

Scheme of Delegated Functions

Made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997
[as amended by Section 17 of the Planning etc (Scotland) Act 2006]

Approved at the Council meeting on 11 September 2013
Approved by the Scottish Ministers on 20 September 2013

The Director of Environment or Head of Environment (Planning, Property and Regeneration) is authorised in relation to development management to determine the following 'local developments' detailed below and as defined by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, unless the planning application involves any of the circumstances specified in (i) to (viii), in which case the application will be referred to the Planning Applications Committee for determination:-

- (i) the planning application is made by a Member of the planning authority,
- (ii) the planning application is made by an employee of the Council's Planning and Building Standards Service,
- (iii) an employee of the Council's Planning and Building Standards Service has an interest in a planning application, for example, as an objector,
- (iv) there are 10 objection letters or emails from 10 people,
- (v) where it is proposed to approve a proposal that is significantly contrary to the development plan,
- (vi) the proposal has been subject to an Environmental Impact Assessment,
- (vii) where there are associated applications being considered by the Committee, or
- (viii) the application is made by the planning authority and 4 elected Members have individually requested a referral of the application to the Planning Applications Committee within 21 days of the validation of the application.

Additionally, Elected Members will be able to refer an application to the Planning Applications Committee where all of the following criteria are met:-

- (ix) at least two elected Members individually request the referral;
- (x) that the referral is received within 21 days of the validation of the application, and
- (xi) where there are 6 objection letters or emails from 6 people.

For the avoidance of doubt for the purposes of the above referrals:

- a) Petitions shall be treated as a single objection,
- b) One letter signed by three people will count as **one**,
- c) The same person sending in three different letters will only count as **one**.
- d) Three separate letters (albeit with the same text) from three different people will count as **three**.

Local Developments

(1) Residential

- (a) Applications for alterations or extensions to existing dwelling houses and other householder planning applications eg driveways, garages and other outbuildings
- (b) All planning applications for up to and including 49 dwellings.
- (c) All applications for residential development for sites less than 2 hectares in area.

(2) Business and General Industry, Storage and Distribution

- (a) Alterations to existing buildings.
- (b) Construction of buildings, structures or other erections for use as an office, for research and development for products or processes, for any industrial process or for the use of storage or as a distribution centre up to a gross floor space of the building, structure or other erection of less than 10,000 square metres.
- (c) Construction of buildings, structures or other erections for use as an office, for research and development of products or processes, for any industrial process or for the use of storage or as a distribution centre, the site area of which is less than 2 hectares.

(3) Electricity Generation

- (a) Construction of an electricity generating station providing the capacity of the generation station is less than 20 megawatt.

(4) Waste Management Facilities

- (a) Construction of facilities for use for the purpose of waste management or disposal provided the capacity of the facility is under 25,000 tonnes per annum.
- (b) In relation to facilities for use for the purpose of sludge treatment, the capacity to treat residual sludge is no more than 50 tonnes (wet weight) per day.

(5) Transport and Infrastructure Projects

- (a) Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines providing the length of road, railway, tramway, waterway, aqueduct or pipeline does not exceed 8 kilometres.

(6) Fish Farming

- (a) The placing or assembly of equipment for the purpose of fish farming (the breeding, rearing or keeping fish or shellfish) providing the surface area of water covered is less than 2 hectares.

(7) Minerals

- (a) The extraction of minerals providing the area of the site is under 2 hectares.

(8) Other Developments (Including planning applications for retail developments, education, institutional leisure, assembly, temporary buildings and uses, telecommunications developments, licensed premises and mixed use developments.)

- (a) Any development not falling within the above classes of development providing the gross floor area of any building, structure or erection constructed is less than 5,000 sq. metres.
- (b) Any development not falling within the above classes of development providing the area of the site is less than 2 hectares.
- (c) Any development comprising a combination of the above classes providing the gross floor area of any building, structure or erection constructed is under 5,000 sq. metres or the area of the site is less than 2 hectares.