

Planning & Development

Proposed Scheme of Delegation - Local Government (Scotland) Act 1973 - s43A of Town and Country Planning (Scotland) Act 1997

Planning applications will be determined as follows:

1. Highland Council

National and major applications (as defined in Regulation 2(1) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009):

- recommended for the grant of permission there they have been assessed to be significantly contrary to the development plan. For the avoidance of doubt those major applications considered to be minor departures are delegated to the officers identified below;

2. Planning Applications Committees

a) Major applications (as defined in Regulation 2(1) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009):

- recommended for approval in accordance with the development plan but where there have been either objections on planning grounds from members of the public residing at, or having their principal place of business at, five or more separate addresses, which objections cannot be addressed by conditions, or where there are objections from statutory consultees that cannot be addressed by conditions;
- where, in the opinion of the Head of Planning and Building Standards or Area Planning and Building Standards Manager (as appropriate), the development plan is not sufficiently clear, or there is no relevant policy framework to determine the application;
- where Ward Members for the Ward in which the development is proposed, having been given prior notification of applications being recommended for refusal, by majority request in writing within 5 working days of such notification, that the application be referred to the relevant Planning Applications Committee;
- made by the Council or in which the Council has an interest;
- made by an elected member or senior official of the Council.

- b) Local applications (as defined in Regulation 2(2) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009):
- recommended for approval in accordance with the development plan but where there have been either objections on planning grounds from members of the public residing at, or having their principal place of business at, five or more separate addresses, which objections cannot be addressed by conditions, or where there are objections from statutory consultees that cannot be addressed by conditions;
 - where, in the opinion of the Head of Planning and Building Standards or Area Planning and Building Standards Manager (as appropriate), the development plan is not sufficiently clear, or there is no relevant policy framework to determine the application;
 - where Ward Members for the Ward in which the development is proposed, having been given prior notification of applications being recommended for refusal, by majority request in writing within 5 working days of such notification, that the application be referred to the relevant Planning Applications Committee;
 - submitted by the Council or in which the Council has an interest;
 - submitted by an elected member or senior official of the Council.

3. Officer Delegation

The following applications are delegated to the Head of Planning and Building Standards (HPBS)/Area Planning and Building Standards Managers (APBSM), HQ and Area Team Leaders (TL) or Principal Planners (PP) who have received the written approval of the APBSM. All of whom are “appointed officers” for the purposes of the Planning etc (Scotland) Act 2006 and all regulations made thereunder:

- a) All local applications (as defined in Regulation 2(2) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009) with the exception of those local applications:
- recommended for approval in accordance with the development plan but where there have been either objections on planning grounds from members of the public residing at, or having their principal place of business at, five or more separate addresses, which objections cannot be addressed by conditions, or where there are objections from statutory consultees that cannot be addressed by conditions;
 - where, in the opinion of the Head of Planning and Building Standards or Area Planning and Building Standards Manager (as appropriate), the development plan is not sufficiently clear, or there is no relevant policy framework to determine the application;
 - where Ward Members for the Ward in which the development is proposed, having been given prior notification of applications being recommended for refusal, by majority request in writing within 5

working days of such notification, that the application be referred to the relevant Planning Applications Committee;

- which have attracted technical objections which cannot be resolved by condition and are recommended for approval;
- submitted by the Council or in which the Council has an interest;
- submitted by an elected member or senior official of the Council.

b) All major applications (as defined in Regulation 2(1) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009) with the exception of those major applications:

- recommended for approval despite having been advertised as contrary to the development plan. For the avoidance of doubt those major applications considered to be minor departures are delegated to the officers identified above;
- recommended for approval in accordance with the development plan but where there have been either objections on planning grounds from members of the public residing at, or having their principal place of business at, five or more separate addresses, which objections cannot be addressed by conditions, or where there are objections from statutory consultees that cannot be addressed by conditions;
- where, in the opinion of the Head of Planning and Building Standards or Area Planning and Building Standards Manager (as appropriate), the development plan is not sufficiently clear, or there is no relevant policy framework to determine the application;
- where Ward Members for the Ward in which the development is proposed, having been given prior notification of applications being recommended for refusal, by majority request in writing within 5 working days of such notification, that the application be referred to the relevant Planning Applications Committee;
- made by the Council or in which the Council has an interest;
- made by an elected member or senior official of the Council.

4. Review Body

To exercise full delegated powers on behalf of the Council in fulfilment of the provisions of the Planning etc (Scotland) Act 2006 to review, at the request of the applicant:

1. Any application for local development (as defined in Regulation 2(2) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009) refused by the appointed officer;
2. Any condition attached to an application for local development (as defined above) approved by the appointed officer or
3. Any application for local development that has not been determined by the appointed officer within the period allowed for determination of the application.

("Application" includes applications for planning permission (detailed, planning permission in principle and approval of matters), applications for developing land without compliance with conditions previously attached (s42 applications), applications for certificates of lawfulness of existing (s150) or proposed (s151) use or development, listed building consent, conservation area consent, hazardous substances consent, prior approvals (agriculture, forestry, demolition and minerals permitted development), advertisement consent, consents required to purify conditions of permission, section 64 applications for non-material variations of planning permissions, notifications of electricity lines and gas transmission pipelines, details of fulfilment of permitted development conditions, notices of proposed developments and aquaculture applications.)

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The Highland Council
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