



*The 'go to' organisation for Local
Government improvement in Scotland*

is.
improvement **service**



The Planning System in Scotland: an Introduction for Elected Members

August 2023



Contents

	Introduction	4
	Planning — Purpose and Significance	6
	The Planning Process — Summary	10
	Development Plans	17
	Development Management	24
	Appeals and Reviews	33
	Enforcement	38
	Code of Conduct	41
	Mandatory Training on Planning for Elected Members	44
	Planning — A Councillor's Perspective	46
	Glossary of Planning Terms	50
	Useful Links	54





Introduction

Elected members have an important role to play in the planning system through their general duties as a ward member, but also through positions on the Local Review Body, Executive Board or full council.

The planning system is concerned with the future development and use of land and buildings. It is about where development should happen, where it should not, and how it interacts with its surroundings. Over the last 7 years the system has undergone a process of review resulting in the Planning (Scotland) Act 2019, passed by Scottish Parliament in June 2019. NPF4 was adopted by the Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. This replaces National Planning Framework 3 and Scottish Planning Policy. NPF4 incorporates updated Scottish Planning Policy, containing detailed national policy on a number of planning topics.

The planning system raises issues of probity, conflicts of interest and conduct for elected members, and initially can be confusing and complex. It is an area of decision-making in which elected members must be impartial and be seen to be acting impartially.

This guide aims to help you understand what the planning system seeks to achieve and introduces the processes involved in decision-making. It is not intended to turn you into a planning expert, but rather to provide information that will help you deal with planning matters and see the planning system's contribution to delivering great places and in achieving council policy goals.

The guide also provides you with links to other sources of information on the planning system. These should give you greater insights into aspects of planning that may be of particular interest to you.

In addition to these sources of information and help, your authority's planning officers will be pleased to answer queries that you may have.





Planning — Purpose and Significance

The planning system is established through legislation, which sets out certain actions and activities that planning authorities in Scotland are responsible for. The legislation gives the context for delivering new development in the right places. As such, planning can enable great places though managing change that impacts upon our environment, our communities and our health and wellbeing.

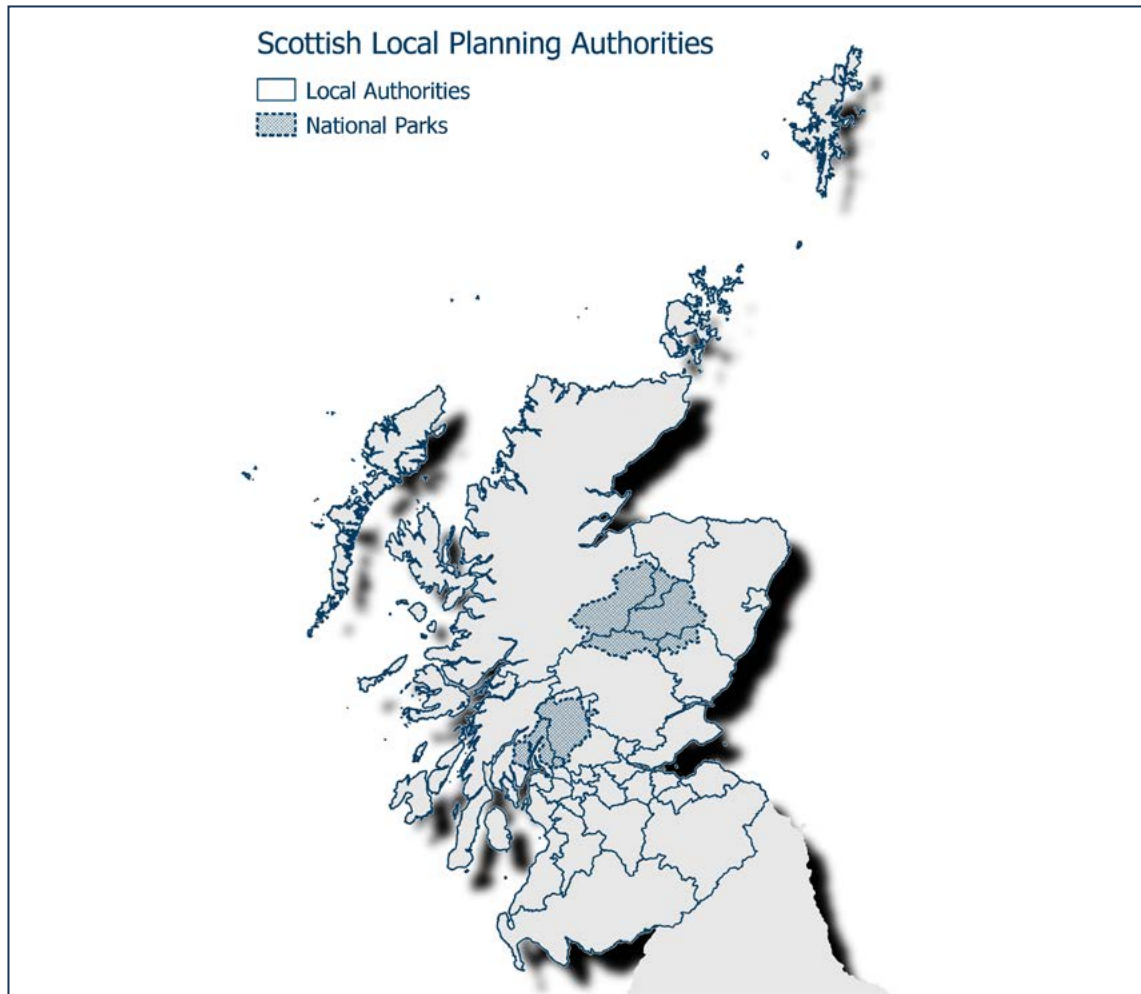
The [Town and Country Planning \(Scotland\) Act 1997](#) is the primary legislation for planning in Scotland; the [Planning \(Scotland\) Act 2019](#) is the most recent amendment to planning legislation. It defines the purpose of planning as “*to manage the development and use of land in the long-term public interest*”. The changes in the system look to strengthen the influence and perception of planning to place it centrally in the coordination required to deliver great places. At the same time, they look to streamline procedures and reduce bureaucracy. The new Act sets out a broad range of changes to be made across the planning system including:

- Arrangement for preparation of development plans
- Proactive masterplanning
- Development management procedures and considerations
- Strengthening enforcement
- A focus on improved performance and positive outcomes

The detail of how it will work in practice will be contained in secondary legislation and guidance which the Scottish Government is working towards now. For further information and updates on the progress with implementing the act see the Scottish Government’s [Transforming Planning website](#).

There are 34 planning authorities in Scotland – the 32 councils and two national park authorities – and they are responsible for the main elements of the system: preparing development plans, deciding applications for planning permission and enforcing planning controls.

Figure 1: Scottish Planning Authority Boundaries



“As we begin to stabilise and recover both socially and economically, a resilient and efficient planning system designed to meet the needs of people will be more important than ever. We need to give communities easier ways to engage with a system that can often prove challenging to navigate and understand. We need to give planning authorities the tools to create and shape their places. And we need to give developers confidence and certainty that Scotland is open for business.”

Kevin Stewart MSP, Former Minister for Local Government, Housing and Planning, on the publication of the Planning (Scotland) Act 2019

It is through the planning system that decisions are made, in the public interest, on how best to meet the needs and requirements for housing, offices and other business premises, retail and leisure opportunities, education and other social facilities and transportation. The aim is to achieve the right development in the right place, protecting valued urban and rural areas and the environment from inappropriate forms of development or use of land.

Consequently the planning system has a significant impact on our quality of life, by shaping the environment in which we live, work, shop, learn, travel and spend our leisure time.



It is through the planning system that councils and others should facilitate development through the management of growth, land use and places whilst protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. Actions taken through the planning system can therefore make a major contribution to councils' corporate objectives and that of other public service partners.

Development and land use change inevitably creates conflicts between competing interests.

Councils, and therefore elected members, must represent the wider public interest and help mediate such conflicts through the planning system. Partnership working, community involvement, co-ordination of activities and meaningful negotiations with developers are essential components of a successful planning system.





The Planning Process — Summary

Public perception of planning is often based on contact with the system through a planning application but the scope of the planning system is much wider. To understand the various individual components it helps to appreciate how those relate to each other.

The two major elements of the planning process in Scotland are development plans and development management.

Development plans guide the future use of land and the appearance of cities, towns and rural areas. They indicate where development should happen and where it should not and how it interacts with its surroundings. There are 34 planning authorities in Scotland – 32 councils and 2 national parks- that are responsible for preparing development plans.

All planning authorities are legally required to prepare a Local Development Plan (LDP) for their area. The Planning (Scotland) Act 2019 made significant changes to the approach to prepare LDPs with the aim of making them more effective, with greater community involvement and more focus on delivery.

The law requires that decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. Material considerations are ones which are related to planning and relevant to the application. PAS have a [useful document](#) on this. This emphasises the importance of the development plan and the need to keep it up to date.

Development management is the process of deciding planning applications and various other associated activities including enforcement of planning controls.

For the purposes of planning applications, development in Scotland is put into one of three categories – local, major or national. The different categories mean that applications are treated in a way which is suited to the size and complexity of the proposed development and the issues they are likely to raise.

Most applications will be for local developments. Major developments include applications for 50 or more homes, certain waste, water, transport and energy-related developments, and larger retail developments. National developments are specific projects which have been identified in the National Planning Framework because of their national importance.



Other Planning Activities

Planning authorities have many statutory powers and other responsibilities linked to the planning system covering diverse topics such as:

- Enforcement of planning controls
- Tree Preservation Orders
- Identification of public rights of way and
- Designation of conservation areas.

The work of the council's planning service also contributes to community planning and regeneration initiatives, and can promote improvements to the local environment and encourage more environmentally sustainable forms of development. Council services such as corporate policy, legal, financial, education, housing, transport, environmental and economic development all have important interactions with planning.

Role of Scottish Government

The [Planning and Architecture Division](#) (PAD) in Scottish Government maintains the legislative framework of the system, sets out the strategy for Scotland's future development and policies on key planning issues, and promotes good practice across the planning system. The Scottish Government current focus is on the implementation of the Planning (Scotland) Act 2019 and wider planning reforms. They are progressing a detailed work programme to implement the Act, this involves substantial stakeholder engagement and public consultation. Alongside developing further legislation both to implement the Act and to take forward wider changes to Scotland's planning system.

Scottish Government is also responsible for making decisions on some appeals and some other planning applications. The [Directorate of Planning and Environmental Appeals](#) division (DPEA) of the Scottish Government determine certain appeals against decisions made by planning authorities and other bodies across Scotland. A reporter appointed by ministers decides most appeals. In a small number of cases, ministers will make the decision following the appointed reporter's submissions and recommendations.

Public Bodies and Agencies

A wide range of other public bodies and agencies participate in the planning process and decision making. These organisations often have statutory responsibilities for specific topic areas, with implications for planning decisions. They offer specialist advice to the planning authorities.

The [Key Agencies Group](#) provides the following information on these bodies. Planning regulations define the Key Agencies as:



NatureScot – www.nature.scot

NatureScot is responsible for the conservation and enhancement of natural heritage - the wildlife, the habitats and the landscapes.

Historic Environment Scotland – www.historicenvironment.scot

Historic Environment Scotland safeguards the historic environment and promotes its understanding and enjoyment.

Scottish Environment Protection Agency (SEPA) – www.sepa.org.uk

SEPA is Scotland's environmental regulator and adviser. In addition to its role in controlling pollution, it works with others to protect and improve our environment.

Scottish Water – www.scottishwater.co.uk

Scottish Water provides water and waste water services throughout Scotland.

Scottish Enterprise (only in relevant areas of jurisdiction) – www.scottish-enterprise.com

Scottish Enterprise is Scotland's national economic development agency. We're committed to growing the Scottish economy for the benefit of all, helping create more quality jobs and a brighter future for every region.

Highlands and Islands Enterprise (only in relevant areas of jurisdiction) – www.hie.co.uk

The economic and community development agency for the north and west of Scotland.

Regional Transport Partnerships – www.transport.gov.scot/our-approach/strategy/regional-transport-partnerships/

Regional Transport Partnerships bring together local authorities, elected members and other key regional stakeholders to take a strategic approach to the planning and delivery of regional transport so that it better serves the needs of people and businesses.

Crofters Commission (only in crofting areas) – www.crofting.scotland.gov.uk

The Crofting Commission regulates and promotes the interests of crofting in Scotland to secure the future of crofting.

Health Boards – www.scot.nhs.uk/organisations

NHSScotland consists of 14 regional NHS Boards which are responsible for the protection and the improvement of their population's health and for the delivery of frontline healthcare services and 7 Special NHS Boards and 1 public health body who support the regional NHS Boards by providing a range of important specialist and national services.

Sport Scotland – www.sportscotland.org.uk/facilities/planning/our-role-in-the-planning-system/

Sportscotland are consulted by planning authorities where there are proposals which may: result in the loss of; prejudice or prevent the use of land which was last used as an outdoor sports facility, from being used again for that purpose.



While legislation cannot specify them individually, the following bodies should have the same level of involvement in the development plan process:

Transport Scotland – www.transport.gov.uk

Transport Scotland is responsible for delivering the Scottish Government's transport capital investment programme and overseeing the safe and efficient operation of trunk roads and rail networks.

Scottish Forestry – www.forestry.gov.scot

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulations.

Marine Scotland – www.marine.gov.scot

Marine Scotland manages Scotland's seas and freshwater fisheries along with delivery partners NatureScot and the Scottish Environment Protection Agency

Architecture and Design Scotland (A+DS) – www.ads.org.uk

A+DS is a non departmental public body, which acts as a national champion for good architecture, design and planning in the built environment.

A number of other organisations also have involvement in the planning system.

Royal Town Planning Institute (RTPI) in Scotland – www.rtpi.org.uk/find-your-rtpi/rtpi-nations/scotland/

The RTPI is the membership organisation and a Chartered Institute responsible for maintaining professional standards and accrediting world class planning courses nationally and internationally.

Heads of Planning Scotland (HOPS) – www.hopscotland.org.uk

Heads of Planning Scotland is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

PAS - www.pas.org.uk

PAS is a voluntary organisation at which 20% of planning professionals in Scotland volunteer. It offers an independent, free and professional advice service on planning applications and the planning process. It also runs training and education programmes designed to raise awareness and capacity on planning matters with elected members, community groups, seldom heard groups, children and young people.

Scottish Land Commission – www.landcommission.gov.scot

The Scottish Land Commission is driving a programme of land reform spanning both urban and rural land, to create a Scotland where land is owned and used in ways that are fair, responsible and productive.

British Geological Survey (BGS) – www.bgs.ac.uk

British Geological Survey are the UK's premier provider of objective and authoritative geoscientific data, information and knowledge to help society to



use its natural resources responsibly, manage environmental change and be resilient to environmental hazards.



Visit Scotland – www.visitscotland.com

Visit Scotland closely with private businesses, public agencies and local authorities, we work to ensure that our visitors experience the very best of Scotland and that the country makes the most of its outstanding tourism assets and realises its potential.



Improvement Service (IS) – www.improvementservice.org.uk

The IS was established in 2005 as the national improvement organisation for Local Government in Scotland. The IS was set up to deliver improvement support that would help councils to provide effective community leadership, strong local governance and deliver high quality, efficient local services.



Convention of Scottish Local Authorities (COSLA) - www.cosla.gov.uk

COSLA is the national association of Scottish councils and acts as an employers' association for its 32 member authorities. COSLA exists to promote and protect the interests of the country's councils by providing a forum for discussion of matters of common concern.



Health and Safety Executive (HSE) – www.hse.gov.uk

HSE protects people's health and safety by ensuring that risks in the workplace are properly controlled and controls substances that are hazardous to health.



Forestry and Land Scotland – www.forestryandland.gov.scot

Forestry and Land Scotland is responsible for managing and promoting Scotland's national forest estate: land, predominantly covered in forest, owned by the Scottish Government on behalf of the nation.



City Region Deals – www.gov.scot/policies/cities-regions/

City Region Deals offer the potential for new collaborative regional partnerships, focused on long-term strategic approaches to improving regional economies.



Regional Growth Deals

Similar to city region deals, but outwith city authorities.



Scottish Cities Alliance – www.scottishcities.org.uk

The Scottish Cities Alliance is a partnership of Scotland's seven cities and the Scottish Government, the purpose of which is to attract investment and jobs into cities.



Public Health Scotland – www.publichealthscotland.scot

Public Health Scotland was launched on 1 April 2020 as a partnership between national and local government which aims to provide leadership to enable and support local and national bodies to work together to improve health and wellbeing in communities.





There may be other organisations not noted here that regularly interact with planning authorities; these could include professional bodies, voluntary organisations and charities. Many of these can be found on the [Improvement Service website](#).

Community Councils

Community councils are also consultees, and legislation requires that they be invited to comment on planning applications in or affecting their area. They also have the right to comment on the preparation of development plans.

You are likely to have contact with the community councils as well as with members of the public, applicants and objectors to planning applications. If you attend meetings at which particular planning applications are being discussed it is important to avoid being drawn into discussions that could compromise your involvement in subsequent decision-making by the council. Further advice on this subject is given in the following sections.

Further information about community councils can be found at www.communitycouncils.scot.





Development Plans

The development plan process is central to the planning system. If you are a member of the appropriate committee your role may include involvement in the preparation of the Local Development Plan for your area and, where relevant, Regional Spatial Strategies.

Development plans set out how places should change and what they could be like in the future. They set out the preferred locations for new homes, businesses and other land uses and protecting places of value to people or wildlife. Plans may also describe how any new or improved facilities such as roads, schools and parks will be provided. Local authorities can enter into legal agreements with developers to secure financial contributions to such infrastructure. The policies in the development plan help to set out what kind of development is acceptable. Your authority's response to a planning application should be based primarily on the plan.

A key change in the Planning (Scotland) Act 2019 is that the National Planning Framework (NPF) will now be part of the statutory development plan for planning purposes. This means that its policies will have a stronger role in informing day to day decision making. The current NPF3 published in 2014 will remain in place until a [fourth NPF](#) is adopted by Scottish Ministers. When NPF4 is adopted it will now also incorporate Scottish Planning Policy (SPP), this contains detailed national policy on a number of planning topics. The Scottish Government have published the draft NPF4 in November 2021 and at the time of writing (February 2022) being considered by Parliament.

All parts of Scotland have to be covered by a Local Development Plan (LDP) which sets out where most new developments are proposed and the policies that guide decision making on planning applications. Significant changes to development planning were made by the Planning (Scotland) 2019 Act. To guide implementation of these changes Scottish Government at the time of writing (February 2022) are consulting on proposals for secondary legislation and draft guidance.

In preparing the LDP the planning authority must have regard to any adopted Regional Spatial Strategy (RSS), these replace the previous Strategic Development Plans. They will be prepared by one or more planning authorities working together and sit outside the development plan. Local Authorities have prepared indicative RSS (iRSS), which highlights the emerging themes and priorities that have been prepared to date.

The LDP must also consider any Local Outcome Improvement Plan (LOIP) which are supported by Locality Plans; housing need; health and education needs; and the capacity of education service.



The Act also introduces Local Place Plans (LPP) and states: “A *local place plan* is a proposal as to the development or use of land. It may also identify land and buildings that the community body considers to be of particular significance to the local area”. These should be community led and should be prepared through inclusive and robust community engagement. The Scottish Government has commissioned research on how Local Place Plans might help spatial planning and community planning align better to support places and communities. How these will work in practice, such as how they work alongside Locality Plans, is yet to be determined and the Scottish Government will be publishing regulations and guidance on what they will look like.

Aligning with Community Planning

Planning authorities have a duty to align spatial planning with Community Planning priorities. The Community Empowerment Act 2015 makes them a statutory community planning partner required to take account of Local Outcome Improvement Plans and locality plans within their development plan.^{**}

Also, under the Environmental Assessment (Scotland) Act 2005, development plans must be subjected to a strategic environmental assessment which monitors the likely impacts of the plan on the environment. When preparing a development plan, authorities must also have regard to matters including the resources available to implement the plan, the plans of neighbouring authorities, the regional transport strategy, river basin management plan and local housing strategy, the national waste management plan and issues linked to the Control of Major Accident Hazards regulations, Flood Risk Management (Scotland) Act 2009, and Climate Change (Scotland) Act 2009.

Every year your authority will prepare a Development Plan Scheme which sets out the timetable for plan preparation and for how and when people can get involved in plan preparation.

Plan Preparation

The plan preparation process has changed with the introduction of the Planning (Scotland) Act 2019. The period of longevity of Local Development Plans has been increased to ten years from the previous five with opportunity for interim reviews on certain matters such as housing and now has a streamlined, front-loaded preparation process. Below outlines the plan preparation process under the new Act. Planning authorities whose LDP preparation was underway may continue under the previous legislation and their next LDP will follow the new legislation.



Evidence Report

The Evidence Report is the first formal stage in plan preparation. This will set out the planning authority's view on a wide range of matters related to the development and use of land in their area. It must include a statement on the steps the planning authority have taken in preparing the report to seek the views of the public, community councils and in particular disabled persons, Gypsies and Travellers, and children and young people and how their views have been taken into account.

The Evidence Report will be approved by the Planning Authority and sent to Scottish Ministers for approval. They will assess whether the report has

Gatecheck

Scottish Ministers will appoint a person to assess:

- the adequacy of the information contained in the Evidence Report.
- the outcomes to be sought from the plan (e.g. housing requirements)
- proposed departures from national policy on the basis of local circumstances
- methods for the plan preparation including the approach to engaging delivery bodies and the public, alignment with community planning and the scope of the accompanying environmental assessment.

This is called the gatecheck. If the information is considered insufficient, recommendations will be made for changes, and the planning authority will have to address these and resubmit the report.

Draft Plan – Consult

Once the planning authority has prepared the proposed LDP and they have approved it, they must publish the proposed LDP and evidence report for consultation purposes.

Amended Draft Plan – Feedback

Consultation on the proposed plan should then feed into an amended draft plan. This means that responses to the draft plan can be used to guide changes to the amended draft plan and that feedback can be given to those who participated in the consultation.

Examination

The examination process is conducted by the Scottish Government. Due to the earlier gatecheck the examination should not be a lengthy process and will focus on what are called unresolved issues, otherwise put, areas of disagreement between the Planning Authority's proposals and the views of parties who have made representations.



Adoption

Once this process is complete and any further changes have been made, the Plan can be adopted. This is when it becomes a formal part of the development plan and revokes the previous local development plan in place.

Delivery

The focus of the plan should be on delivery. As such, the planning authority must now produce a Delivery Programme which is detailed and practical and leads to development on the ground. The planning authority is required to monitor the implementation of the delivery programme to determine whether commitments in the LDP are being met.

Role of Elected Members in Development Plan Preparation

Governance differs across local authorities. In some local authorities if you are a member of the planning committee there is an opportunity to be kept informed in the process leading up to the development plan process prior to their formal adoption by the council. Notwithstanding due process, it is important that development plans are brought forward quickly and that decisions are not delayed except where absolutely necessary.

The real significance of the development plan is that it forms the policy basis for planning decisions on planning applications. The allocation of land for development in local development plans is effectively committing the council to the principle of future development on particular sites. For example, if the Local Development Plan has allocated a site for housing, the council will not be in a position to refuse planning permission in the future for a housing development on the grounds that it is an inappropriate location for housing. In this type of situation, debate on planning applications should focus on matters such as the design of the development, its layout, phasing and infrastructure like roads and drainage.

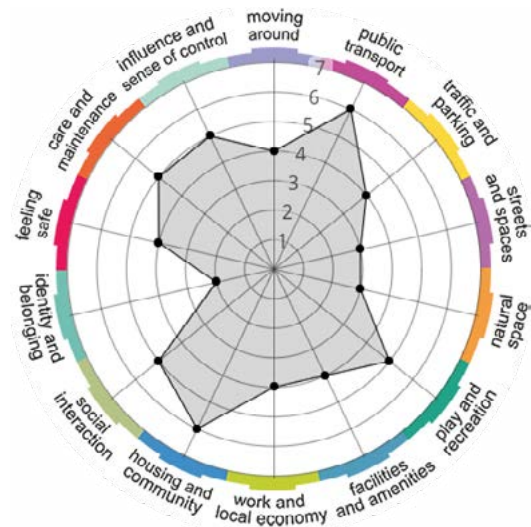
As an elected member, key decisions on the content of the development plan will probably arise during the life of a council, and they will rank as some of the most important decisions you will make during your time on the council. The content of the development plan may have a profound effect on the future quality of life for the communities that you represent.

Community Engagement During Plan Preparation

There are minimum legal requirements for engaging people in the preparation of development plans, but authorities are encouraged to go beyond these to promote wider public awareness and engagement.

Figure 3: Place Standard Diagram

The Place Standard, a simple tool that is available for anyone to use, provides an excellent opportunity to involve all people in a structured conversation about the quality and future of a place.



Every year authorities must publish a development plan scheme. This includes a participation statement which sets out how and when people can get involved in plan preparation. Community groups should be encouraged to look at the development plan scheme and provide feedback on proposals for engagement.

The main formal opportunities for public engagement and plan preparation are:

- undertaking widespread consultation, including with community councils, following the publication of the draft plan and associated evidence report;]
- publicising the publication of the amended draft Plan and the opportunity to make representations on it.

Occupiers and neighbours of some specific proposal sites will be notified about the publication of proposed Local Development Plans.

Agency Involvement

Certain public bodies are designated as key agencies in planning legislation. These bodies include NatureScot, Scottish Environment Protection Agency (SEPA), Scottish Water, Scottish Enterprise, Highlands and Islands Enterprise, Regional Transport Partnerships, Crofters Commission and local Health Boards.

These key agencies have a duty to cooperate with planning authorities when development plans are being prepared. Historic Environment Scotland, Transport Scotland and Forestry Land Scotland are expected to engage with authorities in the same way (but are not legally obliged because they are part of the Scottish Government).

The agencies are also involved in the development management process when they are consulted by the planning authority on relevant applications.



Delivery Programmes

Development plans are most directly implemented through the development management process. However, they should also have a significant influence on many decisions affecting the places in your authority area.

Legislation requires authorities to prepare a Delivery Programme which sets out how the authority proposes to implement the plan. The actions are not limited to those that will be carried out by the planning authority. When preparing their Delivery Plan, authorities must consult the key agencies, Scottish Ministers and anyone the authority proposed to specify by name in the Action Programme.

A Delivery Programme must be prepared within three months of plan approval or adoption and must be kept under review at least every two years.





Development Management

As an elected member, development management is the part of the planning system that you are likely to encounter most regularly.

There are three main elements to a planning authority's development management responsibilities:

- applications for planning permission and other related consents;
- appeals and reviews;
- enforcement.

When is Planning Permission Needed?

Planning legislation defines what development activities require planning permission. Development is defined in the legislation as *“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”*. This means that anyone wanting to carry out an activity which is covered by the definition will need to obtain planning permission prior to work beginning. It is important to note that in addition to the more obvious requirement to obtain planning permission for the construction of new buildings such as houses, shops, offices and similar, the second half of the definition refers to changes of use which may not involve physical building work.

The major exception to the need for planning permission for development is that 'permitted development rights' have been created by legislation to remove the need to apply for planning permission for certain developments.

Where an application for planning permission is required, legislation divides development into three categories. This is known as the hierarchy of development. The three categories are national, major and local. There are different procedures in place for determining applications for the different categories of development.

National developments are large scale developments which are identified in the National Planning Framework. Whilst national development status establishes the need for a project, it does not grant development consent. Information on the National developments in the Draft NPF4 can be found on the [Transforming Planning website](#).

Major developments are defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. There are nine classes of major development including developments of 50 or more houses, business space over 10,000m² and wind farms with a generating capacity of more than 50MW.



Local developments are all types of development which do not fall into the national or major categories.

Figure 4: Development management decision making process





Different Types of Consent

There are two types of planning permission – planning permission in principle and full planning permission. There are also other types of consent related to development including listed building consent, conservation area consent, advertisement consent and hazardous substances consent.

Planning permission in principle (PPiP) establishes the acceptability of a particular type of development on a site without requiring a significant level of detail about the proposed development. This is usually used where the likelihood of planning permission being granted is uncertain or in the case of major development proposals to avoid the initial high costs of detailed design work. Planning permission in principle will have conditions attached which require the submission of further details of the proposal to the planning authority for their approval. This type of application is referred to as an application for approval of matters specified in conditions (AMSC)

Applications for full planning permission relate to the full details of the proposed development.

Planning permission can be granted, granted subject to conditions, or refused.

Planning Applications

The majority of planning applications are now made through the [eddevelopment portal](#).

If the proposal is for a major or national development the applicant will need to submit a Proposal of Application Notice to the local authority 12 weeks prior to the submission of any planning application. This involves:

- carrying out pre-application consultation with the community – this includes developers 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;
- preparing a design and access statement (where required) setting out information about the design of the proposal and how the needs of disabled people have been considered.

In addition, applications for national and major development proposals may also be accompanied by more extensive documentation including Planning Statements, Environmental Statements, Retail Impact Assessments for large retail projects, Transport Impact Assessments and, increasingly, Education Impact Assessments. These all provide additional information to facilitate better informed decision-making. Certain European obligations, for example a requirement to undertake an Environmental Impact Assessment or Habitats Regulations Appraisal, may also apply to individual applications. These are legal requirements and may apply to local, major or national applications, depending on the likely environmental impact of the proposed development.



The Decision-Making Process — Elected Members' Role

The way in which a decision is made depends on the type of application.

All authorities have a Scheme of Delegation in place which determines the decision route for the application whether it will be determined by officers or by elected members. The Scheme of Delegation differs between authorities.

The statutory period for deciding valid planning applications is two months for local developments and four months for national and major developments, unless the applicant agrees to an extension of that time. An application will only be considered valid if it is accompanied by all the legally required documents and the fee charged for that category of development.

At the time of registration, the application will appear on a list of planning applications and pre-application consultations received during that week, which is widely distributed and published in local newspapers and on council websites and the public information notices for Scotland website, [TellMeScotland](#). Legislation now requires elected members to be specifically notified of Major planning applications. Most authorities send the weekly list to elected members. Further publicity for planning applications may be given for certain types of development through public notices published in local newspapers and neighbours are notified directly by the council about applications adjacent to their property.

Information on planning applications is available from the council and all key documents and plans or drawings are available, either online or in person at council offices.

Members of the public may make written representations to the planning authority outlining their views on proposed developments. Normally these should be made within 14 to 21 days of an application being registered by the council. In the case of objections, the reasons for objection must be clearly stated. Anonymous letters of objections or support will not be taken into account.

The planning authority undertakes consultations on planning applications with other departments of the council and external bodies known as statutory consultees. The range of bodies consulted varies according to the nature of the development proposals. The statutory consultees are primarily those bodies listed within the planning process section above.

Consultations with other departments of the council can include Transportation/Roads, Environmental Health, Housing, Education, Social Work and Leisure and Recreation, depending on the nature of the development proposed. Such consultations have an important role within the authority in bringing together various functions or services to provide a single response. This helps achieve the objectives of your council's corporate agenda in a consistent and coherent way.



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.

Material Considerations

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

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

Generally a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, 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.

In many respects it is easier to identify what is not a material consideration or is not relevant to planning, and therefore what should not form the basis of a decision on a planning application. The matters below are not considered to be material considerations:

- the protection of private interests, e.g. loss of views or competition between businesses;
- the personal circumstances of the applicant;
- moral considerations, e.g. sex shops, betting offices or religious objections to licensed premises;
- political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- the cost of the development;
- the applicant’s lack of ownership of the site (note that planning permission relates to the land and not to the person seeking planning permission);
- issues covered by other legislation, e.g. building safety which is the responsibility of building standards.

Valid planning matters that should be taken into account include:

- the Development Plan;
- national planning policy;
- emerging policies in a development plan that is not yet approved or adopted;
- the planning history of the site, particularly any recent appeal decisions relating to the same land;

- the suitability of the site for the proposed development;
- the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- design issues including the use of materials, the height, scale, bulk and layout of the development;
- potential loss of privacy or overshadowing of adjoining properties;
- the potential adverse impacts on adjoining property from noise, odours, fumes, etc;
- the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- meeting identified local needs such as affordable housing, or the creation of leisure facilities;
- the adequacy of the service infrastructure to accommodate the development, including the access arrangements to the site and level of parking provision;
- the impact of the development on the built or natural heritage of an area;
- the creation of a precedent, which might make it difficult to resist similar proposals elsewhere.

This list is not exhaustive but it does represent the considerations taken into account in most planning decisions. The relative weighting given to these various considerations is a matter for judgement in each case. Arguably, the most difficult planning decisions are those where the planning merits of the case are in favour of granting permission, but there are large numbers of local public objections to the proposed development. It is for you as an elected member to decide how important these material considerations are, bearing in mind the provisions of your development plan.

Conditions

Many applications are granted permission subject to conditions. Conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable and meet the terms of the use of Conditions Circular. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise;
- reasonable in all other respects.



Application of these criteria creates an effective basis for the control and regulation of development, which does not place unreasonable or unjustified burdens on applicants and the current or future owners of application sites. The sensitive use of conditions can also improve the effectiveness of development management and enhance public confidence in the planning system. Planning officers and your council's legal advisors will assist you in the effective use of planning conditions.

Further information can be found in [*Circular 4/1998 The Use of Conditions in Planning Permissions*](#) on the Scottish Government website.

Developer Contributions

Developer contributions are, on some occasions, important within the decision-making process. The rationale for seeking such contributions from developers is that they should contribute to mitigating the impacts of their development on infrastructure and other public services (schools, for example).

The subject of developer contributions requires to be approached with extreme caution as the potential borderline between seeking reasonable contributions and the "sale" of a planning permission can be very fine. The potential impacts on the viability of the development and consistency between developments are also important considerations. Contributions are usually secured through legal mechanisms such as a legally binding agreement which affects the title of the land (Section 75 agreement) between the developer and the planning authority or a Section 69 agreement. There is a formal process whereby a party to a planning agreement can seek to have it modified or discharged should it not meet the relevant criteria and be reasonable and proportionate to the development. There is an associated right of appeal to Scottish Ministers.

Further information can be found in:

- [*Circular 1/2010 Planning Agreements*](#)
- [*Circular 3/2012: Planning obligations and good neighbour agreements*](#)

Officer Recommendations

Council planning officials prepare a report with a recommended decision for each planning application that appears on a planning committee agenda. Committees do not always accept the advice being offered by the planning officers. On these occasions it is essential that the committee clearly states the reasons for its course of action and that these are explained in the decision notice which is issued to the applicant.

In the event of an appeal against a refusal of planning permission, the members who proposed and seconded a motion to refuse consent contrary to officer recommendation may be called as council's witnesses. In this situation it is important to appreciate that assistance from your planning officials will not

always be available. They are normally subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct that precludes further involvement in cases where their professional opinion has not been accepted. In such circumstances, assistance and advice will normally be available from council lawyers, and/or through the engagement of private planning consultants. In some authorities planning officials prepare the case for written submission appeals based on the committee's decision even if it is against their recommendation.



Example of a Planning Application Scenario

The following example sets out what might happen if the council refuses a planning application against officer recommendation:

- The existing Local Plan is several years old, making its policies for a particular site outdated and the new Local Development Plan has not reached the examination stage.
- An important local employer (a large golf course) has submitted a planning application to develop a hotel on an existing informal car park within the complex, claiming the development is needed to support business survival and growth.
- Planning officers recommend approval of the application because, although it does not directly meet existing Local Plan policies, there are policies in the emerging Local Development Plan which support this type of project.
- Objectors bring your attention to issues with the proposed development such as potential for noise, increased traffic, loss of open space, etc. which you consider outweigh your officer's recommendations. You and your colleagues on the committee vote to refuse planning permission.
- The applicant appeals the decision. Council planning officers cannot support your position, and you as a councillor have to defend your decision at the appeal.





Appeals and Reviews

There are two routes for appealing a planning application.

Where a planning application for a local development is decided by officers under delegated powers, applicants have the right to have the decision to refuse permission, or impose conditions on a consent, reviewed by the Local Review Body. Applicants can also ask for a review where the application is not determined within the statutory time period.

Where a planning application is decided at the planning committee or by the full council, applicants have the right to appeal against a refusal or conditions attached to a planning consent. These appeals are made to the Scottish Government and dealt with by the Directorate for Planning and Environmental Appeals (DPEA). This route of appeal also applies where an authority has not made a decision on a planning application within the statutory period or if a Local Review Body fails to give a decision on a review against the non-determination of a planning application by officers.

Local Review Bodies














Each authority will have different arrangements for their Local Review Body (LRB). If you are selected as a member of the LRB you will receive specific training prior to your involvement in the determination of any case.

Key features of Local Review Bodies are:

- It will consist of at least three elected council members. There will also be a planning advisor (either internal or external) and the LRB may request advice from experts on particular subjects when and if needed.
- Meetings must be in public.
- Method of determination (i.e. written submissions or hearing) is at the discretion of the LRB.
- There is no automatic right for the applicant or others to make oral representation.
- The process must be fair and transparent.
- Where an application has not been determined within two months and a 'Notice of Review' is served by the applicant, but the review is not carried out within two months, the applicant may then appeal to the Scottish Ministers.

Key features of the review process:

- A 'Notice of Review' must be served by the applicant on the planning authority within three months of the delegated decision, or the date of



expiry of period allowed for determining application (two months unless period for determination has been extended by agreement).

- Applicants must include their reasons for requiring review, their preferred method of review, the matters to be raised and documents to be used.
- The LRB will make interested parties aware – statutory consultees and objectors.
- Fourteen days is the period for further representations. The applicant may see these and make further comment after that period.
- LRB may then determine the review or hold a pre-examination public meeting – giving notice to interested parties as they consider reasonable.
- At the pre-examination meeting, the LRB may request further information by way of written submissions or hearings and/or a site visit, decide matters to be discussed and which procedure to follow. Regulations cover these matters and how to deal with new evidence.
- The decision notice must include the issues considered and the reasons for the decision including any planning conditions.
- If the applicant wishes to question the validity of the decision, an application may be made to the Court of Session within six weeks.














Appeals to Scottish Ministers

The Directorate for Planning and Environmental Appeals (DPEA) handles all planning appeals that are submitted to Scottish Ministers. Appeals must be submitted within three months of the planning authority's decision or, in the case of non-determination, within three months of the date by which the decision should have been made under the statutory timescales.

The decisions on most appeals are made by a Reporter from the DPEA. In a small number of cases Scottish Ministers make the final decision following the submission of the report and recommendation from a Reporter. The decision by the Reporter or Scottish Ministers is final, subject only to challenge in the Court of Session by an aggrieved party.

Detailed provisions are made in the legislation in relation to how the different types of appeal processes are to be conducted. The decision on the format of the appeal is made by the Reporter. Appeals can be determined using one of three main types of procedure:

- **Written representations** — in which the arguments of all parties are submitted to the DPEA in writing and the decision is made by the Reporter solely on the basis of these submissions. This is the most commonly used method.
- **Hearing** — This combines many of the advantages such as speed and relative informality of written representations but with the benefit of a hearing conducted by the reporter prior to any decision being taken. This



provides an opportunity for the appellant, the council and objectors to discuss the issues raised in the appeal in more detail than will be the case with written submissions. It takes the form of a meeting chaired by the Reporter.

- **Public inquiry** — This is the most formal method of determining an appeal and is normally used for complex or relatively large scale developments as it is expensive for both the appellant and the planning authority. The format of a public inquiry allows each party to present evidence using witnesses with cross-examination of those witnesses' evidence by other parties. Solicitors or barristers often represent appellants and councils at public inquiries.

Awards of Expenses

Normally all parties meet their own costs. Expenses can sometimes be awarded against a party taking part in the appeal if they have behaved unreasonably, and this unreasonable behaviour has resulted in unnecessary expenditure. Expenses are not awarded simply because an appeal has been 'won' or 'lost'. If another party has behaved unreasonably, be it the applicant or the council, a claim can be made against them for certain expenses. You can find further guidance on this in [Planning Circular 6/1990: awards and expenses](#).

Elected members on planning committees and Local Review Bodies should always bear in mind the possibility of an appeal or legal challenge when considering planning applications and reviews, especially because the costs of an appeal can be awarded against any of the parties who are shown to have acted unreasonably. Particularly where a public inquiry is involved, the potential cost of a "frivolous" decision by a council could be very expensive for the public purse. In the case of a legal challenge, costs are normally awarded.

Examples of unreasonable behaviour

Unreasonable behaviour on the part of the planning authority may include:

- failing to give complete, precise, and relevant reasons for refusal of an application;
- reaching their decision, without reasonable planning grounds for doing so;
- refusing an application for planning permission solely on the grounds that it does not accord with the provisions of the development plan and without having had regard to other material considerations;
- refusing an application because of local opposition, where that opposition is not founded upon valid planning reasons;
- refusing an application if an earlier appeal against the refusal of a similar application in respect of the site has been dismissed, where it is clear from the decision on that appeal that no objection would be seen to a revised application in the form submitted;

- failing to take account of relevant statements of government policy or of relevant precedents of which the planning authority were aware;
- imposing conditions on a grant of planning permission which clearly fail to meet the criteria set out in [Circular 4/1998](#) or which so limit an appellant's freedom to dispose of his property as to amount to an unreasonable restriction;
- serving an enforcement notice without undertaking reasonable investigations to establish whether there has been a breach of planning control or without taking account of case law and of policy and advice set out in Circulars.

Unreasonable behaviour on the part of either party may include:

- introducing a new matter (e.g. a new reason for refusal or new ground of appeal) at a late stage in the proceedings;
- refusing to supply adequate grounds of appeal or to co-operate in settling agreed facts or supplying relevant information which unnecessarily prolongs the proceedings;
- refusing to co-operate in setting a date for an inquiry or accompanied site inspection;
- failing to comply with the requirements of any statutory procedural rules;
- failure to comply with procedural requirements to the serious prejudice of the other party and leading to the adjournment of the inquiry.





Enforcement

Planning authorities have an extensive range of discretionary powers to deal with circumstances where planning regulations have not been followed, planning conditions have not been fulfilled or where there is a suspicion that this may have occurred.

Members of the public may often bring breaches of planning control to the attention of councillors or the planning service. However, it is important to appreciate that many such cases are not straightforward and are often based on genuine misunderstandings, particularly relating to conditions attached to planning permissions.

In considering whether to take enforcement action the council has to decide if a breach of planning control would have an unacceptable impact on public amenity. Enforcement is intended to achieve acceptable development and not as a punishment for the person responsible for the breach. Given that it is not always apparent if a breach of planning control has been deliberate or based on a misunderstanding, the use of enforcement powers is regarded as a last resort. An owner/developer may be given the opportunity to rectify the breach through “retrospective” application for planning permission. If a “retrospective” application is made, it will then be decided in the same way as all other planning applications.

If the council grants planning permission, there may be conditions attached.

As enforcement action is discretionary this means that action does not need to be taken even if a complaint has been made, if the council decides that action would not be in the public interest or would be out of proportion to the breach of planning control.

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. Only when all other mechanisms have been exhausted the final option available to councils may be to demolish the illegal development and to recover the cost of this from the developer.

All councils 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 and this is updated every 2 years.

Further information can be found in [Circular 10/2009 Planning Enforcement](#) on the Scottish Government website.



There are some rights of appeal to Scottish Ministers against an enforcement notice served by a planning authority. An appeal can be made where the notice is incorrectly served or where the action required by the notice is considered excessive in relation to the breach. Appeals must be submitted before the date on which the notice takes effect.





Code of Conduct

The [Councillors' Code of Conduct](#) explains the responsibilities of elected members, this was reviewed and published in December 2021. It provides a positive framework for your decision making as a councillor, helping you to navigate a maze of potential conflicts of interest. The Standards Commission was established under the terms of the Ethical Standards in Public Life etc (Scotland) Act 2000 and it publishes the Code.

The Code of Conduct is particularly relevant to planning, as consideration of planning matters can generate pressures for you from many directions, which will be much stronger than those you will encounter on most other council business. This section deals directly with issues, concerns and conflicts that you may encounter dealing with planning matters.


Key Issues

Public perception and its relationship to probity, openness and accountability is the most important factor for you to be aware of constantly. The Code of Conduct now sets out a three-stage process in how Councillors should declare an interest. In other words, it's up to you to assess how your decisions may be interpreted and to ensure that you do not create an adverse public perception of your behaviour or engage in inappropriate or illegal actions.


Whether you are a member of the planning committee, Local Review Body or full council considering applications or a local member putting forward an opinion about a particular application, it is essential that your conduct is directed by the Code. The Code is realistic however, and recognises that some decisions that you take may prove unpopular with the public.

When you attend a planning committee, Local Review Body or full council meeting, the considerations will include those listed in the short summary below. We recommend referring to Section 7 of the Code of Conduct which provides full information on how Councillors should act on Taking Decisions on Quasi-Judicial or Regulatory Applications.


- Your ability to act fairly.
- Your ability to take into account the professional advice of council employees and seek out advice if you are in any doubt.
- Do you or a person or body you associated with have a connection to an application? If so, does it amount to a declarable interest that will require you to withdraw and not take part in the discussion or decision-making?
- Have you pre-empted your involvement in the debate over a planning application by stating your position in support of/against a particular application or a Local Development Plan proposal in advance of formal




consideration of that application or proposal? If you have done so you may not be able to participate in decision making or voting












This final point is also relevant to councillors who have publicly declared their support for, or opposition to, a particular project during their election campaign that may subsequently come before them at committee as a planning application or Local Development Plan proposal.



When deciding whether you should declare an interest and take part in a committee discussion or the wider consideration of a particular planning application or Local Development Plan proposal bear in mind that interests are not just financial or business. They can also be personal or social.



Consequently, a conflict of interest could be as obvious as you and a relative owning land that is the subject of a planning application or, less clear cut, one of your close friends being a leading objector to a controversial proposal. It is important therefore to recognise that potential conflicts might arise in circumstances that are not explicitly dealt with by the Code.







Mandatory Training on Planning for Elected Members

The Scottish Government is intending to implement mandatory training on planning for elected members as part of a wider package of measures to improve the performance of the planning system as a whole. [Section 45 of the Planning \(Scotland\) Act 2019](#), once in force, will prohibit elected members from carrying out certain specified planning functions if they have not completed training specified by Scottish Ministers.





Planning — A Councillor's Perspective

A wide range of individuals, groups and businesses will lobby you on planning matters. Each representation should be considered carefully. Weigh them in terms of relevance to the issues involved and use this information alongside the impartial advice from council planning officers. You must be seen to reach your decisions in an open, objective manner.

Developers will sometimes subject you to a sustained campaign, feeding you information and attempting to persuade you of the merits of their case. This lobbying may be highly professional. This can also be true of objector's groups.

The often-competing interests of the different groups and individuals that may contact you must also be considered in terms of the overall aims of the council as well as planning policy, as the planning function does not exist in isolation from the wider corporate agenda of the local authority. This does not, however, override the legal requirement to make decisions based on the development plan. For example, a planning application for a new superstore may be part of a wider economic regeneration effort, led by the council with other partners; or a housing development that includes a higher than normal percentage of social housing may form the lynchpin for a localised housing strategy to enable young families and key workers to afford a home.

Planning applications should be decided on their planning merits, but the context can be shaped by many dynamic factors. Indeed, the development plan, against which applications are judged, is the result of you and your colleagues' or predecessors' previous consideration of these factors, ranging from social inclusion to sustainability. It is important to consider applications in this context and not simply to only judge it against the often-fixed provisions of a Local Development Plan.

Inevitably, people will have many different expectations of you in your role as an elected member. A community council from your ward may expect you to support whatever position they have taken on big or controversial applications, or even to defend their stance on a small, but to them significant, application for a house extension. Commercial interests might expect you to promote development generally as a 'good thing for your area'. Individual interest groups, such as local conservation societies, will assume that you share their concern about existing buildings or places.

The responsibility for your actions, for the positions you take, for your decisions lies entirely with you. Negotiating this complex array of interests and pressures can be a daunting task, especially when dealing with planning issues and the



possibility of conflicts of interest. The Code is an invaluable tool for determining the parameters of your involvement in the decision-making process.

Planning is a large and dynamic local government responsibility. You should work with planning officers in a positive partnership to make your council's planning service the best it can be. Ask officers for advice when you have queries or problems, give them support when they are under pressure from angry objectors or planning applicants, and keep them informed of what is happening in your ward that might be relevant to their work. You will find this relationship mutually rewarding and that it will help generate benefits for your ward.

In common with many local government services, the overall performance of each local authority is monitored annually by Audit Scotland. [Quarterly planning performance statistics](#) are provided to the Scottish Government. In addition, it is each planning authorities' responsibility to improve their own performance and this is evidenced in their annual [Planning Performance Framework](#). Scottish Government continues to pursue an improved planning service particularly to accompany proposals to increase planning fees. As an elected member, you have shared responsibility for the performance of your council. This means you should be aware of the potential impact of your influence on meeting these targets. If, for example, you might wish to put a motion to the planning committee to postpone a decision on a planning application to allow you longer to think about it, this could result in a failure to meet the performance target for deciding that application. The changes being made to the planning system are intended to enhance the effectiveness of the system, and as such, particular attention will be focussed on performance issues over the next few years.

Public Involvement and Councillor Probity

The following scenario illustrates the potential pitfalls and complex issues that may confront councillors in their interaction with the public, the planning system and wider council policies.



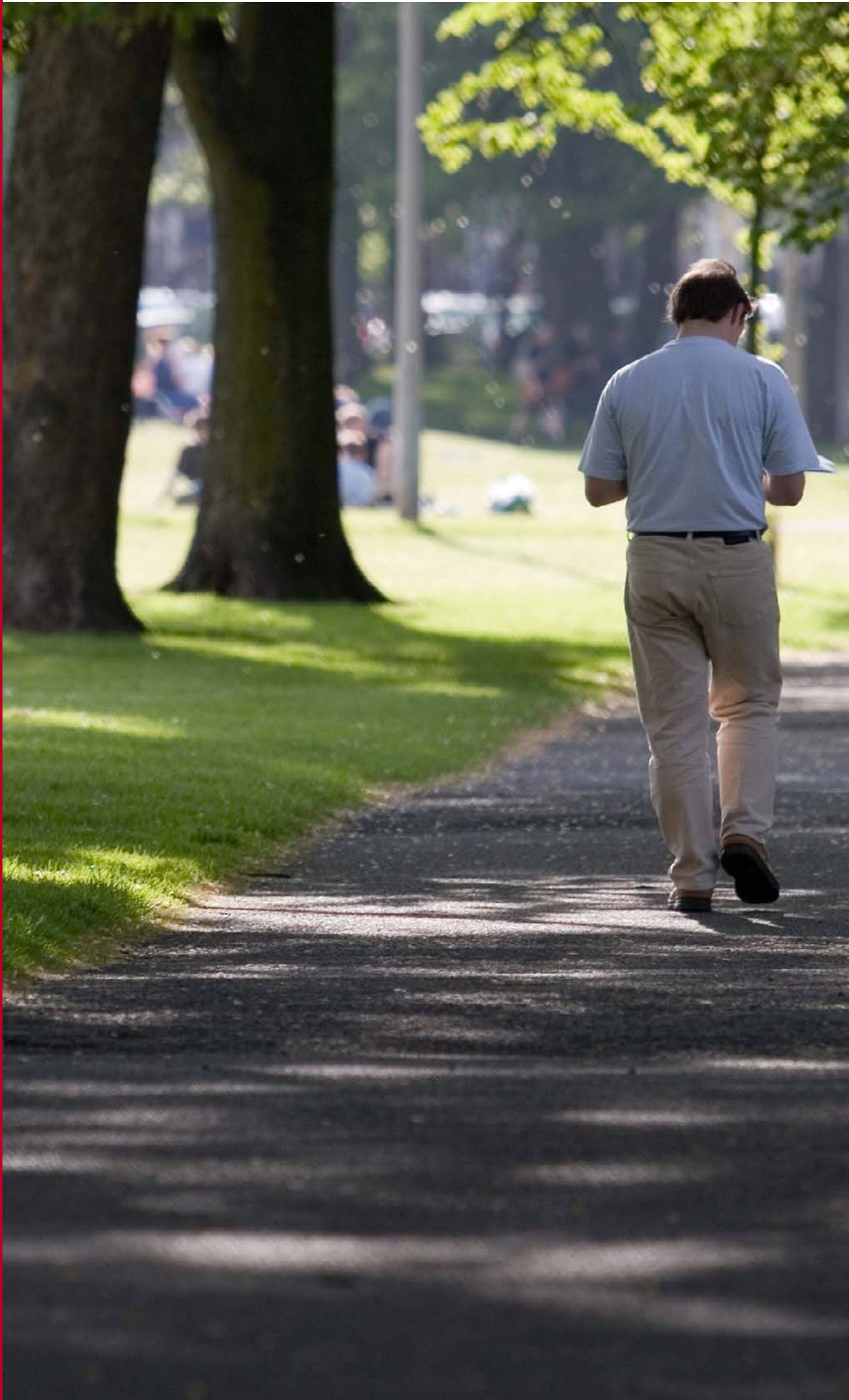
A major new road may improve access to jobs for the residents of a community that was previously isolated by poor road links and where unemployment is high. The same road might have to be partly built in an Area of Great Landscape Value and involve the compulsory purchase and demolition of several houses and small business premises. The council and your party support this project for the greater good and to reduce social exclusion but there are hundreds of objections from your constituents and some from environmental pressure groups who don't like the loss of landscape and are opposed to new roads. Planning policies support the road and a vociferous part of the public oppose it. Council policies make regeneration of this isolated community a priority.



The Councillor Code of Conduct does not prohibit a councillor, either as a member of a planning committee, Local Review Body or as a local elected member, from discussing the details of any planning application with anyone. Applicants, their agents (planning consultants, architects, engineers, etc.), neighbours, local community groups and campaigners all have a legitimate voice that should be heard by councillors.

The Code is clear that councillors can discuss the merits of, or concerns about, an application with anyone but you must be seen to be acting with due propriety at all times. It may be advisable to have a council officer in attendance when discussing a planning application with interested parties. At all times the role of campaigning councillor and committee member must be separated.

Each council has its own process for dealing with public engagement, some offer an opportunity for objectors and supporters to address the planning committee directly, others operate a hearing system, and committee site visits can also be used for listening to alternative viewpoints. The common thread is that you must not be seen to prejudge a planning application or development plan matter if you sit on the planning committee.





Glossary of Planning Terms

Adoption	Bringing a Local Development Plan into force.
Appeals and local reviews	Where applications for major or national development are determined and the planning authority refuses consent or grants consent subject to conditions, the applicant has the right of appeal to the Scottish Ministers. Where applications for local development are determined by council members rather than delegated for decision to officers, the applicant will have a similar right of appeal. Where applications for local development are delegated for decision to an appointed officer, and he or she refuses or grants consent subject to conditions, the applicant has the right to require a local review of the decision by a local review body made up of council members.
Community Planning	A process, delivered through Community Planning Partnerships aimed at helping public agencies work together with the local community to plan and deliver better services, with community engagement as a key aim. Community planning is, however, separate from the land-use planning system, and how it is implemented generally depends on the local authority.
Environmental Impact Assessment (EIA)	An important statutory procedure for ensuring that the likely effects of new development on the environment are fully understood and taken into account before planning permission is granted.
Local Development Plan (LDP)	A Local Development Plan (LDP) is required for each council area across Scotland. It allocates sites, either for new development, such as housing, or sites to be protected. It also includes policies that guide decisions on all planning applications.
Local Review Body	Made up of local councillors, a Local Review Body determines reviews of applications for local developments refused or approved subject to conditions under delegated authority by a planning officer. Reviews are requested by the applicant, and should be determined within two months. A review can also be requested where officers have not determined an application for local development within the statutory time period.



Local Place Plan

Local Place Plans (LPP) were introduced in the Planning (Scotland) Act 2019 which states: “A *local place plan* is a proposal as to the development or use of land. It may also identify land and buildings that the community body considers to be of particular significance to the local area”. How these will work in practice is yet to be determined and the Scottish Government will be publishing regulations and guidance on what they will look like.

Major development

Developments not considered to be of national strategic importance but nonetheless are of a size and scale to be considered of major importance. Examples might be a retail unit of over 10,000m², a business park or a large scale housing development of 50 or more dwellings.

Material considerations

A planning matter which is relevant to a planning application can include national policies, comments by the public and other people the planning authority has consulted, and issues such as the design of a proposal or its effect on the environment. Details of what constitutes a material consideration can be found in Appendix A of *Circular 4/2009 Development Management Procedures*.

National Park Authority

There are currently two designated National Park Authorities in Scotland - Loch Lomond and the Trossachs and the Cairngorms.

National Planning Framework (NPF)

The National Planning Framework sets out a long-term vision for development and investment across Scotland over the next 20 to 30 years. It is the spatial expression of the Economic Strategy and sets out the plans for development and investment in infrastructure. It identifies national developments in Scotland and is accompanied by an Action Programme which illustrates how it will be implemented.

Neighbour notification

A means by which people with an interest in neighbouring land or property in the immediate physical proximity to development proposals are informed by the planning authority that a development plan identifies that site or that a planning application has been submitted, allowing neighbours to make comments.



Planning agreement	An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between a planning authority and an applicant to regulate or restrict development.
Planning committee	A group of elected members, councillors, in a local authority who have the responsibility of taking decisions on planning applications or planning policy, including development plans.
Policies	Statements by planning authorities or Scottish Ministers of their attitudes or intentions towards existing or future situations which require action. Land use planning policies relate solely to physical land use development, for example, the location of housing or the improvement of the environment. They are limited to those which can be applied by the planning authority itself, or by other public bodies after full consultation and agreement.
Representations	A comment made on a planning issue by a member of the public, statutory consultee or other stakeholder. Representations include objections and letters of support.
Regional Spatial Strategy (RSS)	Regional Spatial Strategies were introduced in the Planning (Scotland) Act 2019. They will replace Strategic Development Plans. They are long term spatial strategies which specify the area/s to which they relate.
Scottish Government Directorate of Planning and Environmental Appeals (DPEA)	A department of the Scottish Government, whose reporters will assess objections to development plans and take decisions on most planning appeals on behalf of Scottish Ministers.
Strategic Development Planning Authorities	A group of planning authorities acting jointly to prepare a strategic development plan (SDP). These will be replaced by Regional Spatial Strategies under Planning (Scotland) Act 2019
Strategic Environmental Assessment (SEA)	A process for identifying and assessing the significant environmental effects of a strategy, plan or programme so that they may be taken into account before the plan is approved or adopted. All development plans must meet the requirements for SEA.



Useful Links

Royal Town Planning Institute in Scotland

@RTPIPlanners

www.rtpi.org.uk/find-your-rtpi/rtpi-nations/wwwrtpiorgukscotland/about-rtpi-scotland/

The RTPI is the membership organisation and a Chartered Institute responsible for maintaining professional standards and accrediting world class planning courses nationally and internationally.

The [Scottish Planner](#) is the bi-monthly journal of the Institute in Scotland and is distributed to all RTPI members in Scotland free of charge, as well as a number of relevant organisations, the media and members of the Scottish Parliament.

Scottish Government

@ScotGovPlanning

www.gov.scot/policies/planning-architecture/

The Scottish Government has overall responsibility for the law on planning. It provides advice and establishes national planning policy and advice on best practice.

www.transformingplanning.scot/

The transforming planning website has information about the planning reform and its work programme.

Architecture and Design Scotland (A+DS)

@ArcDesSco

www.ads.org.uk

Architecture and Design Scotland (A+DS) is a non departmental public body, established by the Scottish Government in April 2005 as the national champion for good architecture, design and planning in the built environment.

PAS

@PAS_tweets

www.pas.org.uk

PAS (formerly known as Planning Aid Scotland) is a 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 given through qualified and experienced town planners and trainers.

PAS have a series of information sheets of various aspects of the planning system found here: <https://www.pas.org.uk/advice>



Scottish Parliament

<https://www.parliament.scot/parliamentarybusiness/research.aspx>

The Scottish Parliament produces research briefings and fact sheets for use by MSPs in support of parliamentary business. These are prepared by the Scottish Parliament Research Centre (SPICe) and offer an impartial insight into a range of planning and related matters.

Public Health Scotland

<https://publichealthscotland.scot/>

Public Health Scotland is Scotland's lead national agency for improving and protecting the health and wellbeing of all of Scotland's people.

Heads of Planning Scotland

@HeadsofPlanning

<https://hopscotland.org.uk/>

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national parks authorities.

Local authority websites

These will all have links to the planning service for the authority and usually contain copies of the development plan, development briefs, supplementary planning guidance and other relevant council planning policy and guidance. Planning committee agendas and reports are also available online. [Links to their websites](#) can be found on the HOPS website.

iHub
Quarrywood Court
Livingston
EH54 6AX

Tel: 01506 282012
Email: info@improvementservice.org.uk
www.improvementservice.org.uk

Feb 2022

*The 'go to' organisation for Local
Government improvement in Scotland*


improvement **service**