

EAST AYRSHIRE COUNCIL

COUNCIL - 25 JUNE 2009

**EAST AYRSHIRE COUNCIL'S SCHEME OF DELEGATION AND
ADMINISTRATION**

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to present for approval amendments to the Council's Scheme of Delegation and Administration in light of operational experience and in particular to meet requirements associated with the Government's proposals to modernise the planning system in Scotland.
- 1.2 Copies of the relevant extracts of the Scheme of Delegation detailing amendments in bold are attached as Appendices 2 and 3 to this report for Members' attention.

2. THE PLANNING SYSTEM IN SCOTLAND

2.1 Review

- 2.1.1 The Planning System in Scotland is undergoing major change to modernise the system, to speed up decisions, strengthen public involvement and make the process for dealing with the planning applications fit for purpose.

2.2 Key Changes

- 2.2.1 From 3 August 2009 the key changes are:-

- Local Planning Committees will determine all applications for major development with the exception of national developments as specified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and major developments that are significantly contrary to the Local Development Plan. The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 forms Appendix 1 of this report.

In respect of the above exceptions, when required to do so, Local Planning Committees will hold Hearings on these applications and make recommendations to the Council, but only the Council can make the decision.

- appeals against decisions of the Local Planning Committee will be referred to the Directorate for Planning and Environmental Appeals (Scottish Ministers);

- “local developments” as defined within the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, i.e. those dealt with by Officers require to be covered by a new Scheme of Delegation which identifies the appointed person to deal with such applications (i.e. the group of Officers). The Scheme of Delegation requires to be lodged with the Scottish Ministers before the end of June 2009; and
- appeals against “local development” application decisions by Officers require to be heard by a Local Review Body populated by Elected Members.

2.3 Hierarchy of Developments

2.3.1 The hierarchy of developments is as follows:-

- **National Developments** which are those developments contained within the National Planning Framework for Scotland (e.g. power stations and new motorways);
- **Major Developments** which are those developments that include 50 or more houses (site over 2 hectares), business/industry of 10,000m² or more, electricity generation in excess of 20 megawatts, 8km of road or rail, and retail developments over 5,000m². The full development description and thresholds of major developments are as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; and
- **Local Developments** which are defined as all other planning applications not defined as a national or major development.

2.4 New Scheme of Delegation for Planning Applications

2.4.1 Taking account of the new legislation it has been concluded by the Depute Chief Executive/Executive Director of Corporate Support that the approach to drafting of a Scheme of Delegation can remain broadly as per that last agreed by Council in December 2007. Together with the proposed Local Review Bodies, it is considered that such a scheme would achieve the right balance between speed of decision making, transparency and accountability. The Scheme would however require to be submitted before the end of June 2009 to the Scottish Government for approval. Only upon receipt of such approval could the Scheme be put into effect.

2.4.2 The Scheme of Delegation would draw upon the provisions of the Local Government (Scotland) Act 1973, as amended, the Town and Country Planning (Scotland) Act 1997, as amended and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and is laid out as detailed within the attached extracts of East Ayrshire Council’s Scheme of Delegation and Administration in Appendices 2 and 3 of this report.

2.5 Local Review Body

- 2.5.1** The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 set out procedures for Local Review Bodies whose role will be to consider what previously would have been termed “appeals” against planning application decisions or non determination of planning applications within the statutory period. However, the Local Review Body can only review “appeals” in respect of applications for “Local Development” in terms of the Hierarchy of Developments. Other applications even if dealt with on a delegated basis under the 1973 Local Government (Scotland) Act, as amended, could not be reviewed by the Local Review Body and any appeals on them would be to the Directorate for Planning and Environmental Appeals. The Local Review Body must comprise of at least three members of the planning authority and must meet in public. Notice of any meeting of a Local Review Body is to be given to the applicant and those who made representations (not necessarily objections).
- 2.5.2** The attached extracts from the Scheme of Delegation and Administration detail the proposed terms of reference and composition of East Ayrshire Council’s Local Review Body. As a result of the introduction of the new planning provisions, it is proposed to delete from the Council’s structure, the Principal Planning Committee. The Spokesperson for Planning and the membership of the Principal Planning Committee will form the membership of the Local Review Body.
- 2.5.3** In the interests of maintaining the Local Review Bodies independence from the processing of planning applications, the Administration of the Local Review Body will be undertaken by the Head of Democratic Services. A Scheme for the administration and Operation of the Local Review Body, taking cognisance of the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 will be prepared by Officers to assist the Local Review Body in carrying out its responsibilities. It is anticipated that the Local Review Body will meet on a four weekly basis or at such other time as agreed by the Local Review Body as being necessary to meet its obligations under the regulations. A meetings cycle of the Review Body will be prepared by the Head of Democratic Services and will, as far as possible, take cognisance of Members’ commitments in respect of the existing Meetings Calendar. It is also recognised that Members of the Local Review Body will require to receive training in their new roles and arrangements will be made by Officers.

3. OTHER AMENDMENTS TO THE SCHEME OF DELEGATION AND ADMINISTRATION

- 3.1** The other amendments relate to meeting operational needs as identified by Internal Audit or Service Departments and are self explanatory.

4. LEGAL IMPLICATIONS

- 4.1** In terms of the Local Government (Scotland) Act 1973, as amended, the

Council may arrange for the discharge of any of its functions by Committee, Sub-Committee or Officer of the Authority. The Town and Country Planning (Scotland) Act 1997, as amended and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 outline the requirement for Planning Authorities to put in place a Scheme of Delegation for Determining Planning Applications and to establish a Local Review Body.

5. FINANCIAL IMPLICATIONS

- 5.1** The changes to the planning system and administration of the Local Review Body will have significant implications for the working practices of the services involved, in particular, for the Planning and Economic Development Service. Whilst every attempt will be made to meet the requirements of the new legislation within existing resources, the operation of the new process will be subject to review after one year to assess the financial implication on the services involved.

6. COMMUNITY PLANNING IMPLICATIONS

- 6.1** There are no direct implications for Community Planning.

7. RISK MANAGEMENT IMPLICATIONS

- 7.1** The revised Scheme of Delegation ensures that East Ayrshire Council is compliant with new legislation in terms of the correct processing of planning applications and dealing with appeals in respect of local development planning applications by a compliant local review procedure.

8. RECOMMENDATIONS

- 8.1** It is recommended that Council agree:-

- (i) the proposed amendments to the Scheme of Delegation and Administration as outlined in the attached extracts;
- (ii) that the Council appoint two other Members to serve as Chairs of the Local Review Body in the absence of the Spokesperson for Planning;
- (iii) that in respect of the new Scheme of Delegation for Planning Applications, that the Depute Chief Executive/Executive Director of Corporate Support be authorised to submit the revised Scheme of Delegation for Planning Applications to Scottish Ministers and to implement any changes arising from the submission of the revised Scheme of Delegation so that the Scottish Ministers may approve the Scheme of Delegation;
- (iv) that it be remitted to the Depute Chief Executive/Executive Director of Corporate Support to develop a Scheme of Administration and Operation for East Ayrshire Council's Local Review Body to ensure

compliance with and implementation of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008;

- (v) that it be remitted to the Depute Chief Executive/Executive Director of Corporate Support to make arrangements for the provision of appropriate support and training to Members of the Local Review Body;
- (vi) that the Depute Chief Executive/Executive Director of Corporate Support undertake a review of the operation of the revised Scheme of Delegation and Local Review Body in one year's time and submit a report to Cabinet; and
- (vii) otherwise, to note the contents of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

12 June 2009
BW/SR

LIST OF BACKGROUND PAPERS

1. The Scottish Government's Draft Circular on Schemes of Delegation and Local Reviews.

Any person wishing further information on this report should contact Alan Neish, Head of Planning and Economic Development in terms of the Planning Section of the report on Tel No (01563) 576767 and in terms of the remainder of the report contact Bill Walkinshaw, Head of Democratic Services on Tel No (01563) 576135.

Implementation Officers: Alan Neish, Head of Planning and Economic Development and Bill Walkinshaw, Head of Democratic Services.

APPENDIX I

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

Please follow link below to view

[://www.opsi.gov.uk/legislation/scotland/ssi2009/ssi_20090051_en_1](http://www.opsi.gov.uk/legislation/scotland/ssi2009/ssi_20090051_en_1)

EXTRACTS FROM SCHEME OF DELEGATION AND ADMINISTRATION
DETAILING PROPOSED AMENDMENTS

COUNCIL

3.1 COUNCIL

(b) Terms of Reference

ADD:

- Determination of planning applications for
 - National Developments designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended.
 - Major Developments defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 that are significantly contrary to the Local Development Plan.
 - an application recommended for refusal by a Local Planning Committee where refusal is on the basis of the principle of the development and where the principle is in accordance with the Local Development Plan, or the emerging Local Development Plan where that emerging Local Development Plan can be viewed as a material consideration.

CABINET

(a) Composition

ADD:

NB: In the absence of the Leader of the Labour Opposition, the Depute Leader may attend Cabinet in his/her place with full voting rights.

COMMITTEES/PANELS

(ii) APPEALS PANEL

REPLACE WITH:

(b) Terms of Reference

1. To determine appeals against:-
 - (a) dismissals;
 - (b) any disciplinary action taken by the Chief Executive;
2. To uphold or reject such appeals or order the varying of the disciplinary action taken.

3. To decide upon grievances raised by Local Government Employees, Craftpersons and Chief Officials at Stage 4 of the Council's Grievance Procedure.

(c) Delegated Powers

Full delegated powers to uphold or reject grievance, or disciplinary appeals, or to order the varying of disciplinary action taken in respect of Local Government Employees, Craftpersons and Chief Officials.

PRINCIPAL PLANNING COMMITTEE

Delete and refer to proposals under Local Planning Committees and Local Review Body.

LOCAL PLANNING COMMITTEES

LOCAL PLANNING COMMITTEES: NORTHERN AND SOUTHERN

REPLACE WITH:

(b) Terms of Reference

To consider all applications detailed within the undernoted delegated powers.

(c) Delegated Powers

Details of the complete planning application delegation remits are provided in Appendix 1 of the revised Scheme of Delegation and Administration which forms Appendix 3 of this Report.

DELEGATION OF DECISION MAKING TO LOCAL PLANNING COMMITTEE

Determination of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission, and determination of Other Applications under the Local Government (Scotland) Act 1973 in the following circumstances.

1. Where the proposal is a Major Development as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, which Regulations form Appendix 2 of this Report, and is not significantly contrary to the Local Development Plan. Major Developments are those developments that include 50 or more house (site over 2 ha), business/industry of 10,000m² or more, electricity generation in excess of 20 megawatts, 8km of road or rail, and retail developments over 5,000 square metres. .
2. Any application subject to objections from > 10 separate persons/ organisations/third parties.
3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration).

4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan.
5. Where the application is made by the Planning Authority.
6. Where the application is made by a member of the Planning Authority.
7. Where the application relates to land in the ownership of the Planning Authority or to land in which the Planning Authority has a financial interest.
8. Where the Head of Planning and Economic Development under S43A (6) of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the planning authority taking the decision.

9. In respect of the undernoted planning applications:-

- National Developments as designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended ; and
- Major Developments defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 that are significantly contrary to the Local Development Plan.

To hold a Pre-Determination Hearing to hear the applicant and those persons who submit representations in respect of such applications and to make recommendations to Council (only Council may determine such applications).

AD HOC PLANNING COMMITTEE

In respect of applications under 9 above, i.e. National Developments and Major Developments that are significantly contrary to the Local Development Plan, that impact on the whole of East Ayrshire then an Ad Hoc Planning Committee comprising 11 Members (5/5/1) from all Elected Members representative of both local planning committee areas shall be constituted to hold a hearing to hear the applicant and those persons who submit representations in respect of such applications and to make recommendations to Council.

The Ad Hoc Planning Committee shall be chaired by the Spokesperson for Planning (Councillor Alan Brown).

LOCAL REVIEW BODY

(a) Membership

Five available Elected Members (2/2/1) from a pool of the following 11 Members (former Members of the Principal Planning Committee): Councillors Alan Brown, John McGhee, Maureen McKay, Tom Cook, Iain Linton, Douglas Reid, Jim Buchanan, Drew McIntyre, Jimmy Kelly, William Crawford and Drew Filson).

NB: Whilst 5 Members will initially be sought to populate each Local Review Body meeting, to comply with legislation the quorum will be 3 members. Individual Review Bodies may proceed if a quorum is secured.

Chair shall be Spokesperson for Planning (Councillor Alan Brown) and 2 substitute Chairpeople will chair meetings of the Review Body in his absence.

(b) Terms of Reference

In relation to Local Development planning applications as specified in the Planning Etc (Scotland) Act 2006 to review and determine:-

- (i) appeals against decisions by Officers to refuse planning permissions;
- (ii) appeals against conditions set by Officers in respect of a planning permission; and
- (iii) failure by Officers to make a decision in respect of a planning application within the statutory timescale.

To give notice of their decision to all relevant parties as detailed in the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

(c) Authority and Administrative Procedures

The Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008 make provision for the establishment of the Local Review Body. The Local Review Body shall produce and keep under review administrative procedures, which shall be informed by the abovementioned regulations

EXTRACT FROM OFFICER DELEGATION

CHIEF EXECUTIVE

Debt Write Off

To authorise the writing off of **individual** debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises following representation from the Executive Head of Finance and Asset Management.

EXECUTIVE HEAD OF FINANCE AND ASSET MANAGEMENT

- Death of Debtor.

Where no funds are available and executors provide adequate proof of this, to write such debts off. **Where no trace can be made of the Executor, or no Executor has been appointed, to write such debts off.**

Debt Write Off

- To write off **individual** debts up to £1,500 where the Solicitor to the Council or Sheriff Officer so advises.
- To write off **individual** debts in excess of £1,500 where the Solicitor to the Council or Sheriff Officer so advises subject to authorisation by the Chief Executive.

HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

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Applications for Hazardous Substance, Listed Building, Conservation Area and Advertisement Consent delegated under the Local Government (Scotland) Act 1973, (be they recommended for Approval or Refusal), with the following exceptions:-

1. Where the proposal is a National Development as designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended; or Major Development as defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009.
2. Where the application is subject to objections from > 10 separate persons / organisations / third parties
3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration)
4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan
5. Where the application is made by the Planning Authority
6. Where the application is made by a member of the Planning Authority
7. Where the application relates to land in the ownership of the Planning Authority or to land in which the Planning Authority has a financial interest
8. Where the Head of Planning and Economic Development under S43A (6)

of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.

Other matters delegated under the Local Government (Scotland) Act 1973, as amended.

1. Certificates of Existing/Proposed, Lawful Use or Development
2. Prior Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, Demolition of buildings, Toll road facilities
3. Claims for Hazardous Substance Deemed Consent
4. The making of Provisional TPOs and Confirmation of TPOs
5. Entering into Section 75 Agreements, (where application is delegated to officers under this Scheme of Delegation)
6. Revisions to an application previously approved by Committee; provided they do not significantly alter a legal agreement or potentially remove the requirement for the agreement
7. Enforcement Actions, provided any costs are within Corporate Support Revenue budgets
8. Initiate and confirm road stopping up procedures where a planning consent is in place
9. Refusals on basis of insufficient information (whether subject to objections or not)
10. Determining whether or not an EIA is required and the adoption and notification of a screening and/or a scoping opinion under Environmental Impact Assessment (Scotland) Regulations 1999 in respect of the need for and content of an Environmental Impact Assessment
11. Unopposed Revocations of planning permission
12. Consultations with the neighbouring Planning Authorities regarding planning applications

PLANNING APPLICATIONS

Details of the complete planning application delegation remits are provided in Appendix 1 of the revised Scheme of Delegation and Administration which forms Appendix 3 of this Report.

DELEGATION OF DECISION MAKING TO APPOINTED OFFICER

Appointed Officer; Principal Planning Officers

Under the Planning etc (Scotland) Act 2006, applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission, (be they recommended

for Approval or Refusal), with the following exceptions:-

1. Where the proposal is National Development as designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended; or Major Development as defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009.
2. Where subject to objections from > 10 separate persons / organisations / third parties.
3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration) .
4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan.
5. Where the application is made by the Planning Authority.
6. Where the application is made by a member of the Planning Authority.
7. Where the application relates to land in the ownership of the Planning Authority or to land in which the Planning Authority has a financial interest.
8. Where the Head of Planning and Economic Development under S43A (6) of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.

Building Standards

Add:

European Communities Act 1972, Section 2(2)

Energy Performance of Buildings (Scotland) Regulations 2008:-

Enforcement of Energy Performance Certificates within existing and new Buildings (Shared enforcement powers exist with Trading Standards) for breaches affecting Housing Re-lets (new rental contracts) and the Housing Sales - Seller's Pack

OTHER

Business Support Financial Assistance

- To determine together with the Executive Director of Corporate Support and the Business Development and **Tourism** Manager (delegation to any two of the three named Officers) applications for business grants and loans subject to eligibility as follows:-
- **Business loans via** West of Scotland Loan Fund - loans up to £50,000.

- **Tourism - payments of up to £30,000 to support the development of the tourism industry and implementation of tourism initiatives.**

Kilmarnock Conservation Area Regeneration Scheme (CARS)

- To approve CARS grant applications and disperse grant payments for priority buildings that are within **20% (was 10%)** of the Indicative Total grant allocation contained in the CARS Approved Schedule.
- To approve CARS small grant applications and disperse grant payments up to **£30,000 (was £25,000)**.

Match Fund

To determine together with the Executive Director of Corporate Support and the Business Development and Tourism Manager (delegation to any two of the three named Officers), applications for grants from the Match Fund subject to eligibility as follows:-

Grants of up to £15,000, with applications for grant assistance in excess of that amount being referred to Cabinet for determination.

APPENDIX 1

<p>Head of Planning & Economic Development (16 June 2009)</p> <p><u>Applications</u> for Hazardous Substance, Listed Building, Conservation Area and Advertisement Consent delegated under the Local Government (Scot) Act 1973, as amended, with the following exceptions:-</p> <ol style="list-style-type: none"> 1. Where the proposal is National Development designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended or Major Development as defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 2. Where subject to objections from > 10 separate persons / organisations / third parties 3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration) 4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan 5. Where the application is made by the Planning Authority 6. Where the application is made by a member of the Planning Authority 7. Where the application relates to land in the ownership of the Planning Authority or to land in which the Planning Authority has a financial interest 8. Where the Head of Planning and Economic Development under S43A (6) of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer. <p><u>Other matters</u> delegated under the Local Government (Scot) Act 1973, as amended</p> <ol style="list-style-type: none"> a. Certificates of Existing/Proposed, Lawful Use or Development b. Prior Notification of Agricultural and Forestry Buildings, relevant development by Electricity and Gas suppliers, Demolition of buildings, Toll road facilities c. Claims for Hazardous Substance Deemed Consent d. The making of Provisional TPOs and Confirmation of TPOs e. Entering into Section 75 Agreements, (where application is delegated to officers under this Scheme of Delegation) f. Revisions to an application previously approved by Committee; provided they do not significantly alter a legal agreement or potentially remove the requirement for the agreement g. Enforcement Actions, provided any costs are within Corporate Support Revenue budgets h. Initiate and confirm road stopping up procedures where a planning consent is in place i. Refusals on basis of insufficient information (whether subject to objections or not) j. Determining whether or not an EIA is required and the adoption and notification of a screening and/or a scoping opinion under Environmental Impact Assessment (Scotland) Regulations 1999 in respect of the need for and content of an Environmental Impact Assessment k. Unopposed Revocations of planning permission l. Consultations with the neighbouring Planning Authorities regarding planning applications <p>Appointed Officer; Principal Planning officer</p> <ol style="list-style-type: none"> 1. <u>Applications</u> for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission, (be they recommended for Approval or Refusal), with the exceptions 1 to 8 above. 	<p>Local Planning Committee Delegation</p> <p><u>Determination</u> of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission; and <u>determination</u> of Other Applications under the Local Government (Scotland) Act 1973.</p> <ol style="list-style-type: none"> 1. Where the proposal is a "Major Development" but <u>not</u> significantly contrary to the Local Development Plan. 2. Any application subject to objections from > 10 separate persons / organisations / third parties 3. Where a recommendation of approval would be a significant departure from the Local Development Plan (or emerging Local Development Plan where that can be viewed as a material consideration) 4. Where there are unresolved objections from statutory consultees such that approval would amount to a significant departure from the existing or emerging Local Development Plan 5. Where the application is made by the Planning Authority 6. Where the application is made by a member of the Planning Authority 7. Where the application relates to land in the ownership of the Planning Authority or to land in which the Planning Authority has a financial interest. 8. Where the Head of Planning and Economic Development under S43A (6) of the Planning etc (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Committee. In each such case the applicant will be provided with a statement giving the reasons for the planning authority taking the decision. 9. Holding of <u>pre-determination hearing</u> into representations regarding, and making recommendation to Council on, planning applications in respect of National Developments and Major Developments that are significantly contrary to the Local Development Plan. 	<p>• Decision Making by Full Council</p> <p>Determination of planning applications in respect of:-</p> <ol style="list-style-type: none"> 1. National Developments designated as such in the National Planning Framework under Section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997, as amended. 2. Major Developments defined within the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 that are significantly contrary to the Local Development Plan. 3. a Local Planning Committee recommending refusal of an application where refusal is on the basis of the principle of the development, where the principle is in accordance with the Local Development Plan or the emerging Local Development Plan, where that can be viewed as a material consideration. <p>Ad hoc Planning Committee</p> <p>Holding of pre-determination hearing into representations & making of recommendation to Council on planning applications in respect of National Developments and Major Developments that are significantly contrary to the Local Development Plan and that impact on the whole of East Ayrshire. [11 Members (5/5/1) from all Elected Members representative of both local planning committees]</p>
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“Major Developments” under the T & CP (Hierarchy of Developments) Scotland Regulations 2009 –

Schedule 1 Development (EIA Regulations); All Housing where > than 50 units or site area > 2 hectares; All Business and General Industry, Storage & Distribution where > 10,000sq m floor space gross is constructed, or site area > 2 hectares; Electricity Generating Station where capacity > 20 megawatts; Waste Management or Disposal Facility where capacity > 25,000 tonnes capacity per annum; Transport and Infrastructure development where >8 kilometres in length; Fish Farming where > 2 hectares; Minerals extraction where > 2 hectares (not storage or other mining operations); Other Development where > 5000 sq m across floor space is constructed or site area > 2 hectares