedule 2:
- a) Applications for listed building consent and discharge or variation of listed building consent conditions;
  - b) Planning applications connected with applications for listed building consent or discharge/variation of listed building consent conditions;
  - c) Planning applications which are not a householder application, a minor commercial application, or a minor residential application (as defined above in paragraph 4.12);
  - d) Variation of condition applications where the original planning permission falls within Schedule 2;
  - e) Applications to modify or discharge a Section 106 agreement where this is connected with an application type which falls within Schedule 2;
  - f) Retrospective applications;
  - g) Reserved matters approval applications where the outline consent is for 500 or more dwellings and/or 50,000 square metres or more floorspace;
  - h) Applications for advertisement consent; and
  - i) Applications for works to protected trees (tree works applications).
- 4.17 The Government's statutory guidance on the new national scheme of delegation states that "the overriding presumption is that the applications listed in Schedule 2 will be delegated to officers". With the exception of 'own interest' applications (which are discussed separately below), applications in Schedule 2 can only be referred to committee where the nominated officer and nominated member agree that the proposal raises:
- a) one or more issues of economic, social or environmental significance to the local area, or
  - b) one or more significant planning matters having regard to the development plan and any other material considerations.
- 4.18 The statutory guidance sets out that nominated members and nominated officers do not need to consider all Schedule 2 applications for potential referral to committee. Local planning authorities may, through their constitutions, decide which Schedule 2 applications need to be considered for referral.

- 4.19 Under Dorset Council's current scheme of delegation, applications for advertisement consent and tree works applications are determined by officers under delegated powers. There are a few examples where tree works applications have been referred to committee where the applicant was an officer or member. This approach (with officers determining applications for advertisement consent and tree works applications) has been in place since April 2019 and officers are not aware of any issues arising. As such, it is proposed that applications for advertisement consent and tree works applications should continue to be determined by officers under delegated powers. This would not prevent consideration of committee referral for 'own interest' applications (which are discussed in further detail below).
- 4.20 The other application types in Schedule 2 include applications: for planning permission not being a householder application, a minor commercial application, or a minor residential application (as defined in paragraph 4.12); for listed building consent; discharge/variation of listed building consent conditions; planning applications connected to applications for listed building consent; variation of condition applications and applications to modify Section 106 agreements connected with Schedule 2 applications; retrospective applications; and applications for reserved matters approval where the outline consent is for 500 or more dwellings and/or 50,000 square metres or more floorspace.
- 4.21 For these application types (as listed in paragraph 4.20), there are likely to be cases where committee referral will be appropriate. The Government's statutory guidance indicates that local planning authorities may put in place a triage system, so that not all Schedule 2 applications are considered for potential committee referral. Dorset Council's current scheme of delegation includes triggers based on representations received by a member of Dorset Council, or the relevant town/parish council, which is contrary to the officer recommendation. These triggers currently work well, in terms of identifying applications with more complex or controversial issues, for consideration for committee referral. Therefore, for the application types listed in paragraph 4.20, a triage approach is proposed, where the applications would be referred to the nominated member and nominated officer to consider committee referral, if the following triggers are met:
- A written representation has been received from a Member of Dorset Council or from the relevant town/parish council; and
  - The representation has been received within 21 calendar days or an agreed extended period; and
  - In the opinion of the nominated officer, the representation contains one or more material planning considerations; and
  - In the opinion of the nominated officer, the representation contains a response which is contrary to the proposed decision of officers.

- 4.22 If these triggers (as set out in paragraph 4.21) are met, the application would be referred to the nominated member and the nominated officer, to consider committee referral.
- 4.23 If the triggers for referral to the nominated member and nominated officer (as set out in paragraph 4.21) are not met, then the application would be determined under delegated powers. A separate process is proposed for 'own interest' applications as set out below.
- 4.24 For applications which meet the criteria set out in paragraph 4.21, the nominated member and nominated officer will need to consider each case on its merits, to determine whether committee referral is appropriate. When considering committee referral, the nominated member and the nominated officer will have to determine whether the application raises a) one or more issues of economic, social or environmental significance to the local area, or b) one or more significant planning matters having regard to the development plan and any other material considerations.
- 4.25 The Government's statutory guidance notes that what constitutes 'significant' will vary depending on the local area. However, the guidance does provide some examples of situations which may constitute cases which raise one or more issues of economic, social or environmental significance to the area, as follows:
- An application for outline planning permission for a large multi-phase residential development allocated in the local plan; or
  - An application for planning permission for change of use of a community shop in a rural area; or
  - An application for planning permission or listed building consent for changes to a notable listed building in a town centre.
- 4.26 The statutory guidance also provides examples of circumstances which are unlikely to raise a significant planning matter, as follows:
- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application; and
  - where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).

- 4.27 The statutory guidance sets out that nominated members and nominated officers should make every effort to reach agreement on which cases should be referred to committee. If agreement is not possible, then the application must be determined by officers in accordance with the 2026 Regulations.
- 4.28 The Council's constitution will need to be updated to reflect the requirement (as set out in the 2026 Regulations) that Schedule 2 applications can only be referred to the planning committee if the nominated member and nominated officer agree that the application raises a) one or more issues of economic, social or environmental significance to the local area, or b) one or more significant planning matters having regard to the development plan and any other material considerations.
- 4.29 In addition, it is proposed that the Council's constitution is updated to reflect the proposed triage approach for Schedule 2 applications (i.e. the triggers set out in paragraph 4.21), to determine which applications are referred to the nominated member and the nominated officer to consider committee referral.
- 4.30 **Appendix 1** sets out proposed changes to the 'Functions of the Council' and **Appendix 2** sets out proposed changes to the 'Officer Scheme of Delegation' to reflect the requirements of the national scheme of delegation for Schedule 2 applications, and to give effect to the proposed triage approach, as set out above. Some Schedule 2 applications are already delegated to officers (applications for advert consent and for works to protected trees), and the approach set out in Appendix 2 is that these application types will continue to be delegated to officers.

*National Scheme of Delegation: Own-interest applications*

- 4.31 The new national scheme of delegation defines 'own-interest' applications as applications which are made (whether or not jointly with any other person) by or on behalf of the authority or an officer or member of the authority or it is an application where, in the view of the nominated member and nominated officer, the authority or any of its members or officers has an interest.
- 4.32 Own-interest applications could be application types which fall within either Schedule 1 or Schedule 2 of the national scheme of delegation. Own-interest applications (whether they fall within Schedule 1 or Schedule 2) can be referred to the planning committee if the nominated member and the nominated officer agree that committee referral is appropriate. For own-interest applications, the nominated member and the nominated officer do not need to consider whether the application raises an issue of economic, social or environmental significance, or a significant planning matter, when determining whether to refer the application to the planning committee. The nominated officer and nominated member do need to consider the Government's statutory guidance. However, the guidance does not currently

provide much detail in relation to 'own interest' applications, simply stating that "there may be cases where, in the interests of transparency and accountability, it may be appropriate for some such applications ... to be referred to a planning committee". If the nominated member and nominated officer do not agree to refer an own interest application to the committee, then the application must be determined by an officer under delegated powers.

- 4.33 Under Dorset Council's current scheme of delegation, certain types of application are automatically referred to the planning committee if one of the following criteria is met:
- The application is submitted by or on behalf of a Member or his/her spouse or civil partner, or relates to land in which a Member has an interest;
  - The application is submitted by or on behalf of an employee or his/her spouse or civil partner, or relates to land in which an employee has an interest, and that employee is either directly involved in the processing and/or determination of planning applications; or is a Chief Officer; or
  - The application is submitted by or on behalf of the Council or on land owned by the Council.
- 4.34 The Council's constitution needs updating to align with the new national scheme of delegation in relation to own interest applications. Under the national scheme of delegation, own interest applications can only be referred to committee with the agreement of the nominated member and nominated officer.
- 4.35 It is noted that the definition of own-interest applications, as set out in the 2026 Regulations, would cover applications made by any employee of Dorset Council. If this is applied without further refinement, this would mean that applications made by any employee would need to be referred to the nominated member and nominated officer to consider committee referral. This approach seems disproportionate given the scale of Dorset Council and noting that many employees are not directly involved in the processing and/or determination of planning applications.
- 4.36 The statutory guidance sets out that it is not a requirement of the national scheme of delegation that nominated members and nominated officers consider all own-interest applications, and councils can decide (through their constitutions) which own-interest applications need to be considered by the nominated member and nominated officer for potential committee referral.
- 4.37 Taking account of the above, it is proposed that the Council's constitution should be updated to set out that applications should be referred to the nominated member and nominated officer to consider committee referral in the following cases:

- Applications made by or on behalf of the Council.
- Applications made by or on behalf of a Member of the Council.
- Applications made by or on behalf of a Chief Officer.
- Applications made by or on behalf of an officer who is directly involved in the processing and/or determination of any application made under the Town and Country Planning Legislation
- Applications made by or on behalf of an entity owned or managed by the Council, a member(s) or an officer(s) who is a Chief Officer or who is directly involved in the processing and/or determination of any application made under the Town and Country Planning Legislation.
- Applications made which, in view of the nominated officer, the Council, a Member(s), a Chief Officer(s) or an officer(s) who is directly involved in the processing of and/or determination of any application made under the Town and Country Planning Legislation has an interest.

4.38 **Appendix 1** sets out proposed changes to the 'Functions of the Council' and **Appendix 2** sets out proposed changes to the 'Officer Scheme of Delegation' to reflect the requirements of the national scheme of delegation for own-interest applications, and to give effect to the proposed triggers for employee applications to be referred to the nominated member and nominated officer, as set out above. **Appendix 3** sets out proposed consequential changes to the Protocol for Members and Officers on Planning Procedures.

#### *Nominated members and nominated officers*

- 4.39 As explained above, under the new national scheme of delegation, applications can only be referred to the planning committee if they are Schedule 2 applications or own-interest applications, and only if there is agreement from the nominated member and nominated officer that committee referral is appropriate.
- 4.40 The Government's statutory guidance sets out that, where local planning authorities have more than one planning committee, they may nominate different officers or members for each committee. The guidance states that the nominated member should be the chair of the planning committee.
- 4.41 In line with the statutory guidance, it is proposed that the nominated member should be the Chair of the relevant planning committee. It is also proposed that the Vice-Chair of the relevant planning committee should be nominated as the Chair's substitute should the Chair not be available, or if there is an application in which the Chair has an interest.
- 4.42 The statutory guidance states that the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. Dorset Council has four planning committees. In order to enable efficient processing of applications, it will be important to nominate a different

officer for each planning committee. The proposed nominated officers are set out below, and all have extensive professional planning experience:

- a) The Development Management Area Manager (Eastern) for applications which fall within the remit of the Eastern Area Planning Committee.
- b) The Development Management Area Manager (Northern) for applications which fall within the remit of the Northern Area Planning Committee.
- c) The Development Management Area Manager (Southern/Western) for applications which fall within the remit of the Southern/Western Area Planning Committee.
- d) The Service Manager for Spatial Planning for applications which fall within the remit of the Strategic and Technical Planning Committee.
- e) The Service Manager for Development Management and Enforcement and the Corporate Director for Planning as a substitute for the nominated officers set out above in points a), b), c) and d), in the event that the nominated officer is not available, or if there is an application in which the nominated officer has an interest.

- 4.43 It is proposed that the nominations set out above will come into effect as soon as possible after the Audit and Governance Committee meeting, and in any event by 31 October 2026 at the latest, thus minimising any delays to decision-making and enabling planning decision-making to operate in line with the national scheme of delegation once this is in force.

#### *Conclusion and recommendations*

- 4.44 The new national scheme of delegation is due to come into force on 31 October 2026, and the Council needs to update its constitution to align with the new national requirements.
- 4.45 This report and appendices set out proposed updates to Part 3 – Scheme of Delegation and Part 4 of the constitution. This includes updates to reflect the application types which must be determined by officers (Schedule 1 applications). The Government's Statutory Guidance on the national scheme of delegation states that "local planning authorities may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral". This report is proposing a triage approach, to set triggers for the nominated officer and nominated member to consider committee referral in the case of application types which have the potential to be referred to committee (Schedule 2 applications and own-interest applications).

- 4.46 The report also sets out the proposed nominated members and nominated officers for each of the four planning committees in Dorset.
- 4.47 The proposed updates to the Scheme of Delegation and the proposed nominations would, save as below, come into effect as soon as possible after the Audit and Governance Committee meeting, and in any event by 31 October 2026 at the latest, thus minimising any delays to decision-making and enabling planning decision-making to operate in line with the national scheme of delegation once this is in force. Where it has already been decided that an application should be considered by a planning committee under the current Constitution, the proposed changes would come into effect on 31 October.

## 5. **Alternative options considered**

### *Proposed triggers for considering committee referral for Schedule 2 applications*

- 5.1 This report sets out a proposal that not all Schedule 2 applications will be referred to the nominated member and the nominated officer to consider committee referral. Instead, applications would only be considered for committee referral if the following triggers are met:
- A written representation has been received from a Member of Dorset Council or from the relevant town/parish council; and
  - The representation has been received within 21 calendar days or an agreed extended period; and
  - In the opinion of the nominated officer, the representation contains one or more material planning considerations; and
  - In the opinion of the nominated officer, the representation contains a response which is contrary to the proposed decision of officers.
- 5.2 An alternative option would be for all Schedule 2 applications to be considered for potential committee referral by the nominated member and the nominated officer. This alternative option would mean that the nominated member and the nominated officer would need to review more applications, including applications where there is broad support for the officer recommendation, which could unnecessarily delay decision-making. The proposed criteria set out in the report (based on a Member or Town or Parish Council representation which is contrary to the officer recommendation) are currently used in Dorset's scheme of delegation, albeit that currently major applications are automatically referred to committee if the criteria are met, and for non-major applications the decision currently falls to the Chair and Vice-Chair as to whether committee referral is required. Nonetheless, the criteria appear to work well as a means of triaging applications. Therefore, the report proposes that these criteria should be used to identify applications which should be considered for committee referral under the new system.

*Proposed triggers for considering committee referral for applications by officers*

- 5.3 The report sets out a proposal that ‘own-interest’ applications made by or on behalf of an officer should only be referred to the nominated member and nominated officer to consider committee referral if the officer is a Chief Officer or is an officer who is directly involved in the processing and/or determination of any application made under the Town and Country Planning Legislation.
- 5.4 An alternative option would be for all applications made by or on behalf of any officer to be referred to the nominated member and nominated officer to consider committee referral. This alternative option is considered to be disproportionate given the scale of Dorset Council and noting that many officers are not directly involved in the processing or determination of planning applications. The Council’s current scheme of delegation refers to Chief Officers and those directly involved in the processing and/or determination of planning applications, and this approach appears to work well. The report therefore proposes that, for applications made by or on behalf of officers, only those relating to Chief Officers and officers directly involved in processing or determining planning applications should be considered for committee referral.

*Proposed nominated officers*

- 5.5 The report proposes that the Development Management Area Managers will be the nominated officers for their respective committee areas, and the Service Manager for Spatial Planning will be the nominated officer for applications which fall within the remit of the Strategic and Technical Planning Committee.
- 5.6 An alternative option would be to nominate either the Corporate Director for Planning (the Chief Planning Officer) or the Service Manager for Development Management and Enforcement as the nominated officer for all four planning committees. This is not considered practicable and would likely lead to delays in decision-making due to the need for one officer to cover multiple committee areas. The Government’s statutory guidance indicates that Councils can nominate different officers and members for each planning committee. The proposed nominated officers all have extensive professional planning experience. As such, the report proposes to nominate different officers for each planning committee, as set out above.

**6. Legal considerations**

- 6.1 The Council’s Constitution, including the Functions of the Council and the Officer Scheme of Delegation, must be in accordance with the 2026 Regulations.

**7. Financial implications**

7.1 There are no financial implications associated with this report.

## **8. Natural environment, climate & ecology implications**

8.1 There are no environmental, climate or ecology implications associated with this report. All relevant development plan policies and national policy and guidance and other material considerations will need to be considered when determining planning applications, and this is the case for both delegated decisions and those referred to the planning committee.

## **9. Well-being and health implications**

9.1 The new national scheme of delegation will lead to an increase in the number of applications which are determined by officers under delegated powers, particularly for smaller-scale schemes such as householder extensions and minor residential and commercial applications (as defined in the legislation). In some cases, even smaller-scale schemes can be contentious, and there is a risk that individual officers could face pressure to determine an application in a certain way and/or could be subject to threats or harassment after a decision is issued. For all decisions, the planning assessment is set out in an officer report which sets out the assessment of the proposals against relevant policies in the Local and Neighbourhood Plan, national policy and guidance, and all other material planning considerations. All decisions are also subject to sign-off by a different officer. In addition, all officers can speak with their line manager for additional advice and support where needed.

## **10. Other implications**

10.1 There are no other implications associated with this report.

## **11. Risk implications**

11.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

## **12. Equalities**

12.1 This report does not impact on any equality or diversity issues.

## **13. Appendices**

13.1 Appendix 1: Proposed updates to Functions of the Council

13.2 Appendix 2: Proposed updates to the Officer Scheme of Delegation

- 13.3 Appendix 3: Proposed updates to the Protocol for Members and Officers on Planning Procedures

**14. Background papers**

- 14.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 can be viewed here: [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)
- 14.2 The statutory guidance on Planning Committees and the National Scheme of Delegation of Planning Functions (June 2026) can be viewed here: [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

**15. Report sign-off**

- 15.1 This report has been signed off by the Director for Legal and Democratic (Monitoring Officer).