

**THE MORAY COUNCIL**  
**APPROVED SCHEME OF DELEGATION**  
**12 February 2019**



**Scheme of Delegation**  
**Development Management**

All categories of development applications submitted to The Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications of which one or more of the following applies:

- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site;
- Applications for 5-49 dwellings will only be approved under delegated powers if they are in accordance with the development plan);
- Any development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq.metres. (This will include, but is not limited to, business & general industry, storage and distribution, retail, leisure and entertainment, education, healthcare, community facilities, transport interchanges, transport infrastructure projects, water and drainage developments and other similar projects);
- Any other application where the overall area of the proposed site exceeds a maximum of 2 hectares;
- An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process;
- The proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the appointed officer considers that significant amendments have been made to any previous application for Committee to reconsider the development;
- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and/or planning significance The decision to refer to Committee or hold a hearing rests with the appointed officer and this discretion to refer may be exercised where, for example, all ward members and the chair consider that an application raises matters of wider community interest.
- The application falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009). See Schedule below:

## APPENDIX 2

| <b>SCHEDULE</b><br><b>Major Developments</b><br><b>Regulation 2(1)</b>  |   |
|---|---|
| Description of development  | Threshold or criterion  |
| <p><b>1. Schedule 1 development</b></p> <p>Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations).</p>  | <p>All development.</p>   |
| <p><b>2. Housing</b></p> <p>Construction of buildings, structures or erections for use as residential accommodation.</p>  | <p>(a)The development comprises 50 or more dwellings; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>   |
| <p><b>3. Business &amp; General Industry, Storage and Distribution</b></p> <p>Construction of a building, structure or other erection for use for any of the following purposes—</p> <p>(a) as an office;</p> <p>(b) for research and development of products or processes;</p> <p>(c) for any industrial process; or</p> <p>(d) for use for storage or as a distribution centre.</p> | <p>(a)The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>  |
| <p><b>4. Electricity Generation</b></p> <p>Construction of an electricity generating station.</p>   | <p>The capacity of the generating station is or exceeds 20 megawatts.</p>   |
| <p><b>5. Waste Management Facilities</b></p> <p>Construction of facilities for use for the purpose of waste management or disposal.</p>   | <p>The capacity of the facility is or exceeds 25,000 tonnes per annum.</p> <p>In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.</p> |

## APPENDIX 2

|   |   |
|---|---|
|   |   |
| <b>6. Transport and infrastructure projects</b><br>Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines. | The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.  |
| <b>7. Fish Farming</b><br>The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26(6) of the Act.      | The surface area of water covered is or exceeds 2 hectares.   |
| <b>8. Minerals</b><br>Extraction of minerals.   | The area of the site is or exceeds 2 hectares.  |
| <b>9. Other Development</b><br>Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above.      | (a)The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres;<br>or<br>(b)The area of the site is or exceeds 2 hectares. |