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# Scheme of Governance Review : Planning Delegations (PART 2c)

## Kincardine and Mearns Area Committee

18 January 2022



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## Background and purpose of wider review

- All processes require monitoring & review
- The Planning (Scotland) Act 2019 has made a number of changes to both the process of Development Planning and Development Management.
- The cost of delivering the 49 additional duties contained in the new Act are estimated at between £7M and £59M per authority over a 10 year period.
- National requirement for an additional 730 planners in the next 10 years (replacement and expansion) against low graduate rate (35 per annum)
- Continued focus on performance, continuous improvement and efficiency



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## Changes focused on:

- Balance efficient resource use with ensuring delegations are proportionate and retain Elected Member decision making on more significant applications
- Improve & maintain Performance in decision making timescales
- Greater confidence and certainty and clarity for stakeholders in the handling of applications
- Achieving best value as part of the decision-making process
- Provide clarity on aspects of the Delegations through guidance



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## Area Committee role following Procedures Committee

Area Committees are being asked to provide a view on specific matters:

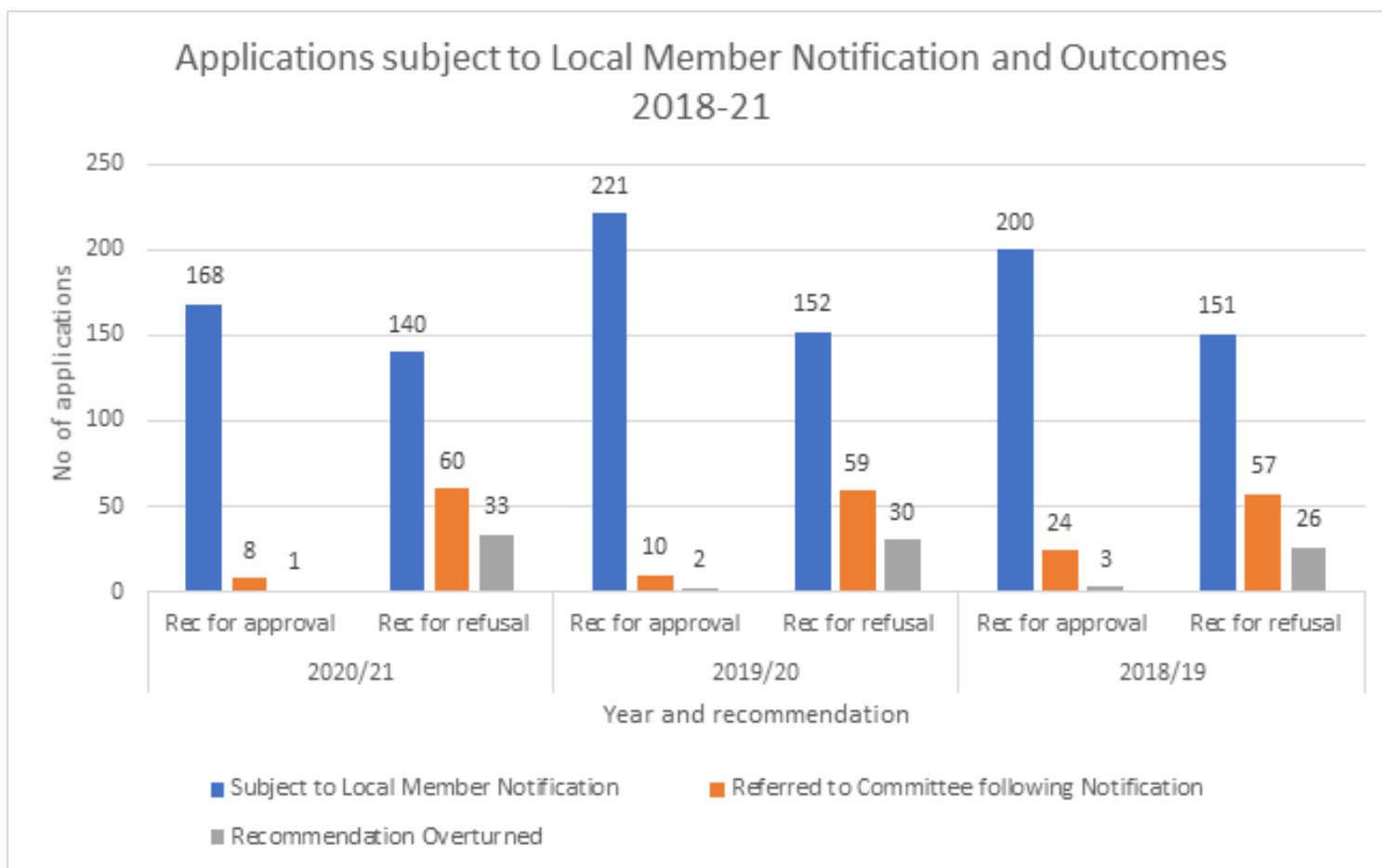
- 1. Changes to the Local Member Notification process and associated direct committee referral criteria :**
  - Retain notification process for approvals but subject to between 1&9 valid letters of objection
  - Delegate all refusals to officers – subject to other criteria



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## Recommendations for Local Member Notification



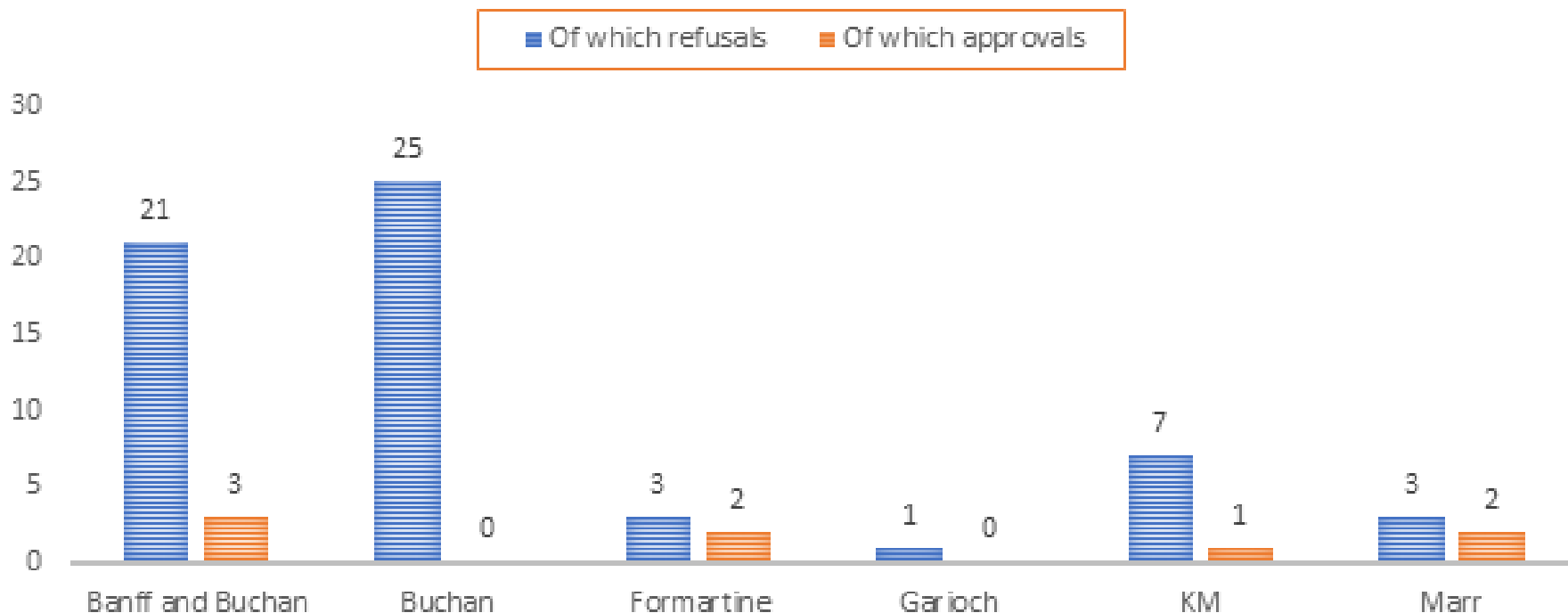


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## Recommendations for Local Member Notification

### REFERRALS TO COMMITTEE BY OFFICER RECOMMENDATION AND AREA 2020/21

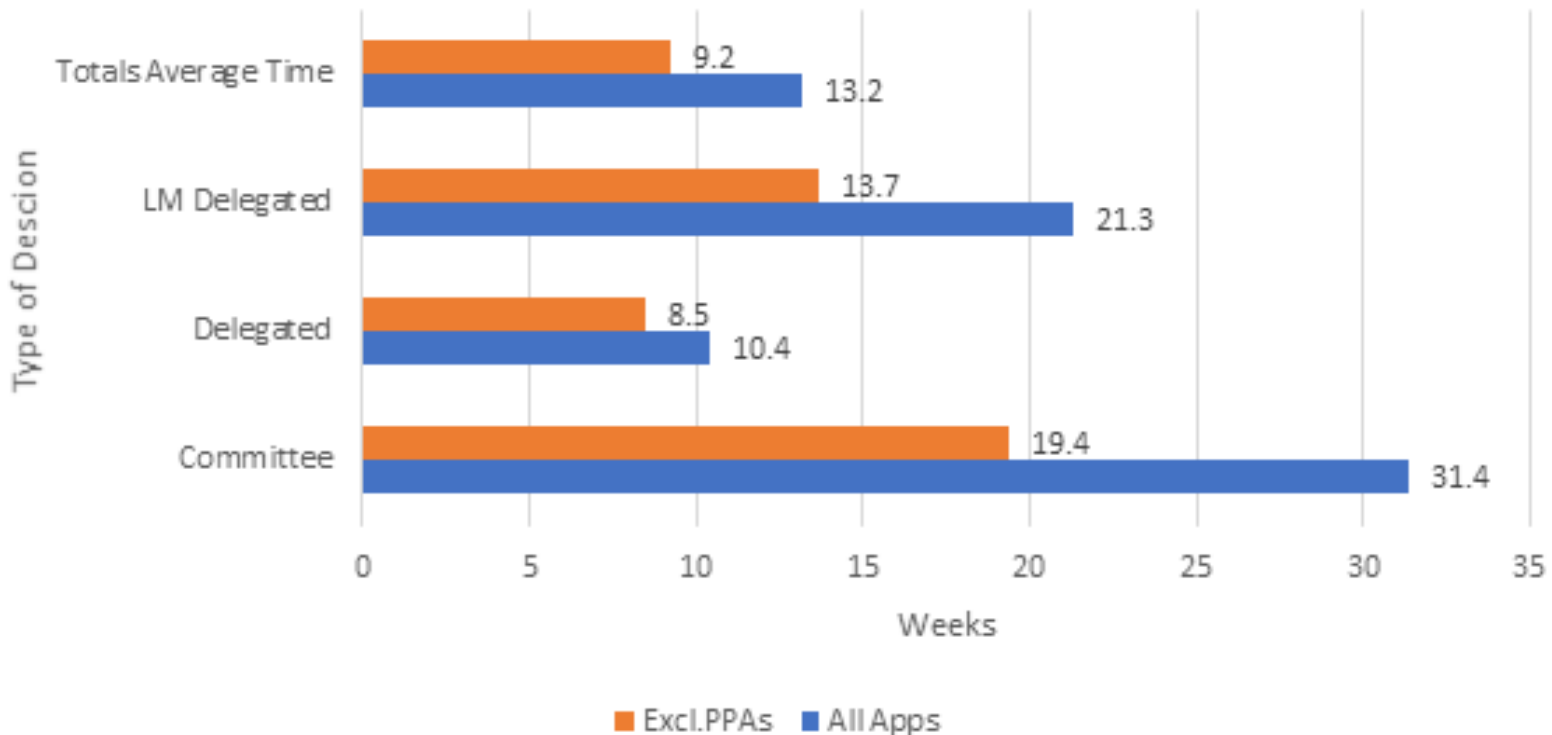




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## Recommendations for Local Member Notification

Average times for decisions 2020/21 including and excluding Processing Agreements (PPA)





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## Recommendations for Local Member Notification

- **Approvals - Option 3 (3.2.8)**
- Retain the Local Member Notification process for applications recommended for approval with objections
- Increase the number of representations required for direct committee referral criteria for applications with objections to 10
  
- **Refusals – Option 3 (3.3.4)**
- Delegation of all refusals to Officers – subject to other criteria
  
- This will address current issues caused by referral of refusals whilst retaining oversight of applications recommended for approval subject to objections





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## Area Committee role following Procedures Committee

Area Committees are being asked to provide a view on specific matters:

### **2. Changes to the operation of the Local Member Notification process in respect of:**

- Considering Conflicts of interest (3.4.3-3.4.5)
- Considering non-responses to Notifications (3.4.6-3.4.12)

### **3. Public comment on planning applications :**

- The counting of multiple representations (3.5.1-3.5.8)



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# Local Member Notification Process – Conflicts of interest and non responses

- Existing process treats a declaration of interest or a non-response as an acceptance from that member to allow delegation of that application.
- Amendment could be introduced so a conflict of interest/non effectively discounts that member from ward. 50% of remaining member/s would require to trigger a referral. Could also be applied to non responses

Ward X		Existing Process	Alternative Process
Member A	Declares interest/Non Response	Officer Delegation	Referred to Committee
Member B	Requests Referral		
Member C	Agrees Officer Delegation		
<b>Ward Z</b>			
Member A	Declares interest/Non Response	Officer Delegation	Officer Delegation
Member B	Requests Referral		
Member C	Agrees Officer Delegation		
Member D	Agrees Officer Delegation		



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## Local Member Notification Process – Effects of a change

- Changing the process for conflicts of interest only would have minimal impact on overall referrals to Area Committee.
- Effects of counting non-responses in a similar manner vary depending on adoption of the recommendations. Simplified process could also be introduced but greater impact.

	Options for Notifications – Member Non-responses		
	Retain existing system	Discount non responses and refer applications based on 50% of remaining members	Simplified notification system allowing any member to request referral
<b>Options for Local Member Notification Criteria</b>			
Retain existing referral criteria (Option 1)	No additional effect expected	+23 (+15%) additional applications referred to Committee	+53 (+30%) additional applications referred to Committee
Remove Local Member Notification entirely (Option 2)	Not applicable	Not applicable	Not applicable
Delegate Refusals but retain process for applications recommended for approval with letters of objection (Option 3 – Recommended)	Overall reduction of circa 60 applications	+8 applications for approval referred to Committee (overall reduction of 52)	+22 applications for approval referred to Committee (overall reduction of 38)



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## Representations :The counting of multiple representations (3.5.1-3.5.8)

- All valid representations and material planning considerations are considered as part of the planning process.
- Currently valid representations of the same nature from same household are considered collectively for the purposes of the criteria for direct Committee referral. eg - 5 responses in objection from one household = 1 representation\*
- Concern that changing to count all representations for purposes of Planning Delegations would be open to individual households dictating route of determination.
- If a change is sought then recommended that the threshold for a direct committee referral is increased.

\* All valid planning issues are taken into consideration



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## Summary

**Area Committees** - views on on specific aspects of the wider Review of Planning Delegations under Part 2C of the Scheme of Governance (**1.8 – Recommendations**)

- **Changes to the Local Member Notification process and associated direct committee referral criteria:**
- Retain notification process for approvals but subject to between 1&9 valid letters of objection
- Delegate all refusals to officers- subject to other criteria

### **Changes to the operation of the Local Member Notification process:**

- Conflicts of interest
- Considering non-responses to Notifications
- The counting of multiple representations



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## Process & Next Steps

- Reported proposals to Procedures Committee - 21 April & 5 November -2021
- Consultation – MOWG – 16 June 2021
- Member Drop In Sessions – August 2021
- Report to all Area Committees Seeking Views – December 2021 – February 2022
- Report to Full Council - 3 March 2022 & 28 April 2022



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**Aberdeenshire**  
COUNCIL



**Thank you**

Paul Macari – Head of Planning and Economy