

**APPROVED SCHEME OF DELEGATION
PLANNING PERMISSION - LOCAL DEVELOPMENTS
Comhairle nan Eilean Siar – 2013**

SCHEME OF DELEGATION FOR LOCAL DEVELOPMENTS

Local Developments

This element of the Scheme of Delegation is prepared as required by Section 43A(1) of the Town and Country Planning (Scotland) Act 1997 as inserted by the Planning etc (Scotland) Act 2006 and in accordance with Regulations 3 and 4 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

The Appointed Officer of the Council is the Officer appointed in terms of Section 17 of the Planning etc (Scotland) Act 2006 (the post of Head of Development Services) and is authorised to determine applications for planning permission specified below:

- any planning application being an application, which meets the definition of a “local development”, as specified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; and
- all applications for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within the category of "local" development.

Exemptions:

The delegation shall not include applications made by an application from staff in direct employment within the Comhairle’s Planning Service.

This delegated authority shall not include applications meeting the definition of National Development listed in the National Planning Framework or a major development listed in the schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

The Appointed Officer shall not determine an application (except where the determination is a refusal on the grounds that there is lack of information):

- to which six or more representations, which are considered by the Appointed Officer to be valid and raising material planning considerations; or
- where it is proposed to approve the application and that the application is significantly contrary to the Development Plan; or
- where it is proposed to approve the application and there is a formal objection from a statutory consultee that would trigger referral of the application to Scottish Ministers; or
- where a concurrent Listed Building Consent application is to be refused for the same proposal; or
- for the removal or amendment of conditions which were originally imposed at the specific request of Members; or
- which had been determined subject to a planning agreement (planning obligation) and which now require to be determined as a consequence of the Comhairle and the applicant and other parties to the agreement not being able to conclude the agreement within a reasonable period of time. This provision will apply in cases where the original decision was taken by Members.

Notwithstanding all of the above, in such cases where the development is considered by the Appointed Officer to be sensitive or contentious, the Appointed Officer is authorised not to determine the application and will refer the application to the relevant Committee of the Comhairle for a decision.

NOTES

1. For the purposes of the Comhairle's Scheme of Delegation for Development Management a valid representation (letter or statement) shall require to meet the following criteria:
 - (a) be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender specifically indicating a representation to the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory's address;
 - (b) where more than one letter/statement of representation per postal address is received stating exactly the same representation this shall be defined as the Comhairle having received one letter/statement;
 - (c) where a letter or petition is received which is signed by more than one person, each signatory must provide a valid postal address, otherwise they will not be considered as a valid representation;
 - (d) for the avoidance of doubt pre-printed letters or cards which are not individually addressed and signed will not be treated as valid and will be acknowledged as such. Photocopied standard template letters will be valid as long as they are signed and dated and bear the postal address of the sender;
 - (e) a valid representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned;
 - (f) the content of invalid letters/statements will not be referred to in Reports on Handling or in Director's Reports;
 - (g) the Head of Development Services shall, in cases of doubt, determine whether a representation is valid; and
 - (h) in respect of petitions, notification of decisions will be sent only to the co-ordinator of the petition (if known) or to the first named signatory.
2. For the purposes of the Comhairle's Scheme of Delegation a statutory consultee shall be taken to be consultees referred to in Regulation 25 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and will include a Community Council.
3. For the purposes of the Comhairle's Scheme of Delegation a proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgment of the Head of Development Services, is directly related to the achievement of the core objectives of any element of the Development Plan and the approval of the application would seriously compromise the achievement of the Development Plan's objectives and compromise its other policies and proposals. For the avoidance of doubt a proposal will not necessarily be significant if, for example, it fails to meet the terms of one policy or one or more of the criteria in any criteria based policy.