

**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 2013**

SCHEME OF DELEGATION

OF

DUNDEE CITY COUNCIL

**As approved by Dundee City Council for
submission to Scottish Ministers:**

11 November 2013

As approved by Scottish Ministers:

3 December 2013

Comes into effect in respect of applications submitted on and after 3 December 2013

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 2013.
- 1.2 The Scheme of Delegation was approved for submission to Scottish Ministers by the Policy & Resources Committee of Dundee City Council on 11 November 2013.
- 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;

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.

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- ii any application which attracts a valid timeous objection from a statutory consultee² and the application is recommended for approval;
 - iii any application where the appointed officer is minded to approve 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 the appointed officer that it be submitted to the Development Management Committee;
 - v any application submitted by or on behalf of an Elected Member of the Council;
 - vi any application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment (Scotland) Regulations 2011 as amended⁴ and
 - vii any application which the Director of City Development proposes should, for valid planning reasons, be determined by the Development Management 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 Scheme of Delegation a statutory consultee shall be taken to be consultees referred to in Regulation 25 and Schedule 5 of the Town and County 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 City Development to be an application requiring the submission of an Environmental Impact Statement in terms of the Environmental Impact Assessment Regulations 2011, as amended.