

EAST RENFREWSHIRE COUNCIL25 February 2021Report by Director of EnvironmentPLANNING SCHEME OF DELEGATION**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council approval to changes to the Planning Scheme of Delegation and to clarify certain criteria. The effective date of the Planning Scheme of Delegation will be when it is approved by Scottish Ministers.

RECOMMENDATIONS

2. It is recommended that the Council approve updates to the Planning Scheme of Delegation as contained in Appendix 2 of this report for forward submission to Scottish Ministers.

BACKGROUND

3. The current Scheme of Delegation was approved by the Council on 11 September 2013 and by Scottish Ministers on 20 September 2013. The Scheme allows appointed officers to make decisions on 'local' and the less controversial planning applications. A copy of the current Scheme of Delegation is attached as Appendix 1 and the proposed Scheme of Delegation is attached as Appendix 2.

REPORT

4. The current Scheme of Delegation was approved in response to the Scottish Government's modernisation of the planning system and through the Town & Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2013. The main purpose of this was to ensure that applications could be considered in the most appropriate way and that Elected Members need only consider major or controversial applications. The Scheme of Delegation under consideration now relates to applications for planning consent. Other consents such as advertisement consent, conservation area consent, tree works etc. are covered under the Council-wide [Scheme of Delegated Functions](#) approved separately by the Council (last updated October 2020).

5. The Planning Service annually handles around 800 applications for planning and related consents. The statistics for the year 2019/20 show that the delegation rate to officers is just under 99%.

6. The changes proposed are summarised below and are **highlighted** (in **bold italic** text) in Appendix 2:

Delegation to Appointed Officers

7. To reflect the changes to the management and staff structure within the Environment Department the appointed officers for the Scheme of Delegation will be the Director of Environment, Head of Environment (Chief Planning Officer), the Planning and Building Standards Manager or the Principal Planner. Each officer is authorised in relation to development management to determine the applications detailed at Appendix 2 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. The Report of Handling associated with any planning application will make reference to any departure from the Development Plan to justify the decision having taken into account all other material considerations including, but not limited to, the merits of the application, the age of the development plan and any other material changes which have occurred since the adoption of the development plan.

Applications with an Elected Member or Staff Member Interest

8. The present Scheme of Delegation includes the requirement for applications with Elected Member or (Planning and Building Standards) staff interest to be considered by the Committee (criteria (i), (ii) and (iii) of attached scheme). It is proposed to extend these criteria to include their spouse or their partner. With regards to criteria (i) and (ii), applicants are required to state whether this is the case on the planning application form. With regards to criterion (iii) for example if a member/staff-member/spouse/partner objects to an application, it does rely on the people concerned advising the planning service accordingly.

Objections which Trigger Referral to the Planning Applications Committee

9. Some minor clarifications are proposed to the wording of criteria (iv) and (x) as shown in Appendix 2. It is proposed to clarify that objectors must give their reasons for objecting and that it must reasonably relate to the proposed development or use which is under consideration.

FINANCE AND EFFICIENCY

10. The recommendations within this report should allow the planning application process to operate more efficiently.

CONSULTATION

11. Consultation in relation to this report has been undertaken with the Democratic Services Manager.

PARTNERSHIP WORKING

12. There was no partnership working associated with this report.

IMPLICATIONS OF THE PROPOSALS

13. There are no implications in terms of staffing, property, legal, IT, equalities or sustainability.

CONCLUSIONS

14. It is considered that the modifications to the Scheme of Delegation as explained in this report, and as shown in Appendix 2 are justified and will result in more efficient decision-making, with decisions being made at an appropriate level.

RECOMMENDATIONS

15. The Council is asked to approve updates to the Planning Scheme of Delegation as contained in Appendix 2 of this report for forward submission for approval to the Scottish Ministers.

Director of Environment

Further information can be obtained from Gillian McCarney, Head of Environment (Chief Planning Officer), Gillian.McCarney@eastrenfrewshire.gov.uk

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APPENDIX 1 EXISTING SCHEME OF DELEGATION

**APPROVED AT THE COUNCIL MEETING 11 SEPTEMBER 2013
APPROVED BY THE SCOTTISH MINISTERS ON 20 SEPTEMBER 2013**

**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]**

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.

APPENDIX 2 PROPOSED SCHEME OF DELEGATION

East Renfrewshire Council Planning Scheme of Delegation

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] and The Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

The Director of Environment, ***the Head of Environment (Chief Planning Officer), the Planning and Building Standards Manager or Principal Planner*** is authorised in relation to development management to determine all 'local development' applications for planning permission (***including planning permission in principal and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission***). 'Local development' is 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 and summarised below. The above authorisation applies unless the planning application involves any of the circumstances specified in (i) to (viii) below, in which case the application will be referred to the Planning Applications Committee for determination:-

- (i) the planning application is made by an ***Elected*** Member of East Renfrewshire Council ***or their spouse or their partner***,
- (ii) the planning application is made by an employee of the Council's Planning and Building Standards Services ***or their spouse or their partner***,
- (iii) an employee of the Council's Planning and Building Standards Services, ***or their spouse or their partner***, has an interest in a planning application, for example, as an objector,
- (iv) there are 10 ***or more*** objection letters or ***electronic communications*** from 10 ***or more individuals, who state their objections (including giving their reasons) in relation to the proposed development or use under consideration.***
- (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 ***e.g. where a planning application is accompanied by an associated Conservation Area Consent or Listed Building Consent***, 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:-

- (viii) at least two elected Members individually request the referral; and
- (ix) that the referral is received within 21 days of the validation of the application, and
- (x) where there are 6 ***or more*** objection letters or e-mails from 6 ***or more individuals, who make their objections (including giving their reasons) in relation to the proposed development or use under consideration.***

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

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

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(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.
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- (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.
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- (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

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- (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.

NOTE

Please note that this Scheme of Delegation relates to applications for planning consent in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997. Delegation of decision-making for other consents such as advertisement consent, conservation area consent, tree works etc. are covered under the Council-wide [Scheme of Delegated Functions](#) approved separately by the Council.