

Cunninghame House,
Irvine.

3 March 2016

Planning Committee

You are requested to attend a Special Meeting of the above mentioned Committee of North Ayrshire Council to be held in Garnock Committee Room, Cunninghame House, Irvine on **WEDNESDAY 9 MARCH 2016** at **1.30 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Call In Request: 16/00124/PP - site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae

Submit report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers (copy enclosed).

Planning Committee

Sederunt: Matthew Brown
(Chair)
John Ferguson
(Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 2

9 March 2016

Planning Committee

Title: **Call In Request: 16/00124/PP - site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae**

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 officers under delegated powers.

Recommendation: That the Planning Committee consider whether it wishes to determine the application which would otherwise be determined by officers under delegated powers.

1. Executive Summary

- 1.1 In terms of Section 43(A) of the Town and Country Planning Scotland Act 1997, which was inserted under the 2006 Act, Members may request that an application, which would ordinarily be determined by an Officer under the Scheme of Delegation, shall be referred to the Planning Committee for determination.

2. Background

- 2.1 A request has been made by Councillors Gallagher, Reid, Hill and McLean that an application for planning permission for the installation of a photovoltaic solar farm with an output of up to 5MW and associated infrastructure at the site to the north east of Wee Minnimoer, Millport, Isle of Cumbrae should be determined by the Planning Committee and not by Officers under delegated powers.
- 2.2 The planning application was registered on 16 February 2016 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:-

"the application raises issues of significant Public Interest and also that the area is of environmental interest being with a Local Nature Conservation Area".

3. Proposals

3.1 The Planning Committee is invited to consider whether it wishes to determine the application which would otherwise be determined by Officers under delegated powers.

4. Implications

Financial:	None.
Human Resources:	None.
Legal:	4.3 Section 43(A) of the Town and Country Planning (Scotland) Act 1997, inserted under the 2006 Act, provided for applications to be "called in" for determination by the Planning Committee rather than by Officers under delegated powers.
Equality:	None.
Environmental & Sustainability:	None.
Key Priorities:	None.
Community Benefits:	None.

5. Consultation

5.1 No consultations were required.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Angela Little, Committee Services Officer on 01294 324132

Background Papers

Call In notification by Councillors Gallagher, Reid, Hill and McLean

Appendix 1

Call In Procedure by the Planning Committee under Section 43A(6) of the Town and Country Planning (Scotland) Act 1997

In terms of Section 43A(6) of the 1997 Act, “the planning authority may, if they think fit, decide themselves to determine an application which would otherwise be determined by a person so appointed” (under a Scheme of Delegation).

Members are entitled to exercise this right in the following manner.

1. At least 3 Members must submit in writing or electronic format a formal request that a particular application should be remitted to the Planning Committee for determination. The request should be sent to the Corporate Director (Development and Environment).
2. The formal request must be received no later than 3 weeks after the application is registered. (Note - all registered planning applications are accessible on the Council’s website).
3. The Corporate Director (Development and Environment) will immediately refer the reference to the Chair of the Planning Committee who will be required to call a meeting of the Planning Committee within five working days of notification by the Corporate Director (Development and Environment).
4. At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. If none of the Members attend the Planning Committee, the Committee may determine not to call in the application.
5. The Members requesting the call in must give reasons for the call in and, if these are so accepted by the Planning Committee, those reasons shall be communicated to the applicant (Section 43A(7)).
6. Reasons for calling in have to be fair, relative and proportionate to the proposed development.

Example might include the following:-

- determination would raise issues of perceived controversial architectural design
- raises significant public interest
- has implications as to the interpretation of Local Plan policies

These might not be the only reasons which Members may feel relevant.

7. Once the Planning Committee has determined the call in request should be agreed to, the application will be determined by the Planning Committee in the normal way, irrespective of the fact that it is a local development and would otherwise be dealt with under the Scheme of Delegation.