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**ANNEX B****Discretionary Scheme of Delegation in Relation to Development Management 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**

<b>Issue</b>	<b>The Director of City Development shall undertake the following under powers delegated to him/her by the Council</b>
<b>1 General</b>  Powers to delegate  Negotiations  Planning Policy  Entry to Land  Day to Day Procedural Matters	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.  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".  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.  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 and section 18-21 of the High Hedges (Scotland) Act 2013.  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.
<b>2 Hierarchy of Application Types</b>	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	The Director of City Development shall undertake the following under powers delegated to him/her by the Council
<b>3 Pre-application Consultation and Scrutiny</b>	<p>The implementation and enforcement of pre-application procedures under Section 35A of the 1997 Act as amended including:</p> <ul style="list-style-type: none"> <li>• assessing and responding to Pre-application Screening Notices;</li> <li>• assessing and responding to Proposal of Application Notices; and</li> <li>• assessing Pre-application Consultation Reports and determining the validity of related applications.</li> </ul>
<b>4 Determination of Planning Applications</b>	<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"> <li>• "national" and "major " categories of application;</li> <li>• "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 Management 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;</li> <li>• all applications for the removal or amendment of conditions which were originally imposed at the specific request of members;</li> <li>• all applications for Hazardous Substance Consent;</li> <li>• any application submitted by or on behalf of an officer of the Council involved in the statutory planning process; and</li> </ul>

Issue	The Director of City Development shall undertake the following under powers delegated to him/her by the Council
	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
5	<b>Reasons for Decisions</b> issuing to applicants reasons for the decisions in respect of all planning and related applications made by the Council.
6	<b>Attachment of Conditions at the Request of Scottish Ministers</b> to consider whether to impose a condition directed by Scottish Ministers in respect of a planning application referred to them.
7	<b>Processing Agreements</b> where necessary to negotiate and agree with applicants and other parties to the agreement, the terms of Processing Agreements.
8	<b>Determination of the Validity of Objections and Representations</b> 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	<b>Variations to Planning Permissions</b> determining to approve a variation , as provided for by Section 64 of the 1997 Act as amended and to issue refusals where the terms of Section 64 are not satisfied.
10	<b>Variations to Planning Applications Not Yet Determined</b> to determine to agree to a variation by the applicant to a submitted application, as provided for by Section 32A of the 1997 Act as amended and to issue refusals where the terms of Section 32A are not satisfied. to determine what notice if any to give to other parties concerning such a variation if agreed.
11	<b>Approval of Matters of Detail Covered by Conditions</b> approving matters of detail which have been reserved when previously granting the conditional approval of a detailed planning application.
12	<b>Determination of Repeat</b> the authority to decline to determine applications which fall within Section 39 of the 1997 Act as amended.

<b>Issue</b>	<b>The Director of City Development shall undertake the following under powers delegated to him/her by the Council</b>
<b>Applications</b>	
<b>13 Consultation on Applications Submitted to Neighbouring Planning Authorities</b>	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.
<b>14 Environmental Impact Assessments</b>	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 2011 as amended.
<b>15 Requests for Further Information on Applications</b>	the authority to identify and seek further information from applicants to enable the Council to deal with applications.
<b>16 Legal Agreements/ Planning Obligations</b>	In consultation with the Head of Democratic & Legal Services, negotiating, concluding and enforcing planning agreements (planning obligations) under Section 75 of the 1997 Act as amended.
	In consultation with the Head of Democratic & Legal Services, to amend Agreements which do not significantly alter their general provisions already concluded under Section 75 of the 1997 Act, as amended.
<b>17 Certificates of Lawfulness of Existing or Proposed Development</b>	in consultation with the Head of Democratic & Legal Services to determine all applications for Certificates of Lawfulness of Existing Development and Certificates of Lawfulness of Proposed Development.

Issue	The Director of City Development shall undertake the following under powers delegated to him/her by the Council
18 Enforcement	<p>In consultation with the Head of Democratic &amp; Legal Services, initiation, progression and conclusion of enforcement action or interdict action under Parts VI, V11 and or XIV of the Town &amp; Country Planning (Scotland) Act 1997 as amended by Part 4 of the Planning Etc (Scotland) Act 2006 or Chapter 1V 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 or the High Hedges (Scotland) Act 2013.</p> <p>For the avoidance of doubt this delegated authority relates to:</p> <ul style="list-style-type: none"> <li>• Planning Contravention Notices;</li> <li>• Enforcement Notices;</li> <li>• Making reports to the Procurator Fiscal as necessary;</li> <li>• Breach of Condition Notices;</li> <li>• Amenity Notices;</li> <li>• Stop Notices;</li> <li>• Serving of Temporary Stop Notices;</li> <li>• Serving of Fixed Penalty Notices;</li> <li>• Notices to remove Placards/Posters</li> <li>• Hazardous Substances Contravention Notices;</li> <li>• Tree Replacement Notices;</li> <li>• High Hedges Notices</li> <li>• Notices of Initiation and Completion of Development and indicating development being carried out</li> <li>• Notices Requiring an Application for Planning Permission to be made</li> </ul> <p>but EXCLUDES</p> <ul style="list-style-type: none"> <li>• the taking of Direct Action in pursuit of any of the above other than notices seeking the removal of placards/posters.</li> </ul>

<b>Issue</b>	<b>The Director of City Development shall undertake the following under powers delegated to him/her by the Council</b>
<b>19 Prior Notifications</b>	the authority to determine prior notification applications relating to the demolition of buildings under 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.
	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.
<b>20 Building Preservation Notices</b>	In consultation with the Head of Democratic & Legal 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.
<b>21 Tree Preservation</b>	the authority to determine the need to make Tree Preservation Orders and to vary or revoke existing Tree Preservation Orders.
	In consultation with the Head of Democratic & Legal 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 recommended for confirmation shall be reported to the City Development Committee.
	In consultation with the Head of Democratic & Legal 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.
	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.
	In consultation with the Head of Democratic & Legal 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 City Development Committee as soon as practicable thereafter.
<b>22 Appeals and Inquiries</b>	to prepare and deliver written and oral evidence in respect of all appeals and public inquiries relating to the determination

<b>Issue</b>	<b>The Director of City Development shall undertake the following under powers delegated to him/her by the Council</b>
	<p>of planning and related applications; the enforcement of planning control; tree preservation and high hedges all with the proviso that the outcome of each appeal/inquiry shall be reported to the Development Management Committee as soon as practicable.</p> <p>in consultation with the Head of Democratic &amp; Legal 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>
<b>23 Road Construction Consents</b>	<p>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 City Development Committee for determination.</p> <p>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 City Development Committee as soon as practicable thereafter.</p> <p>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 Head of Finance and Conveners of the Policy and Resources and City Development Committees.</p>
<b>24 Authority to Enter Upon Land</b>	to authorise a person to enter upon any land at any reasonable time for the purposes mentioned in the Town and Country Planning (Scotland) Act 1997 Act as amended by the Planning Etc (Scotland) Act 2006 and similar provisions in the legislation relating to listed buildings, conservation areas, high hedges and hazardous substances.
<b>25 High Hedges</b>	The determination of all applications for a High Hedge Notice and carry out all functions under the High Hedges (Scotland) Act 2013

### 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 Mandatory Scheme of Delegation and this Discretionary 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 2013 and will include a Community Council or officially recognised Neighbourhood Representative Structure.

### Note 3

For the purposes of the Council's Mandatory Scheme of Delegation and this Discretionary 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.