

# Community Council Planning Training September 2018



# Introduction & Purpose

- Introduction to the Council's Planning Service
- The Development Management Process
- Role of Community Councils in DM – Statutory Consultee
- Planning Enforcement & Monitoring
- Local Development Plan 2
- Planning Review

## 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.*



So, what does the  
Council's Planning  
Service do?



# Introduction to the Council's Planning Service

# Development Policy Service

Local Development Plan

Marine Spatial Planning

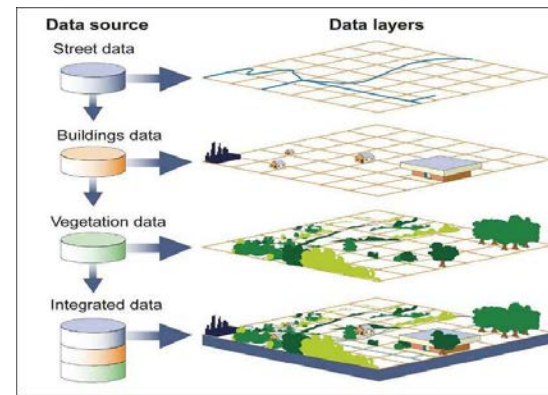
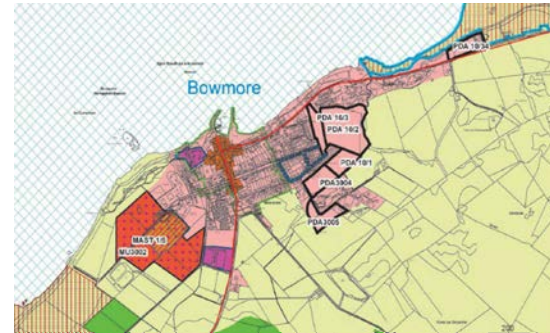
Biodiversity

Built Heritage

Core Path Plan

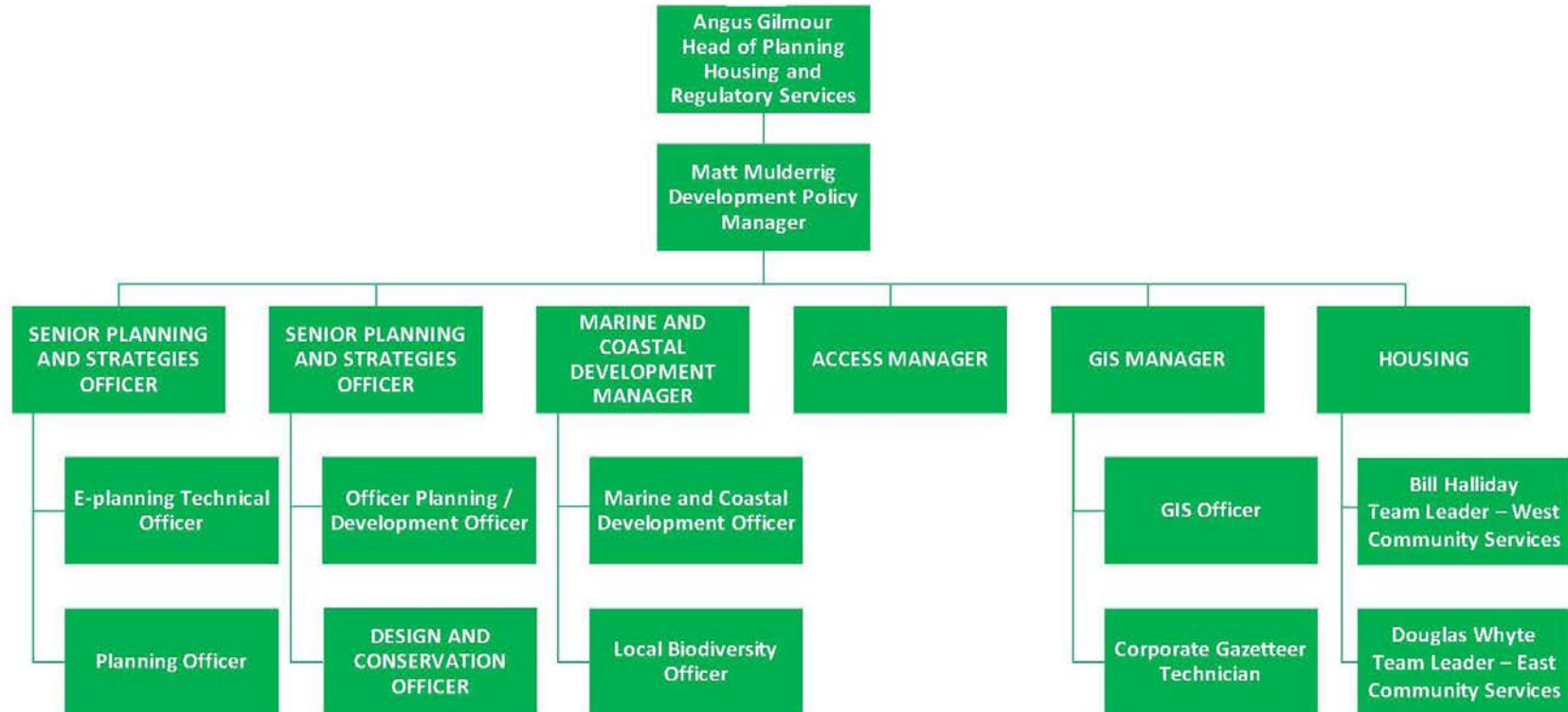
Geographic Information Systems

Housing



Source: GAO.

# Development Policy Service





# 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





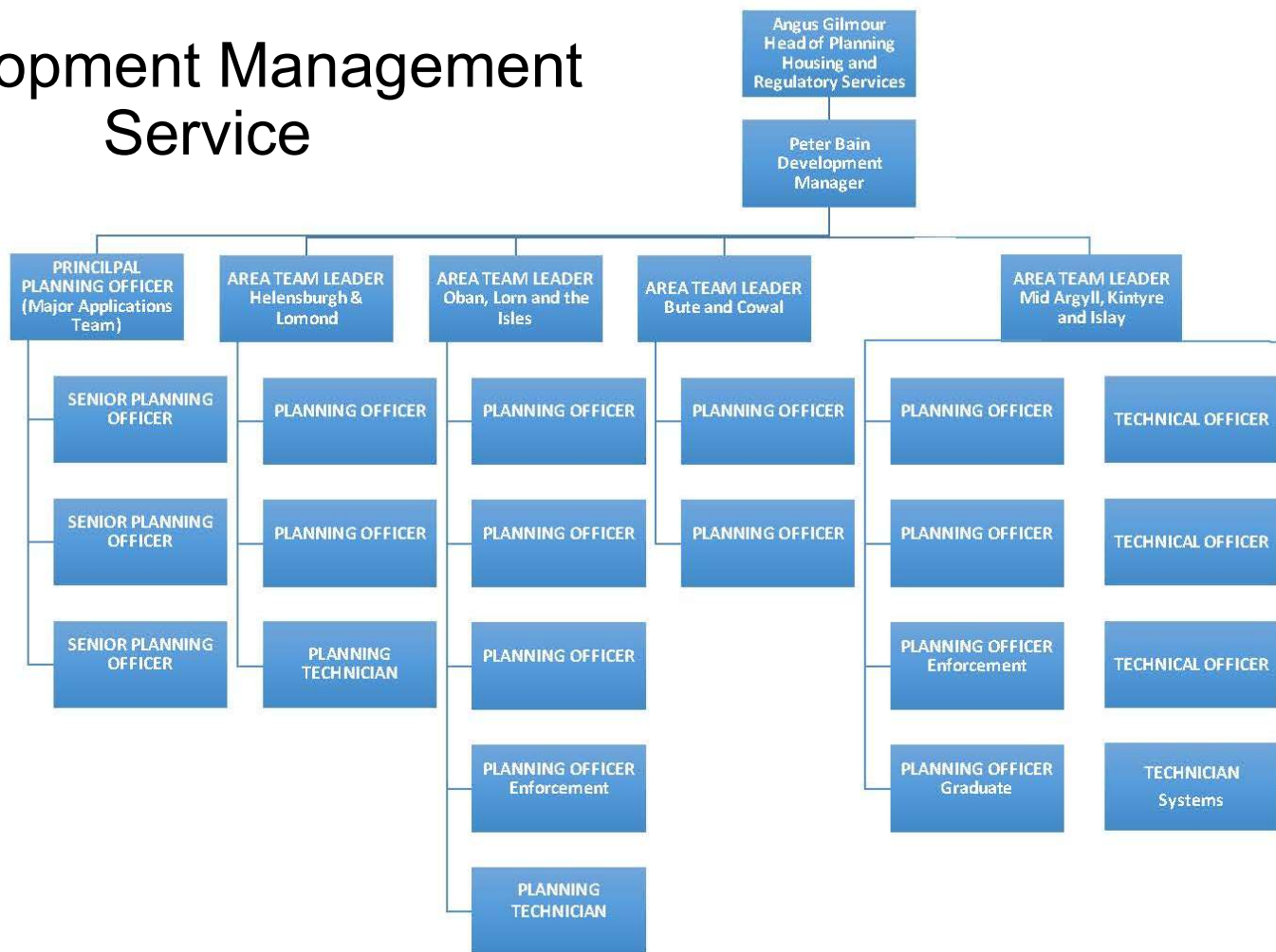
## Development Management Service

- 2000+ Statutory Submissions Per Annum
- 1200+ Non-Statutory Submissions Per Annum
- Wide variety of application scales and types.

### Planning Officers

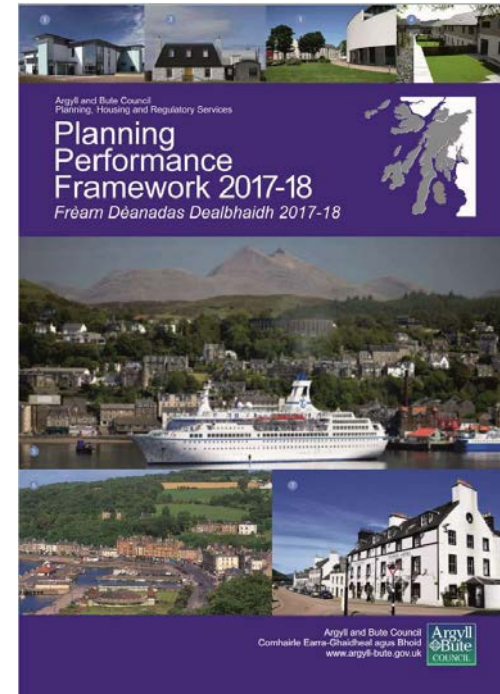
- Public Facing & Locally Accessible
- Report to Committee or Delegated Powers
- Link and advise on other disciplines

# Development Management Service



# Planning Performance Framework Report

- Annual report card to the Scottish Government
- Overview of the Council's performance and range of activities in which the Council's Planning Service has engaged.



Any Questions on:  
The Council's Planning Service?

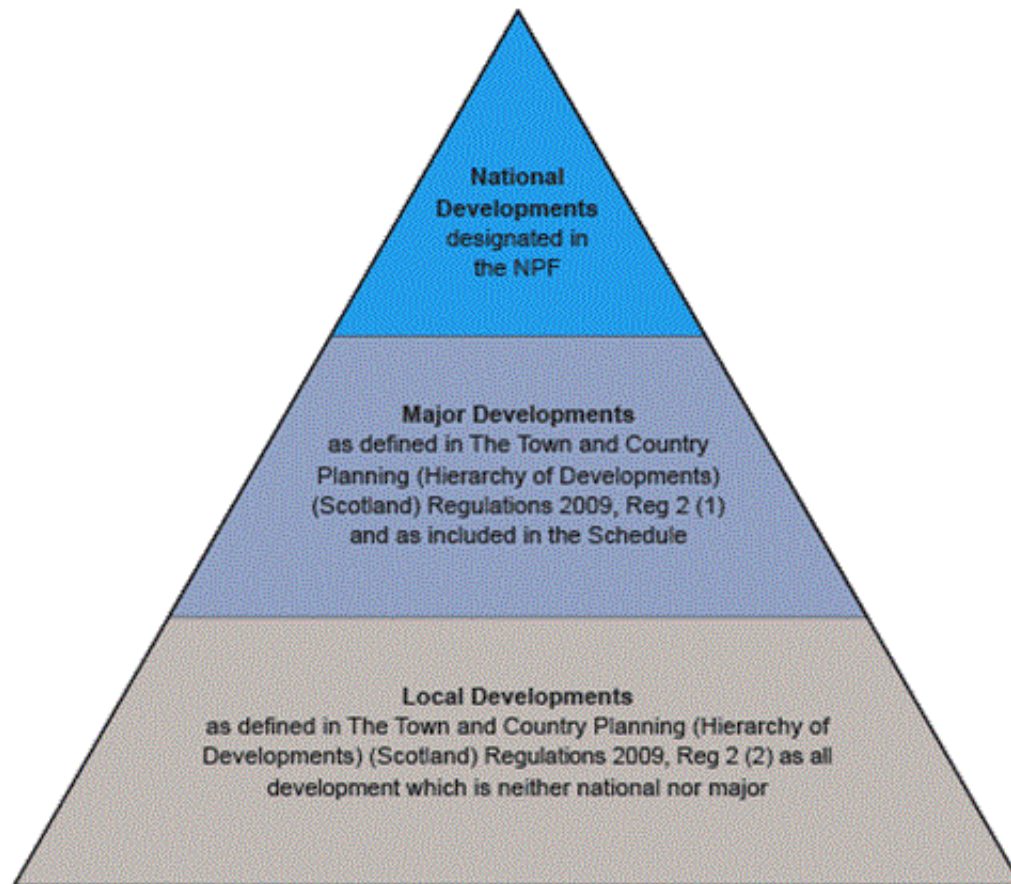


# The Development Management Process



## 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.
- Some developments, for example changes to existing developments such as certain house extensions, are classed as permitted development and don't need express permission from the planning authority.



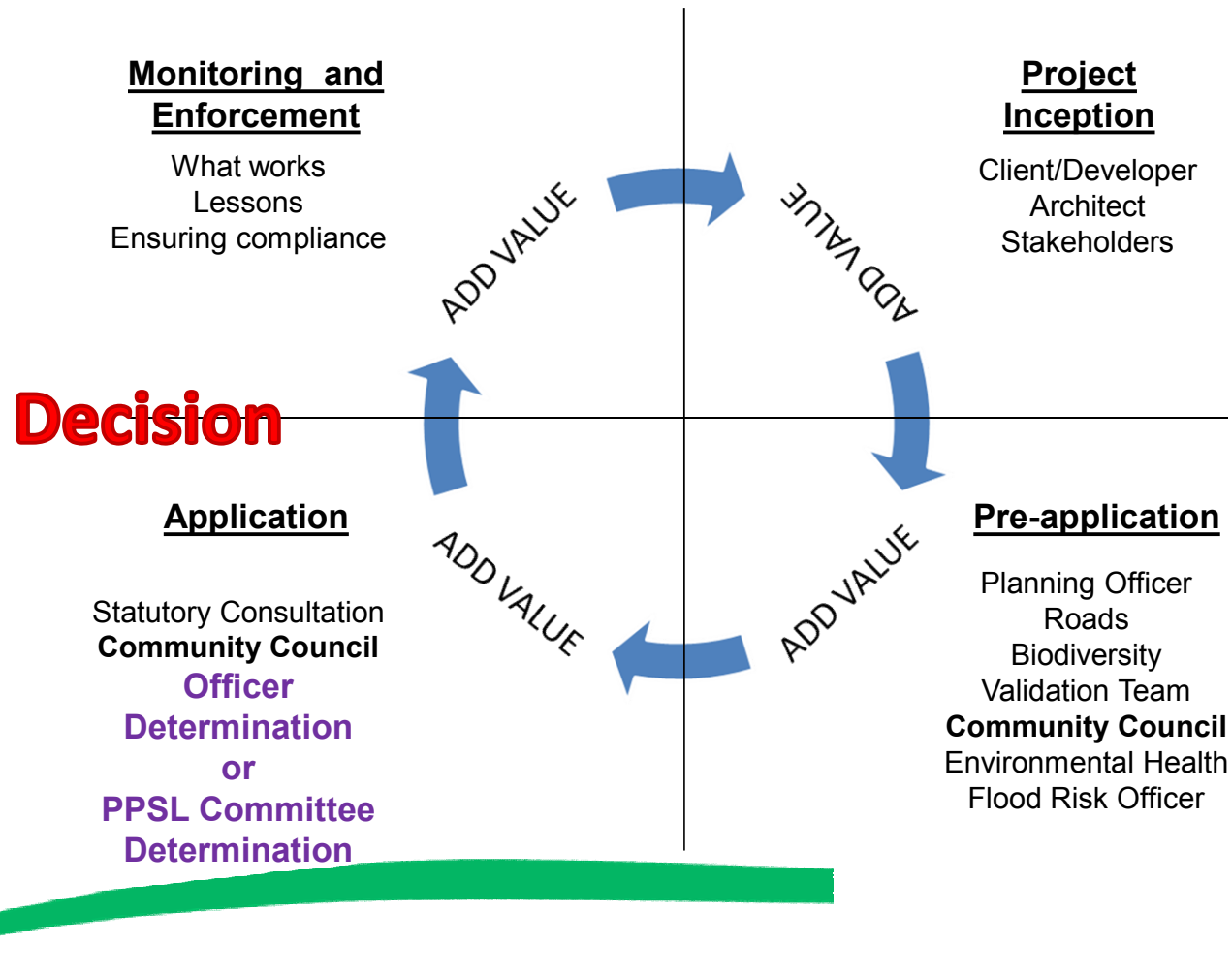
## The Hierarchy of Developments



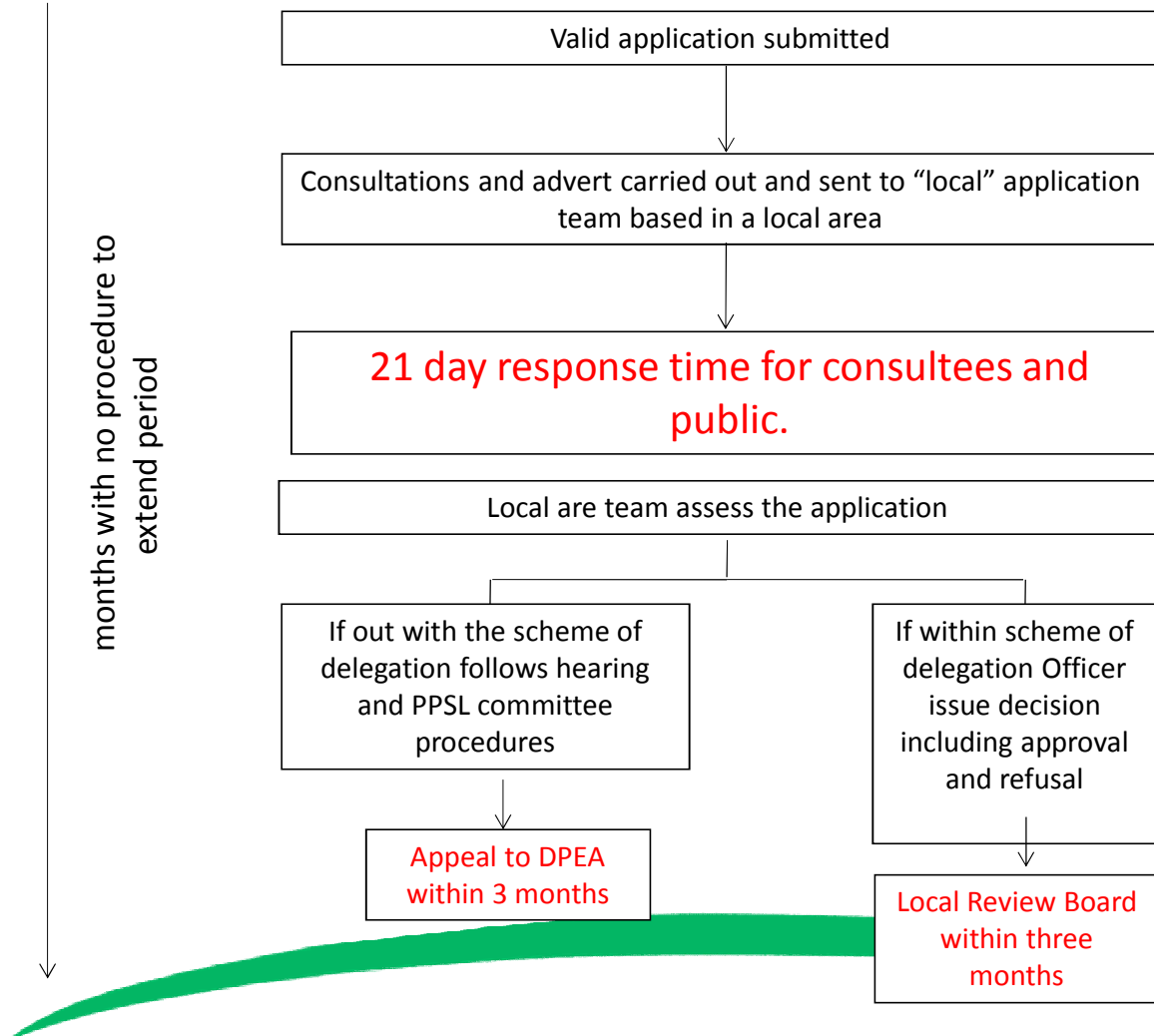
# Schedule of Major Development

- EIA Schedule 1 Development
- Housing 50 plus dwellinghouses or site exceeds 2ha
- Business and General Industry, 10,000sqm gross floor area or site exceeds 2ha
- Storage and Distributions
- 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

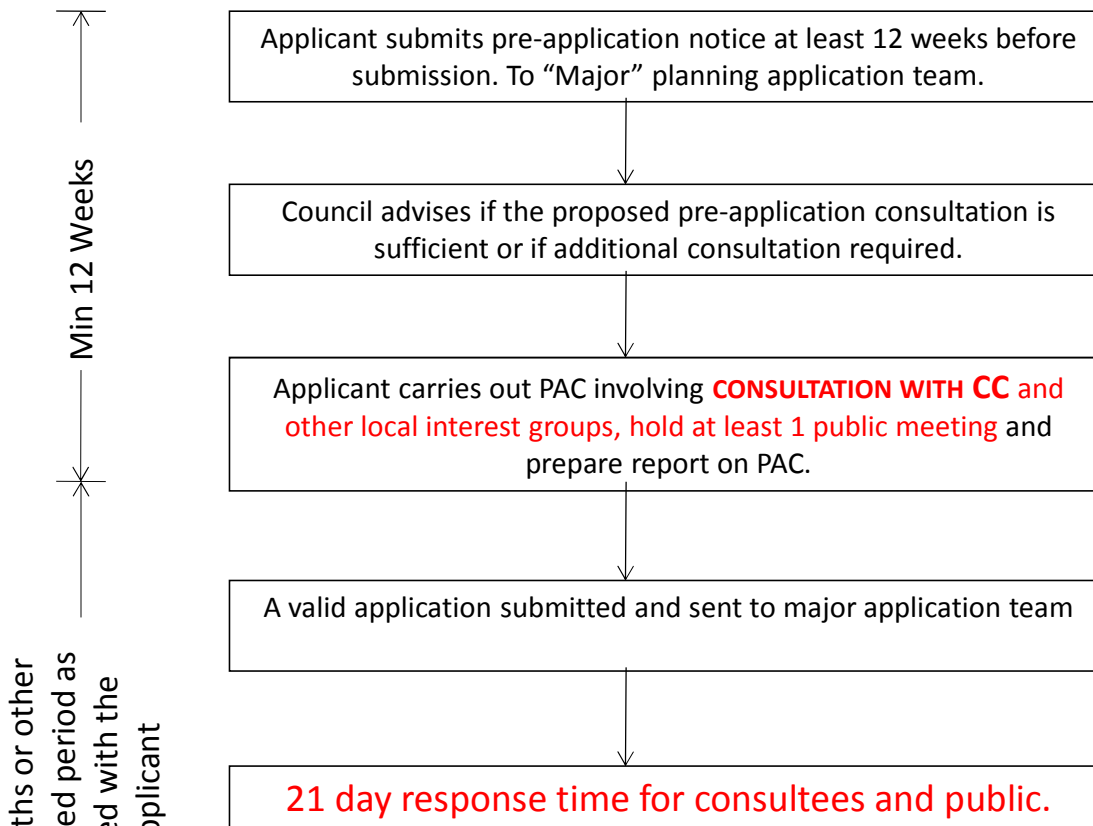
# The Development Management Cycle

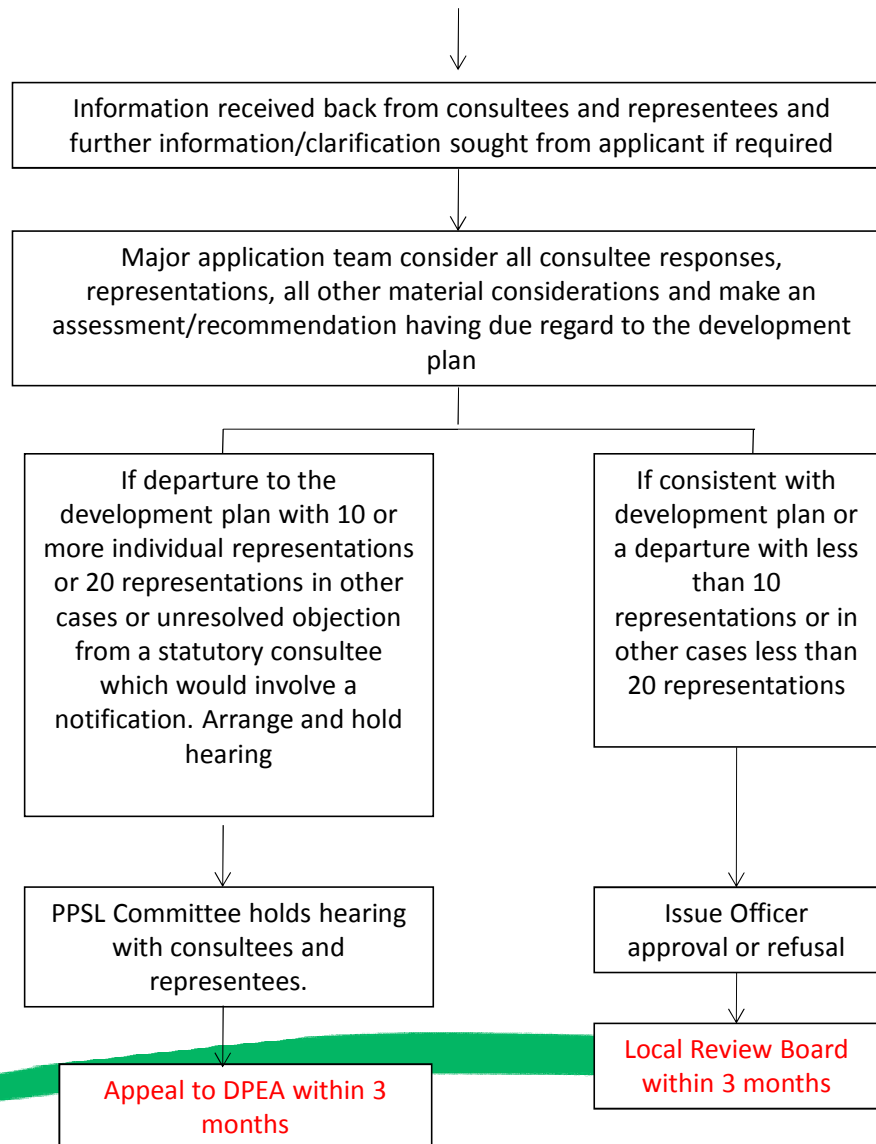


# Local Planning Applications



# National / Major Planning Applications





## National / Major Planning Applications

Any Questions on:  
The Development Management Process?



# The Role of Community Councils in DM Statutory Consultees





# 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 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.”*



## 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 (Scotland) Act 1994, community councils will have a statutory right to be consulted on applications for planning permissions from April 1996. The Government is keen to use 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 (ASCC). It sets out some key points of good practice to assist Councils, 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 community council, set up as a voluntary community council in Scotland was created by the Local Government (Scotland) Act 1973. Although with no formal powers, their function is to promote, 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 voluntary by-laws for community councils within their areas. Since then, laid 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 housing. 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 planning issues. Ministers reaffirmed these intentions during the passage of the Local Government (Scotland) Act 1994, which also requires community councils to be consulted on the content of development plans which are to be prepared by the new local authorities before April 1997.

### Local involvement and Appendix 21

5. Appendix 21, the 800 page document signed by 50 nations at the Rio Earth Summit in 1992, commits governments not only to sustainable policies for the following sustainable development but also to secure greater local community involvement in environmental issues. These concerns echo the 1991 UK White Paper, The Common Initiative, and local sustainable development and local government reform involvement of national policy the planning in Scotland. Local authorities themselves are seeking community involvement through Local Agenda 21.

PAN 47



## Community Council Consultation on Planning Applications

Weekly List of Planning Applications  
(Produced by Council and sent to all  
Community Councils)



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

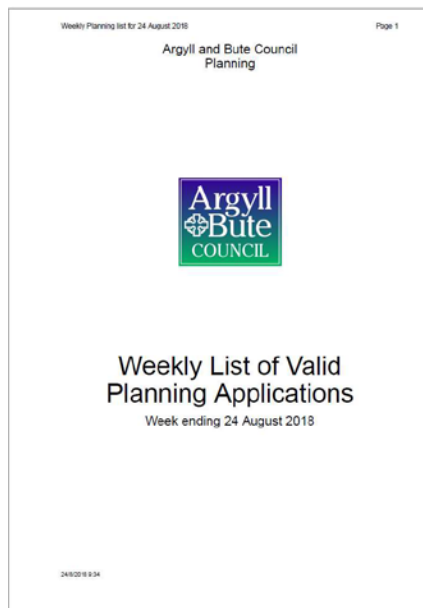
*“Each community council should  
appoint one person as their point  
of contact for the planning  
authority on all planning matters,  
provide holiday cover and inform  
the authority accordingly”*

PAN 47

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

PAN 47

# Weekly List of Applications



Weekly Planning list for 24 August 2018

Page 2

## Bute and Cowal

Reference:	18/00969/PP	Officer:	Brian Close
		Telephone:	01546 605518
Ward Details:	06 - Cowal		
Community Council:	Sandbank Community Council		
Proposal:	Erection of 5 dwellings, installation of septic tank and formation of vehicular access		
Location:	Land South West Of Holy Loch Farm Cottage, Sandbank, Dunoon, Argyll And Bute		
Applicant:	Ms Sandra McCumpha		
Agent:	2 Gardenside Avenue, Uddingston, G71 7BU N/A		
Development Type:	N03B - Housing - Local		
Grid Ref:	214521 - 682096		
<hr/>			
Reference:	18/01164/PPP	Officer:	Brian Close
		Telephone:	01546 605518
Ward Details:	07 - Dunoon		
Community Council:	South Cowal Community Council		
Proposal:	Site for the erection of dwellinghouse		
Location:	Land West Of Larach Bhan, 141 Bullwood Road, Innellan, Argyll And Bute		
Applicant:	Mr And Mrs G Henderson Larach Bhan, 141 Bullwood Road, Innellan, Dunoon, Argyll And Bute, PA23 7QN		
Agent:	N/A		
Development Type:	N03B - Housing - Local		
Grid Ref:	215670 - 672260		
<hr/>			
Reference:	18/01539/PP	Officer:	Allocated To Area Office
		Telephone:	01546 605518
Ward Details:	06 - Cowal		
Community Council:	Kilfinan Community Council		
Proposal:	Change of use from detached garage to form detached dwelling ancillary to the existing flat		
Location:	Flat 4, Heathbank, Kames, Tighnabruaich, Argyll And Bute, PA21 2AD		
Applicant:	Mr Andrew Anderson Heathbank, Kames, Tighnabruaich, Argyll, PA21 2AD		
Agent:	IPM Associates (Scotland) Ltd Tober Dhu, Back Road, Tighnabruaich, Argyll, PA21 2EG		
Development Type:	N03B - Housing - Local		
Grid Ref:	197295 - 671158		

24/8/2018 9:34



# Public Access

The screenshot displays the Argyll and Bute Council website. The header includes navigation links for Residents, Business, and News, along with social media icons for Twitter, Facebook, and Instagram. A search bar and a 'Register with myaccount' button are also present. The main content area is titled 'Planning and Building Standards' and features a 'Browse by topic' sidebar on the left. The sidebar lists various topics, with 'Planning and building standards' expanded to show sub-topics like 'Planning permission advice', 'Apply for planning permission', 'Planning applications', 'Find and comment on applications', 'Building Standards', 'General planning information', 'Regeneration and redevelopment', 'Plans and policies', 'Historic environment', 'Rubbish and recycling', 'Schools, Education and learning', and 'Social care and health'. The main content area includes a 'Planning Services' section with a 'Find our more about what we do >' link, a 'Top tasks' section with links for 'Get planning permission advice >', 'Make a planning application >', 'Find and comment on planning applications >', 'Find planning application decisions >', 'Make a Building Standards application >', and 'Look at this weeks planning list >'. A red box highlights the 'Find and comment on planning applications >' link. The right sidebar contains a 'Contact us' section with links for 'Phone or Text', 'Online contact form', and 'Comment on this page', a 'Please tell us what you think of our site' button, a 'contactSCOTLAND-BSL' link, a 'Planning and Regulatory Services Handbook' section with a 'Read the PDF version of the handbook' link, and a 'Regeneration projects' section with a 'Campheltown PAB' link. A 'Feedback' button is located on the far right.

Argyll and Bute Council

Welcome to Argyll and Bute Council  
Fàilte gu Comhairle Earra-ghàidheal agus Bhòid

Search

Register with myaccount

Already have an account? Sign in now

Home Contact us A-Z Request it Report it Pay it Book it Have your say

Browse by topic

- About your council
- Benefits and council tax
- Birth, marriage and death
- Business
- Law and Licensing
- Environment
- Housing
- Jobs and training
- Planning and building standards
  - Planning permission advice
  - Apply for planning permission
  - Planning applications
  - Find and comment on applications
  - Building Standards
  - General planning information
  - Regeneration and redevelopment
  - Plans and policies
  - Historic environment
- Rubbish and recycling
- Schools, Education and learning
- Social care and health

Planning and Building Standards

Find our more about what we do >

Planning Services

Supporting new housing and employment  
Improving our environment  
Delivering economic growth

Top tasks

- Get planning permission advice >  
Find out if you are entitled to permitted development rights or require planning permission and what to do next.
- Make a planning application >  
Apply online or download the forms and guidance to apply for planning permission
- Find and comment on planning applications >  
Get more information about and track the progress of planning and building standards applications, and leave your comments on current applications
- Find planning application decisions >  
How to find out about planning decisions and how to register for our planning alert service
- Make a Building Standards application >  
Apply online or download the forms and guidance to make an application
- Look at this weeks planning list >

Contact us

- Phone or Text
- Online contact form
- Comment on this page

Please tell us what you think of our site

contactSCOTLAND-BSL

Planning and Regulatory Services Handbook

Read the PDF version of the handbook

Regeneration projects

Campheltown PAB



# Public Access

The screenshot shows a web browser window with the URL <https://public-access.argyll-bute.gov.uk/online-applications/search/default.aspx>. The browser's address bar and tabs are visible at the top. Below the browser window, a blue banner features the Argyll and Bute Council logo and the text "Welcome to Argyll and Bute Council" and "Fàilte gu Comhairle Earra-ghàidheal agus Bhòid".

Below the banner, a navigation bar includes links for "Search", "My Profile", "Login", "Register", and "Apply Online".

The main content area is titled "Planning – Applications Search" and includes a "Help with this page" link. Below this, a message states: "Search for Planning Applications, Appeals and Enforcements by matching at least one search option in the form below."

The search form has several tabs: "Simple", "Advanced" (selected), "Weekly/Monthly Lists", "Property", and "Map". Within the "Advanced" tab, there are sub-tabs for "Applications", "Appeals", and "Enforcements".

The "Applications" sub-tab is active, showing a "Reference Numbers" section with input fields for "Application Reference:" and "Planning Portal Reference:". Below this is the "Application Details" section, which includes input fields for "Description Keyword:", "Applicant Name:", and "Conservation Area:". It also features dropdown menus for "Application Type:", "Ward:", and "Community Council:", each with "All" selected.



# Public Access

The screenshot shows a web browser window displaying the Argyll and Bute Council website. The browser's address bar shows the URL: <https://publicaccess.argyll-bute.gov.uk/online-applications/application/details.do?c=18/01164/PPP>. The page header features the Argyll and Bute Council logo and the text "Welcome to Argyll and Bute Council" and "Fàilte gu Comhairle Earra-ghàidheal agus Bhòid". Below the header, there is a navigation bar with links for Search, My Profile, Login, Register, and Apply Online. The main content area is titled "Planning - Application Comments" and includes a sub-header "18/01164/PPP | Site for the erection of dwellinghouse | Land West Of Larach Bhan 141 Bullwood Road Innellan Argyll And Bute". There are buttons for Save search, Refine search, Track, and Print. Below this, there are tabs for Details, Comments (1), Constraints (2), Documents, Related Cases (2), and Map. The Comments (1) tab is selected, showing a "Make a Comment" button and a section for "Public Comments (0)" and "Consultee Comments (1)". The "Make a Comment" section contains a note: "NOTE: this page will 'time out' after 30 minutes". It also states: "Comments can be a maximum of 2000 characters long. If your comment exceeds 2000 characters please use the email address - [planning.maki@argyll-bute.gov.uk](mailto:planning.maki@argyll-bute.gov.uk), [planning.bandc@argyll-bute.gov.uk](mailto:planning.bandc@argyll-bute.gov.uk), [planning.handl@argyll-bute.gov.uk](mailto:planning.handl@argyll-bute.gov.uk) and [planning.olandi@argyll-bute.gov.uk](mailto:planning.olandi@argyll-bute.gov.uk)". Another note says: "NOTE: Comments can take up to 3-5 working days before they are displayed on our website. Your name and address will also be visible. All comments are read from the Documents Tab." Below this, it says: "You must log in to make a comment." and "Login and make a comment." and "Not got a login? Register here." The footer of the page has a "Contact us" link.




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
- 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.

## Material Considerations



## Material Considerations

- Development Plans;
  - National Planning Policy;
  - Community 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
- 

- 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**



- 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

## Effective Representations


### The Golden Rules

Any Questions on:  
The Role of the Community Council in the  
Development Management Process?



# Planning Enforcement & Monitoring



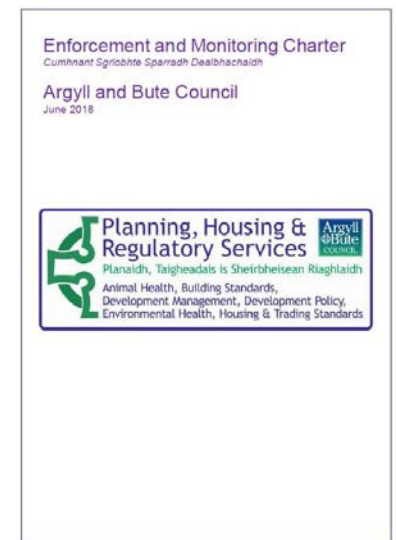
- Planning authorities have an extensive range of discretionary powers to deal with circumstances where a breach of planning control is suspected.
  - The purpose of planning enforcement is to resolve a problem rather than to punish a mistake.
  - Any action taken has to be appropriate to the scale of 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
- 

## Monitoring & Enforcement



# 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





- 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).

## Monitoring & Enforcement



Any Questions on:  
Planning Enforcement & Monitoring?



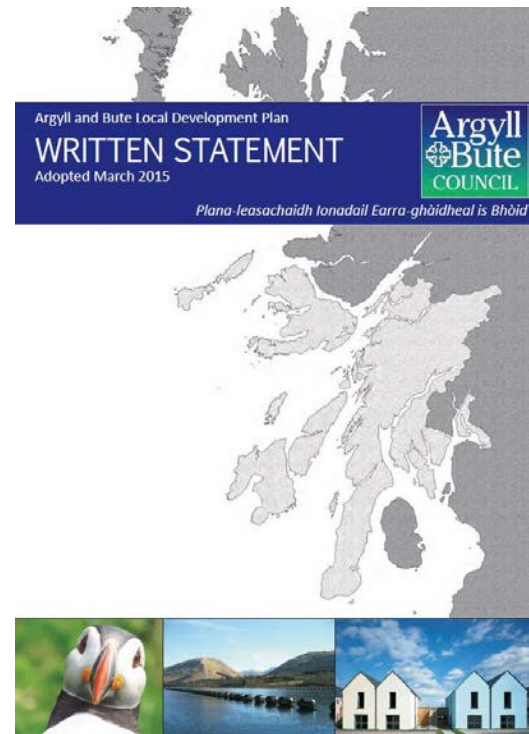
## Local Development Plan 2



# Local Development Plan 2

[www.argyll-bute.gov.uk/ldp2](http://www.argyll-bute.gov.uk/ldp2)

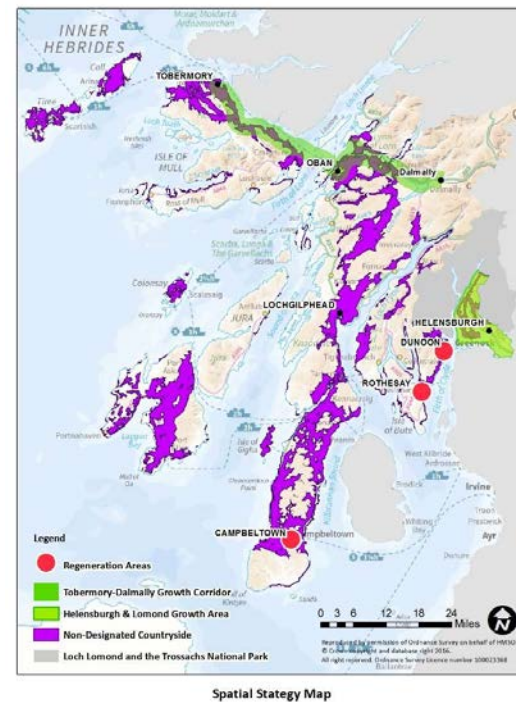
- Current Local Development Plan
  - adopted 2015, replace by 2020
- Sets out the long term vision for where development should and shouldn't happen
- New Local Development Plan 2
  - Simpler
  - More Flexible
  - Promote Delivery



# Local Development Plan 2

[www.argyll-bute.gov.uk/ldp2](http://www.argyll-bute.gov.uk/ldp2)

- What have we done so far?
- Evidence base
  - Reviewed sites, policy, legislation
  - Monitoring of development
- Call for Sites
  - Developers /Landowners
  - Key Agency input
- Place Standard Tool and Call for Ideas
  - Communities/stakeholders
- Main Issues Report
  - Key issues and areas of change
  - Proposals
  - Options
  - Considered responses



# Local Development Plan 2

[www.argyll-bute.gov.uk/ldp2](http://www.argyll-bute.gov.uk/ldp2)

- Next Steps
  - Proposed Local Development Plan
  - Anticipated December 2019
  - Council's "settled view"
  - Examination – ONLY valid unresolved objections from PLDP consultation and any support relating to them
  - Reporters recommendations
  - Adopted Plan by 2020
  - Supporting documents
    - **Action Programme**
    - Strategic Environmental Assessment
    - Habitats Regulation Assessment
    - Equalities Impact Assessment
- Community Council Role
  - Your environment, your homes, your jobs, your community
  - Consider sites, policies and proposals
  - Support as important as objections



Any Questions on:  
Local Development Plan 2?



# Planning Review





- Reforms intended to strengthen Planning's contribution to inclusive growth, housing, infrastructure delivery and empowering communities.
- The [Planning \(Scotland\) Bill](#) was introduced to Parliament on 4<sup>th</sup> December 2017
- Key proposals include:
  - Upgraded Status of the National Planning Framework
  - Local Development Plans prepared for Ten Year Periods
  - Rights for Communities to Produce their own Place Plans
  - Strengthened Enforcement Powers
  - Requirement for Elected Member Training
  - Provision for the Introduction of an Infrastructure Levy

Any Questions on:  
The Planning Review?



