

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 DECEMBER 2018

SERVICE LEAD PLANNING AND COMMUNITIES: SCHEME OF DELEGATION

REPORT BY KATE COWEY, SERVICE LEAD PLANNING AND COMMUNITIES

ABSTRACT

This report outlines the background to the proposal for the formation of a Short Life Working Group to examine the Development Standards Scheme of Delegation and proposes terms of reference for that group.

1. RECOMMENDATION(S)

It is recommended that the Committee agree the following terms of reference for the Development Standards Short Life Working Group:

- (i) To examine the current Scheme of Delegation and to consider whether any changes are required within the context of the Planning etc (Scotland) Act 2006 to further improve the efficiency and effectiveness in determining planning applications etc within the Council's area.
- (ii) That the Short Life Working Group will consist of officers and four members who will meet as and when required. The Short Life Working Group shall ensure that any proposed changes to the Scheme of Delegation adhere to the principles of the Planning etc (Scotland) Act 2006.
- (iii) That the Service Lead Planning and Communities be instructed to report back in the first instance to this Committee on the conclusions of the Working Group and onward to Council for approval of the Scheme of Delegation.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

By ensuring an effective and efficient Development Management service, this report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

ECONOMY

- An inclusive and sustainable economy
- Attractive employment opportunities

PEOPLE

- Improved physical, mental and emotional health and well-being

PLACE

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

3. BACKGROUND

As members are aware, the Planning etc (Scotland) Act 2006 was a central part of the fundamental and comprehensive reform of the Scottish planning system. The Scottish Government intended that it would bring in a much more inclusive and efficient planning system to improve community involvement and help it grow in a sustainable way. The Act introduced a number of significant changes to the planning system, including:

- Introduction of Strategic Development Plans and Local Development Plans;
- Hierarchy of developers for purposes of development management comprising classes of national, major and local development;
- Preparation and implementation of a "Scheme of Delegation" by which any application for planning permission for a development within the category of "local developments" was to be determined by officials with the right of appeal to elected members.

The Planning Act significantly affected the way that the Council undertook its planning duties. The Act required local planning authorities to prepare a scheme of delegation which considerably increased the powers of delegation to officers in respect of the determination of planning applications. In addition, the Development Management Review Committee was introduced which dealt with the majority of planning appeals. As members will be aware previously such appeals were to the Scottish Ministers.

The Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013 requires planning authorities to prepare a Scheme of Delegation at intervals of no greater than every five years.

4. CURRENT POSITION

The Council's first Scheme of Delegation was approved by the Scottish Government on 26 June 2009 and came into effect from 3 August 2009. In January 2014, a Short Life Working Group was set up following agreement at Development Standards Committee (Report 64/14 refers). This Short Life Working Group met on one occasion, resulting in report back to Development Standards Committee in April 2014 (Report 162/14 refers) and a revised Scheme of Delegation being approved by Ministers in June 2014.

The current Scheme of Delegation approved in 2014 appears to have operated well. For the last financial year from 1 April 2017 to 31 March 2018, 96.4% of applications were delegated to officers for determination with householder applications determined in an average of 5.6 weeks, and other local developments determined in an average of 7.4 weeks. Both figures compare favourably with the Scottish average of 7.3 weeks for householder applications and 9 weeks for local applications. Of applications determined, 96.4% were approved.

The following table shows the percentage of appeals made to the Development Management Review Committee where the appeal was determined in accordance with the delegated officer's decision.

Year	Number of decisions	% determined in accordance with the delegated officer's decision
2018/19 to date	7	100
2017/18	14	42.9
2016/17	9	100
2015/16	9	64.3
2014/15	12	80

The current review of the Planning system in Scotland has resulted in the Planning (Scotland) Bill 2017. The Bill is progressing through Parliament, and has completed Stage 2, with Stage 3 expected to be complete by spring 2019. The Bill, as amended by Stage 2, makes provision for further delegation of decisions to officer level which would also result in a subsequent increase in the appeals that would be made to a Local Review Board (Development Management Review Committee) rather than by Scottish Ministers. This is to reflect the Scottish Government's desire for more localised decision making.

Certain amendments made in Stage 2 of the Bill relate directly to Schemes of Delegation and whilst there may be some merit in delaying any review of the Scheme of Delegation in Angus to take into account any new provisions set out in the anticipated 2019 Act, there may be further delay to the Bill and it is clear that work must start immediately to ensure a new Scheme of Delegation can be approved by Scottish Government within the current 5 year timescale set out in the 2006 Act.

5. PROPOSALS

A review of the Council's Scheme of Delegation is legislatively required and it is appropriate that a Short Life Working Group be set up to consider any changes that might be considered necessary to improve the efficiency and effectiveness of the current Scheme of Delegation and Development Management in Angus.

It is proposed that the Short Life Working Group consists of four elected members and officers. The Group will consider the current Scheme of Delegation and assess its effectiveness and whether any changes are required within the context of the Planning etc (Scotland) Act 2006 to further improve the efficiency and effectiveness in determining planning applications etc within the Council's area.

The findings of the Group will be reported back to this Committee before any change is made to the Council's Scheme of Delegation. The Scheme of Delegation will then be taken to a meeting of the Full Council for agreement before being submitted to Scottish Ministers for approval.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations contained in this report.

7. OTHER IMPLICATIONS (IF APPLICABLE)

The Council is required by Regulations to prepare a Scheme of Delegation every five years. The current Scheme of Delegation was approved by Ministers in June 2014. Consideration of the contents of the Scheme of Delegation will need to start now, as delay could result in the Scheme of Delegation not being reviewed and approved by Scottish Ministers before June 2019.

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NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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DATE: 28 NOVEMBER 2018