

Agenda Item	16
Report No	HC/9/23

HIGHLAND COUNCIL

Committee: Highland Council

Date: 9 March 2023

Report Title: Review of the Scheme of Delegation

Report By: The Interim Chief Executive

1. Purpose/Executive Summary

1.1 This report proposes amendments to the Scheme of Delegation and Administration to Committees and Sub Committees and to Officers. The proposed amendment to the Scheme involves:

- change to planning delegations and referrals to allow three categories of applications which would be considered currently at the Economy and Infrastructure Committee to be considered at joint meetings of the Council Planning Applications Committees.

In this regard, an electronic link to the current version of the Scheme is highlighted here:

https://www.highland.gov.uk/downloads/file/25340/scheme_of_delegation

2. Recommendations

2.1 The Council is invited to agree:

- i. the changes to the Scheme of Delegation as detailed in **Appendix 1** to this report.

3. Implications

3.1 **Resource Implications:** There are no direct resource implications as a consequence of this report.

3.2 **Legal:** The revised Scheme will support the Council to meet its legal duties.

3.3 **Community (Equality, Poverty and Rural):** there are no direct community implications arising as a consequence of this report.

- 3.4 **Climate Change / Carbon Clever:** There are no direct implications as a consequence of this report.
- 3.5 **Risk:** there are no direct implications arising as a consequence of this report.
- 3.6 **Gaelic:** there are no direct Gaelic implications arising as a consequence of this report.

4. **Summary of Proposed Changes**

- 4.1 This report seeks minor changes to the current Scheme of Delegation. The current Scheme provides that in circumstances where relevant applications are considered to raise strategic or 'cross boundary' issues they be considered at the Economy and Infrastructure Committee. It is proposed that the Scheme be amended to allow such applications to be considered at joint meetings of the Council's Planning Applications Committees.
- 4.2 The detailed amendments to the Scheme of Delegation are set out in **Appendix 1**.

Author: Stewart Fraser, Head of Corporate Governance

Date: 27 February 2023

Existing Scheme of Delegation

Economy and Infrastructure Committee (page 22)

Paragraph 3.1.3

To determine all applications referred to the Committee (with the exception of applications relating to 'major developments' (as designated by Regulations made under s26A(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which are considered to be significantly contrary to the development plan [rather than to a Planning Applications Committee] where the Director, following consultation with the Environment, Development and Infrastructure Chair and the Chairs of the relevant Planning Applications Committee(s), is of the opinion that an application raises strategic and/or cross boundary issues.

Planning Applications Committee (page 42)

Paragraph 6

To respond to consultations from Scottish Ministers on energy developments under the Electricity Act 1989 (including those relating to s36 and s37 applications), unless otherwise delegated to Officers.

Paragraph 10

To determine all applications for planning permission relating to 'national developments' (designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended) irrespective of the recommendation.

Paragraph 11

To determine all applications for planning permission relating to 'major developments' (as designated by s26A(1)(b)&(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which are considered to be significantly contrary to the development plan irrespective of the recommendation.

Proposed Changes

Economy & Infrastructure Committee (page 22)

Delete paragraph 3.1.3 from Economy & Infrastructure and renumber remaining paragraphs of that section.

Planning Applications Committee (page 42)

Replace Paragraph 6 with:

To respond to consultations from Scottish Ministers on energy developments under the Electricity Act 1989 (including those relating to s36 and s37 applications), unless otherwise

delegated to Officers. *If, in the opinion of the Executive Chief Officer for Infrastructure, Environment & Economy, following consultation with the Chairs of the relevant Planning Applications Committees, an application raises strategic and/or cross boundary issues then a joint meeting of the relevant Planning Application Committees will be held to respond to the consultation.*

Replace paragraph 10 with

To determine all applications for planning permission relating to 'national developments' (designated as such under s3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended) irrespective of the recommendation. *If, in the opinion of the Executive Chief Officer for Infrastructure, Environment & Economy, following consultation with the Chairs of the relevant Planning Applications Committees, an application raises strategic and/or cross boundary issues then a joint meeting of the relevant Planning Application Committees will be held to determine the application.*

Replace paragraph 11 with

To determine all applications for planning permission relating to 'major developments' (as designated by s26A(1)(b)&(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which are considered to be significantly contrary to the development plan irrespective of the recommendation. *If, in the opinion of the Executive Chief Officer for Infrastructure, Environment & Economy, following consultation with the Chairs of the relevant Planning Applications Committees, an application raises strategic and/or cross boundary issues then a joint meeting of the relevant Planning Application Committees will be held to determine the application.*