



ABERDEEN

CITY COUNCIL

DELEGATED POWERS

ENTERPRISE, PLANNING AND INFRASTRUCTURE

SERVICE

DIRECTOR OF ENTERPRISE, PLANNING AND INFRASTRUCTURE

1. To be authorised, with the approval of the Council's Internal Audit section, to exercise discretion in determining bonus payments in cases as described within a report approved by the former City of Aberdeen District Council on 9th April, 1985 (Article 4/5) in order that bonus payable does not fall below that which would be achieved by traditional calculation methods.

Deleted: <#>To accept the most economically advantageous tenders for various advanced works and services required for the Aberdeen Western Peripheral Route with the Director of Corporate Governance and in consultation with the Conveners of Enterprise, Planning and Infrastructure and Finance and Resources Committee, subject to the receipt of approvals from other funding partners.¶

HEAD OF ASSET MANAGEMENT AND OPERATIONS

To appoint on fixed term contracts, staff associated with contract works with costs to be funded entirely from within the current revenue of the relevant services and the duration of individual fixed term contracts to be at the discretion of the Head of Service.

1. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the City for the purpose of visiting potential or actual manufacturers, suppliers, sub-contractors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
2. To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 69, and to enter into negotiations on quotations or tenders in respect of contract material or sub-contract services where they form part of a tender on the basis that suitable records be maintained.
3. To price tenders having regard to the workload and financial viability requirements.
4. To grant or decline the Council's consent as Landlords and/or Superiors in respect of all developments proposed to be carried out and variations to existing consents on condition that all other planning and/or other consents and approvals are obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
5. In consultation with the Head of Legal and Democratic Services to grant or decline applications for retrospective Landlord's and/or Superior's consent on condition that recognition is given to all other, including planning, consents and approvals have been obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
6. To charge for the granting of Landlord's/Superior's consents subject to the Council approving a schedule for charges which should be the subject of review at regular intervals.

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7. To approve or otherwise, in consultation with other officials as appropriate, the granting of Minutes of Waiver.
8. To discuss and/or negotiate, on a without prejudice basis, proposals and developments for Council owned property and to bring the matter to the attention of the appropriate Committee when considered appropriate to do so.
9. In consultation with the Head of Legal and Democratic Services, to make arrangements for reference of disputed compensation to be determined by arbitration or by the Lands Tribunal. Deleted: City Solicitor
10. To instruct the Head of Legal and Democratic Services, to pursue the irritancy of leases for periods less than 21 years provided that the Head of Legal and Democratic Services, is satisfied that the grounds for irritating the lease are sufficient in law and can be substantiated. Deleted: City Solicitor
11. To approve assignments or sub-leases either in whole or in part where no change of use is involved or where any change of use continues to fall within the scope of Use Classes 1, 2, 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Formatted: Font: Not Italic
12. Excluding properties managed by the Corporate Policy and Performance Committee, to grant new leases, extensions and variations of existing leases and to agree rent reviews and terminations, and otherwise to attend to the general management of land and property in the Council's ownership, including the advertising of property for sale or lease, on condition that terms and conditions for new leases of 21 years and over are submitted to Committee for approval. Deleted: Use Classes 4, 5 and 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1989.
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13. In consultation with the Head of Legal and Democratic Services, to make arrangements in terms of a lease for reference of a revised rent or dispute to arbitration. Deleted: <#>To conduct rent reviews and fix new rents.¶
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14. In consultation with appropriate officials to decline offers to purchase Council land or property and offers to sell land or property to the Council, subject to the applicant having the right to request that the matter be referred to Committee for consideration. Deleted: City Solicitor
15. In consultation with appropriate officials to acquire or sell land or property where the purchase or disposal price does not exceed such sums as the Council may from time to time determine, with the current maximum sum of £100,000. Deleted: .

16. In consultation with the relevant officials to sell or lease sites to statutory undertakers, allowing early entry to such sites in cases of urgency.
17. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
18. In consultation with appropriate officials to adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.
19. In consultation with appropriate officials to make representations, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.
20. In consultation with appropriate officials to grant wayleaves over all Council owned property.
21. To make representation on the Council's behalf to the ~~Head of Planning and Sustainable Development~~, for submission to the ~~Development Management Sub-Committee~~, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.
22. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
23. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.
24. To grant construction consent for new private roads and determine the value of security to be lodged in conjunction therewith (and in the event that construction proceeds in the absence of such security instruct enforcement action) and arrange for their adoption in terms of the appropriate legislation.
25. To arrange for the provision of street lighting where the expenditure involved can be met from the relevant budget.

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Deleted: <#>To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 69, and to enter into negotiations on quotations or tenders in respect of contract material or sub-contract services where they form part of a tender on the basis that suitable records be maintained.¶

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26. To acquire pre-owned vehicles and plant items where there is an economic advantage to the Council.

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28. To maintain a list of public roads including classification of roads network

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29. In consultation with the local members and the Convenor of the Enterprise, Planning and Infrastructure Committee, to manage and maintain all roads on a list of public roads including power to reconstruct, alter, widen, improve or renew any such road within approved budgets, reporting to the Enterprise, Planning and Infrastructure Committee if any Member objects to the proposed decision.

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30. To promote the construction of new roads and infrastructure schemes where the scheme is included in the local transport strategy and associated budget.

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31. In consultation with the local members and the Convenor of the Enterprise, Planning and Infrastructure Committee, to exercise the control of road occupations, reporting to the Enterprise, Planning and Infrastructure Committee if any Member objects to the proposed decision.

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32. To control street openings including the application of the New Roads and Street Works Act.

33. To implement arrangements for traffic management and related street furniture.

34. To undertake road safety audits.

35. To represent the Council's interest with regard to coast protection and flood prevention matters.

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36. In consultation with the local members and the Convenor of the Enterprise, Planning and Infrastructure Committee and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Enterprise, Planning and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at the early stage.

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37. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.

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38. To respond to notified changes in local bus services subject to the appropriate Committee being informed.

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39. To undertake road safety audits.

40. To negotiate appropriate terms and conditions for the amendment of ground leases in cases where tenants are seeking landlords consent for a partial sub-lease to permit the erection of a telecommunications mast, provided (i) the site in question is situated within an industrial estate and not in proximity to housing, and (ii) the prior approval of the local ward member has been obtained.

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41. In consultation with the local members and the Convener of the Finance and Resources Committee, to decline any application or plan submitted for the consent of the Council as Superiors and involving encroachment onto a footpath which is mutual to the applicant and the Council, or encroachment onto a drying green which is mutual to the applicant and the Council in the event of any tenant, or neighbouring occupiers, with tenancy rights in any land which is affected thereby, stating in writing that they object to the proposed encroachment, reporting to the Finance and Resources Committee if any Member objects to the proposed decision.

42. In consultation with the local members and the Convener of the Finance and Resources Committee, to approve on appropriate conditions applications for the Council's consent as Superiors to the erection of extensions at the rear of existing dwellinghouses which involve the repositioning of mutual access paths in circumstances where there are no objections from neighbouring occupiers, reporting to the Finance and Resources Committee if any Member objects to the proposed decision.

43. To appoint external consultants as and when necessary in connection with projects included in the Non Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council;

PROJECT DIRECTOR OF ECONOMIC AND BUSINESS DEVELOPMENT

1. To discuss or negotiate on a without prejudice basis proposals and developments in respect of assistance to local industry in terms of land transactions, premises (in consultation with the Council's asset management team) and finance (in consultation with the Head of Finance), and to bring the matter to the attention of the Enterprise, Planning and Infrastructure Committee when considered appropriate so to do.
2. To dispose of all applications for assistance under the Aberdeen Business Enterprise Scheme up to a total of ~~£20,000~~ on any one occasion, subject to reports summarising any action so taken being submitted regularly to the Enterprise, Planning and Infrastructure Committee for information.
3. To dispose of applications for assistance through Community Business Small Grants up to a maximum of ~~£5,000~~ in any one occasion.

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HEAD OF PLANNING & SUSTAINABLE DEVELOPMENT

Note : The powers delegated hereunder (1-19) take account of the fact that all planning applications which come within the category of "local development" as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (the hierarchy regulations), can only be dealt with under the Scheme of Delegation prepared in accordance with the provisions of Section 43A of The Town and Country Planning (Scotland) Act 1997.

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1. Subject to the same prohibition criteria as that contained in the Scheme of Delegation for dealing with local development applications and provided the development is not considered to represent a departure from the development plan, to grant planning permission (including planning permission in principle and the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission in principle) in respect of applications falling within the category of " major development" as defined within the hierarchy regulations.
2. To deal with applications for non-material variation (Section 64 of the 1997 Act) for all **planning consents no matter how they were determined.**
3. To issue planning consents where the Development Management Sub-Committee (or the Enterprise, Planning and Infrastructure Committee or Full Council), has expressed a willingness to approve a development which the planning authority propose to carry out in their area and the Scottish Ministers, having been notified, indicate no objections or intention to intervene or the period for so indicating has expired.
4. To respond to Proposal of Application Notices and Pre-Application Screening Notices
5. To determine applications for listed building consent and Conservation Area consent to which 5 or less objections have been lodged and to which no adverse comments have been received from statutory consultees, provided that the Scottish Ministers, if

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(b) To deal with applications for non-material variation (Section 64 of the 1997 Act) for major development applications that were determined under delegated powers and for applications determined by the Committee (Development Management Sub-Committee) (or EP&I Committee or Full Council), where the proposed changes do not relate to issues raised by objectors or statutory consultees.¶

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notified, have either made no observations or observations of a kind which can competently be made the subject of appropriate planning conditions.

6. To grant listed building consent and conservation area consent after the Development Management Sub-Committee (or Enterprise, Planning and Infrastructure Committee or Full Council), has referred an application to the Scottish Ministers and the Ministers have either made no observations or observations of a kind which can competently be made the subject of appropriate planning conditions.

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7. To determine applications for advertisement consent.

8. To take any necessary enforcement action jointly with the Head of Legal and Democratic Services in respect of unauthorised advertisements.

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9. To take appropriate action whenever or wherever fly posting occurs and where the persons concerned refuse or delay to take the necessary steps to retrieve the situation.

10. To determine under the applicable Environmental Impact Assessment Regulations whether or not a particular planning application requires to be supported by an Environmental Statement (screening opinion) and the scope of any such Statement (scoping opinion).

11. To determine applications related to Prior Notification for agriculture/forestry or demolition of buildings (currently made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) schedule 1, Parts 6 & 7, and Part 23 Permitted Development Classes 18 & 21, and 70).

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12. To grant Certificates of Lawfulness where in the opinion of the Head of Planning and Sustainable Development, there is no reasonable doubt that the use or development is or would be lawful without further planning approval.

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13. To serve Breach of Condition Notices.

23. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
24. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.
25. To implement arrangements for traffic management and related street furniture.
26. In consultation with the local members and the Convener of the Enterprise, Planning and Infrastructure Committee, and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Enterprise, Planning and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at the early stage.
27. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.
28. To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Structure Plan/Strategic Development Plan and Local Plan/Local Development Plan and associated budget.
29. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the City for the purpose of visiting potential or actual manufacturers, suppliers, sub-contractors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
30. To take appropriate steps to publicise the achievements of the Service, particularly in relation to planning policies, development and design briefs, and its role in

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preserving the City's architectural heritage in so far as listed buildings and Conservation Areas are concerned.

31. To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 69, and to enter into negotiations on quotations or tenders in respect of contract material or sub-contract services where they form part of a tender on the basis that suitable records be maintained.

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32. To act as "proper officer" for the purposes of the Building (Scotland) Act 2003 and to exercise the functions of the Council under the Building (Scotland) Act, in relation to dangerous and defective buildings, unauthorised works and requiring existing buildings to comply with Building Standards Regulations up to the point of making formal Orders with a value not exceeding £15,000.

33. To determine applications for building warrants subject to a right of appeal to the Committee.

34. To grant extensions to the life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable.

35. To verify or refuse Completion submissions in terms of the Building (Scotland) Act, subject to a right of appeal to the Committee.

36. To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act.

37. To accept, in consultation with the Conveners of the Enterprise, Planning and Infrastructure, and Finance and Resources Committees, any tenders returned for endorsed Nestrans Capital Programme Projects with a value exceeding £150,000 but not exceeding 10% over the estimated value of the contract, and therefore according to Standing Order 76 would be subject to further approval from the Head of Legal and Democratic Services, on the authority of the appropriate Committee. Also delegated to the Head of Asset Management and Operations and the Project Director of Economic and Business Development.

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38. To initiate Right of Way Diversion Order procedures where necessary and where no formal objections are anticipated following informal local Member and community consultations.

39. To maintain a list of adopted core paths and review when appropriate.

40. To construct, alter, widen, improve or renew adopted core paths within approved budgets, including power to maintain.

41. To accept the most economically advantageous tenders for various advanced works and services required for the Aberdeen Western Peripheral Route with the Director of Corporate Governance and in consultation with the Conveners of Enterprise, Planning and Infrastructure and Finance and Resources Committee, subject to the receipt of approvals from other funding partners.

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Previous Items 1-21 Under the Head of Planning and Infrastructure¶

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1(a) To grant applications which conform to adopted policies and to which no objections have been lodged.¶

1(b) Subject in every case to agreement by the Convener of the Planning Committee (Development Management Sub-Committee) and the local members, to approve planning applications (both householder and non householder) where the development proposed accords with policy and/or guidance, has not been the subject of adverse comment from any of the statutory consultees and in respect of which five or less letters of objection have been lodged. [For the avoidance of doubt, a number of letters from the same person or a letter from one address but containing multiple signatures, shall count as one objection only.]¶

<#>To grant applications to fell, lop or top trees protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.¶

<#>To submit directly to the Scottish Government applications for listed building consent and Conservation Area consent which are generally of a routine nature and to which no objections have been lodged, and to approve applications for listed building consent which are of a minor nature and have raised no objections initially, provided that the observations (if any) of the Scottish Government can be included as planning conditions.¶

<#>To determine routine applications for

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