

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SECTION 43A

INVERCLYDE COUNCIL SCHEME OF DELEGATION - LOCAL DEVELOPMENTS

This Scheme of Delegation is prepared in accordance with Section 17 of the Town and Country Planning (Scotland) Act 2006 – which introduced a new Section 43A to the Town and Country Planning (Scotland) Act 1997 – the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

It relates to any application for planning permission for a development within the category of local developments (see Appendix 1) or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.

The “Appointed Person” in terms of Section 43A(1) of the 1997 Act will be either the Head of Regeneration and Planning, the Development and Building Standards Manager or the Planning Policy and Property Manager.

The appointed person will have the authority to determine (a) all planning applications for planning permission within the category of local development and (b) all applications for consent, agreement or approval required by a condition imposed by a grant of planning permission for a development within that category submitted to Inverclyde Council in compliance with the requirements of the Town and Country Planning (Scotland) Act 1997 – as amended by the 2006 Act – and all associated statutory provisions with the following exceptions;

- (a) The approval of an application which would be contrary to the approved Development Plan,
- (b) The approval of an application which is the subject of letters of objection from 6 or more individuals and/or 2 community groups, including formally constituted groups comprising at least 10 members and Community Councils,
- (c) Applications made by a Member of the planning authority,
- (d) Applications made by employees of the Council’s Regeneration and Planning Service.

Approved by Inverclyde Council – 18 February 2016.  
Approved by the Scottish Ministers – 15 March 2016  
Adopted on – 15 March 2016

# **APPENDIX 1**

## **Local Developments**

- 1 Housing – construction of buildings for use as residential accommodation comprising less than 50 dwellings or a site area not exceeding 2 hectares.
- 2 Businesses and General Industry, Storage and Distribution – the gross floor area of the building does not exceed 10,000 square metres or the site area does not exceed 2 hectares.
- 3 Electricity Generation – the generating station has a capacity not exceeding 20 megawatts.
- 4 Waste Management Facilities – the facility has a capacity not exceeding 25,000 tonnes per annum.
- 5 Transport and infrastructure projects – the length of road, railway, tramway, waterway or aqueduct or pipeline does not exceed 8 kilometres.
- 6 Fish Farming – the surface area of water covered does not exceed 2 hectares.
- 7 Minerals – the area of the site does not exceed 2 hectares.
- 8 Other Development – any development not wholly falling within any single class of development categories 1 to 7 where the gross floor area of any building does not exceed 5,000 square metres or the area of the site does not exceed 2 hectares.
- 9 Planning Authority – any development falling within any single class of development categories 1,2,4,5 and 8 where the application is made by the planning authority, or by a member of the planning authority, or where the application relates to land in the ownership of the planning authority or to land where the planning authority has a financial interest.

Approved by Inverclyde Council – 18 February 2016.  
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