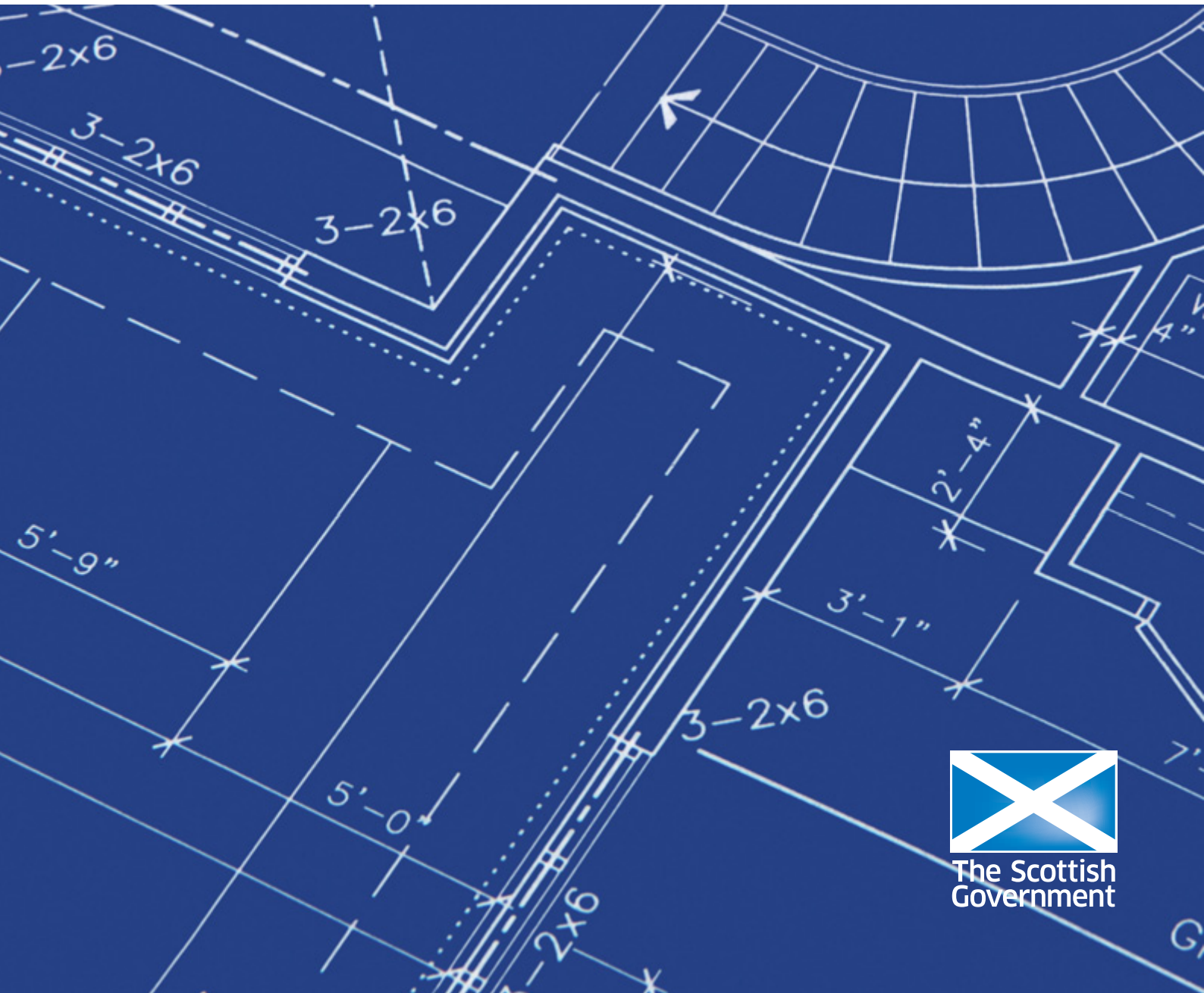


A Guide to the Planning System in Scotland



The Scottish
Government

A Guide to the Planning System in Scotland

Who is this guide for?

This guide is for you if you:

- want to know more about how the planning system works; or
- want to apply for planning permission.

This short guide can't cover every question. You can find out where to get more information at the end of this document.



Why do we have a planning system?

Sometimes new buildings, changes to the use and appearance of existing buildings, and other changes in the way land is used are needed. These activities are called 'development', and they often require planning permission.

The planning system is used to make decisions about future development, and the use of land in our towns, cities and countryside. It decides where development should happen, where it should not and how development affects its surroundings.

The planning system exists to regulate the use of land and buildings by granting or refusing planning permission. Decisions about planning applications are based on the development plan for your area, which is prepared by your local council or national park authority.

The planning system balances competing demands to make sure that land is used and developed in the public's long-term interest.

The effect of the planning system's decisions should be to help increase sustainable economic growth, which is the main purpose of the Scottish Government. This means that the planning system should help build a growing economy, but at the same time protect our environment for future generations and make sure that communities can enjoy a better quality of life.



There are three main parts to the planning system:

- **Development Plans**
which set out how places should change and also set out the policies used to make decisions about planning applications.
- **Development Management**
the process for making decisions about planning applications.
- **Enforcement**
the process that makes sure that development is carried out correctly and takes action when development happens without permission or when conditions have not been followed.

What are development plans?

The development plan is a document that sets out how places should change and what they could be like in the future. It says what type of development should take place where, and which areas should not be developed. It sets out the best locations for new homes and businesses and protects places of value to people or wildlife.

The plan also helps development to take place quickly by describing how any new or improved facilities, such as roads, schools and parks, will be provided.

Councils and national park authorities must prepare a development plan for their area at least every five years. The law says that the development plan should be the starting point in making any planning decisions.

The policies in the development plan help set out what kind of development is acceptable. The council will respond to planning applications based on the plan.

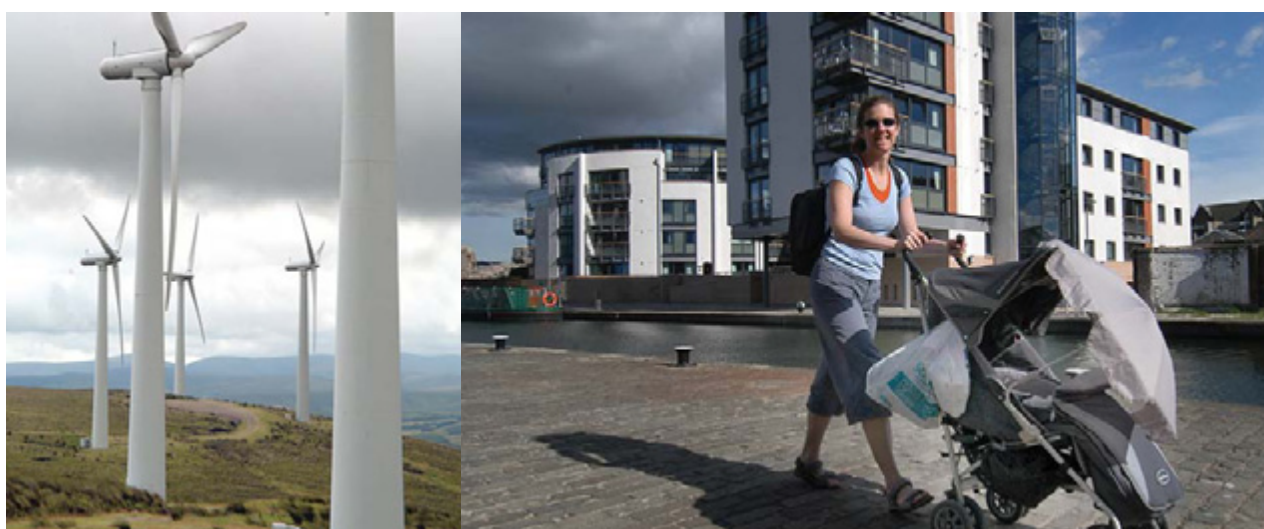
What does the plan contain?

There can be up to three parts to the plan. Each council area in Scotland is covered by a **local development plan**, which sets out where most new developments are proposed and the policies that will guide decision-making on planning applications.

If you live in Aberdeen, Dundee, Edinburgh, Glasgow or any of the following council areas – Aberdeenshire, Angus, East Dunbartonshire, East Lothian, East Renfrewshire, Fife, Inverclyde, Midlothian, North Lanarkshire, Perth and Kinross, Renfrewshire, Scottish Borders, South Lanarkshire, West Dunbartonshire or West Lothian – there will also be a **strategic development plan** covering all or part of your area. The strategic development plan sets out the long-term development of the city region and deals with region-wide issues such as housing and transport.

Councils can also prepare **supplementary guidance**. Common types include:

- **Development briefs or master plans**
which provide a detailed explanation of how the council would like to see particular sites or small areas develop.
- **Strategies or frameworks on specific issues**
for example, guidance on the location of large wind farms.
- **Detailed policies**
for example on the design of new development.



How can I get involved in preparing the development plan?

During the first stage of preparing a new plan, your council will talk to communities and local businesses to make a **main issues report**. This will set out their ideas about the different ways your area could change. It is important that you get involved in preparing the plan at this point, when it is easier for the council to take account of new ideas.

The council will then prepare a **proposed plan** and make it public. If you are not happy with this, you can make formal comments to the council. The issues that people have raised will be discussed at an **examination** held by a person appointed by Scottish Ministers. Councils must take notice of the findings of the examination before adopting their local development plan.

If you live in an area that also has a strategic development plan, this will be prepared in the same way as the local development plan – a main issues report, followed by a proposed plan and an examination. The main difference is that Scottish Ministers are responsible for the final approval of strategic development plans.

If you want to know when your council will be preparing a new plan, or how it is getting the public and other groups involved, then you should look at its **development plan scheme**. The council will produce this scheme every year.

You can look at the development plan and development plan schemes in local libraries, at the council's planning office, or online by going to your council's website.

What is development management?

Development management is the term used for the process of deciding whether to grant or refuse planning permission. Your council will normally deal with applications for planning permission.

Do I need planning permission?

You need planning permission for any new development. The law says that '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. Your council will be able to tell you more.

Planning permission is not needed for work that only affects the inside of a building. If it is a listed building, you may need listed building consent to make changes inside a building (see 'Where can I get more information?').



Some developments, for example changes to existing developments such as certain house extensions, are classed as **permitted development** and don't need permission from the council. You should always check with your council's planning department about whether you need to apply for planning permission for building work. Discussing your plans with them before you make an application will be helpful, and can save you time.

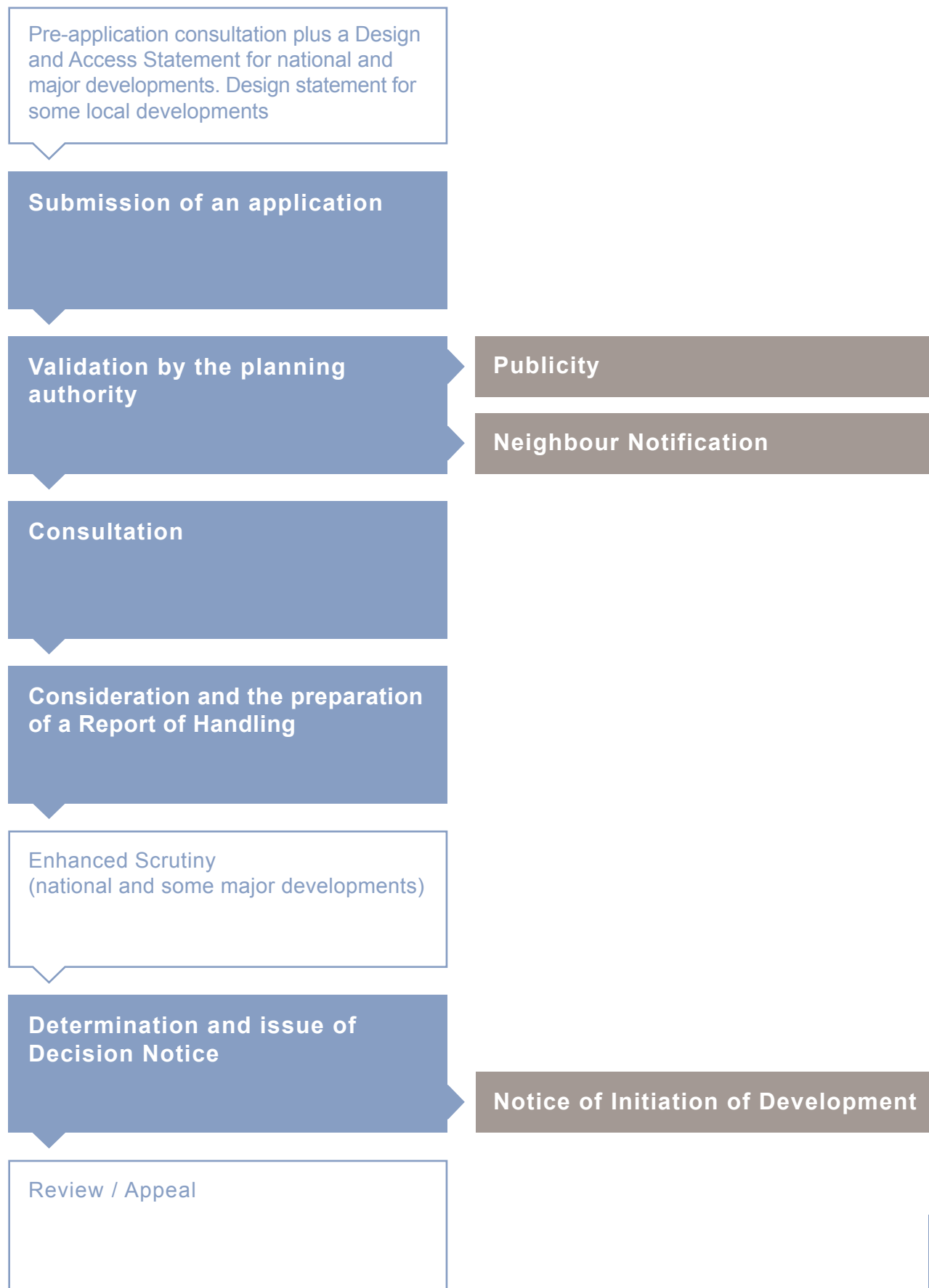
For the purposes of planning applications, developments are put into one of three categories: local, major or national. The different types allow councils to treat developments in a way which is suited to their size, complexity and the issues they are likely to raise.

Local developments include changes to individual houses and, for example, smaller developments for new housing and retail. Most applications for planning permission will be for local developments. Major developments include developments of 50 or more homes, certain waste, water, transport and energy-related developments, and larger retail developments. National developments are mainly large public works (for example, the replacement Forth crossing) and are identified in a document called the National Planning Framework.

Your council can give you more information about these categories.



Development management



Making your planning application

All planning applications must contain a description of your plans, an address or location and details of who is applying for the planning permission. You will also need to give the council:

- drawings and plans;
- a certificate showing the site owners and any agricultural tenants, and whether you have notified them that you have made an application; and
- the planning application fee.

You should include all relevant information when applying for planning permission.

The size of the planning application fee will depend on the type of development you want to carry out.

You can make your planning applications online through the ePlanning website www.eplanning.scotland.gov.uk.

You can use the **ePlanning Scotland website** (www.eplanning.scotland.gov.uk) to:

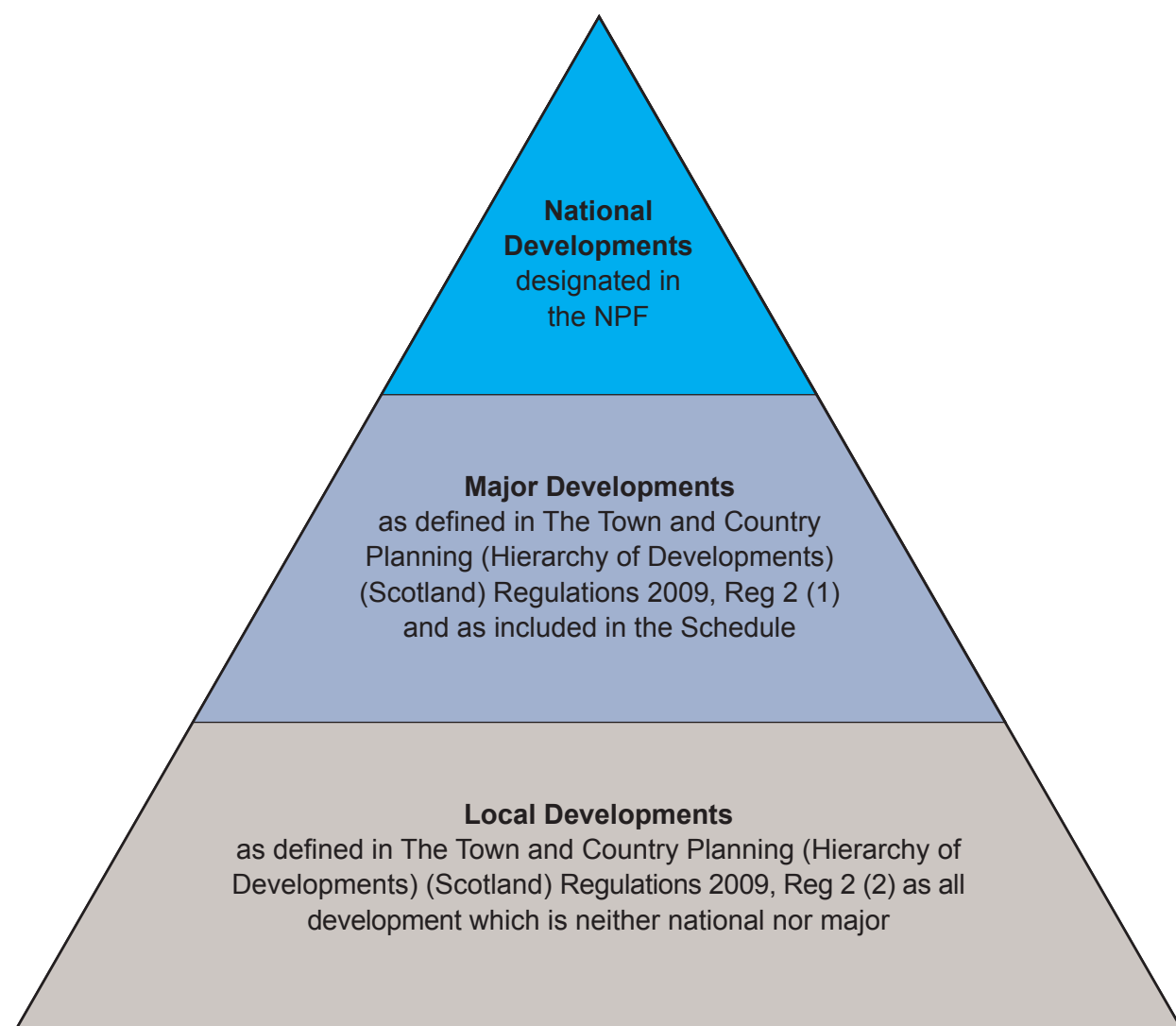
- make planning applications and appeals online;
- buy an online location plan;
- use the checklist to make sure you provide all the necessary information;
- attach plans, drawings and other documents to support your application;
- use a fee calculator to work out the correct fee;
- create an account so you can make more applications; and
- share the information with neighbours, clients or colleagues.

For some applications you may need to provide extra information.

If your proposal is for a **local development** in an area such as a conservation area or National Scenic Area, then you may need to provide a 'design statement' setting out how you have considered the design of the proposal.

If your proposal is for a **major or national development** you will need to:

- carry out **pre-application consultation** with the community – this includes sending details of the proposal to the council and to local community councils and consulting the wider community using at least one locally advertised public event; and
- prepare a **design and access statement** setting out information about the design of the proposal and how you have considered access for disabled people.



Some developments need a specialist report, for example on retail, transport or noise. Whether a specialist assessment is needed will depend on the type of development and its location.

A small number of applications may also need an Environmental Impact Assessment or Appropriate Assessment, where there is likely to be a significant effect on the environment.

If you think your application may be affected, you should get in touch with your council, who will be able to provide further advice.



How do I find out about planning applications in my area?

When the council receives an application for planning permission it will tell the neighbours (the meaning of 'neighbours' is set out in law) what is proposed, by sending them a notice. This notice tells them about the development and how, and by when, to make comments. Some types of application are also advertised in local newspapers, including when the council is unable to send a notice to neighbours.

Councils put information about applications on a register and, every week, the council will prepare a list of the applications for that week and send it to community councils. The council will also make a full list of applications it has still to decide on, available in libraries and on its website.

Most planning authorities display copies of planning applications and progress in processing these online.

Can I make a comment on a planning application?

Anyone can comment on an application for planning permission. This not only means neighbours and people who are most directly affected by a proposal, but also the wider community and even those who may not be directly affected but have views on a proposal which might constitute a material consideration (see 'How are decisions on planning applications made?'). You can make comments by writing to your council or submit comments online at your council's website.

How are decisions on planning applications made?

The way in which the council will deal with an application will depend on the type and size of the proposed development.

Applications for smaller developments will normally be decided by the planning officer. More complex or controversial proposals are likely to be decided by councillors. Each council has prepared a 'scheme of delegation' setting out who is responsible for deciding different types of planning applications.

The law says that for national developments and for major developments which are 'significantly contrary to the development plan', the applicant and people who have made comments must get the opportunity to attend a hearing before a council committee, then a meeting of the full council will decide on the application.

In all cases the council must make decisions in line with the development plan unless '**material considerations**' justify going against the plan.



A **material consideration** is a planning issue which is relevant to the application and can include national policy, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment. The council must decide how important these material considerations are.

Because the council need to consider all the relevant matters, there is no guarantee that development plan policies will be the deciding factor in every case. But councils will usually approve applications for development which are in line with the development plan.

When making a decision about an application, the council can:

- grant planning permission without conditions;
- grant planning permission with conditions; or
- refuse planning permission.

Councils should usually make a decision on applications for local development in two months and for national or major development in four months.

The time period for deciding an application begins from the date on which the council receives all the information needed by planning law.

Once the council has reached its decision, it will issue a decision notice unless the application is to be decided by Ministers. The council must also tell anyone who has made a comment on an application what its decision is.

Appealing against a decision

If you have applied for planning permission and do not agree with the council's decision or do not agree with a condition attached to the planning permission, you can ask for a review or appeal of the decision. You can also ask for a review or appeal if the council doesn't make a decision within the time period set by law. No one else has the right to ask for a review or appeal.

Depending on who made the decision about your application, you can appeal against a decision either to a Local Review Body or to Scottish Ministers. If your application was decided by a planning officer on behalf of the council, you can require the decision to be reviewed by the Local Review Body, which is a group of councillors. If the decision on your application was made by councillors, you can appeal to Scottish Ministers.

You have three months from the date of the decision to ask for a local review or to make an appeal to Ministers. You can get a form from either your council or from the Directorate for Planning and Environmental Appeals (see 'Where can I get more information?') who deal with appeals to Ministers. You should include all relevant information when you are applying for planning permission.

Enforcement

If you build something without planning permission, or if you don't follow the conditions attached to a planning permission, the council can use their enforcement powers. Enforcement is important because it makes sure that everyone stays within planning law and the conditions of their planning permission.

The council will choose what action to take. If something is built without permission, but would have been likely to have been granted permission, the council may ask the person responsible to make a 'retrospective' planning application. This will then be decided in the same way as all other planning applications. If the council grants planning permission, there may be conditions attached.

Councils also have powers to serve notices asking for more information about a development. They can stop development that does not have permission or where the development does not follow the conditions attached to the permission which was granted. The council can issue a fixed penalty or prosecute the responsible people if the development continues. The final option available to councils is to demolish the illegal development and to recover the cost of this from the developer.

All councils have to publish a **planning enforcement charter** setting out how the enforcement system works, the council's role in enforcement and the standards it has set itself.



Where can I get more information?

Your Council

Your council should be the starting point for planning enquiries. It can:

- tell you whether you need planning permission and how to apply;
- answer questions about how it deals with individual planning applications;
- give you advice about enforcement and local review procedures; and
- give you information about the contents of local development plans, strategic development plans and supplementary guidance.

Contact your local council for more details.

Planning Aid for Scotland

An independent charity which helps people engage in the planning system. It provides free, impartial advice on planning for individuals and community groups.

11a South Charlotte Street
Edinburgh
EH2 4AS

Telephone: 0845 603 7602
E-mail: office@planningaidscotland.org.uk
Web: <http://www.planningaidscotland.org.uk/>

Royal Town Planning Institute

The professional body for planners in Scotland.

RTPI in Scotland
57 Melville Street
Edinburgh
EH3 7HL

Telephone: 0131 226 1959
E-mail: scotland@rtpi.org.uk
Web: http://www.rtpi.org.uk/rtpi_in_scotland/

A list of planning consultants in Scotland can be found in this document:
<http://www.rtpiconsultants.com/static/files/regional/Scotland.pdf>

Scottish Government

Directorate for the Built Environment

For information on legislation and national planning policy in Scotland.

2-H Victoria Quay
Edinburgh
EH6 6QQ

Telephone: 0131 244 7610

E-mail: planningmailbox@scotland.gsi.gov.uk

Web: <http://www.scotland.gov.uk/Topics/Built-Environment/planning>

Directorate for Planning and Environmental Appeals

For information on appeals to Ministers.

4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

Telephone: 01324 696400

Fax: 01324 696444

E-mail: DPEA@scotland.gsi.gov.uk

Web: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/dpe>

Access in other formats and community languages

Further copies of this document are available, on request, in audio and large print formats and in community languages; please contact 0131 244 7610.

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt:

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کمیونٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتے پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অভিন্নিত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়ের ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्युनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المبكر ونسخ بلغات أخرى، يرجى الإتصال على:

Scottish Government Directorate for the Built Environment
Area 2-H
Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 7610
Email: planningmailbox@scotland.gsi.gov.uk

© Crown copyright 2009

ISBN: 978-0-7559-9064-1

Produced for the Scottish Government by RR Donnelley B61333 08/09

Published by the Scottish Government, August 2009