

## **THE CITY OF EDINBURGH COUNCIL LOCAL DEVELOPMENTS SCHEME OF DELEGATION**

### **Status**

- 1 The Council, as planning authority, has made this Scheme of Delegation for the purposes of section 43A of the Town and Country Planning (Scotland) Act 1997 (the Act) and Part
- 2 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations). It provides for the determination of local developments by the Chief Planning Officer subject to certain exceptions.
  
- 2 The Council has delegated other planning functions to the Executive Director of PLACE and the Chief Planning Officer under section 56 of the Local Government (Scotland) Act 1973. These are listed in the Council's Scheme of Delegation to Officers published on the Council's website.

### **Appointed Officer**

- 3 For the purposes of section 43A (1) of the Act, the Council authorises the Chief Planning Officer to appoint suitable officers to determine applications for local developments in accordance with this Scheme.

### **Delegated Powers**

- 4 Subject to the qualifications and exceptions listed below, the Council delegates authority to the appointed officer to determine:
  - applications for planning permission <sup>1</sup>
  - applications for consent, agreement or approval required by a condition imposed on a grant of planning permissionin respect of local developments, as defined by Sections 3A(4)(b) and 26A of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

### **Qualifications and Exceptions**

- 5 In exercising authority under this Scheme, the appointed officer should be satisfied that: -
  - the decision is in accordance with the statutory Development Plan (Strategic Development Plan and Local Development Plan)
  - the decision does not remove or amend conditions originally added by Committee;
- 6 An appointed officer shall not determine an application which has been submitted:
  - by, or on behalf of, an elected member of the Council or by the partner, close friend or relative of an elected member of the Council;
  - by, or on behalf of, an officer involved in the statutory planning process or by a partner, close friend or relative of such officer.
- 7 An appointed officer shall not determine an application:

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<sup>1</sup> 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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- which an elected member has requested, within 21 days from the date of neighbour notification, the date of the advertisement or the validation date whichever is the later, be referred to the Development Management Sub-Committee for material planning reasons; or
  - which has outstanding unresolved objections from statutory consultees and the application is recommended for approval;
  - which has support comments from the local community council as a statutory consultee and is recommended for refusal.
  - which the Chief Planning Officer considers to be controversial, or of significant public interest, or has a significant impact on the environment.
- 8 An appointed officer shall not approve an application if more than 20 material objections have been received from third parties.
- 9 An appointed officer can determine an application for householder development if a petition is submitted;
- 10 An appointed officer shall not refuse an application if more than 20 material representations in support of the proposals have been received from third parties.
- 11 An appointed officer shall not determine an application where a petition has been submitted properly headed with material planning considerations and it has more than 20 signatures of objection in relation to recommendations for approval and more than 20 signatures of support in relation to recommendations for refusal.
- 12 An appointed officer can determine whether changes to an approved local development are material or not;
- 13 Applications which are exempt from this Scheme by virtue of paragraphs 6 - 13 above shall be determined by the Development Management Sub-Committee.

#### **Effective Date**

- 14 This Scheme was adopted by the Council 19 May 2023 and will take effect from that date.
- 15 The Council will review the Scheme from time to time at intervals of no greater than five years or if required to do so by the Scottish Ministers.