

DISCHARGE OF CONDITIONS (DOC) (PLANNING AND RELATED PERMISSIONS)

Guidance Note for Applicants, Officers, & Third Party Interests

Version 1.1 August 2025 – Development Management

Introduction

In order to improve certainty of outcomes within the planning process, and better inform customer expectations, Argyll and Bute Council has updated the procedure which it will utilise for the receipt, processing and determination of submissions for the discharge of conditions relative to an existing planning permission.

From 8th September 2025 all requests for the discharge of conditions for planning and related applications made to Argyll and Bute Council shall require to be submitted and assessed using the procedure set out in this guidance.

Purpose of the Guide

This guidance note is intended to assist planning officers and applicants but will also be useful for other stakeholders involved in the planning process.

This is a non-statutory document which the planning authority has published to provide clarity and assistance to those submitting, assessing, or potentially affected or concerned by proposals. It is not a formal policy document and the planning authority has the discretion to depart from the guide depending on the individual circumstances of a particular case. Where it does so however it will explain why it has done so as part of the assessment of the request.

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Procedural Overview of Discharge of Conditions

What is the basis of the procedure?

Section 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) (the 1997 Act) provides the mechanism for a planning authority to “grant planning permission (or listed building consent), either unconditionally or subject to such conditions as they think fit”.

The Town and Country Planning (Fees for Applications)(Scotland) Regulations 2022 has identified that a planning authority may charge a fee for specified services related to the carrying out of their functions, including matters relating to the compliance with a condition imposed on a planning application. The fee payable is prescribed in the Regulations.

From 8th September 2025, Argyll and Bute Council has decided to introduce non-statutory fees for the

processing of submissions for providing confirmation of the discharge of conditions to existing planning permissions.

Which Permissions can be subject to a Discharge of Conditions submission?

Discharge of Conditions submissions are only for detailed permissions, these include:

- Detailed Planning Permission (usually identified by the suffix PP, MFF, or MIN in the application reference number);
- Prior Approvals (PAxxx);
- Listed Building Consent (LIB);
- Conservation Area Consent (CONAC);
- Display of Advertisements (ADV);
- Tree Works (TPO); and
- Deemed planning permissions granted under S36 or S37 of the Electricity Act.

The DOC process **cannot** be utilised for follow up submissions to a grant of planning permission in principle (PPP).

What is the purpose of the DOC process ?

The DOC procedure is intended to provide a formalised means for the submission of further information that is identified within a condition which requires the further written approval of the planning authority, and/or identified consultees to the planning process.

If information is submitted in relation to a condition that doesn't require to be formally discharged then we will assume that the applicant requires written confirmation that there are no outstanding requirements to purify that condition.

There is no procedural requirement for the planning authority to undertake neighbour notification for a discharge of conditions submission. Consultation with other stakeholders will only be carried out where they have expressly identified a requirement for their sign-off in responding to the earlier planning application, or where their expertise is necessary in the assessment of the details submitted. Accordingly this is a streamlined process which is intended to

facilitate the submission, assessment and approval in where this is required by a condition on a detailed permission.

Submitting a Request for DOC

Who can make a submission for a Discharge of Condition?

There is no restriction on who is permitted to make a Discharge of Condition submission. Usually however this would be expected to be the applicant who holds the planning permission, or someone else acting on their behalf.

Is there a dedicated application form for use by applicants?

Yes, from 8th September 2025 applicants must use the Council's dedicated request form for making a Discharge of Condition submission. The application form can be downloaded from:

www.argyll-bute.gov.uk/planning-and-environment/make-planning-application

DOC submissions can be made by e-mail to:

Planning.HQ@argyll-bute.gov.uk

or alternatively by post to:

Development Management Service
Kilmory Castle,
Lochgilphead,
Argyll,
PA31 8RT

What must accompany a DOC request?

The request for a Discharge of Condition must be made in writing (on the form provided) and accompanied by sufficient detail to address the requirements of the condition.

Applicants are advised to refer to the [National Validation Guidance](#) published by the Heads of Planning Scotland for detailed guidance on minimum standards applicable to the format, scaling and content of plans/drawings.

The relevant fee must also be submitted (see below).

Is there a fee for making a DOC request?

Yes, from 8th September 2025 a fee shall be payable for DOC submissions. This fee is set within the Town and Country Planning (Fees for Applications)(Scotland) Regulations 2022.

The current fee is identified within the Council's published [Planning Fee Guidance](#) (p12 Other).

Please note that we are unable to process applications until we receive the necessary fee payment.

Fee Exemptions (no fee payable):

DOC submissions relating to the following types of permissions are exempt from payment of a fee:

- Listed Building Consent (LIB)
- Conservation Area Consent (CONAC)
- Tree Works (TPO)

DOC submissions relating to a Planning Permission (PP) where either:

- The Planning Permission (PP) relates solely to the alteration or extension of a dwellinghouse, or other operations within the curtilage of a dwellinghouse for the purpose of providing means of access for a disabled person, or providing facilities designed to secure that person's greater safety, health or comfort; OR
- The Planning Permission (PP) relates solely to the provision of means of access for disabled persons to a building or premises to which members of the public are admitted.

For the avoidance of doubt, in either case, the original planning permission submission will have been subject to a fee exemption for this purpose.

What payment methods are available?

Fees for DOC requests can be paid online or by phone.

Online:

Please logon to: www.argyll-bute.gov.uk and select the '[Pay it](#)' option from the top menu bar.

In the **Planning and Building Standards applications** section...

To pay your DOC Request fee select:

[Pay your planning application charges \(not advertising fees\)](#) . In the Reference field, input "DOC" followed by the original planning application reference (e.g. DOC 25/00001/PP)

Phone:

Please call 01546 605518 and request to pay "Planning application charges". When asked for a **Planning Application Reference** please state **"DOC" followed by the original planning application reference** (e.g. DOC 25/00001/PP).

When asked for a **Payment Fee Reference** please state **"62510"**

Can the discharge of more than one condition be applied for on the same form and for a single fee payment?

Yes, provided all matters within the submission relate to the same extant permission.

Can amendment be made to conditions using the DOC procedure?

No, the DOC procedure is only intended to facilitate the written approval/confirmation of the planning authority required by the terms of a condition on an extant permission. The proposed submission must therefore be compatible with the conditional terms set out within that permission.

Where applicants are seeking to remove or vary the terms of planning conditions then they will require to make a further planning application under Section 42 of the 1997 Act.

Can the DOC procedure be used to discharge conditions on a Planning Permission in Principle?

No, the DOC process **cannot** be utilised for follow up submissions to a grant of Planning Permission in Principle (PPP).

For the avoidance of doubt, Planning Permission in Principle is the first stage of a two part process. The second stage of that process requires a formal application for the Approval of Matters Specified in Conditions (AMSC). AMSC is a formal planning application process that requires neighbour notification and consultation with statutory consultees.

How will DOC Submissions be Processed?

What happens once an application has been validated?

Once a valid request (including fee payment) has been received, the application form and plans accompanying the request will be uploaded to an electronic case file which is available to view online via Public Access.

An acknowledgement letter will be issued to the applicant (or their representative) confirming the date of validation and target time period for determination.

Details of the submission, including the applicant's name and site address are made available online to the public. Personal phone numbers, email addresses and signatures will not be displayed to accord with the Data Protection Act 2018. Further detail on how data will be managed is available at:

<https://www.argyll-bute.gov.uk/privacy/planning>

Does the planning authority have to undertake consultation / publicity on DOC applications?

No, a submission for a Discharge of Condition is not an application for planning permission and accordingly the Development Management Procedure Order requirements that relate to

statutory consultation and publication do not apply. It is therefore at the discretion of the planning authority in whether and how they choose to inform other interested parties or seek their views.

Consultation with other stakeholders will generally be limited to engagement with consultees who have identified the requirement for a condition to provide specific mitigation measures. The purpose of the consultation is to obtain the sign-off of that consultee and/or to obtain expert advice prior to the planning authority discharging the requirements of the condition.

Neighbour notification will not be undertaken by the Council in their administration of a Discharge of Condition submission.

What is the time period for determination of a submission for a Discharge of Condition?

There is no statutory time period within which the planning authority is required to determine a DOC submission.

However, to assist with the prioritisation of casework and to inform customer's expectations the Council has set a target of processing DOC submissions **within 30 working days** from validation date.

Decisions will be issued earlier where possible.

Extended time periods may be required where further/amended information requires to be submitted, and/or where receiving consultee responses are delayed. In such circumstances the case officer is expected to provide a timely update to advise of any requirement for further information, and of revised timescales for determination.

How will DOC Submissions be Determined?

What is the scope of the DOC assessment?

DOC submissions will be assessed by a case officer who will require to consider:

- Whether the submitted details are sufficient to comply with the technical requirements of the conditions; and
- Whether the submitted details are acceptable having due regard to the stated aims of the condition and to the relevant provisions of the Development Plan in respect of the specific matters under consideration.
- Where a condition explicitly identifies the requirement for input of another stakeholder then their input requires to be sought before a decision can be made.

Can a DOC submission be amended after it has been received by the planning authority?

Yes, however to avoid the DOC process being utilised as a vehicle for extended negotiations the submission of further/amended information is restricted as follows:

Validation Stage: The validating officer will seek to ensure that the submission meets the basic requirements of the relevant condition(s). Where information is obviously missing, or provided in an inappropriate format then the applicant will be provided with an opportunity to address those matters.

Initial Assessment: Upon allocation, the case officer will seek to review whether the detail of the submission appears to meet the requirements of the relevant condition(s). Where information is obviously missing or deficient then the applicant will be provided with limited opportunity to address the identified issues. In the event that the applicant is unable or unwilling to do so in a timely manner then the submission will be progressed and determined based on the submission to date.

Formal Assessment: Following detailed assessment, where either the case officer or a consultee identifies that the submission is deficient then the applicant will be provided with one final opportunity to address the identified issues. In the event that the applicant is unable or unwilling to do so in a timely manner then the submission will be

progressed and determined based on the submission to date.

Who determines DOC submissions?

Discharge of Conditions decisions will generally be delegated to a planning officer/technician – where practicable this will be the case officer who handled the original application.

Where the discharge of a condition relates to a contentious or complex matter then sign-off by a more senior planning officer may be required.

Where a condition has been imposed as a result of the advice provided by a consultee to the original application then sign off from that consultee will also be required.

How will decisions be recorded?

A decision letter will be issued on conclusion of the DOC process. Please note that where a submission relates to multiple conditions then the decision letter will not issued until the assessment of all matters within the submission has been concluded.

The decision letter will clearly state the outcome for each condition, and include commentary where it is necessary to provide clarification or caveats on the details approved.

The Council will record details of all DOC submissions and their decision on the planning register. This will include publication of the decision letter issued to the applicant (or their representative) confirming the outcome of the DOC process.

What happens if a DOC submission is unsuccessful?

Where a DOC submission is unsuccessful then the decision letter will include commentary setting out the reason(s) why the planning authority has not approved the submitted details.

Where a DOC submission relating to multiple conditions is partially successful then the decision

letter will clearly identify which conditions have been discharged and which have not.

Is there a right of appeal?

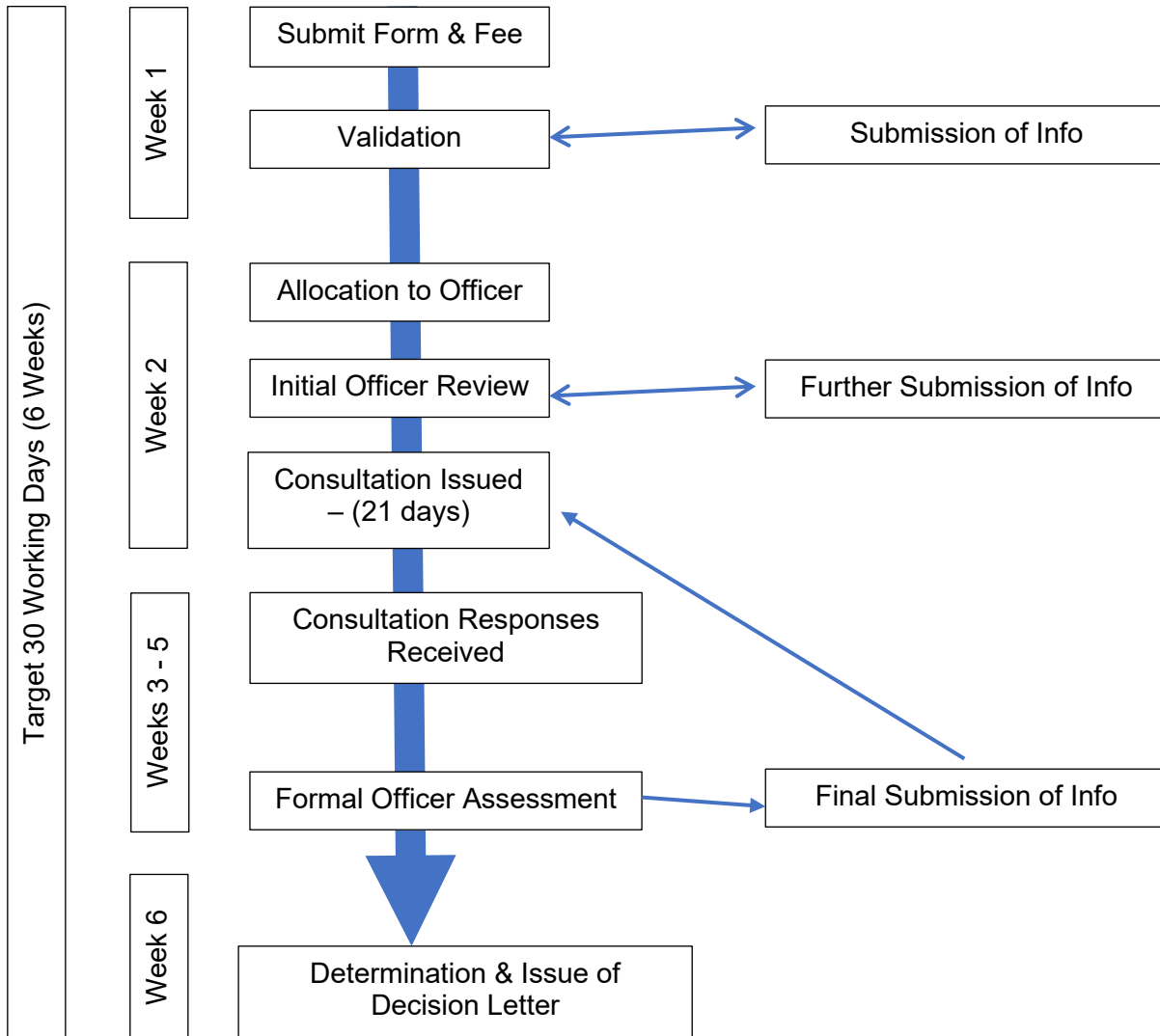
No, there is no statutory right of appeal for either the applicant or third parties. The consideration of a submission to Discharge Conditions is entirely at the discretion of the planning authority.

Where a DOC submission has been unsuccessful the applicant will require to make a fresh submission, including payment of the applicable fee.

In circumstances where an applicant is unable or unwilling to comply with the requirements of a planning condition then they can alternatively seek to remove or vary the terms of planning conditions by making a further planning application under Section 42 of the 1997 Act. This route would include a statutory right of appeal in the event of being unsuccessful.

Further Information

For more information, guidance or advice on the Discharge of Conditions please contact us using the [Planning Enquiries](#) form, or alternatively telephone 01546 605518.



Note: The DOC process provides three limited opportunities for where an applicant may be invited to address identified deficiencies in the submission. Where an opportunity to provide further/amended information is provided then this will result in extended time periods for processing of submissions.