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Community Council Planning Training

Development Management

October / November 2026

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Introduction & Purpose

- Introduction to the Council's Development Management Service
- The Development Management Process
- Role of Community Councils in DM – Statutory Consultee
- Appeals and Local Review Bodies
- Planning Enforcement & Monitoring

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What is ‘Planning’?

Planning is the process of thinking about the activities required to achieve a desired goal. It involves the creation and maintenance of a plan.

Town Planning is an activity which involves both control of existing and new development, and ‘strategic planning’ to ensure our resources are carefully managed to match our future needs and expectations.

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What is the purpose of the ‘Planning System’?

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Introduction to the Council's Development Management Service

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What is Development Management?

Planning Applications

Monitoring & Enforcement

Pre-Application Enquiries

Tree Preservation Orders

Listed Building Consent

Conservation Areas

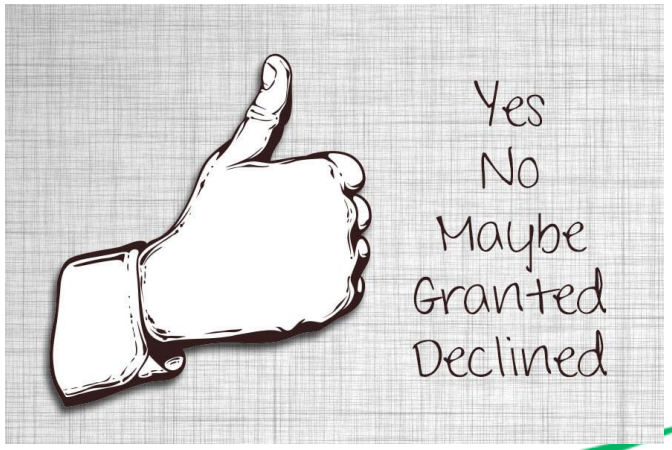
Appeals / Local Review Boards

Advertisement Consent

High Hedges

Hazardous Substance Consents





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Development Management Service - Overview

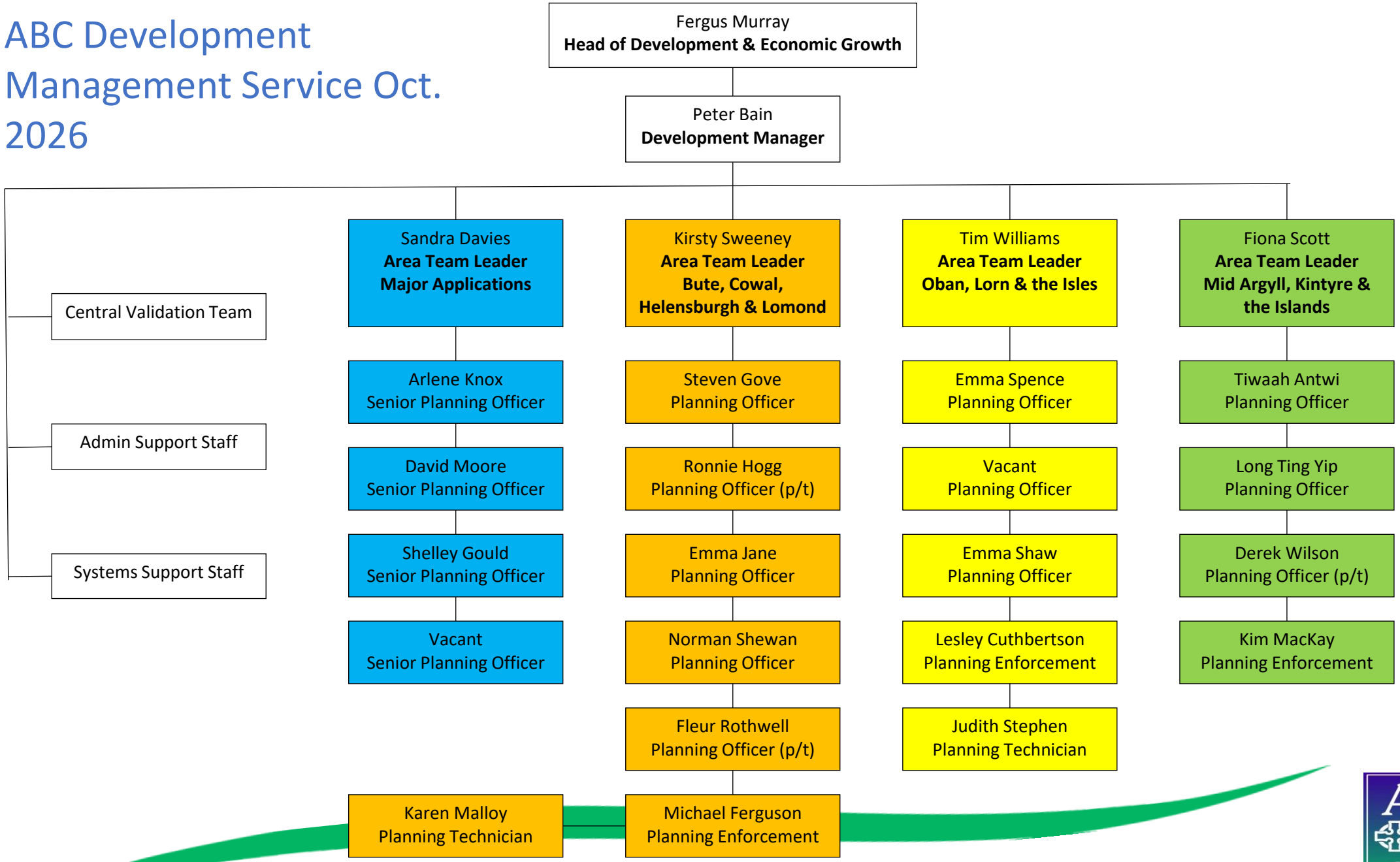
- 1900 Statutory Submissions Per Annum
- 500 Non-Statutory Submissions Per Annum
- Wide variety of application scales and types.

Planning Officers

- Public Facing & Locally Accessible
- Report to Committee or Delegated Powers
- Link and advise on other disciplines

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ABC Development Management Service Oct. 2026



National Planning Improvement Framework

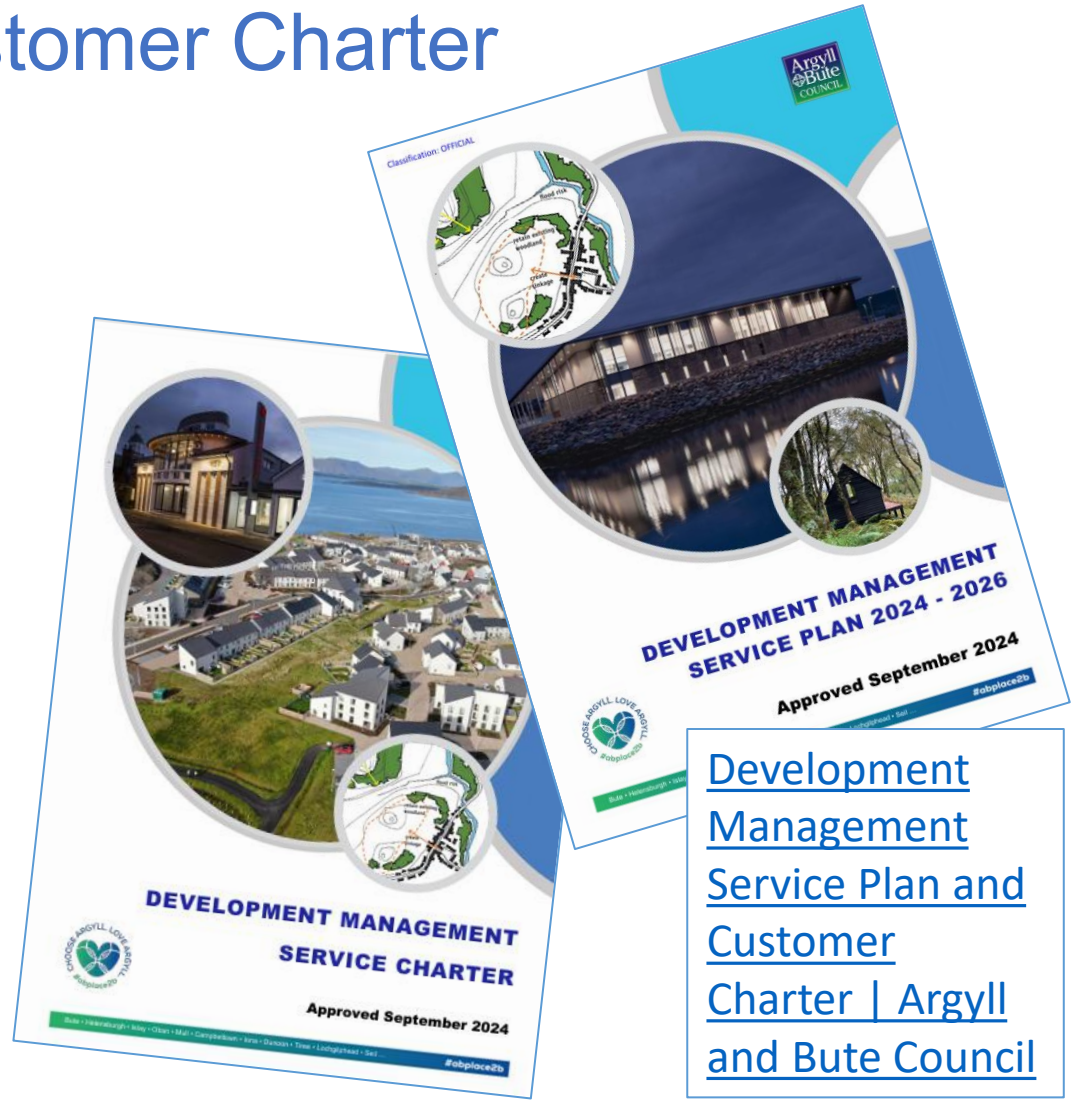
- Annual report card to the National Planning Improvement Champion
- Identifies a range of Improvement Actions and measures progress on their delivery.



[Improvement Action Plans and Performance Assessments | Improvement Service]

DM Service Plan & Customer Charter

- The Customer Charter provides an introduction to the DM Service and looks to set out the level of service customers should expect.
- The Service Plan sets out the expectations and key performance targets for the DM Service. Renewed bi-annually.



[Development Management Service Plan and Customer Charter | Argyll and Bute Council]

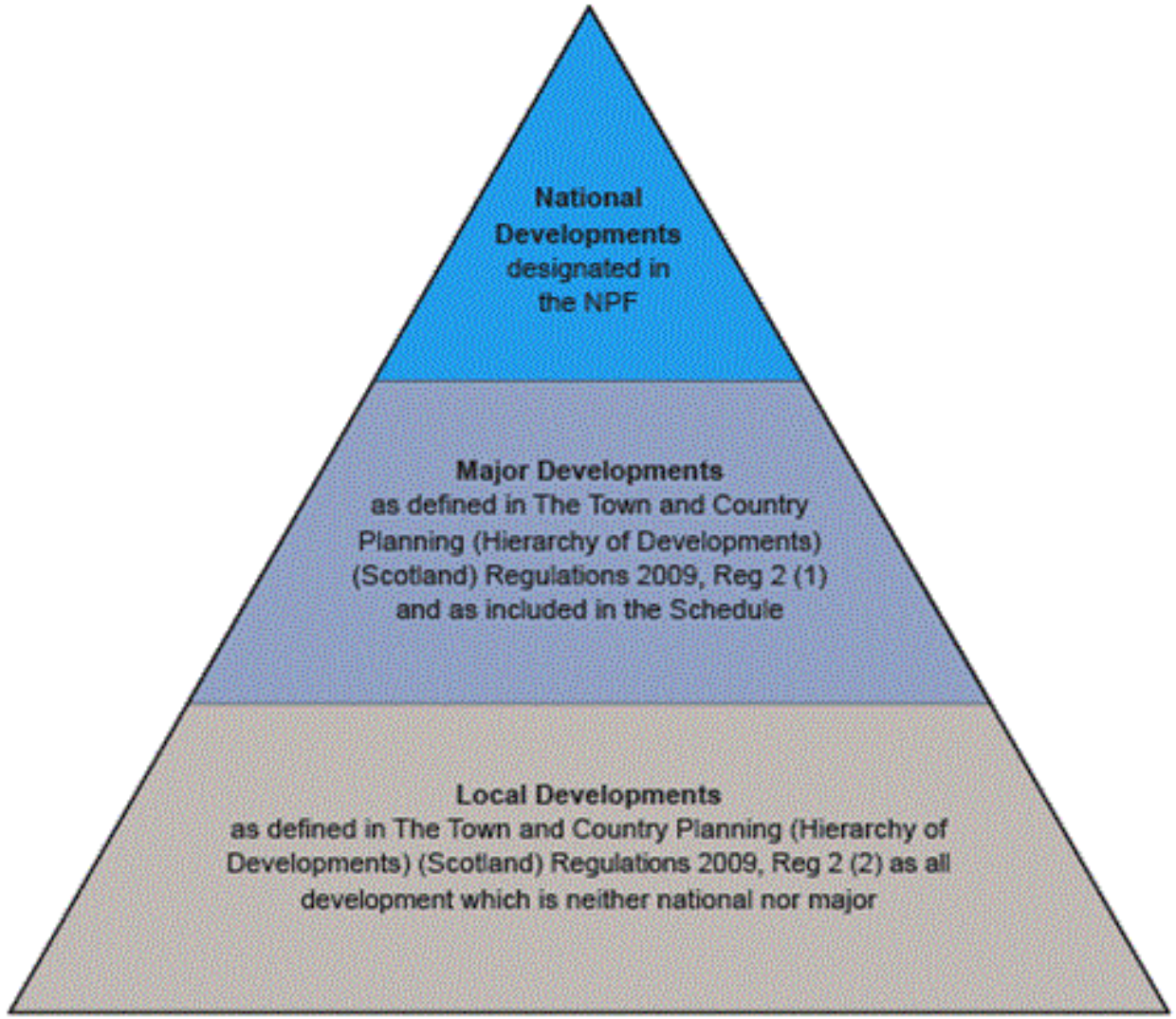
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The Development Management Process

Requirement for Planning Permission

- Planning permission is required for any new development. ‘Development' includes any building, engineering, mining or other operations in, on, over or under land. It also includes changes in the use of buildings and land and aquaculture development within inshore waters.
- Some developments are classed as ‘permitted development’ and don't need express permission from the planning authority.

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The Hierarchy of Developments

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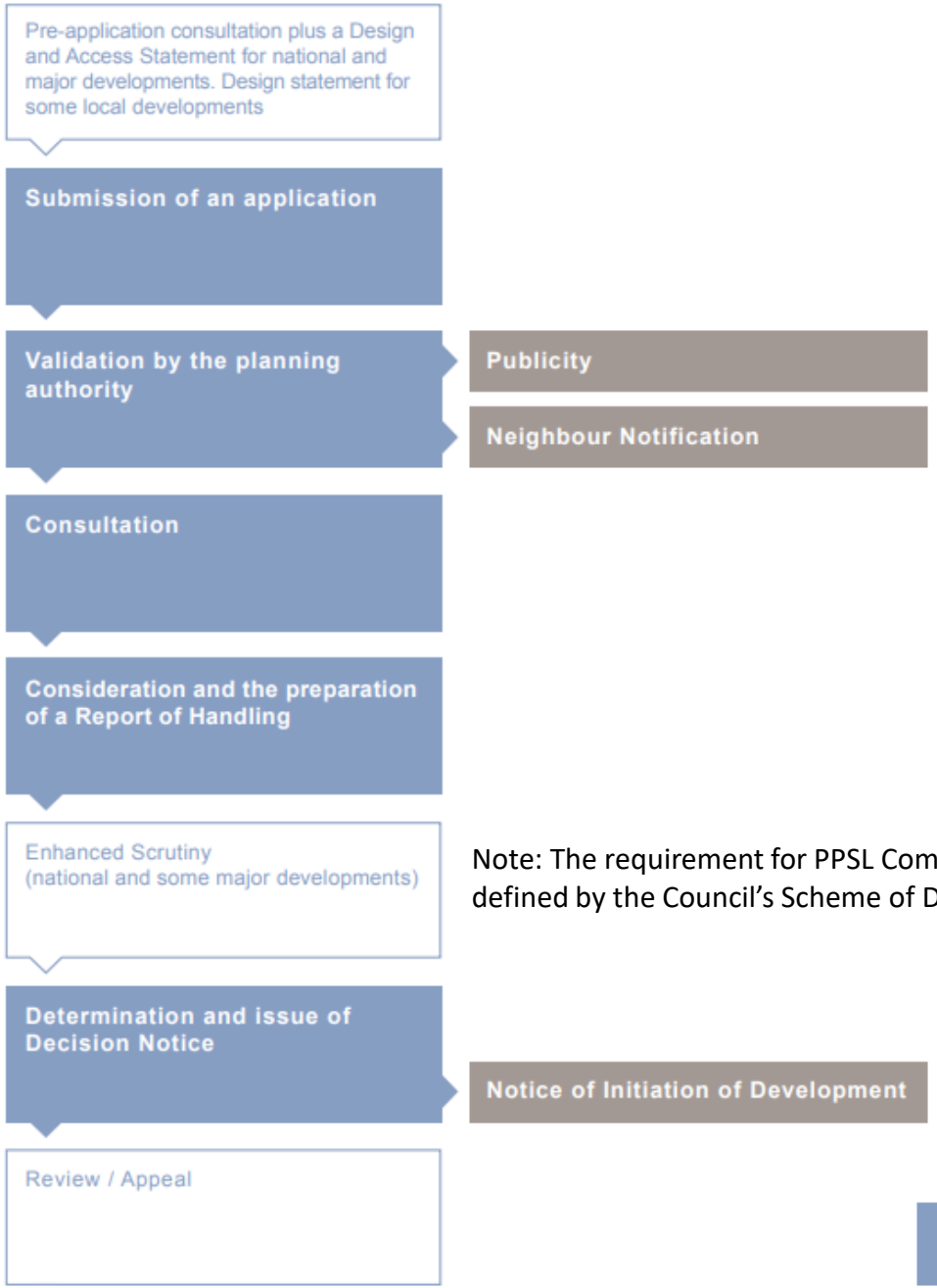
Schedule of Major Development

• EIA Schedule 1 Development	
• Housing	50 plus dwellinghouses or site exceeds 2ha
• Business and General Industry, Storage and Distribution	10,000sqm gross floor area or site exceeds 2ha
• Electricity Generation Schemes	Exceeds 20 megawatts capacity
• Waste Management Facilities	Waste Management exceeding 25,000 tonnes per annum or 50 tonnes per day sludge treatment.
• Transport and Infrastructure	Linear length exceeding 8Km
• Fish Farms	Surface area of water exceeds 2ha
• Minerals	Site area exceeds 2ha
• Other development	Floor space exceeds 5,000sqm or site area exceeds 2ha

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The Development Management Process



Note: The requirement for PPSL Committee or Full Council scrutiny is defined by the Council's Scheme of Delegation

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The Role of Community Councils in DM Statutory Consultees

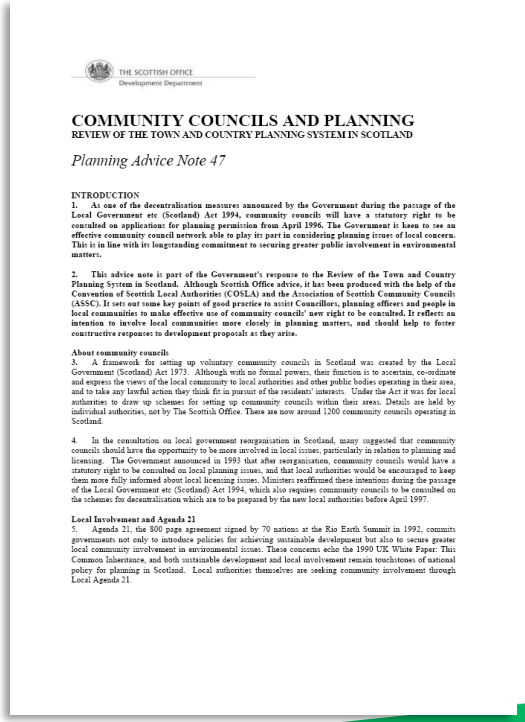
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Role as a Statutory Consultee

•Community Councils have been a statutory consultee on planning applications since April 1996.

•Role is laid out in Planning Advice Note PAN 47 – Community Councils and Planning



THE SCOTTISH OFFICE
Development Department

COMMUNITY COUNCILS AND PLANNING
REVIEW OF THE TOWN AND COUNTRY PLANNING SYSTEM IN SCOTLAND

Planning Advice Note 47

INTRODUCTION

1. As one of the decentralisation measures announced by the Government during the passage of the Local Government etc (Scotland) Act 1994, community councils will have a statutory right to be consulted on applications for planning permission from April 1996. The Government is keen to see an effective community council network able to play its part in considering planning issues of local concern. This is in line with its longstanding commitment to securing greater public involvement in environmental matters.

2. This advice note is part of the Government's response to the Review of the Town and Country Planning System in Scotland. Although Scottish Office advice, it has been produced with the help of the Convention of Scottish Local Authorities (COSLA) and the Association of Scottish Community Councils (ASSC). It sets out some key points of good practice to assist Councillors, planning officers and people in local communities to make effective use of community councils' new right to be consulted. It reflects an intention to involve local communities more closely in planning matters, and should help to foster constructive responses to development proposals as they arise.

About community councils

3. A framework for setting up voluntary community councils in Scotland was created by the Local Government (Scotland) Act 1973. Although with no formal powers, their function is to ascertain, co-ordinate and express the views of the local community to local authorities and other public bodies operating in their area, and to take any lawful action they think fit in pursuit of the residents' interests. Under the Act it was for local authorities to draw up schemes for setting up community councils within their areas. Details are held by individual authorities, not by The Scottish Office. There are now around 1200 community councils operating in Scotland.

4. In the consultation on local government reorganisation in Scotland, many suggested that community councils should have the opportunity to be more involved in local issues, particularly in relation to planning and licensing. The Government announced in 1993 that after reorganisation, community councils would have a statutory right to be consulted on local planning issues, and that local authorities would be encouraged to keep them more fully informed about local licensing issues. Ministers reaffirmed these intentions during the passage of the Local Government etc (Scotland) Act 1994, which also requires community councils to be consulted on the schemes for decentralisation which are to be prepared by the new local authorities before April 1997.

Local Involvement and Agenda 21

5. Agenda 21, the 800 page agreement signed by 70 nations at the Rio Earth Summit in 1992, commits governments not only to introduce policies for achieving sustainable development but also to secure greater local community involvement in environmental issues. These concerns echo the 1990 UK White Paper: This Common Inheritance, and both sustainable development and local involvement remain touchstones of national policy for planning in Scotland. Local authorities themselves are seeking community involvement through Local Agenda 21.

"The legitimate public interest in planning extends beyond those most directly affected by a proposal to a wider community of interest in the wise development of the local environment. The Government considers that the community council has a special role, representing a broader yet still local view which can be set alongside the comments of those with a more individual interest."

PAN 47

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Community Council Consultation on Planning Applications

Weekly List of Planning Applications (Public Access)

↓

Community Council appointed Contact requests consultation on a planning application within 7 days of receipt

↓

Community council consider "wider community of interest consideration" Respond within consultation period (21 days)– further information on application available on "public access"

↓

Planning authority considers Community Councils view and issues a decision

"Each community council should appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover and inform the authority accordingly"

PAN 47

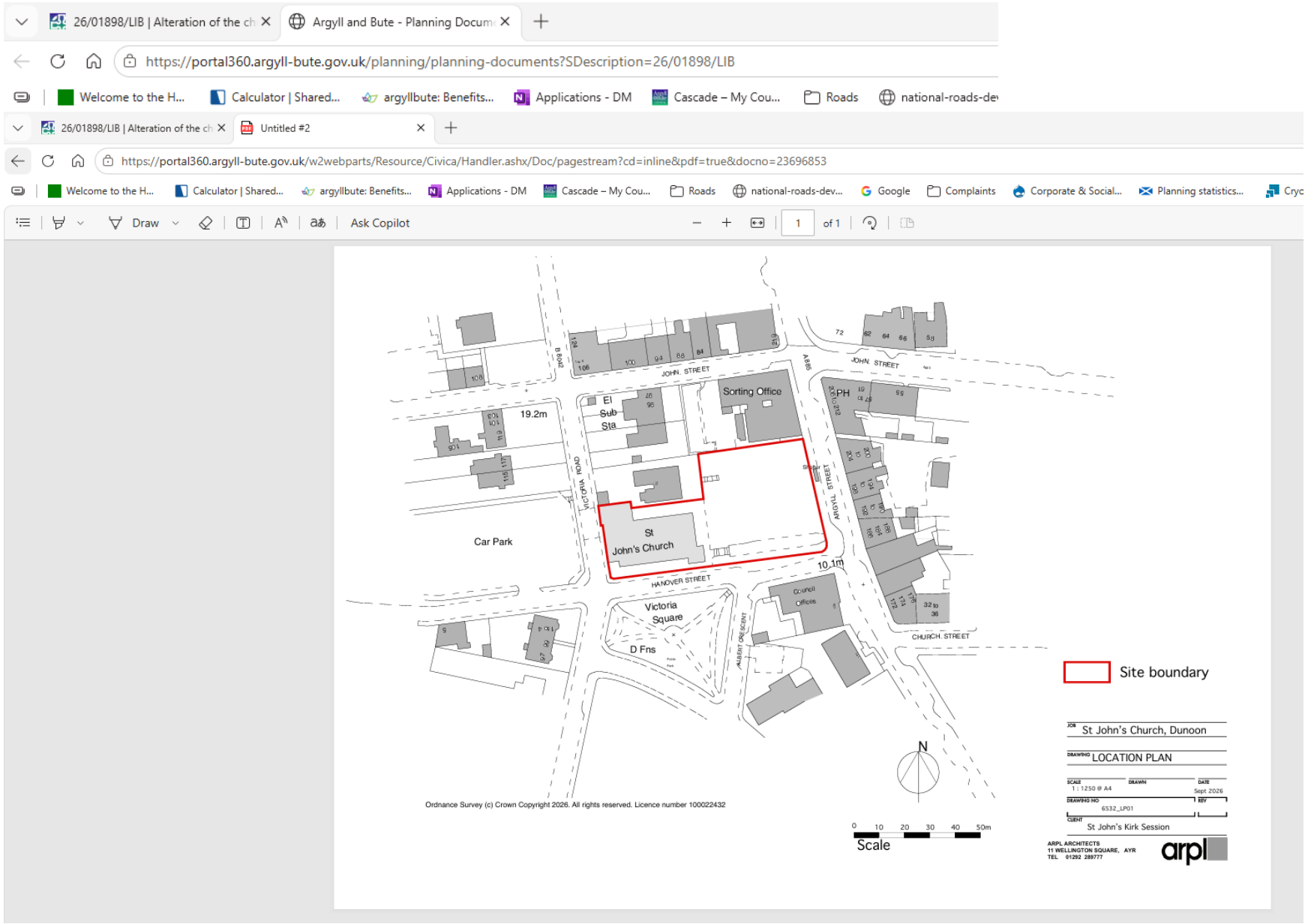
"Consultation should not cause delay in the planning process and comments should be submitted within 14 days (now 21 days) of receipt"

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Weekly List of Applications

(& How to View Application Details)



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Requesting a Consultation

Reminder: Please e-mail the office address rather than the individual case officer

Mid Argyll, Kintyre and the Islands

planning.maki@argyll-bute.gov.uk

1A Manse Brae, Lochgilphead, PA31 8RD

Oban, Lorn and the Isles

planning.olandi@argyll-bute.gov.uk

Municipal Buildings, Albany Street, Oban PA34 4AW

Bute and Cowal

planning.handl@argyll-bute.gov.uk

Argyll House, 91 Alexandria Parade, Dunoon PA23 8AJ

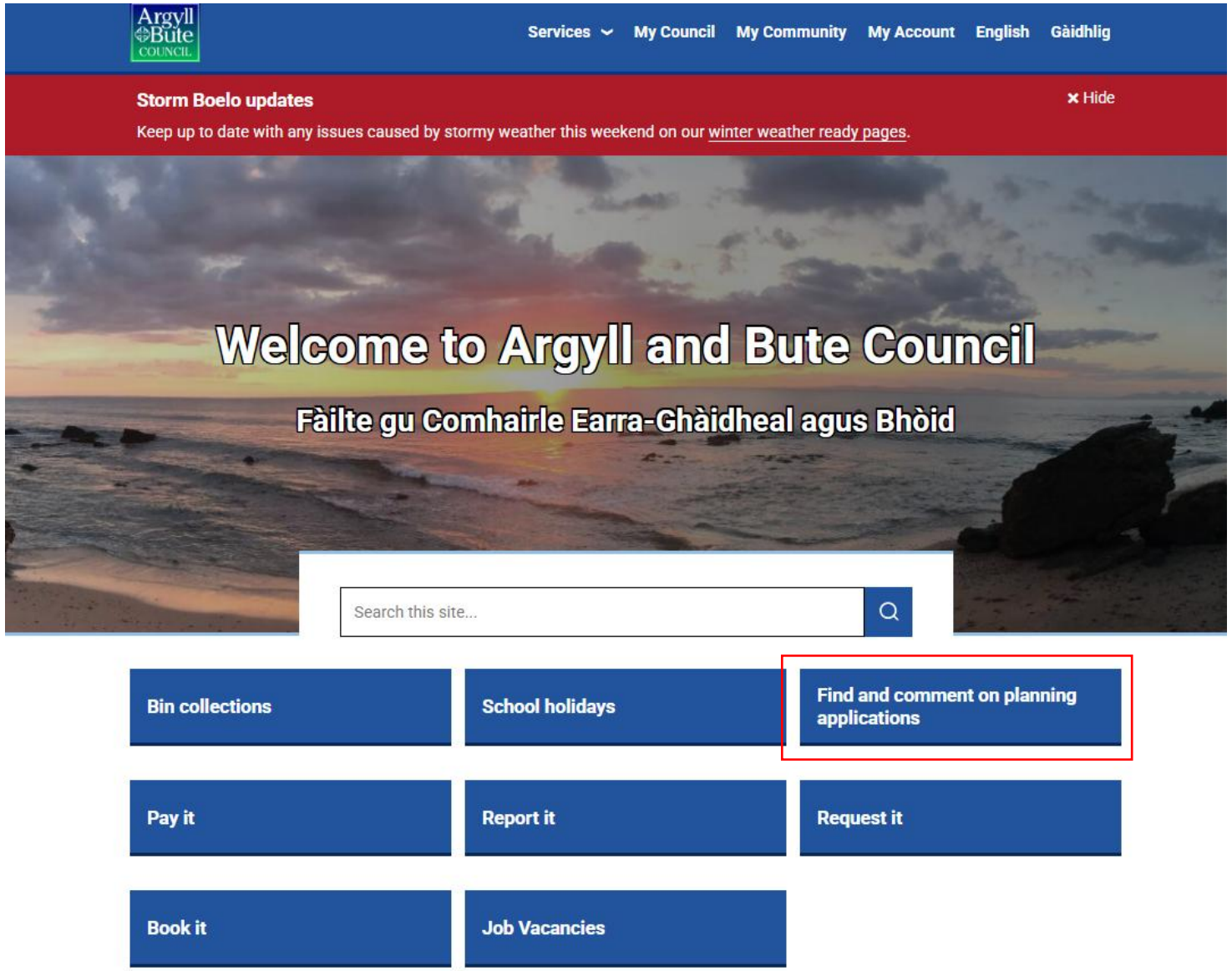
Helensburgh and Lomond

planning.handl@argyll-bute.gov.uk

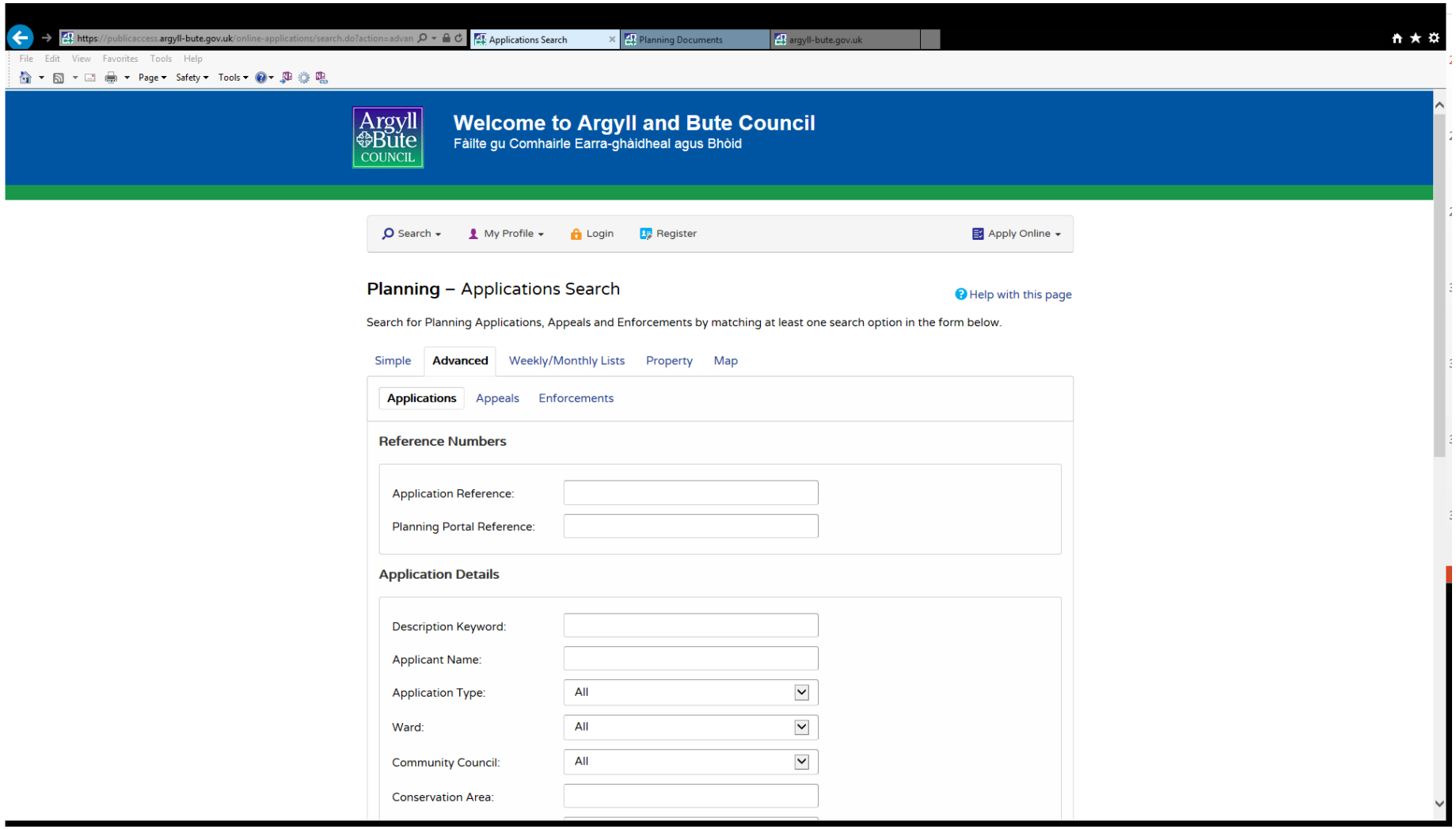
The Helensburgh and Lomond Civic Centre, 38 East Clyde Street, Helensburgh G84 7PG

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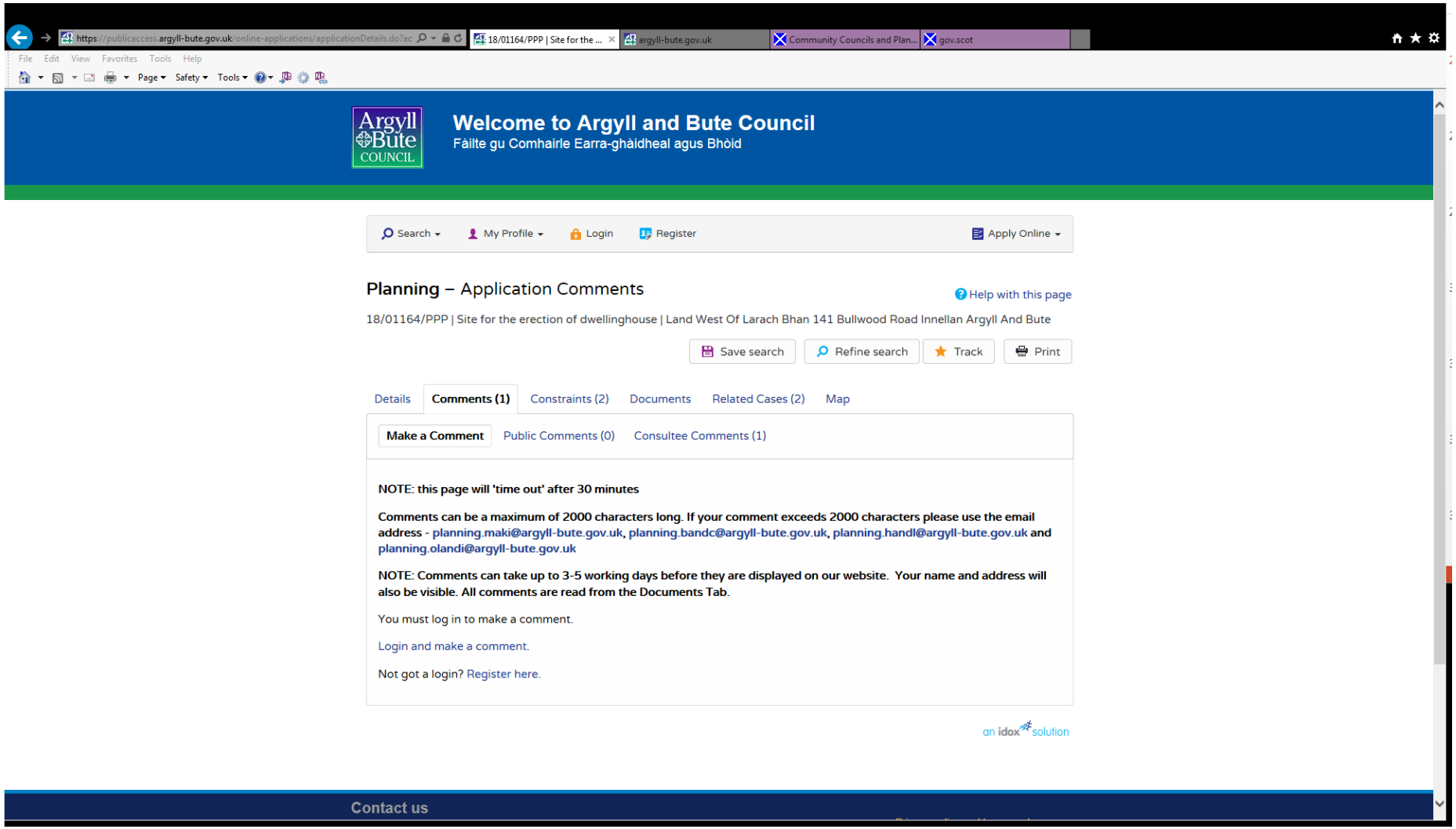
Public Access



Public Access



Public Access



Material Considerations

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In determining what is legitimate public concern and a material planning consideration, a planning authority must first consider two basic tests:

1. It should serve or be related to the purpose of planning – it should therefore relate to the development and use of land; and
2. It should fairly and reasonably relate to the particular application

It is also important to note that the Planning system operates to protect the public interest rather than the interests of one person or business against the activities of another.

In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of the land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

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Material Considerations

- The Development Plan (NPF 4 and Argyll and Bute LDP2 2024);
- Local Place Plans;
- The environmental impact of the proposal;
- The design of the proposed development and its relationship to its surroundings;
- Access, provision of infrastructure and planning history of the site;
- The opinion of statutory and other consultees; and
- Legitimate public concern or support expressed on relevant planning matters

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- the loss of a private view over neighbouring property
- loss of property value
- the applicant's lack of ownership of the site
- boundary and access disputes
- competition among shops/businesses
- moral or religious considerations e.g. objections to betting shops or working on Sundays
- political or ideological dislikes e.g. objections to private hospitals
- the health effects of telecommunications equipment, and
- matters covered under other legislation e.g. building standards.

NOT

Material Considerations

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Effective Engagement for Community Councils

The Golden Rules

- Be Organised – deadlines, who's in charge, key contacts
- Read and engage with the Development Plan
- Be Concise
- Use your Local Knowledge
- Represent Local Views

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Planning Aid Scotland (PAS)

- National charity that delivers free and independent advice, information, support and training on planning and environmental matters to members of the general public and community organisations.
- Advice and training is provided through qualified and experienced town planners and trainers.
- Planning Advisory Service

Planning Aid Scotland

pas

Appeals & Reviews

Overview of Appeal / Review Process

Only the applicant has a right to seek a review/appeal:

- A decision by the Council to refuse planning permission; or
- A decision by the Council to grant planning permission subject to conditions; or
- Failure by the Council to provide a determination within the statutory time limit.

There is no third party right of appeal for objectors or consultees.

Two routes for appealing/reviewing a planning decision – the route depends on how the initial decision was made.

- Applications determined at PPSL Committee or by Full Council are subject to a right of appeal to Scottish Ministers (DPEA).

- Applications determined by Officers using delegated powers are subject to request a Local Review Body.

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Local Review Bodies (LRBs)

Local Review Body (argyll-bute.gov.uk)

- Purpose of an LRB is to review (at request of applicant within 3 months of decision) decisions made under delegated powers by Council officers
- LRB process is administered by the Council's Legal and Regulatory Services
- LRBs will consist of at least three elected members. LRB may request advice from experts on particular subjects if required
- LRB meetings must be in public
- Method of determination (i.e. written submissions or a public hearing) is at discretion of the LRB
- No automatic right for the applicant or third parties to speak directly to the LRB

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Appeals to Scottish Ministers (DPEA)

- The Planning Appeal process is administered by the Scottish Government Directorate of Planning and Environmental Appeals (DPEA) on behalf of Scottish Ministers
- Decisions made by PPSL Committee or Full Council can be challenged by the applicant by submitting an appeal to the DPEA within 3 months from determination.
- Decisions on Listed Building Consent, Advertisement Consent and Hazardous Substances Consent are also subject to a right of appeal to Scottish Ministers
- Planning enforcement notices served by the Council are also subject to a right of appeal (in most cases) to Scottish Ministers
- Appeal will normally be determined by a DPEA appointed Reporter, although some complex cases may be referred directly to Scottish Ministers to undertake a final determination
- The method of determination (i.e. written submissions, hearing session, inquiry session) is at the discretion of the appointed DPEA Reporter
- Where applicant or any other third party is aggrieved by the outcome then this can be challenged by Judicial Review

Planning Appeals to Scottish Ministers (DPEA)

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Planning Enforcement & Monitoring

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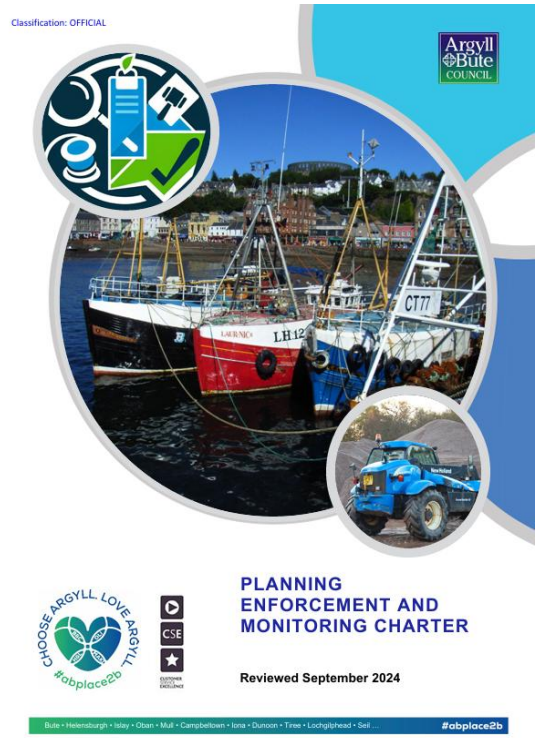
Monitoring & Enforcement

- Planning authorities have an extensive range of discretionary powers to deal with circumstances where a breach of planning control is suspected.
- The purpose of planning enforcement is to resolve a problem rather than to punish a mistake.
- Any action taken has to be appropriate to the scale of the breach.
- **Members of the public** may often bring breaches of planning control to the attention of councillors or the planning service.
- The Planning Service undertakes **Proactive Monitoring** on significant developments



Enforcement and Monitoring Charter

- Required to be reviewed and updated every two years
- How the enforcement process works
- Explains the role of the Council and the service standards it has set
- Provides an overview of what happens at each stage of what can be a lengthy process
- Details the enforcement powers available to the Council
- Unauthorised Development | Argyll and Bute Council



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Monitoring & Enforcement

- If a breach has occurred then process to be followed includes:-

  Negotiation

  Retrospective application (where appropriate)

  Formal Action

- Notices

  Seek remedial action in cases where development does not have permission or where the development does not follow the conditions attached to the permission which was granted.

  In exceptional cases procurator fiscal or direct action (this has considerable resource implications for the Council and is rarely used).

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Useful Sources of Information

The Development Plan

- National Planning Framework 4
- Argyll and Bute Local Development Plan 2 2024

Useful Links:

- ABC Planning and Building Standards Webpage
- ABC Weekly Lists of Valid Planning Applications
- ABC Development Management Contact Details
- ABC Public Access Search
- ABC Planning Enforcement Charter
- ABC Council Constitution (including Scheme of Delegation to Officers)

Useful Sources of Information

Community Council Training Materials

- Community Councils - Overview

Public Access Training:

- Public Access Training

Inc:

- How to Search for Applications on Public Access
- How to Register a Public Access Account
- How to Comment on an Application
- How to get the Weekly List
- How to Track Applications and Get Notified of New Applications

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Useful Sources of Information

Legislation & Guidance:

- A Guide to the Planning System in Scotland
- Town and Country Planning (Scotland) Act 1997
- Planning Etc. (Scotland) Act 2006
- Planning (Scotland) Act 2019
- Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009
- Planning Circular 3/2022: Development Management Procedures
- Planning Advice Note 47: Community Council's and Planning

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Any Questions?