

Planning Application Decisions - Scheme of Delegation.

This is a summary of the Council's Scheme of Delegation to Development Control Committee and to officers, under Section 43A of the Town and Country Planning (Scotland) Act 1997 and the Local Government Act (Scotland) 1973, of decisions on Planning Applications and other related consents under the Town and Country Planning (Scotland) Act 1997 and related legislation.

It is based on the decision of the full Council of 24 June 2009 and the subsequent approval of Scottish Ministers, under Section 43A of the Town and Country Planning (Scotland) Act 1997 in relation to 'Local Developments', of the scheme of delegation and the definition of 'Appointed Officers'.

The scheme applies to all decisions made since 3 August 2009.

Full Council

The full Council is required to determine applications for planning permission in respect of all major developments which are significantly contrary to the development plan. In addition, the full Council is required to consider applications for planning permission in respect of projects designated as national developments in the National Planning Framework for Scotland.

Development Control Committee

The Development Control Committee will determine –

1. All other applications for planning permission for major developments (i.e. all those major developments which are not significantly contrary to the development plan), unless the Executive Director (Environment) intends to refuse solely on the ground of inadequate information to enable determination; and
2. All applications for planning permission for local developments, for listed building consent, conservation area consent, hazardous substances consent and advertisement consent where -
 - (a) the Council is the applicant; or
 - (b) the application relates to land in the ownership of the Council or to land in which the Council has a financial interest; or
 - (c) the applicant is a member or chief officer of the Council; or
 - (d) the recommendation by the Executive Director (Environment) is for approval, but the proposal is significantly contrary to the development plan; or
 - (e) the recommendation by the Executive Director (Environment) is for approval, but the proposal has attracted six or more valid planning objections from a Community Council, household, business address or interest group with multiple letters from the same household, organisation or property counting as one letter of objection; or
 - (f) a similar application at the same site was previously determined by the Committee.

Note: For the purposes of the above, The Executive Director (Environment) includes any person appointed in writing by him to exercise delegated powers under the Local Government Act (Scotland) 1973.

Executive Director (Environment) and Appointed Officers

Decisions which are delegated to officers rather than being made by the full Council or the Development Control Committee are divided into two groups depending on the Act under which they are delegated.

1. 'Appointed Officers' may exercise delegated powers under Section 43A of the 1997 Act to determine:
 - All applications for planning permission in respect of local developments, except those which have to be referred to the Development Control Committee as listed above; In addition the Appointed Officers may refuse any application for planning permission for a local development on the grounds of inadequate information.

The Appointed Officers in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997, i.e. in respect of Local Developments, are:

- Executive Director (Environment),
 - Head of Planning,
 - Development Quality Manager,
 - Development Management Team Leaders, and
 - (for certain applications only) Development Management Planning Officers who have Membership of the Royal Town Planning Institute and 2 years post-qualifying experience.
2. The Executive Director (Environment) and any person appointed in writing by the Executive Director to exercise delegated powers under the Local Government Act (Scotland) 1973 will determine –
 - All other applications for permission or consent required under the Town and Country Planning (Scotland) Act, 1997, as amended; the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended; and all other related and subsidiary legislation, including applications for Listed Building, Conservation Area, Hazardous Substances and Advertisement Consents, except those which have to be referred to the Development Control Committee as listed above.

In addition, the Executive Director (Environment) and any person appointed in writing by the Executive Director may refuse any application on the grounds of inadequate information.