

# South Ayrshire Council Planning Service

## Scheme of Delegation for Determination of Planning (and other related) Applications

PLEASE READ THESE NOTES CAREFULLY



## Table of Contents (Jump to Section)

1. Scope of Guidance .....	3
2. Definition of 'Appointed Person' .....	3
3. Scheme of Delegation .....	3



## 1. Scope of Guidance

In accordance with The Town and Country Planning (Scotland) Act 1997 (as amended) and associated secondary legislation, the Council operates a Scheme of Delegation for the determination of planning applications, and this requires to be approved by Scottish Ministers. The Scheme of Delegation allows planning applications to be dealt with at an appropriate level within the organisation.

## 2. Definition of 'Appointed Person'

An 'appointed person' is an Officer of the Planning Authority who is appointed to make a decision on behalf of the Authority. The determination by any such person so appointed by the Scheme of Delegation is to be treated as that of the Authority.

## 3. Scheme of Delegation

### 3.1. The appointed person has the delegated authority to unconditionally approve, approve with conditions and refuse:

- All Local Development applications (as defined in [The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)) for:
  - planning permission and all related Consents, Certificates and Notifications;
  - planning permission in principle;
  - matters specified in conditions;
  - variations;
  - further applications including; Consent, agreement or approval by condition imposed on a grant of planning permission or a related Consent
  - Refusal of applications where an applicant/agent has not supplied sufficient information;

### 3.2. The appointed person also has delegated authority:

- In respect of the Electricity Act 1989 (as amended), to provide consultation responses on all applications in terms of Section 37;
- Provide Screening and Scoping Opinions under [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#);
- In respect of The Town and Country Planning (Scotland) Act 1997 (as amended), pursue enforcement action including the serving of Notices and making and confirming Orders and;
- In respect of The Town and Country Planning (Scotland) Act 1997 (as amended), the making of Tree Preservation Orders where trees of significant value are under imminent threat.

### 3.3. Except in the following circumstances (where matters will be referred to the Regulatory Panel):

- (1) The application is a 'national' development as designated in the National Planning Framework.
- (2) The application is a 'major' development as defined in [The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#).
- (3) 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.
- (4) In the case of planning applications which relate to land in the ownership of the Council or to land in which the Council have a financial interest and 1 or more competent written objections have been received.
- (5) A competent written objection has been received from a Community Council, via their designated contact person(s), and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the Community Council.
- (6) The application is made by an Elected Member or a member of the Planning Authority; specifically, the appointed persons for the purposes of Section 43A of the Town and Country Planning (Scotland) Act 1997 being the Council's Director – Housing, Operations and Development, Assistant Director – Planning and Development, Service Lead – Planning and Building Standards, Place Planning and Planning Strategy Co-ordinators and the Supervisory Officers within the Planning Service.
- (7) Any application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to remove/vary/modify conditions that the Regulatory Panel specifically imposed on an earlier permission, that were in addition to the officers recommendation.
- (8) In respect of the Electricity Act 1989 (as amended), to provide consultation responses on all applications in terms of Section 36.
- (9) Where the Director – Housing, Operations and Development, Assistant Director – Planning and Development or Service Lead – Planning and Building Standards under S43A (6) of the Planning Etc. (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Regulatory Panel. In each such case the applicant/agent will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.
- (10) In respect of The Town and Country Planning (Scotland) Act 1997 (as amended), Section 159 to 178, the making and confirmation of Tree Preservation Orders.