

REPORT TO ABERDEENSHIRE COUNCIL - 12 DECEMBER, 2007

REVIEW OF SCHEME OF DELEGATION IN RELATION TO MAJOR PLANNING APPLICATIONS

1. Reason for Report

- 1.1 This report considers issues arising from the Scheme of Delegation in relation to how the Council deals with major planning applications in the future and proposes amendments to the Scheme of Delegation to provide for major planning applications being decided by the Full Council.

2. Background

- 2.1 The Council on 25 April, 2002 (Item 5, Page 4), agreed to amend Section A16 of the Scheme of Delegation to provide for decisions on planning application referred after a division in Committee to be referred to the Infrastructure Services Committee rather than the Full Council.
- 2.2 The intention behind this change was to prevent routine planning applications being referred from Area Committees to the Full Council, and the effect of the change was that the Infrastructure Services Committee became the final decision making body of the Council in relation to planning applications.
- 2.3 It has become apparent following the Infrastructure Services Committee's decision on the outline planning application for a Golf Course and Resort Development at land at Menie House, Balmedie (which was at odds with the decision of the Formartine Area Committee on this issue), that the effect of the Scheme of Delegation has been to exclude the majority of the Council from having a say on the matter. The view of a significant number of councillors appears to be that the current wording of the Scheme of Delegation may not be appropriate for consideration of major planning applications and that it would be preferable for the final decision on such applications to be taken by the Full Council.

3. Proposals

- 3.1 This report proposes that, if the Council are so minded, the following amendments be made to the Scheme of Delegation in order to reserve the right for the Full Council to determine major planning applications of regional or national significance.
- 3.2 It is proposed that a new Section be inserted as A16 in the Scheme of Delegation (with the existing Section A16 to be renumbered as A17) as follows:-

A16. Determination of major planning applications which, in the opinion of the Director of Planning and Environmental Services, after consultation with leaders of the political groups on the Council (and any representative of the Independents) and the Chief Executive, are considered to be of regional or national significance.

Such a provision would be in the spirit of the Planning White Paper "Modernising the Planning System" which indicates that proposals which depart from the provisions of the development plan should be subjected to an enhanced level of scrutiny compared to those that are in accordance with it.

3.3 It is proposed that the renumbered Section A17(f) be amended. The current wording is given below with the proposed changes shown bracketed in bold type as follows:-

A17(f) after consideration of a planning application **(add by an Area Committee)**, in which case the matter shall instead be referred to the Infrastructure Services Committee, **(add subject to the restriction in Section A16)**.

3.4 It is proposed that Section D2 be amended. The current wording is given below with the proposed change shown bracketed in bold type as follows:-

D2. To exercise, with the exception of matters properly delegated to officers of the Council **(add and those matters reserved to the Full Council)**, the statutory functions of the Council under Planning and Building Control legislation to consider applications for planning permission, building warrant and listed building consent where the development concerned is in conflict with Council-wide policy and the relevant Area Committee is minded to approve the development. Where an application has implications for more than one area, although the location of the proposed development is entirely within one area, the Area Committee responsible for the area in which the development lies shall consult with the neighbouring Area Committee, prior to reaching a final decision. In the event of each Area Committee taking a different view on the proposed development, the matter shall be determined by the Infrastructure Services Committee.

4. Implications

4.1 There are no Area, policy, financial, staffing and sustainability implications anticipated as a result of this report.

5. Consultations

5.1 The Director of Planning and Environmental Services and the Heads of Law and Administration were consulted in the preparation of this report and the report includes comments received.

6. Conclusion

- 6.1 Standing Order 22 requires that no alteration to the Standing Orders or Scheme of Delegation shall be made without notice being given at one meeting of the Council to be discussed at the following one. Members are therefore asked to consider and, if so minded, agree the proposed changes at this meeting with a view to a final decision on approval of the proposals being taken at the next meeting of the Council.

7. Recommendations

- 7.1 **Members are requested to consider and, if so minded, agree the following proposed amendments to the Scheme of Delegation to reserve the right for the Full Council to determine major planning applications of regional or national significance, with a view to a report being submitted to the next meeting of the Council for a final decision:-**

- (1) addition of a new Section A16 to the Scheme of Delegation (and renumbering of the existing Section A16 as A17) as set out in paragraph 3.2 of the report,**
- (2) amendments to the renumbered Section A17(f) of the Scheme of Delegation as set out in paragraph 3.3 of the report, and**
- (3) amendment to Section D2 of the Scheme of Delegation as set out in paragraph 3.4 of the report.**

Alan G Campbell
Chief Executive

Report prepared by: Alastair Nicol and Alan G Campbell

5 December, 2007
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