

# Shetland Islands Council

# Planning Scheme of Delegations

May 2011

# Scheme of Delegation

## Land Based Planning and Marine Aquaculture

### Notes:

#### 1. Officer Interest

The Planning Committee or the Council must determine any application involving the direct interests of a member of the Planning Service section involved in the assessing of the merits of an application.

The Planning Committee or the Council, on the advice of the Director of Development Services, must determine any application involving the interests of the Executive Manager - Planning.

#### 2. Notification Requirements

The Council must notify the Scottish Ministers where it proposes to grant planning permission for a development where:

- a) the Council has an interest in the development and the proposed development would be significantly contrary to the development plan for the area;
- b) there is an objection by a government agency; and/or
- c) the development is an opencast coal or mining operation within 500m from an existing community or sensitive establishment.

See the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 for further detail.

#### 3. Appointed Person

For the purposes of section 43A(1) of the Town and Country Planning (Scotland) Act 1997, the Executive Manager - Planning will appoint a suitable officer to carry out the Council's statutory functions in accordance with this scheme.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(and other legislation where indicated)**

**Development Management**

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	Ss 32, 32A 34, 36, 36A, 39, & 43.	1	Decisions relating to the procedures to be applied in handling applications, pre-applications, appeals and negotiations under the Planning and related Acts under relevant regulations including decisions to modify the design, content or layout of application forms, a decision to decline to determine an application, the methods of payment acceptable, the completeness or otherwise of any application, the notification, publicity and consultation arrangements to be made, the need for environmental assessment, the maintenance of the Planning Register and expenditure on any advice or survey necessary to the making of any decision or the preparation of any recommendation in relation to a planning application, provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2 (a) and (b).	x		
Various inc. Town and Country Planning (Scotland) Act 1997	Ss 46, 47 47A, 48, 130, 131 & 169.	2	All decisions relating to the handling of: planning appeals; appeals relating to Listed Building Consent and Conservation Area Consent; appeals against Enforcement Notices; hazardous substances consent appeals; appeals against Notices issued under S 168; negotiations; or the calling in of applications including:	x		
Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997	Ss 6, 9, 17, 66 & 68.		(a) the preparation and presentation of the authority's case; and  (b) the procedure to be adopted (written representations, hearing or public inquiry)			
Planning (Hazardous Substances) (Scotland) Act 1997	Ss 18 & 19.		except where, in relation to the handling of a call-in or appeal, the Executive Manager - Planning or his staff cannot be involved for professional reasons, i.e. where the Council wish to pursue a case which, in the opinion of the Executive Manager – Planning, is not defensible in terms of sound planning. In such cases an external consultant may be engaged to act for the Council.			

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	Ss 37, 38, 38A, 39, 41, 42 & Part 1 of Schedule 3.	3	<p><b>National Developments</b> - determination of applications for planning permission:</p> <ul style="list-style-type: none"> <li>• Pre -determination hearings.</li> <li>• Final decision taken by Full Council.</li> </ul> <p><b>Major Developments</b> - determination of applications for planning permission:</p> <ul style="list-style-type: none"> <li>• All determinations (other than the exceptions).</li> <li>• The exceptions: <ul style="list-style-type: none"> <li>(a) where application is made by the planning authority or a member of the planning authority;</li> <li>(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest;</li> <li>(c) Major Developments that are in the opinion of the Appointed Person significantly contrary to the development plan: <ul style="list-style-type: none"> <li>i) Pre-determination hearings,</li> <li>ii) Final decision taken by Full Council;</li> </ul> </li> <li>(d) Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.</li> </ul> </li> </ul>			
					x	
						x
				x		
					x	
						x
					x	

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	Ss 37,38, 39,41, 42, 43A & Part 1 of Schedule 3.	4	<p><b>Local Developments</b> - determination of applications for planning permission:</p> <ul style="list-style-type: none"> <li>• All determinations (other than the exceptions).</li> <li>• The exceptions: <ul style="list-style-type: none"> <li>(a) where application is made by the planning authority or a member of the planning authority;</li> <li>(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or</li> <li>(c) Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.</li> </ul> </li> </ul>	x		
Town and Country Planning (Scotland) Act 1997		5	Determination of applications for consent, agreement or approval as required by conditions attached to consents.	x		
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997						
Town and Country Planning (General Permitted Development) (S) Order 1992		6	Discharge of conditions requiring the submission and approval of schemes and details in respect of permitted development.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Local Review Body  Town and Country Planning (Scotland) Act 1997	S43A	7	The Planning Committee will sit as the Local Review Body to determine appeals by applicants against decisions taken by the Appointed Person on proposals that are classed as Local Developments.		Local Review Body	
Decision Notice following Local Review		8	Issue of decision notices on reviews determined by a Local Review Body under the terms of the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008.	x		
Pre- Application Consultations (Major Developments)	Ss 35A & 35B.	9	Response to statutory pre-application consultation.	x		
Scheme of Delegation	S43A	10	Approval of the Scheme of Delegation to be put before the Scottish Ministers.			x
Section 75 Agreement		11	Refusal of an application which is the subject of a Section 75 Agreement where the applicant has not concluded the Section 75 Agreement within 4 months of being notified of the requirement to do so.	x		
Good Neighbour Agreements	S75D	12	Participation in the promotion and development of good neighbour agreements.	x		

### Enforcement

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Enforcement Town and Country Planning (Scotland) Act 1997	S 61	13	Decision to serve or withdraw a completion notice where in the opinion of the planning authority the development will not be completed within a reasonable period.	x		
Fixed Penalty Notices Town and Country Planning (Scotland) Act 1997	Ss 136A & 145A.	14	Decision to serve Fixed Penalty Notice	x		
Temporary Stop Notices	Ss 144A – D.	15	Decision to serve Temporary Stop Notice	x		
Enforcement Charters	S158A	16	Decision to adopt enforcement charter	x		
Town and Country Planning (Scotland) Act 1997	S64	17	Decisions to permit non-material variations of planning permissions, i.e., which do not depart significantly from the proposal, originally approved.	x		
	S65 & 66.	18	Decision to make an order to revoke or modify planning permission where the owner, lessee or occupier of land affected or such other person who in the opinion of the Appointed Person will be affected by the order has objected to the order.		x	
	S65 & 67.	19	Decision to make an order to revoke or modify planning permission where the owner, lessee and occupier of the land affected and all persons who, in the opinion of the Appointed Person will be affected by the decision, have notified the planning authority in writing that they do not object to the order.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	S71 & Schedule 8.	20	Decision to serve an order requiring the discontinuance of a use, the compliance with conditions on the continuance of a use, or the removal of buildings or structures (see Note 1).	x		
	Ss88-99	21	Decisions in response to a Purchase Notice		x	
	Ss101-122	22	Decisions in response to a Blight Notice		x	
	S125	23	Decision to serve a Planning Contravention Notice	x		
	S126	24	Decision to report any alleged offence in connection with a Planning Contravention Notice to the Procurator Fiscal.	x		
	Ss127-129	25	Decision to serve an Enforcement Notice, within policy or where the Planning Committee or Council have made a decision to refuse a proposal.	x		
	Ss135,136 & 170.	26	Decision, following a failure to comply with an Enforcement Notice, or a Notice issued under S.168, to enter land, take action required by the Enforcement Notice or Notice issued under S.168 and attempt to recover costs reasonably incurred in so doing.	x		
	S136	27	Decision to report to the Procurator Fiscal any instance of non-compliance with an Enforcement Notice.	x		
	Ss140 & 141.	28	Decision to serve a Stop Notice (following, or at the same time as, service of an Enforcement Notice) (see Note 1).	x		
	S144	29	Decision to report to the Procurator-Fiscal any instance of non-compliance with a Stop Notice	x		
	S145	30	Decision to serve a Breach of Condition Notice	x		
	S145	31	Decision to report to the Procurator-Fiscal any instance of non-compliance with a Breach of Condition Notice	x		
	S146	32	Decision to seek interdict to restrain a breach of planning control.	x		

<b>Legislation/ Subject Matter</b>	<b>Section(s)</b>	<b>No.</b>	<b>Decision</b>	<b>Appointed Person</b>	<b>Planning Committee</b>	<b>Council</b>
Town and Country Planning (Scotland) Act 1997	Ss148 & 149.	33	Decision to report to the Procurator-Fiscal any instance of failure to comply with an order under S.71 and Schedule 8 of the Act requiring the discontinuance of a use, compliance with conditions on the continuance of a use, or the removal of a building or structure.	x		
	S150	34	Decision to issue, or to refuse to issue, a Certificate of Lawfulness of Existing Use or Development, or to issue a letter of comfort.	x		
	S151	35	Decision to issue or to refuse to issue a Certificate of Lawfulness of Proposed Use or Development.	x		
	S153	36	Decision to report to the Procurator Fiscal any instance of the making knowingly of false or misleading statements in connection with any application for the foregoing Certificates.	x		
	Ss156, 161A & 176.	37	Decision to authorise any person to enter land without a warrant in the circumstances specified by the Act.	x		
	Ss157 & 177.	38	Decision to apply to the Sheriff for a warrant to enter land.	x		

### Miscellaneous & Other Provisions

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	Ss 202,207 & 208.	39	Decision to promote the stopping up or diversion of a road, footpath or bridleway.	x		
	S269	40	Decision to authorise any person to enter land for the purposes specified in the Act.	x		
	S272	41	Decision to serve notice on an occupier or on a person who receives rent in respect of any land requiring information about the land.	x		
	S272	42	Decision to report to the Procurator Fiscal any instance of failure to provide information in response to a notice under S.272, or of knowingly or recklessly making a mis-statement.	x		
Licensing (Scotland) Act 2005	S50	43	Authority to issue certificates under section 50 of the Licensing (Scotland) Act 2005.	x		

### Hazardous Substances

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Planning (Hazardous Substances) (Scotland) Act 1997	Ss 7,8,11- 14,16 & 17.	44	Decision to grant, to refuse to grant, to revoke or to modify Hazardous Substances Consent.	x		
	S21	45	Decision to report to the Procurator Fiscal any contravention of hazardous substances control.	x		
	S25	46	Decision to seek interdict to restrain a breach of hazardous substances control.	x		
	S33	47	Decision to authorise any person to enter land for the purposes specified in the Act	x		

### Advertisements

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984	Reg. 5	48	Determination of applications for consent to display advertisements:			
			<ul style="list-style-type: none"> <li>• All determinations (other than the exceptions). <span style="float: right;">x</span></li> </ul>			
			<ul style="list-style-type: none"> <li>• The exceptions:               <ul style="list-style-type: none"> <li>(a) where application is made by the planning authority or a member of the planning authority; <span style="float: right;">x</span></li> </ul> </li> </ul>			
			<ul style="list-style-type: none"> <li>(b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; or <span style="float: right;">x</span></li> </ul>			
			<ul style="list-style-type: none"> <li>(c) where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or <span style="float: right;">x</span></li> </ul>			
			<ul style="list-style-type: none"> <li>(d) where the Appointed Person proposes to refuse an application. <span style="float: right;">x</span></li> </ul>			
Town and Country Planning (Scotland) Act 1997	S186	49	Decision to report to the Procurator Fiscal any instance of an advertisement displayed in contravention of the Advertisement Regulations. <span style="float: right;">x</span>			
	Ss186 & 187.	50	Decision to serve a discontinuance notice in respect of an existing advertisement displayed with deemed consent. <span style="float: right;">x</span>			
	S187	51	Decision to remove or obliterate any placard or poster displayed in contravention of Advertisement Regulations. <span style="float: right;">x</span>			
	S186	52	Decision to take enforcement action in respect of an advertisement displayed without consent. <span style="float: right;">x</span>			

### Coast Protection

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Coast Protection Act 1949	S4	53	To enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council have the power to carry out.	x		
	S5	54	To arrange for the publication of notices relating to proposed works in local newspapers and the serving of notices on affected harbour authorities.	x		
	S8	55	To arrange for the publishing of notices relating to works schemes and the serving of Notices on affected harbour authorities.	x		
	S12	56	Any decision to serve a notice requiring the owner to maintain or repair coast protection works.	x		
	S12	57	Any decision to carry out urgent works in the circumstances specified in the Act following approval of the action by the Director of Development Services.	x		
	S13	58	Any decision to recover from the landowner the cost of repair or maintenance work carried out by the Authority in the circumstances specified in the Act.	x		
	S16	59	Decision to serve a notice requiring the removal of unauthorised coast protection works.	x		
	S16	60	Decision to recover expenses from an owner when the Council has removed unauthorised works on his or her land.	x		
	S16	61	Decisions to permit the undertaking of coast protection works by persons other than the Council where the proposed works are in accordance with Council policy.	x		
	S16	62	Decision to report to the Procurator Fiscal the carrying out of any coast protection work without the written consent of the Council.	x		
	S25	63	To authorise persons to enter land for the purposes specified in section 25.	x		
S26	64	Decision to require occupiers of land to provide information about their interest in land.	x			

<b>Legislation/ Subject Matter</b>	<b>Section(s)</b>	<b>No.</b>	<b>Decision</b>	<b>Appointed Person</b>	<b>Planning Committee</b>	<b>Council</b>
The Coast Protection Act 1949	S27	65	Decision to obtain compulsorily a right of passage over land in connection with coast protection work.		x	
	S27	66	Decision to obtain by agreement a right of passage over land in connection with coast protection functions.	x		

### Environmental Impact Assessments

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Environmental Impact Assessment (Scotland) Regulations 1999	Reg. 5	67	Decision on the opinion to be given, on receipt of a request in writing, as to whether a proposed development would require an environmental impact assessment and as to the content of an environmental statement, and all other decisions ancillary thereto.	x		
	Reg. 7	68	Decision that an application for planning permission cannot be granted until the Council has considered environmental information.	x		
	Regs. 10, 13, 14 & 19.	69	Decisions relating to the scope of environmental information, procedures to be applied in response to the submission of environmental information accompanying an application for planning permission, including decisions relating to the publicity and consultation arrangements to be made, expenditure within an approved budget and of no more than the amounts prescribed by Standing Orders H2 (a) and (b) on any advice necessary to judge the environmental information; and decisions relating to completeness, or otherwise, of the environmental information; and decisions relating to changes to be made for providing copies of an environmental statement.	x		

### Electricity Act 1989

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Electricity Act 1989		70	Decisions relating to the procedures to be applied in handling applications, notifications and pre-applications under relevant regulations, the notification, publicity and consultation arrangements to be made, and expenditure on any advice or survey necessary to the making of any decision or the preparation of any recommendation provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2 (a) and (b).	x		
		71	Decision on content of response to an application to the Scottish Ministers for consent.		x	

### Building Standards

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Building (Scotland) Acts 1959 and 1970	S9	72	Decision to refer to the provisions and standards of the repealed Act when considering applications for letter of comfort in respect of works completed prior to 1 <sup>st</sup> May 2005.	x		
The Building (Scotland) Act 2003 and amendments	S2	73	Imposition of such continuing requirements as the Scottish Ministers consider appropriate for securing that the purposes of any designated provision of the regulations are not frustrated.	x		
	S3	74	Forwarding of applications for relaxation of Building Regulations to the Scottish Ministers for their consideration.	x		
	S4 & S5	75	Consideration of information which is in accordance with/ at variance with the Guidance provided by the Scottish Ministers	x		
	S6	76	Carrying out of Building Assessments if requested to do so by the owner of a building.	x		
	S7	77	Carrying out the duties of verifier as appointed/directed by the Scottish Ministers	x		
	S8	78	Requirement for building warrant to be sought in relation to work which is classified as requiring a building warrant	x		
	S9	79	Decision to grant, or refuse to grant, a building warrant.	x		
	S11	80	Processing of certificates of design	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Building (Scotland) Act 2003 and amendments	S12	81	Decision to refer an application to the Scottish Ministers for a View.	x		
	S13	82	Further provisions for Building Warrants	x		
	S14	83	Actions to be taken regarding limited life buildings	x		
	S15	84	Consideration of Late Application for building warrant prior to acceptance of a completion certificate	x		
	S16 & S20	85	Liability relating to offence of knowingly or recklessly submitting or verifying information which is known to be false or misleading in a material fact.			x
	S17	86	Requirement to submit completion certificates	x		
	S18	87	Decision to accept, or to reject the submission of a completion certificate.	x		
	S19	88	Handling of Certificates of construction	x		
	S21	89	Consideration of the granting of a period of temporary occupancy where a completion certificate is unavailable	x		
	Ss22 & 23	90	Decision to impose, discharge or vary continuing requirements and discharge of such requirements.	x		
	S24	91	Maintenance of the Building Standards Register	x		
	S25	92	Decision to serve, withdraw or vary a building regulations compliance notice.	x		
	S26	93	Decision to serve, withdraw or vary a building continuing requirement enforcement notice.	x		
	S27	94	Decision to serve, withdraw or vary a building warrant enforcement notice.	x		
	Ss28, 29 & 30	95	Decision to serve, withdraw or vary a defective or dangerous building notice	x		
	S29	96	Decision to carry out urgent work to prevent access and reduce or remove the danger.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Building (Scotland) Act 2003 and amendments	Ss25, 26, 27, 28 & 30	97	Decision to carry out the work necessary when a notice has not been complied with.		x	
	S32	98	Exercise of Local Authority functions under the direction of the Scottish Ministers	x		
	S33	99	Adherence to Procedural Regulations	x		
	S35	100	Decisions on issue of Notice/s on scheduled monuments, buildings which are classified under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46), included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9), subject to a building preservation notice under section 3 of that Act, or one to which section 66 of that Act (control of demolition in conservation areas) applies.	x		
	S37	101	Decision to serve Notice on an owner, occupier, or any other person appearing to the local authority to have an interest in the building.	x		
	S39 & S41	102	Decision to exercise power of entry for the purpose of inspection and/or testing and testing of materials for compliance with building standards..	x		
	S42	103	Decision to evacuate dangerous buildings and advise occupants of the requirement to vacate the property immediately.	x		
	S44	104	Decision to seek recovery of expenses associated with the carrying out of works under section 25(7)(b), 26(3)(b), 27(7)(b), 28(10)(b), 29(2) or (3) or 30(4)(b).	x		
	S45	105	Decision to exercise power of compulsory purchase of property.	x		
	S46	106	Decision to sell materials from demolished buildings, and, to account to the owner or other person for the surplus should the sum raised exceed that due to the local authority.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Building (Scotland) Act 2003 and amendments	S47	107	Appeals under Section 47(1) (a) Decision under s.3 refusing a dispensation or relaxation. (b) Decision under s.9 refusing to grant a building warrant or amendment. (c) Decision under s.14 refusing to extend the period of a limited life building. (d) Decision under s.18 rejecting a completion certificate. (e) Decision under s.22 imposing continuing requirements. (f) Decision under s.23 refusing to discharge or vary a continuing requirement. (g) A building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice and a dangerous building notice.	x		
	S48	108	Decision to report to the Procurator Fiscal any contravention of the Building Acts.	x		
Building (Scotland) Regulations 2004 and amendments		109	Discharge of duties under the Building (Scotland) Regulations 2004 to ensure the health safety and well-being of people in and around buildings and to ensure accessibility for all.	x		
Building (Procedure) (Scotland) Regulations 2004 and amendments		110	Decision to implement procedural regulations in connection with all applications for building warrant approval.	x		
Building (Fees) (Scotland) Regulations 2004 and amendments		111	Decision to apply building warrant application fees set by the Scottish Ministers	x		
The Energy Performance of Buildings (Scotland) Regulations 2008		112	Discharge of duties under the Energy Performance of Buildings (Scotland) Regulations in respect of new buildings.	x		

### Special Controls (including trees and waste land)

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	Ss160-162	113	Decision to make a Tree Preservation Order	x		
	Ss160-162	114	Decision to confirm, vary or revoke a Tree Preservation Order		x	
	Ss168	115	Decision to serve a notice requiring the replacement of trees.	x		
	(Ss171 & 172)	116	Decision to report to Procurator Fiscal any offence with respect to a Tree Preservation Order or any tree in a Conservation Area.	x		
	Ss160	117	Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is in accordance with policy and there have been no objections.	x		
	Ss160	118	Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is in accordance with policy but there has been an objection.		x	
	Ss160	119	Decision to grant consent for the cutting down, topping, lopping or uprooting of a tree protected by a Tree Preservation Order where the proposed decision is not in accordance with policy.		x	
	Ss172-175	120	Decision, following notification by a person wishing to undertake the cutting down, topping, lopping or uprooting of a tree in a Conservation Area, to advise the person that the Council consents to the act in question.	x		
	Ss172-175	121	Decision to report to the Procurator-Fiscal any act resulting in the cutting down, topping, lopping, uprooting or willful damage or destruction of trees within a Conservation Area.	x		
	S179	122	Decision to serve a Waste Land Notice, within policy.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Town and Country Planning (Scotland) Act 1997	S179 & S135	123	Decision following a failure to comply with the terms of a notice served under S179, to enter land, take action required by the Notice and attempt to recover costs reasonably incurred in so doing, provided that the estimated costs are within a budget approved for such purposes or available through delegated virement.	x		
	S179 & S135	124	Decision, following a failure to comply with the terms of a notice served under S179, to enter land, take action required by the Notice and attempt to recover reasonable costs, reasonably incurred in so doing when the estimated costs exceed the approved budget.		x	

### Listed Buildings and Conservation

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997	Ss 21 & 23	125	Decision to make an order to revoke or modify Listed Building Consent or Conservation Area Consent where the owner, lessee or occupier of land affected and all persons who, in the opinion of the Appointed Person will be affected by the decision, have notified the planning authority in writing that they do not object to the order.	x		
	Ss 28-30	126	Decisions in response to a Listed Building Purchase Notice.			x
	S34	127	Decision to serve Listed Building Enforcement Notice.	x		
	S34	128	Decision to serve Listed Building Enforcement Notice in cases of urgency following approval of the action by the Director of Development Services.	x		
	S38	129	Decision to enter land, carry out works required by a Listed Building Enforcement Notice and attempt to recover costs.	x		
	S39	130	Decision to report to the Procurator Fiscal any instance of non-compliance with a Listed Building Enforcement Notice.	x		
	Ss 42,54 & 55	131	Decision to acquire compulsorily a Listed Building in need of repair (subject to authorisation from the Secretary of State).			x
	S43	132	Decision to serve a Repairs Notice as preliminary to compulsory acquisition.			x
	S45	133	Decision to make a direction for minimum compensation in the case of a building deliberately left derelict.			x
	Ss 48 & 59	134	Decision to develop or manage land held for planning purposes.			x
	Ss 49,54, 55 & 68	135	Decision to carry out urgent works for the preservation of unoccupied listed buildings and unoccupied buildings in a conservation area where the expenditure involved exceeds the amounts prescribed by Standing Orders H2 (a) and (b) but is within the approved budget following approval of the action by the Director of Development Services.	x		

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997	Ss 3,4,5, 54,55 & 67	136	Decision to serve a Building Preservation Notice when the decision to do so is outwith Council policy.		x	
	Ss 3,4,5, 54,55 & 67	137	Decision to serve a Building Preservation Notice when the decision to do so is within Council policy.	x		
	Ss 3,4,5, 54,55 & 67	138	Decision to serve a Building Preservation Notice in a case of urgency, following approval of the action by the Director of Development Services.	x		
	Ss 6,7,9 & 66	139	Decisions relating to the procedures to be applied in handling applications relating to Listed Building Consent and Conservation Area Consent, including decisions to modify the design, content or layout of application forms, the completeness or otherwise of any application, the publicity and consultation arrangements to be made and expenditure on any advice or survey necessary to the making of any decision or the preparation of any recommendation in relation to such an application, provided that the total cost of such advice or survey in relation to any one application does not exceed the amounts prescribed by Standing Orders H2(a) and (b).	x		
	S8	140	Decision to refer cases of unauthorised works to a listed building to the Procurator Fiscal.	x		
	Ss 6, 9, 17 & 66	141	Determination of applications (subject, in appropriate cases, to confirmation by the Scottish Ministers) for Listed Building Consent (including consent for demolition), Conservation Area Consent for demolition, or to vary or discharge conditions attached to a Listed Building Consent or Conservation Area Consent. <ul style="list-style-type: none"> <li>• All determinations (other than the exceptions).</li> <li>• The exceptions: <ul style="list-style-type: none"> <li>(a) where application is made by the planning authority or a member of the planning authority;</li> <li>(b) where the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest;</li> </ul> </li> </ul>	x	x	
					x	

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997	Ss 6, 9, 17 & 66	141	(c) where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or		x	
			(d) where the Appointed Person proposes to refuse an application.		x	
	Ss 21 & 22	142	Decision to make an order to revoke or modify Listed Building Consent or Conservation Area Consent where the owner, lessee or occupier of land affected or such other person who in the opinion of the Appointed Person will be affected by the order has objected to the order.		x	
	Ss 49, 54, 55 & 68	143	Decision to carry out urgent works for the preservation of unoccupied listed buildings where the expenditure involved is within the approved budget and does not exceed the amounts prescribed by Standing Orders H2 (a) and (b).	x		
	S50	144	Decision to seek recovery of expenses incurred in the carrying out of urgent works under S.49 of the Act.	x		
	Ss 51, 52 & 81(6)	145	The making or alteration of policy in connection with grant assistance for historic buildings or areas (including the development of projects or schemes of works to improve areas and associated grant schemes).		x	
	Ss 51, 52 & 81(6)	146	Decision as to whether a proposal is eligible for Conservation Grant.	x		
	Ss 51, 52 & 81(6)	147	Decision to offer Conservation Grant which fall within policy.	x		
	Ss 51, 52 & 81(6)	148	Decisions on applications for Conservation Grant which are contrary to policy.		x	
	Ss 61,62 & 64	149	Decision to carry out survey work in connection with the designation of Conservation Areas.	x		
Ss 61,62 & 64	150	Decision to designate, vary or cancel the designation of a Conservation Area).			x	

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997	S63	151	Decision to formulate proposals for the preservation or enhancement of any Conservation Area.	x		
	S63	152	Decision to publish proposals for the preservation or enhancement of any Conservation Area.		x	
	S63	153	Decision to adopt, following a public meeting, proposals for the enhancement of Conservation Areas.		x	
	Ss 60 & 65	154	Decision as to whether proposal would affect the character or appearance of a Conservation Area or the setting of a Listed Building, thus determining the arrangements for publicity and representations.	x		
	S76	155	Decision to authorise any person to enter land for the purposes specified in the Act.	x		
	S79	156	Decision to seek interdict to restrain a breach of listed building or conservation area control.	x		
	S79	157	Decision to seek interdict to restrain a breach of listed building or conservation area control in a case of urgency following approval of the action by the Director of Development Services.	x		

### Marine Based Development

Legislation/ Subject Matter	Section(s)	No.	Decision	Appointed Person	Planning Committee	Council
The Zetland County Council Act 1974 (as amended*) (powers in connection with Works Licences)	S11	158	Subject to the exception, a decision to approve or refuse the granting of a Works Licence or any variation or transfer of an existing licence.	x		
			The Exception:  Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.		x	
	S12	159	Subject to the exception, a decision to approve or refuse the granting of a Licence to Dredge or any variation or transfer of an existing licence.	x		
			The Exception:  Where a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval.		x	
	S14	160	Decision to report to the Procurator Fiscal any alleged breach or contravention of the provisions of the Act.	x		
	S11	161	Decision to revoke a Works Licence or to confirm the forfeiture of a Works Licence.	x		
S13	162	Give effect to any requirement made by Scottish Ministers under subsection 4 following appeal of Council decision on works licence application.	x			

The Town and Country Planning (Marine Fish farming)(Scotland) Order 2007 amends the ZCC Act such that works licences shall not be granted for fish farm developments. For such developments the Scheme of Delegation in relation to planning applications shall apply with any necessary modifications in light of the 2007 Order.

\*As amended by the Town and Country Planning (Marine Fish Farming) (Scotland) Order. Preparation of guidance notes and additional information will be delegated to the Appointed Person.