



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Scheme of Delegation – Planning

Approved by full Council on 1st April 2015

The Scheme of Delegation is prepared in accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and with the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

4. Notwithstanding the provisions of Section 50G (2) of the Local Government (Scotland) Act 1973, in terms of Regulation 3 of the Town and Country Planning (Scheme of Delegation and Local Review Procedure (Scotland) Regulations 2013 the following functions are hereby delegated, namely, the determination of planning applications for Local Developments as defined in Regulation 2(2) of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, as provided for in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as the “1997 Act”) excepting always therefrom the applications where the Planning Authority themselves decide to determine the application in terms of Section 43A(6) of the 1997 Act.

5. Where otherwise not provided for, to determine applications in terms of Part III (Development Management) of the 1997 Act as amended where: -

(a) the determination is not contrary to the Development Plan;

(b) a decision to grant permission for the proposed development would not be inconsistent with a previous refusal of the Council on applications relating to the same site; or

(c) all appropriate consultations have been carried out and all necessary notice has been given and no material planning objections have been received: -

- (i) from members of the public;
- (ii) from other services of the Council;
- (iii) from any Community Council; and
- (iv) from any other public authority concerned,

any of which cannot be resolved by conditions or amended proposals.

6. To administer the provision of Part V1 (Enforcement) and Part VII (Trees) of the 1997 Act and to determine applications.

7. Decline to determine an application in accordance with Section 39 of the 1997 Act relating to similar applications submitted within two years of a refusal or appeal dismissal.

8. Vary planning permissions granted where the variation sought is considered not to be material. Alter or add conditions to applications which the relevant Committee has decided it is minded to grant, where such changes are required as a result of subsequent responses from statutory or technical consultees and which do not raise significant new issues requiring to be considered by the Committee.
9. Agree the discharge of planning conditions where the terms of the condition have been fulfilled.
10. To determine any application for advertisement consent under Regulations in terms of Section 182 of the 1997 Act to the displays of advertisements.
11. Subject to any condition considered appropriate to determine any submission required by a Development Order or by conditions imposed on the grant of planning permission.
12. To determine to take enforcement action in respect of a breach of planning control in accordance with the Council's approved Enforcement Charter.
13. To determine applications for listed building consent and conservation area consent in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant Regulations.
14. Grant listed building consent, conservation area consent and planning permission after reference to the application to the Scottish Ministers and they have either made no observations, or observations of a kind which should competently be made the subject of appropriate planning conditions.
15. Issue decision notices where the Scottish Ministers have made a Direction requiring the Planning Authority to refuse an application and where the Planning Authority has accordingly no alternative.
16. Evaluate applications and determine whether an Environmental Impact Assessment is required and where so, scope.
17. Issue planning contravention notices where information is required to establish whether a breach of planning control has occurred and Breach of Condition Notices where an applicant has failed to comply with a condition of a Planning Permission or other consent.
18. Determine whether or not to grant prior approval of the siting, design or external appearance of an agricultural or forestry building or forestry tracks which thereby constitutes permitted development.
19. Determine whether or not to grant prior approval of the siting, design or external appearance of telecommunication masts or demolition of dwellinghouses, which thereby constitutes permitted development.
20. Make observations on behalf of the Planning Authority on routine proposals by statutory undertakers or on routine consultations to the Council as Planning Authority.

21. Determine applications for certificate for proposed and existing lawful use and development.
22. Determine applications for hazardous substance consent.
23. Authorise minor amendments to Section 75 Obligations where the change sought is not considered material and where such a change accords with any policy or decision of the Council.
24. Represent the Council at Inquiries or Hearings to the Scottish Ministers under the Planning Legislation.
25. Confirm provisional Tree Preservation Orders, where no objections have been received.
26. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
27. Assert and protect rights of way in terms of the Countryside (Scotland) Act 1967 and access rights in terms of the Land Reform (Scotland) Act 2003.
28. Authorise grants, where contained within existing budgets for listed buildings, properties in the conservation areas and externally supported schemes.
29. Authorise grants within policy and budget for improvements to landscape and the environment.
30. Authorise and apply for grants within policy and budget to improve access to the countryside.
31. Respond to consultations on planning applications from neighbouring planning authorities and make observations on consultations to the Council as Planning Authority.
32. Prepare and issue documents as part of the Local Development Plan process following formal approval of the various stages as set out in Part 2 of the Town and Country Planning (Scotland) Act 1997, as amended.
33. Maintain statutory registers and lists.
34. To respond on behalf of the Council to Historic Buildings and Monuments Directorate regarding a listing of buildings or architectural or historic interest.
35. To respond on behalf of the Council to the Forestry Commission regarding consultations on forestry applications.
36. To respond to consultations from adjoining Councils regarding plans or planning applications in their area.
37. To determine applications under the High Hedges (Scotland) Act 2014.