

**APPROVED SCHEME OF DELEGATION
PLANNING PERMISSION - LOCAL DEVELOPMENTS
Comhairle nan Eilean Siar – June 2009**

Scheme of Delegation for Local Developments

This is the Scheme of Delegation prepared in accordance with Part 3, Section 17 of the Planning Etc (Scotland) Act, Section 43A and 43B of the Town and Country Planning Scotland Act 1997 and Part 2 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 1997 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 with the exception of development prescribed under Part 2, paragraph 4, of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

In terms of Part 2, paragraph 4, of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 the delegation shall not include applications made by:

- the Planning Authority; or
- a Member of the Planning Authority where they are the applicant (excluding when a Member is only acting as agent); or
- an application that relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest.

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.

In addition, the Appointed Officer shall not determine an application:

- to which there is objection comprising at least 3 letters of representation from separate parties which contain matters which are considered by the Appointed Officer to be relevant 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, within one month of receipt and validation of the application, notice is given to the Director of Development under section 17 of the Planning etc (Scotland) Act 2006 (Section 43A (6) of the Town and Country Planning (Scotland) Act 1997), that the Environment and Protective Services Committee of the Comhairle should determine the application. Such notification shall only be valid when signed by 3 Members of the Comhairle and shall include a statement of the reasons why the decision has been taken.

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 for a decision.