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## NORTH AYRSHIRE COUNCIL

25 February 2021

### Planning Committee

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**Title:** Call In Request: SSE Anaerobic Digestion Plant, Dalry, KA24 4JJ

**Purpose:** To advise the Planning Committee of a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

**Recommendation:** The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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#### 1. Executive Summary

- 1.1 In terms of Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### 2. Background

- 2.1 A request has been made by Councillors Ferguson, Gallacher and Glovers that a Section 42 application to remove condition 1 of planning permission 09/004444/PPM should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers.
- 2.2 The planning application was validated on 21 January 2021 and the call in request has been submitted within the 3 week deadline in accordance with the approved procedure (Appendix 1).
- 2.3 The stated reason for the call in request is as follows: -
- Increase in noise from both the HGVs and the machinery used to pump out contents;
  - Increase in road traffic on a C Class road which is already very degraded;
  - Light pollution due to an increase in operating hours during the hours of darkness; and
  - Increase in noise levels from the machinery used and from workers at the facility.

### **3. Proposals**

- 3.1 The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 None

#### **Human Resources**

- 4.2 None

#### **Legal**

- 4.3 Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### **Equality/Socio-economic**

- 4.4 None

#### **Environmental and Sustainability**

- 4.5 None

#### **Key Priorities**

- 4.6 None

#### **Community Wealth Building**

- 4.7 None

### **5. Consultation**

- 5.1 No consultations were required.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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### Planning Committee Call-in

In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee.

The following steps should be followed when submitting a call in request:

- Requests must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question.
- Requests must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application.
- Requests must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

On receipt of a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call in request.

At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.