

PERTH & KINROSS COUNCIL

PLANNING APPLICATION DECISIONS - SCHEME OF DELEGATION

This is a summary of the Council's Scheme of Delegation to the Planning and Placemaking 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 28 September 2022 and the 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 7 May 2024.

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.

Planning and Placemaking Committee

The Planning and Placemaking Committee will determine –

1. applications for both planning permission for major developments and approval of matters specified in conditions associated to major development which are not significantly contrary to the development plan, unless the Strategic Lead – Economy, Development and Planning intends to refuse solely on the ground of inadequate information to enable determination; and
2. applications for planning permission for local developments, for listed building consent, conservation area consent, hazardous substances consent and advertisement consent where –
 - (a) the applicant is a member or chief officer of the Council; or
 - (b) the recommendation by the Strategic Lead – Economy Development and Planning is for approval, but the proposal is significantly contrary to the development plan; or
 - (c) the recommendation by the Strategic Lead – Economy, Development and Planning is for approval, but the proposal has attracted a *valid planning objection from a Community Council, six or more valid objections from a household, business address or interest group (with multiple letters from the same household, organisation or property counting as one letter of objection) or where all of the local elected ward members request that the matter be considered by the Committee; or
 - (d) a similar application at the same site was previously determined by the Committee and the recommendation is contrary to the previous Committee decision.

Note: For the purposes of the above, the Strategic Lead – Economy Development and Planning includes any person appointed in writing the Executive Director (Communities) to exercise delegated powers under the Local Government Act (Scotland) 1973.

**** Valid planning objections means only those submitted within the time in which representations must be made.***

Strategic Lead – Economy, Development and Planning and Appointed Officers

Decisions which are delegated to officers rather than being made by the full Council or the Planning and Placemaking 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 Planning and Placemaking 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:

- Strategic Lead – Economy, Development and Planning,
- Development Management and Building Standards Service 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 Strategic Lead – Economy, Development and Planning and any person appointed in writing by the Strategic Lead – Economy, Development and Planning 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 Planning and Placemaking Committee as listed above.

In addition, the Strategic Lead – Economy, Development and Planning and any person appointed in writing by the Strategic Lead – Economy, Development and Planning may refuse any application on the grounds of inadequate information.

7 May 2024