

REPORT TO: POLICY & RESOURCES COMMITTEE - 8 JUNE 2009

REPORT ON: SCHEME OF DELEGATION

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 293-2009

1 PURPOSE OF REPORT

- 1.1 To make recommendations concerning the form and content of the Council's mandatory Schemes of delegation which it is required to prepare and submit to Scottish Ministers for approval by 30 June 2009; and to make recommendations concerning the Council's discretionary Scheme of Delegation.

2 RECOMMENDATION

- 2.1 It is recommended that:

- i The Committee adopts the Mandatory Scheme of Delegation outlined in Annex A to this report in accordance with the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 as inserted by of the Planning etc (Scotland) Act 2006 and of the Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2008;
- ii The Committee adopts the discretionary Scheme of Delegation outlined in Annex B to this report;
- iii The Director of Planning and Transportation is authorised to submit the mandatory Scheme of Delegation to Scottish Government for the approval of Scottish Ministers;
- iv The Depute Chief Executive (Support Services) be remitted to amend the Council's Scheme of Administration - Delegation of Powers to Officers to give effect to the terms of this report;
- v In the event that Scottish Ministers feel unable to approve the submitted Scheme of Delegation without amendment and given timetabling of Committees before and after the Summer Recess, it is remitted to the Director of Planning and Transportation in consultation with the Depute Chief Executive (Support Services) and the Convener to conclude the terms of a Scheme which satisfies the requirements of Scottish Ministers;
- vi Both the mandatory and discretionary Schemes of Delegation become operational in respect of applications submitted on or after 3 August 2009.

3 FINANCIAL IMPLICATIONS

- 3.1 Although there are no direct financial implications arising from this report, if the Scheme of Delegation is approved by Scottish Ministers improved resource efficiencies are likely to result leading to a more focussed and proportionate allocation of Member and officer resources. It is not possible to quantify any financial savings resulting from such efficiencies.
- 3.2 A report in relation to the Local Review Body will discuss in greater detail the resource implications of those procedures which arise as a consequence of how the Council sets its Scheme of Delegation.

4 BACKGROUND

- 4.1 Reference is made to the following:
- a The Council's Interim Revised Scheme of Delegation as approved by the Policy & Resources Committee of 9 February 2009;
 - b Report 101-2009 to the Policy & Resources Committee of 9 February 2009;
 - c Report 491-2008 to the Development Quality Committee of 17 November 2008;
 - d Report 176-2008 to the Development Quality Committee of 21 April 2008; and
 - e Report 200-2009 to the Policy & Resources Committee of 27 April 2009.
- 4.2 At its meeting on 27 April 2009 the Committee resolved to endorse the proposals contained in its proposed Mandatory and Discretionary Schemes of Delegation as a basis for discussion prior to their formal adoption at this meeting.
- 4.3 In considering the recommendations of this report, Members' attention is drawn to the body of Report 200-2009 which summarised the statutory context relating to Schemes of Delegation.

5 CONSULTATION

- 5.1 Following the Council's adoption of its "Interim" Revised Scheme of Delegation at the Policy & Resources Committee on 9 February 2009 a range of stakeholders including Community Councils and Neighbourhood Representative Structures were advised of the changes. No feedback was received at that stage and practice is showing that the revised scheme appears to be operating without difficulty.
- 5.2 Again, the discussion reports on the formal proposals have been shared with Community Councils and Neighbourhood Representative Structures and a meeting of the Development Quality Forum held on Thursday 14 May 2009 discussed the proposals.
- 5.3 Meetings have also been held with groups of Councillors to obtain their views.
- 5.4 In addition, Scottish Government officials were asked for their informal views to ensure that the risk of rejection or amendment by Scottish Ministers is minimised.
- 5.5 Where available a sample of Schemes being prepared by other Councils have been reviewed.
- 5.6 Drawing together the above with the points made during the consultation period the following themes by and large showed consensus:
- a based on advice from Scottish Government officers, officers within the City Development Department will be appointed by the Head of Planning to determine cases. Wording changes in the proposed mandatory Scheme take this into account;
 - b the levels at which delegation is to take place in both the mandatory and discretionary Schemes were broadly agreed as appropriate; and

- c certain consultees were concerned that alternatives to paragraph 3.1 A(iv) of the draft mandatory Scheme were explored to achieve a method of referral which met the terms of the legislation yet did not lead to a significant delay in the determination of the applications concerned. This issue is discussed in detail below.

6 REFERRALS TO COMMITTEE BY ELECTED MEMBERS

- 6.1 The 2006 Act (Section 43A(6)) provides that a Council may determine that it wishes to decide an application in Committee which would otherwise have been decided by the "Appointed Officer" under the mandatory Scheme of Delegation. For each case where the authority (not an individual Member or the Convener) decides to do this, it must supply the applicant with a statement giving reasons why they have made such a determination.

- 6.2 The Council's existing "Interim" Scheme of Delegation provides that a Member may, within two weeks of the publication of the appropriate Weekly List, request in writing to the Director that an application should be submitted to the Development Quality Committee where otherwise it would have fallen to be determined under delegated powers. This is reflected as an exemption to the mandatory scheme and is not, therefore, a departure from the scheme.

- 6.3 Following consultation the following clause is recommended as an addition to the Discretionary Scheme of Delegation:

"any application where, within one month of the application appearing on the Weekly List, written notice is given to the Committee Services Officer, that the Development Quality Committee intends to determine the application. Such notification (which shall be referred to as a s.43A(6) Referral) shall only be valid when signed by the Convener, and Vice Convener and shall include a statement of the reasons why the decision has been taken."

- 6.4 If so agreed, the application the subject of the Committee Referral would be placed on the agenda of the next appropriate Development Quality Committee with the reasons for the referral being notified to the applicant by the Committee Services Officer.

- 6.5 In addition it is proposed to introduce a complementary exemption to the scheme in respect of the power of the Director of City Development as follows:

"Any application which the Director of City Development proposes should, for valid planning reasons, be determined by the Development Quality Committee rather than by the appointed person."

- 6.6 Accordingly, the clauses outlined in paragraph 6.4 and 6.7 above have been incorporated into the recommended mandatory Scheme of Delegation (Annex A).

7 CONCLUSIONS

- 7.1 Guided by the statutory requirements of primary and secondary legislation, Circular advice from Scottish Ministers, the content of the Council's Interim Revised scheme of Delegation and its application and, following consultation, the mandatory Scheme

of Delegation outlined in Annex A is recommended for approval and submission to Scottish Ministers.

- 7.2 It is further recommended that the discretionary Scheme outlined in Annex B be adopted by resolution to guide officers, members and the general public in relation to all development management matters where delegated decision-making is involved.

8 POLICY IMPLICATIONS

- 8.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

9 CONSULTATIONS

- 9.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 The following background papers have been referred to in the preparation of this report:
- a The Planning Etc (Scotland) Act 2006 Section 43A;
 - b The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008;
 - c The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
 - d The Town and Country Planning (Hierarchy of Developments) Scotland 2008 - Draft Circular Scottish Government December 2008;
 - e Report 491-2008 to the Development Quality Committee of 17 November 2008;
 - f Article II of the Minutes of the Development Quality Committee of 17 November 2008;
 - g Report 101-2009 to the Policy & Resources Committee of 9 February 2009;
 - h Minutes of the Policy & Resources Committee of 9 February 2009;
 - i Report 200-2009 to the Policy & Resources Committee of 27 April 2009;
 - j Minutes of the Policy & Resources Committee of 27 April 2009;
 - k Report 292-2009 to the Policy & Resources Committee of 8 June 2009.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IAR/MM
Dundee City Council
Tayside House
Dundee

26 May 2009

ANNEX A**Proposed Scheme of Delegation to be submitted for the approval of Scottish Ministers****Town and Country Planning (Scotland) Act 1997
Section 43A (1) as amended by Section 17 of the Planning Etc (Scotland) Act 2006****The Town and Country Planning (Schemes of Delegation and
Local Review Procedure) (Scotland) Regulations 2008 Part 2****SCHEME OF DELEGATION****OF****DUNDEE CITY COUNCIL****As approved by Dundee City Council for
submission to Scottish Ministers:****..... June 2009****As approved by Scottish Ministers:****..... 2009****Comes into effect in respect of applications submitted on and after 3 August 2009**

1 GENERAL

- 1.1 This Scheme of Delegation was prepared by Dundee City Council 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.
- 1.2 The Scheme of Delegation was approved for submission to Scottish Ministers by the Policy & Resources Committee of Dundee City Council on 8 June 2009.
- 1.3 "Local development" for the purposes of this Scheme of Delegation will include all development other than national development, as designated in a National Planning Framework document prepared and published by the Scottish Ministers under Part 1A of the 1997 Act; and major development, as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2 CLASSES OF DEVELOPMENT TO BE DETERMINED BY THE "APPOINTED OFFICER" OF THE COUNCIL AND EXEMPTIONS FROM THE MANDATORY SCHEME

- 2.1 Planning applications in the following Classes of Development as defined in Sections 3A (4)(b) and 26A of the Town and Country Planning (Scotland) Act 1997 as inserted by the Planning Etc (Scotland) Act 2006 and supported by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 shall be determined by an officer or officers who shall be appointed by the Head of Planning for that purpose. A range of postholders may be appointed to determine cases or different classes of case under the scheme.

The applications concerned are:

- a all applications for planning permission in respect of development within the category of "local development"; and
- b 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.
- 2.2 **Exemptions** - the appointed officer is prohibited, however, from determining the following types of application for planning permission within the category of "local" development:
- i any application¹ in respect of which six or more valid written objections received within the timescales specified in statutory notifications or press notices; and the application is recommended for approval;
- ii any application which attracts a valid timeous objection from a statutory consultee² and the application is recommended for approval;

¹ The meaning of "application" shall be taken to include applications for planning permission; planning permission in principle; applications for consent, agreement or approval required by condition imposed on a grant of consent for local developments.

- iii any application which is to be recommended for approval in circumstances where it is significantly contrary³ to the development plan;
- iv Any application which a member, within one month of the publication of the appropriate weekly list, has requested in writing to be submitted to the Development Quality Committee;
- v Any application made by or submitted on behalf of the Council.
- vi any application in respect of land/buildings owned by the Council or in which the Council has a financial interest;
- vii any application submitted by or on behalf of an Elected Member of the Council;
- viii any application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment (Scotland) Regulations 1999 as amended⁴; and
- ix any application which the Director of City Development proposes should, for valid planning reasons, be determined by the Development Quality Committee rather than by the appointed person.

3 SUBSEQUENT SCHEMES OF DELEGATION

- 3.1 The Council will review or if appropriate adopt a revised Scheme of Delegation no later than a period of five calendar years following the approval of this Scheme of Delegation by Scottish Ministers.

² For the purposes of this Interim Revised 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 and will include a Community Council or officially recognised Neighbourhood Representative Structure.

³ A proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgement of the "appointed person" 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 on one or more policies or one or more of the criteria in any criteria based policy.

⁴ An application which is determined by the Director of Planning and Transportation to be an application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment Regulations 1999, as amended.

ANNEX B**Proposed Discretionary Scheme of Delegation in Relation to Development Management (Development Quality) as Provided for by the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc (Scotland) Act 2006 and the Local Government (Scotland) Act**

Issue	Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council
1 General Powers to delegate Negotiations Planning Policy Entry to Land Day to Day Procedural Matters	<p>Authorise the Head of Planning to appoint appropriate officers to determine cases of application or different classes of case which fall to be determined under the approved mandatory Scheme of Delegation.</p> <p>Authority to negotiate with the private sector and other agencies for the purposes of securing the proper development of the city in accordance with the Council's objectives".</p> <p>Authority to advise the Council on land use planning matters for the purposes of securing the proper development of the city in accordance with the Council's objectives.</p> <p>Authority to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in Sections 156, 158, 160-163, 167, 172-175,177, 269 and 270 of the 1997 Act as amended.</p> <p>The undertaking by the appropriate officer of the Council of all day to day procedural matters and other actions relevant to the Council's planning functions, as provided for in the planning and related legislation.</p>
2 Hierarchy of Application Types	To determine with reference to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 whether or not a description of a development falls into the categories of "major" and "local" respectively and to so determine where a Pre-application Screening Notice is submitted to the Council.

Issue	<p style="text-align: center;">Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council</p>
<p>3 Pre-application Consultation and Scrutiny</p>	<p>The implementation and enforcement of pre-application procedures including:</p> <ul style="list-style-type: none"> • assessing and responding to Pre-application Screening Notices; • assessing and responding to Proposal of Application Notices; and • assessing Pre-application Consultation Reports and determining the validity of related applications.
<p>4 Determination of Planning Applications</p>	<p>“the determination of all applications for planning permission and planning permission in principle; applications for the approval of matters specified in conditions attached to planning permissions and planning permissions in principle; further applications; applications seeking to amend or delete conditions; listed building consent applications; conservation area consent applications; applications for consent to display advertisements (including the unconditional approval of applications), EXCEPT:</p> <ul style="list-style-type: none"> • "national" and "major " categories of application; • "local" category applications which the Council has decided in its Scheme of Delegation, approved by Scottish Ministers, should be determined by it as opposed to the Appointed Officer, except any application where, within one month of the application appearing on the Weekly List, written notice is given to the Committee Services Officer that the Development Quality Committee intends to determine the application. Such information (which shall be referred to as a s.43A(6) referral shall only be valid when signed by the Convener and Vice Convener and shall include a statement of the reasons for such a referral; • all applications for the removal or amendment of conditions which were originally imposed at the specific request of members; • all applications for Hazardous Substance Consent; • any application submitted by or on behalf of an officer of the Council involved in the statutory planning process; and

Issue	Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council
	<ul style="list-style-type: none"> • applications which had been determined subject to a planning agreement (planning obligation) and which now require to be determined as a consequence of the Council 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 Committee.
5 Reasons for Decisions	"issuing to applicants reasons for the decisions in respect of all planning and related applications made by the Council".
6 Attachment of Conditions at the Request of Scottish Ministers	"to consider whether to impose a condition directed by Scottish Ministers in respect of a planning application referred to them".
7 Processing Agreements	" where necessary to negotiate and agree with applicants and other parties to the agreement, the terms of Processing Agreements".
8 Determination of the Validity of Objections and Representations	"determining whether a representation or objection in respect of a planning or related application is timeous, valid or material in respect of the application under consideration".
9 Variations to Planning Permissions	"determining whether a proposal to vary the details of a planning permission is material and if not to approve the variation , as provided for by Section 64 of the 1997 Act as amended".
10 Variations to Planning Applications Not Yet Determined	<p>"to determine whether or not to agree to a variation by the applicant to a submitted application. If the variation is considered to be material or the revision to the description of the application is substantial, to not agree to such a variation and to decide that the application should be withdrawn and a fresh application submitted".</p> <p>"to determine what notice if any to give to other parties concerning such a variation if agreed".</p>
11 Approval of Matters of Detail Covered by Conditions	"approving matters of detail which have been reserved when previously granting the conditional approval of a detailed planning application".

Issue	Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council
12 Determination of Repeat Applications	"the authority to decline to determine applications which fall within Section 39 of the 1997 Act as amended".
13 Consultation on Applications Submitted to Neighbouring Planning Authorities	"the authority to express views on behalf of the Council when it is statutorily or informally consulted by neighbouring planning authorities on planning applications submitted to them for determination".
14 Environmental Impact Assessments	"the authority to provide informal and formal Screening and Scoping Opinions and to assess submitted Environmental Statements, all in terms of the provisions of The Environmental Impact Assessment (Scotland) Regulations 1999 as amended".
15 Requests for Further Information on Applications	"the authority to identify and seek further information from applicants to enable the Council to deal with applications and to provide scoping opinions as necessary".
16 Legal Agreements/ Planning Obligations	"In consultation with the Depute Chief Executive (Support Services), negotiating, concluding and enforcing planning agreements (planning obligations) under Section 75 of the 1997 Act as amended".
	"In consultation with the Depute Chief Executive (Support Services), to discharge amendments to Agreements which do not significantly alter their general provisions already concluded under Section 75 of the 1997 Act, as amended".
17 Certificates of Lawfulness of Existing or Proposed Development	"in consultation with the Depute Chief Executive (Support Services) to determine all applications for Certificates of Lawfulness of Existing Development and Certificates of Lawfulness of Proposed Development".
18 Good Neighbour Agreements: Modification and Discharge	NO DELEGATION

Issue	<p style="text-align: center;">Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council</p>
<p>19 Enforcement</p>	<p>“In consultation with the Depute Chief Executive (Support Services), initiation, progression and conclusion of enforcement action or interdict action under Parts VI and or XIV of the Town & Country Planning (Scotland) Act 1997 as amended by Part 4 of the Planning Etc (Scotland) Act 2006 or Chapter 4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, or Part VII of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and related legislation. For the avoidance of doubt this delegated authority relates to:</p> <ul style="list-style-type: none"> • Planning Contravention Notices; • Enforcement Notices; • Making reports to the Procurator Fiscal as necessary; • Breach of Condition Notices; • Amenity Notices; • Stop Notices; • Serving of Temporary Stop Notices; • Serving of Fixed Penalty Notices; • Hazardous Substances Contravention Notices; • Tree Replacement Notices; and <p>but EXCLUDES</p> <ul style="list-style-type: none"> • the taking of Direct Action in pursuit of any of the above. <p>"to undertake and enforce the procedures requiring developers to inform the Council of the initiation and completion of development and in relation to the display of notices indicating development being carried out".</p>

Issue	Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council
	"the issuing and enforcement of notices requiring the owner of land, where planning permission has not been granted but development has been carried out, to make an application for planning permission".
20 Prior Notifications	<p>"the authority to determine prior notification applications relating to the demolition of buildings under Section 26 (4)(g) of the 1997 Act as amended by the Town and Country Planning (Demolition which is not Development) (Scotland) Direction 1995 and Class 70 of the GPDO; and the erection or significant alteration or extension of agriculture or forestry building as provided for under Part 6 and 7 of Schedule 1 to the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 as amended".</p> <p>"to determine prior notification applications relating to the demolition of or the erection of, or the significant alteration or extension of agricultural and forestry buildings as provided for under Part 6 and Part 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended".</p>
21 Building Preservation Notices	"In consultation with the Depute Chief Executive (Support Services) the serving of a Building Preservation Notice under Sections 3 & 4 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended".
22 Tree Preservation	<p>"the authority to determine the need to make Tree Preservation Orders and to vary or revoke existing Tree Preservation Orders".</p> <p>"In consultation with the Depute Chief Executive (Support Services) the drafting and service of Tree Preservation Orders and Emergency Tree Preservation Orders under Part VII of the 1997 Act, as amended by Part V of the Planning Etc (Scotland) Act 2006, with the proviso that the serving of any such Order shall be reported to the Planning and Transport Committee together with recommendations concerning the confirmation or otherwise of the Order".</p> <p>"In consultation with the Depute Chief Executive (Support Services), determining the appropriateness of the serving of Tree Replacement Notices under Section 168 of the 1997 Act as amended and once served to monitor implementation and enforce as necessary".</p> <p>"granting or refusal of statutory permission to carry out work on trees subject of a Tree Preservation Order or the granting or refusal of such permission for works in relation to trees within a Conservation Area or protected by planning condition".</p>

Issue	Proposed Scheme The Director of City Development shall undertake the following under powers delegated to him/her by the Council
	"In consultation with the Depute Chief Executive (Support Services), the enforcement of Tree Preservation Orders under Section 171 of the 1997 Act as amended with the proviso that the action taken shall be reported to the Planning and Transport Committee as soon as practicable thereafter".
23 Appeals and Inquiries	<p data-bbox="595 539 2018 675">"to prepare and deliver written and oral evidence in respect of all appeals and public inquiries relating to the determination of planning and related applications; the enforcement of planning control; and tree preservation all with the proviso that the outcome of each appeal/inquiry shall be reported to the Development Quality Committee as soon as practicable".</p> <p data-bbox="595 699 2018 754">"in consultation with the Depute Chief Executive (Support Services) to determine the appropriateness of claiming, on behalf of the Council, expenses from appellants in accordance with the terms of Circular 6/1990".</p>
24 Road Construction Consents	<p data-bbox="595 791 2018 943">"the issuing of Road Construction Consents under Section 21 of the Roads (Scotland) Act 1984 as amended, the calculation of annual revenue implications for the Council of each consent, and the negotiation and the imposition of road bonds under Section 17 of the Roads (Scotland) Act 1984 with the proviso that the actions taken shall be reported to the Planning and Transport Committee as soon as practicable thereafter. However, where a valid objection is received by the Council then the application will be referred to the Planning and Transport Committee for determination".</p> <p data-bbox="595 983 2018 1102">"to serve Failure to Comply with Roads Construction Consent Notices under Section 21(5) of the Roads (Scotland) Act 1984 and to report breaches of Roads Construction Consent Notices under Section 22 of the Roads (Scotland) Act 1984 with the proviso that the actions taken shall be reported to the Planning and Transport Committee as soon as practicable thereafter".</p> <p data-bbox="595 1142 2018 1254">"on satisfactory completion of roads to which the provisions of Section 21 of the Roads (Scotland) Act 1984 apply, and if so requested by the applicants to enter these roads on the List of Public Roads for the purposes of management and maintenance in consultation with the Director of Finance and Conveners of the Finance and Planning and Transport Committees".</p>
25 Authority to Enter Upon Land	"to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in Sections 156, 158, 160-163, 167, 172-177, 178, 269 and 270 of the 1997 Act as amended by the Planning Etc (Scotland) Act 2006 and similar provisions in the legislation relating to listed buildings, conservation areas and hazardous substances".

Note 1

For the purposes of the Council's Scheme of Delegation as approved by Scottish Ministers and this operational scheme of delegation 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 an objection to the application concerned. The letter/statement shall bear a legible name of the signatory and the signatory's address;
- b be received by the Council no later than 21 calendar days from the date on which the application was declared as valid by the Council or no later than 21 calendar days of any subsequent Neighbour Notification, or in the case of applications which have the subject of statutory advertisement, no later than the timescale specified in that advertisement;
- c where more than one letter/statement of representation per household is received this shall be defined as the Council having received one letter/statement;
- d 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;
- e for the avoidance of doubt pre printed letters or cards which are not individually addressed and signed will not be entertained as valid and 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;
- f to be valid a representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned;
- g the content of invalid letters/statements will not be referred to in Director's reports and similarly non-material matters referred to in valid letters of representation will not be referred to or taken into account in the determination of the application;
- h the Director of City Development shall, in cases of doubt, determine whether an objection or other representation is valid or timeous; and
- i 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.

Note 2

For the purposes of the Council's Scheme of Delegation as approved by Scottish Ministers and this operational 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 or officially recognised Neighbourhood Representative Structure.

Note 3

For the purposes of the Council's Scheme of Delegation as approved by Scottish Ministers and this operational scheme of delegation a proposed development is "significantly contrary to the development plan" if the departure concerned, in the judgement of the Director of City Development, 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 on one or more policies or one or more of the criteria in any criteria based policy.