

## National Planning Improvement Framework

Attribute 4: The planning authority has Sound Governance



## Planning Scheme of Delegation

The Planning Authority Scheme of Delegation was approved by Scottish Ministers however it has subsequently been updated periodically on review, albeit in non-substantive ways, but is beyond the statutory 5 year period for formal review and approval by Ministers. The Scheme of Delegation is available on the Council's website at [Scheme of Delegation and Administration \(east-ayrshire.gov.uk\)](https://www.east-ayrshire.gov.uk). Substantive review of the Scheme of Delegation was identified by the Council in the Service review published in October 2023 and following appointment of the Chief Planning Officer, this has been progressed with revisions being discussed at senior officer levels and with the Councillors of the Planning Committee. It is intended that a revised Scheme of Delegation will be presented to Council in the second half of 2024 with subsequent notification to Ministers and adoption thereafter expected before the end of 2024. Although the Scheme of Delegation requires review and notification to Ministers, the current Scheme of Delegation remains fit for purpose in terms of ensuring that Council business continues to be transacted.

96.9% of our Scottish Government recorded decisions are made under delegated powers with Planning Committee determining the balance. For the year 2023/24, Planning Committee:

- *Determined 18 applications for planning permission or planning permission in principle;*
- *Considered and agreed the Council position on 3 consultations under Section 36 of The Electricity Act 1989;*
- *Considered and agreed 8 quarterly reports relating to compliance monitoring and updates on progress with legacy planning applications and applications awaiting legal agreements;*
- *Considered and agreed 2 completion reports for restoration at former open cast mining developments; and*
- *Determined 8 discharge of planning condition applications relating to decommissioning or financial guarantees.*

These applications represent a mix of large and smaller scale development but included a number of large scale housing, business and renewables projects. Amongst these and of particular note included an eco-wellness park, whisky maturation warehouses with office building and a windfarm with turbines up to 250m in height. Over this period only one planning application was refused contrary to officer recommendation, with members taking a different view on road safety matters. In total, of those applications measured for terms of statistical purposes, i.e. the planning applications etc., approximately 5.6% of the recommendations made to planning committee were overturned.

## Local Review Body

In 2023/24 the Local Review Body (LRB) determined 11 cases in total. The original officer decision was upheld in 10 of those 11 cases, resulting in the original decision being overturned in around 9.1% of cases determined.

In terms of appeals to Scottish Ministers for planning decisions, 4 planning cases were determined by the DPEA, with two of those four original decisions being upheld, resulting in a 50% overturn rate. In addition, two enforcement notice appeals and a planning appeal were submitted but were rejected as being out with the remit of the DPEA.



# Planning Committee

The Planning Committee is comprised of 13 Councillors drawn from across the district, sitting on average once per month throughout the year other than in July. For 2023/24, a total of 12 meetings of the planning committee took place, most of which were diarised in advance with additional, or special, committee's convened when business dictates, subject to the discretion of the Chair of the committee. A selection of five members from planning committee sit on the LRB at any one time, drawing on their knowledge and experience of planning matters. LRB met 12 times during 2023/24 and will meet when business is required to be heard. Training is provided to our members when they join the Planning Committee, provided in house by senior staff within Development Management and Legal Services and all members of the planning committee require to have completed this training before sitting on the committee. Training generally comprises of a presentation session setting out the statutory process and the key elements of planning knowledge that they will require to undertake their duty and usually lasts for approximately 2 hours. This training is supplemented by shorter ad hoc sessions when the need arises, for example when the National Planning Framework 4 came into force and when the Local Development Plan 2 was adopted. Planning and Legal advice is available at each planning committee meeting to help clarify any questions or queries members may have. Whilst not specific to planning committee members, our Councillors have also participated in member officer working groups in relation to the Local Development Plan. This has built a considerable knowledge amongst some members and they are well versed in the content of policies and direction of strategic travel that this key decision making document has. The Members Officers Working Group (MOWG) will continue to be used as a vehicle to get members views on engagement and issues in terms of LDP3.

Whilst ongoing training is ad hoc in nature, we do have aspirations to bring a more structured approach to training of committee members, including for example feeding back the outcome of appeal decisions as learning opportunities for members or provide training on supplementary guidance such as developer contributions and rural housing clusters. This approach has been discussed with the Chair of the committee who is supportive and this will be rolled out as an improvement during 2024/25.