

3/2010 COMMUNITY ENGAGEMENT

PLAN

PLANNING SERIES

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on nationally important land use planning matters.

National Planning Framework (NPF) is the Scottish Government's strategy for Scotland's long-term spatial development.

Circulars contain Scottish Government policy on the implementation of legislation or procedures.

Statements of Scottish Government policy in the SPP, NPF and Circulars may be material considerations to be taken into account in development plans and development management decisions.

Designing Places, Designing Streets and the *West Edinburgh Planning Framework* have the same status in decision making as the SPP and NPF.

Planning Advice Notes provide advice and information on technical planning matters.

Further information in the Scottish Government's role in the planning system is available on

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

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INTRODUCTION

1. Development is essential if we are to meet our current and future economic, social and environmental needs and aspirations. The planning system guides the future development and use of land - where development should happen, where it should not and how it interacts with its surroundings. Through a plan-led system, succinct and clear **development plans** set out ambitious, long-term visions for an area. By taking decisions on applications for planning permission, the future development of an area is set out.
2. **Scottish Ministers** recognise the important role that planning can play in support of the Government's central purpose of increasing sustainable economic growth. Sustainable economic growth means building a dynamic and growing economy, whilst at the same time safeguarding our environment for future generations and ensuring our communities enjoy a better quality of life. Planning can deliver across all the Government's strategic objectives - a Scotland that is: wealthier and fairer; healthier; safer and stronger; smarter; and greener.
3. Ministers are looking to create a planning system that is effective and efficient, while recognising the important role that communities have in the decision making process. Successful operation of the planning system will only be achieved if those involved: planning authorities, agencies and consultees, applicants, communities, representative organisations, public bodies, the Government and the general public, commit themselves to engaging as constructively as possible in the process.
4. The Planning etc (Scotland) Act 2006 and associated secondary legislation provide enhanced opportunities for people to get involved in the planning system. The Government's policy on community engagement is set out in **Scottish Planning Policy** (SPP) and in relevant Planning Circulars such as Circulars 1/2009: *Development Planning* and 4/2009: *Development Management Procedures*. This PAN provides advice to communities on how they can get involved and advice to planning authorities and developers on ways of effectively engaging with communities on planning matters.

5. The PAN also links directly with the **National Standards for Community Engagement**. The Standards set out best practice principles for the way that councils and other public bodies should engage with communities and are supported by VOiCE – Visioning Outcomes in Community Engagement - a database tool developed to help plan, record and monitor community engagement activity. Tools such as Planning Aid for Scotland’s SP=EED (Scottish Planning equals Effective Engagement and Delivery) have also been developed to help share good practice in engagement and ensure community consultation can become meaningful for everyone involved. (see text box by paragraph 64 for further information).

A glossary of planning terms is included at the end of the document. Terms in the glossary are noted in bold the first time they are referred to in the document.

6. Some examples of community engagement are to be found on the Government’s webpages (www.scotland.gov.uk). These examples are intended to provide a useful indication of the techniques that have been used at various stages of the planning process. Their inclusion on the website is not a formal endorsement of the approach taken.

COMMUNITY ENGAGEMENT IN PLANNING

7. Whatever the circumstances, it is important that all stakeholders know the extent to which they can be involved in planning decisions, taking into account the practical limits of the process and the constraints within which it operates. For instance, while development plans will set out the planning authority’s policies and proposals, whether development will actually occur on a piece of land will also depend on subsequent regulatory processes, such as the need for planning consent, and a host of other factors including the landowner’s aspirations for the site.

Community Engagement

- Community Engagement must be meaningful and proportionate.
- Community Engagement must happen at an early stage to influence the shape of plans and proposals.
- It is essential for people or interest groups to get involved in the preparation of development plans as this is where decisions on the strategy, for growth or protection, are made.

8. The term ‘consultation’ is used to mean the dynamic process of dialogue between individuals or groups, based on a genuine exchange of views and, normally, with the objective of influencing decisions, policies or programmes of action. The terms ‘engagement’ and ‘involvement’ are generally interchangeable and are taken to mean the establishment of effective relationships with individuals or groups. Participation is everything that enables people to influence the decisions and get involved in the actions that affect their lives. In the context of this document engagement is, in effect, giving people a genuine opportunity to have a say on a development plan or proposal which affects them; listening to what they say and reaching a decision in an open and transparent way taking account of all views expressed.

Community Engagement in Planning

Effective engagement with the public can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process. It also improves confidence in the fairness of the planning system. The Scottish Government expects engagement with the public to be meaningful and to occur from the earliest stages in the planning process to enable community views to be reflected in development plans and development proposals. Minimum requirements for consultation and engagement in the planning system are established through legislation. Advice on community engagement in the planning system, linked to the National Standards for Community Engagement, is provided in PAN 81 *Community Engagement*.

Everyone has the right to comment on any planning application which is being considered by a planning authority. Legitimate public concern or support expressed on a relevant planning matter should be a consideration in planning decisions. Planning authorities must ensure that communities are given the opportunity to get involved in the preparation of development plans. Planning authorities and developers should ensure appropriate and proportionate steps are taken to engage with communities when planning policies and guidance are being developed, when development proposals are being formed and when applications for planning permission are made. Individuals and community groups should ensure that they focus on planning issues and utilise available opportunities for engaging constructively with developers and planning authorities. Close working with communities can help to identify and overcome sensitivities or concerns associated with new development. Liaison committees can have a role in offering communities greater involvement in the operation of mineral extraction sites and other similar developments.

Scottish Planning Policy (2010)

9. Defining ‘community’ is not simple. It means different things in different situations. It can be based on location – those who live, work or use an area. But it can also be based on a common interest, value or background – for example societal groups (based on race, faith, ethnicity, disability, age, gender or sexual orientation), members of sports clubs and heritage or cultural groups. Each community will have different desires and needs which have to be balanced against the desires and needs of others.

ROLES AND RESPONSIBILITIES

10. The roles and responsibilities of the various parties involved in the community engagement aspects of the planning system are set out below.

The Scottish Government

11. The Scottish Government develops legislation, national policy and advice on land use planning for Scotland. Ministers set the strategic framework for development and identify **national developments** through the **National Planning Framework**. National planning policy is also set out in *Scottish Planning Policy, Designing Places* and *Designing Streets*. Advice on various technical planning issues is set out in the Planning Advice Note (PAN) series. Scottish Ministers also approve the **strategic development plans** which are prepared jointly by local authorities in the four largest cities and surrounding regions. Scottish Ministers will also appoint a person to hold an examination into any unresolved issues in **local development plans**. Planning authorities must take notice of the findings of the examination before adopting their local development plan. Scottish Ministers are also responsible for making decisions on certain types of **planning applications** and **appeals**.

12. At the national level, people can get involved by responding to consultations on changes to legislation plus reviews of the National Planning Framework and Scottish Planning Policy. They are also encouraged to engage early and effectively in the **strategic environmental assessment** which must legally accompany these documents.

The Scottish Government website provides information on planning legislation, publications, policy and advice (www.scotland.gov.uk/planning). Help about planning in Scotland is also available by contacting the Government on 08457 741741. You can also register with the e-mail alert system in order to be told about relevant information and forthcoming consultations at <http://register.scotland.gov.uk/?rt=18>.

The Planning Authority

13. The operation of the planning system in Scotland is primarily the responsibility of planning authorities. In most cases this will be one of the 32 councils, but may also be one of the **strategic development planning authorities** in the 4 largest city regions (around Aberdeen, Dundee, Edinburgh and Glasgow), or one of the 2 **national park authorities**. Planning authorities' key roles include:

- Preparing strategic development plans, local development plans, **master plans**, **development briefs** and **supplementary guidance**
- Processing and deciding on applications for planning permission plus other consents (such as listed building consent);
- Acting as the **Local Review Body** in certain cases; and
- Taking **enforcement** action against breaches of planning requirements.

Key Agencies and Statutory Consultees hold information, or provide services, that are essential to the delivery of development plan policies and development proposals. Key agencies and statutory consultees are defined in law. Key agencies (such as Scottish Water, Health Boards and Regional Transport Partnerships) have a duty to co-operate in the development plan process and to engage at different stages (main issues report, proposed plan and preparation of the action programme). This should ensure that information essential to the strategy, or its delivery, is discussed at an early stage. Planning authorities are required to consult statutory consultees (such as Network Rail, Scottish Natural Heritage) in the circumstances set out in law.

Councillors

14. Councillors have an important role in the planning system. Those members who are involved in taking planning decisions should understand the operation of the key elements of the planning system. The role of councillors includes:

- a key role in establishing planning policies for their area;
- becoming involved in local cases as a ward representative;
- decision making as a member of the **planning committee** or at meetings of the Full Council; and
- acting as a member of the Local Review Body.

15. With regard to ethical standards, a Code of Conduct for Councillors, approved by the Scottish Parliament, sets out the principles and rules governing the conduct of elected members. It is appropriate for councillors to engage in discussions and debates about matters relating to the development plan, even though the plan provides the framework for decisions on individual planning applications. Councillors may also be asked to engage by communities, or developers, on individual proposals. Whilst there is no impediment to them being briefed or advised, councillors should be wary of offering a view on any proposal in advance of any decision being made. More information is available from the Standards Commission for Scotland's website using the link in the contacts section.

Community Councils, Voluntary, Interest and Amenity Groups

16. At different points in the planning process, the focus for community engagement will be between the community and different organisations or bodies:

- When development plans and supplementary guidance are being prepared, community engagement will be mainly between communities and the planning authority.
- During **pre-application consultation**, the engagement will be between the community and the prospective applicant.
- When an application for planning permission has been submitted the focus for engagement is between communities and the planning authority.

17. When responding to consultations on development plans or applications it is important that community groups ensure that their responses are focused on planning issues. If in doubt speak to the planning authority or Planning Aid for Scotland, about what may or may not be a planning issue. Further information can also be found in the Good Practice Guidance mentioned below.

The Scottish Government provides funding for Planning Aid for Scotland's (PAS's) principal services, such as the maintenance of its telephone helpline, planning advice and the provision of training for members of the public and community groups. Organisations such as the Scottish Government may advise you to contact PAS when you have a question or are seeking advice relevant to a specific case. Further details of this and other aspects of the work of PAS can be found later in the PAN. Contact details can be found in Annex 1.

Community Councils

18. Community Councils have a formal role in the planning system. They are consulted when development plans are being prepared, during pre-application consultation and when a planning application has been submitted. Many Community Councils take a proactive role in planning matters to ensure that the community they represent is consulted on issues that could have an impact on the area and that their views are communicated to the planning authority. They achieve this by monitoring the weekly list of planning applications produced by the planning authority; consulting with relevant planning officers where appropriate; holding public meetings to publicise plans and gauge community feeling where appropriate; responding rapidly to the planning authority expressing the views of the community on planning issues.

The Community Council Working Group comprised representatives from community councils, local authorities, the Association of Scottish Community Councils, COSLA, the Society of Local Authority Lawyers and Administrators in Scotland and the Scottish Government. It developed a Good Practice Guidance document containing comprehensive guidance for both local authorities and community councils. This "living document" includes a section on planning matters. Further information is available at: <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils>.

19. Community Councils vary in their extent, set-up and in the issues that interest them. Their level of involvement in planning will therefore differ. Community Councils can assist planning authorities in terms of their engagement in the planning process. For example, by responding timeously to consultations on planning applications, ensuring their comments focus on planning issues and advising the authority of any changes of the planning authority's contact person in the community council.

A list of consultants able to offer professional planning advice is available at www.rtpiconsultants.co.uk.

Other Community Groups

20. Other community groups also play an important role and are encouraged to engage in all aspects of the planning system. Not all community groups are involved in planning matters, but there are many willing to be involved in shaping their environment and will have a great deal of local information and knowledge which will be very helpful to the planning authority when planning the future of an area or to the developer when bringing proposals forward.

Applicants and their Agents

21. There are legal requirements on prospective applicants to engage with the community on certain applications. The requirements around pre-application consultation are set out below. But also there are applicants for planning permission who engage with local communities voluntarily in advance of making an planning application. Early consultation provides an opportunity for prospective applicants to both ensure they are better informed about the community's view of the proposed development and to address these concerns where they can be tackled.

22. Effective community engagement is important where there is ongoing work, for example, in relation to the operation of surface coal mines or mineral extraction sites. The willingness of operators of these sites to discuss and address legitimate concerns openly can often help secure the confidence of local communities. The establishment of formal community liaison arrangements as a mechanism for regular discussion are encouraged as being particularly useful in these circumstances.

COMMUNITY ENGAGEMENT IN THE PLANNING SYSTEM

23. This section sets out the statutory requirements of the planning system plus advice to communities, developers and planning authorities on engaging effectively. Flowcharts of the planning system are included and highlight the main areas of community engagement.

The Preparation of Development Plans

Introduction

24. **Development plans** are key documents in the planning system. They identify:

- where development should and should not take place;
- the main factors that will be taken into account when decisions are made on applications for planning permission; and
- allocate sites for specific land uses such as housing, retailing, business and industry; or developments such as schools, health centres and waste management facilities.

They may also protect land from development – for example leaving open space such as parks and areas for natural heritage purposes. These allocations establish the principle that a site may be used, or protected, for a particular purpose.

25. Development plans are not prepared in isolation. Plans are also bound by European obligations and national and regional strategies such as the National Planning Framework or transport strategies. Additionally all development plans fall under the provisions of the Environmental Assessment (Scotland) Act 2005 and must be subjected to a strategic environmental assessment. A requirement for public engagement is an integral part of the process.

26. It is vital that planning authorities are clear about the constraints on decisions when engaging communities in development planning. This should help communities understand which aspects of the plan are fixed and which aspects the community can influence.

27. All planning authorities are required to prepare local development plans for their areas. These contain a detailed statement of the authority's policies and proposals for development and land use. Strategic development plans are required only in Scotland's 4 biggest city regions and set out a vision and spatial strategy for development, identifying the key location and priorities for protection, development and regeneration up to 20 years ahead. Authorities may also produce supplementary guidance in connection with either strategic or local development plans. It is anticipated this would contain detailed policy inappropriate for inclusion in the plans themselves, including masterplans for particular sites identified in the plan.

28. It is the role of the planning authority, including councillors, to promote wider public awareness of development plans by engaging actively with the people they represent. The community has an important role in engaging positively with the planning authority to ensure all parties have a common understanding of the issues.

Wide publicity for the plan

Planning authorities should aim to widely publicise the plan and use engagement methods which fit into everyday lives. This might include considering for example:

- stands at community events, supermarkets, shopping centres or public buildings;
- articles and advertisements in the local press and the use of electronic information through websites and e-mail;
- a strategy for raising awareness through the local press and media;
- timing issues, for example avoiding starting a consultation during main holiday periods when many people will be away, or if it is unavoidable, extend the period of engagement.

Development Plan Schemes

In taking stock of progress on the new development plans, the Government's Directorate for the Built Environment identified a number of good examples of Development Plan Schemes and some of the innovative approaches to community engagement being suggested. Schemes were seen as being good examples where they were clear, concise and written in accessible language. They specified "who, what and when" and were easily printable from the web.

Preparing a plan

29. Every year each planning authority publishes a **Development Plan Scheme** which sets the timetable for plan preparation. The Scheme will include a **Participation Statement**, which sets out how and when people can get involved in plan preparation. Scottish Ministers expect the range of techniques contained in such statements to be innovative with activities for consulting stakeholders tailored to local circumstances and the issues being dealt with in the plan. Planning authorities publish their development plan schemes on their website and make a copy available in all local libraries.

Engaging early

Community groups are encouraged to look at the development plan scheme and provide feedback on the proposals for engagement. If community groups have particular preferences as to how and when they wish to be consulted on development plans, they are advised to inform the planning authority of this at the earliest opportunity.

Minimum legal publication requirements - main issues report, proposed plan and modified plan stages for strategic and local development plans

- Publication of a notice in one or more local newspapers and on the internet, setting out:
 - That the document has been prepared, and where and when it may be viewed;
 - A brief description of the content and purpose of the document;
 - Details of how further information may be obtained; and
 - A statement that **representations** may be made, and how, to whom and by when they should be made.
- Sending this information to:
 - Key agencies;
 - Other planning authorities or Strategic Development Planning Authorities; and
 - Community councils within the plan area.
- Making a copy of the document available to inspect at an office of each planning authority and in all public libraries in the plan area; and
- Publication on the internet.

(These requirements are set out in Part 2 of the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008)

Table: DEVELOPMENT PLAN (NORMAL PROCESS) including STRATEGIC ENVIRONMENTAL ASSESSMENT

	PUBLIC ENGAGEMENT	TYPICAL TIMINGS	
		Time (weeks)	Cumulative (weeks)
Publish Development Plan Scheme (including Participation Statement)			
Prepare Monitoring Statement and Main Issues Report (MIR)	Opportunity to scope out MIR with communities. Engage with key agencies etc. Submit Scoping Report to the SEA Gateway and undertake statutory consultation as a minimum.		
Publish and consult on Main Issues Report, Monitoring Statement and Environmental Report	Undertake widespread consultation activity including alerting community councils. Make available at libraries and at planning office. Advertise in local paper and on the internet. Environmental Report submitted to the SEA Gateway, advertised and published alongside the MIR for consultation.	6	6
Consider responses and prepare Proposed Plan and Action Programme (AP)		36	42
Publish Proposed Plan, Proposed Action Programme and Environmental Report	Publicise publication of proposed plan and opportunity to make representations. Alert community councils. Make available at libraries and at planning office. Publish in local paper and on the internet. Notify occupiers and neighbours of some specific proposal sites (LDPs only). Notify people who commented on MIR. If required, advertise and consult on any updates to the Environmental Report.	12 (6 minimum)	54
Consider responses. Prepare response and Report of Conformity with Participation Statement. (Prepare Modifications to plan and AP if required).		23	77
Submit Proposed Plan, AP and Statement of Conformity with Participation Statement (as modified if relevant) with Note of Representations and how taken account of to Ministers	Publicise submission of plan. Advertise in local newspaper. Publish on internet. Make copy available at planning office and public libraries.	1	78
Examination of Proposed Plan		35	113
Report published and submitted to Ministers and SDPA (SDP) or planning authority (LDP)		0	113
Plan adopted by planning authority (LDPs) or approved by Scottish Ministers (SDPs)	Publicise intention to adopt plan: publish notice in local newspaper; make copies available on internet, in planning office and in libraries; and notify people who made representations.	17	130

30. **Main Issues Reports** identify the key areas of change that need to be addressed in the plan. The Main Issues Report should be accompanied by a Strategic Environmental Assessment Environmental Report, which is also publicly consulted upon. Some planning authorities have taken the opportunity to consult in advance of the Main Issues Report. Representations received during the 6 week minimum participation period on the Main Issues Report will provide the planning authority with important views from the public and other stakeholders and will assist in the preparation of the **proposed plan**.

Gauging Opinion

Planning authorities should look to gauge community opinion in the course of preparing Main Issues Reports, in addition to seeking dialogue and inviting representations following their publication. Planning authorities should tailor this engagement to focus on the issues under discussion and on relevant audiences. For example, where a plan is likely to propose a significant number of new houses but few other changes to the overall strategy, the engagement could focus on the options for different housing sites and target the communities likely to be most affected.

31. Following analysis of the comments received on the Main Issues Report, the proposed plan will be prepared and published. There is then another 6 week minimum period for people to make formal representations. Neighbours significantly affected by site specific proposals in the proposed local development plan will be notified directly by the planning authority to ensure they are aware of the proposals.

32. The planning authority should seek to resolve differences and build support for the proposals through discussion and **negotiation** prior to the publication of the proposed plan. Where communication has broken down, the use of **mediation** may be productive (see **A Guide to the Use of Mediation in the Planning System in Scotland**). Where objections are not withdrawn an independent Development Plan Examination by the Scottish Government's **Directorate for Planning and Environmental Appeals (DPEA)** will be held.

33. Development proposals in which the local authority has an interest (financial or land ownership) are handled with greater transparency and rigour. A schedule of land ownership will form part of each local development plan. This will identify sites proposed for development that include local authority owned land.

34. The extent to which the planning authority has met or exceeded its intentions to involve people in the development plan process, as set out in its participation statement, will be assessed, generally by a reporter from DPEA. If the **reporter** decides that consultation undertaken falls below the level set out in the participation statement, Scottish Ministers have the power to ask for further work to be carried out before the plan proceeds to the next stage. This will ensure that all parties that the authority said it would involve have had a chance to view and comment on the plan. There is also a requirement within the strategic environmental assessment legislation to achieve early and effective engagement by the public in both the plan and appraisal processes.

35. Communities may also get involved in the preparation of other planning documents, for example master plans, development briefs for individual sites and in the supplementary guidance. If supplementary guidance is to be adopted as part of the development plan, consultation is a legal requirement. These may also be subjected to strategic environmental assessment and associated consultation.

Planning authority checklist for community engagement in the Strategic and Local Development Planning process:

- Annually prepare and publicise a Development Plan Scheme including a Participation Statement setting out how and when people can get involved in the preparation process.
- Prepare and publish a Main Issues Report to help with early targeted engagement, identifying suitable participatory approaches.
- Consider responses and seek to strengthen support for the plan and resolve issues through negotiation or mediation.
- Following review of the representations made, prepare and publish proposed plan and proposed **Action Programme**.
- For local development plans only, notify neighbours significantly affected by site specific proposals, along with others who have made previous representations.
- Take into account responses to consultation on SEA reports, particularly the Environmental Report.
- Produce a report confirming what engagement has been carried out. This report will be assessed at the examination or **approval** (Strategic Development Plan) / **adoption** (Local Development Plan) stages to check how the planning authority has met, or exceeded its intentions set out in the participation statement.

Development Management

Deciding planning applications

36. **Development management** is the term used for the process of deciding whether to grant or refuse planning permission. The law requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, planning permission should normally be granted. The weight to be attached to any relevant consideration is initially for the judgement of the decision maker, although ultimately it is a matter for the courts. There are a range of considerations which might be considered material in planning terms including legitimate public concern or support expressed on relevant planning matters.

37. The planning system does not exist to protect the interests of one person or business against the activities of another, although in some cases private interests may coincide with public interest. In distinguishing between public and private interests, the basic question is whether the wider community's interest would be unacceptably affected by the proposals, for instance through loss of amenity or loss or damage to land and buildings which ought to be protected, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

Opportunities to engage

38. The legal requirements on community engagement in the planning system depend mainly on the type and scale of the proposed development. The **hierarchy** of development categorises all developments into national, major or local developments. The hierarchy was introduced in 2009 with additional community engagement requirements for applications for developments which are classed as major or national. In summary:

National developments – are developments set out in the National Planning Framework;

Major developments – there are 9 classes of development set out in law including developments of 50 or more dwellings, certain waste and transport infrastructure and larger scale mixed use developments; and

Local developments – these are all other developments not categorised as national or major.

Consultation before an application is submitted

39. Prospective applicants are required by law to consult communities before a planning application is made for a national or major development. The purpose of pre-application consultation is for communities to be informed about development proposals and to have an opportunity to contribute their views before a formal **planning application** is submitted to the planning authority. Its aim is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings, and air and deal with any community issues that can be tackled. During pre-application consultation the dialogue is between the community and the prospective applicant.

40. Where pre-application consultation is required, the prospective applicant must send a **proposal of application notice** to the planning authority at least 12 weeks before submitting an application for planning permission. They must also send a copy of this notice to relevant community councils. The notice will contain:

- i) a general description of the proposed development;
- ii) the address of the site (if it has one);
- iii) a plan showing the outline of the site;
- iv) contact information for the developer; and
- v) a description of what consultation the developer is going to undertake, when it will take place, with whom and what form it will take.

41. The planning authority has 21 days to respond if it considers that it wants to see additional notification and consultation beyond the minimum set out in law. The minimum consultation requirement is to consult relevant community councils and hold at least one public event which is advertised in the local press. The advert will give people information about the consultation and must give at least 7 days notice of the event.

42. The public event should be reasonably accessible to the public, including disabled people. The public event may take place over a number of dates, times and places, or can just be one event. Written comments should be sent to the developer in response to the newspaper advertisement. Further guidance is contained in Circular 4/2009: *Development Management Procedures*.

43. When an applicant submits a planning application for a major or national development, they must also submit a **pre-application consultation report**. This report confirms that consultation has taken place in line with statutory minimum requirements and any further requirements set by the authority in its response to the proposal of application notice. Planning authorities must decline to determine applications where pre-application consultation requirements have not been carried out.

44. As part of the pre-application consultation report, applicants should set out how they have responded to the comments made, including whether, and in what way, the proposals have changed as a result of this consultation. Whilst under no obligation to take onboard community views, or directly reflect them in any subsequent application, the proposals, if adjusted, should benefit from that engagement and assist the efficient consideration of applications once submitted.

Retaining involvement

Pre-application consultation is an additional measure and does not take away an individual or community's right to express views on any subsequent application. It is important that this community interest is followed through to the formal application stage.

**Table: PROCESS FOR DEVELOPMENT MANAGEMENT
(NATIONAL AND MAJOR DEVELOPMENTS)**

	PUBLIC ENGAGEMENT	STATUTORY TIMETABLE
Pre-application Screening		
Submission of a proposal of application notice	Planning authority decides what, if any, additional consultation is required.	Planning authority has 21 days to require additional consultation
Pre-application processes - Consultation with communities on applications for a national or major development. Plus preparation of a design and access statement if required. Design statements to also accompany certain local developments	The minimum consultation activity - consult the community council and hold a public event (local event to be advertised and that advert to indicate representations can be made to the prospective applicant) advertised in the local press. Other consultation may be required by the planning authority.	Minimum 12 week period between the submission of the proposal of application notice and submitting the application
	Prospective applicant prepares design / design and access statement setting out what, if any, consultation has taken place plus what account has been taken of the consultation.	
	Prospective applicant prepares pre-application consultation report.	
Submit application	Applicant submits a pre-application consultation report plus design / design and access statement when required.	Period for determination is 4 months or agreed extended period
Validation and Registration		
Processing of the Application	Planning authority - notify neighbours and advertise if necessary. Publish information in the weekly list. Send weekly list to community councils and make available in libraries, planning office and on the internet. Information placed on part I of the planning register.	
Consultation with Statutory Consultees	Community councils may seek to be consulted on any application.	
Period for Representations	Anyone can make representations on applications.	
Report of handling prepared		
If application is for a major development significantly contrary to the development plan or a national development – pre-termination hearing followed by decision of the full council	Planning authority must offer opportunity to attend a pre-determination hearing to the applicant and those making representations on the application. Hearings can also be held even when not required in law.	
Decision making	Planning authority places information on the decision on part II of the planning register and notifies the decision to those who made representations. Where a petition, the organiser is notified.	

**Table: PROCESS FOR DEVELOPMENT MANAGEMENT
(LOCAL DEVELOPMENTS)**

	PUBLIC ENGAGEMENT	STATUTORY TIMETABLE
Pre-application Screening		
Submission of the Application		Period for determination is 2 months, or where an Environmental Impact Assessment is required, 4 months
Validation and Registration		
Processing of the Application	Planning authority - notify neighbours and advertise if necessary. Publish information in the weekly list. Send weekly list to community councils and make available in libraries, planning office and on the internet. Information placed on part I of the planning register.	
Consult with statutory consultees	Community Councils may seek to be consulted.	
Period for representations	Anyone can make representations on applications.	
Application determined either by Planning Officer or planning authority committee, depending on the Scheme of Delegation		
Decision making	Planning authority places information on the decision on part II of the planning register and notify the decision to those who made representations. Where a petition, the organiser is notified.	

Engagement and Information on planning applications

47. Planning authorities are legally required to publicise information on applications and decisions to the wider public in the following ways:

Lists of applications – planning authorities have a list of all applications for planning permission submitted but not decided and proposal of application notices submitted. This list is available on the internet, at the planning office and at public libraries. This may be an on-line version and not necessarily in a paper form.

Weekly lists – planning authorities send community councils in their district a list of applications received in the previous week. This list is also available at the planning office and at public libraries. Again, this may be an on-line version and not necessarily in a paper form.

Planning register – planning authorities keep a register of planning applications.

- Part I of the register contains information on applications which have yet to be determined, including where one has been submitted, a copy of the design / design and access statement and the pre-application consultation report.
- Part II of the register relates to applications which have been determined by the planning authority and contains information on the decision including the report of handling, any environmental statement and the decision notice.

Where applicants seek a **local review** or an appeal on the grounds of non-determination of their applications, reports of handling and decision notices on the application will not appear on Part II of the register, but the subsequent decision of the Local Review Body or of Scottish Ministers will.

Decisions on applications – as well as sending the decision notice to the applicant, the planning authority informs everyone who made a written representation on the application of the decision and where a copy of the decision notice is available for inspection. The process is slightly different where comments are made as part of a petition.

48. Planning authorities now provide a wide range of planning information online. This generally includes information about current planning applications including submitted plans and supporting documentation. In many authorities representations can also be submitted online.

E-planning

Planning applications can also be submitted online. The **ePlanning Scotland website** (www.eplanning.scotland.gov.uk) can be used to:

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

Neighbour notification and publicity

49. Everyone has the right to comment on a planning application – the wider community as well as those who could be directly affected such as neighbours.

50. **Neighbour notification** requirements seek to give those likely to be most affected by proposals notice that a planning application has been submitted. It is the responsibility of the planning authority to write to owners, occupiers and lessees of “neighbouring land” at any premises on such land once the planning application and supporting drawings and plans are available to view.

51. Where there are no premises on the neighbouring land, the application must be advertised in the local press. There are further requirements to publicise applications in the local press which include where an applicant has been unable to notify the owners of the site of the proposed development or the development is of a class specified in regulation as one likely to have wider impacts on amenity (e.g. hot food shops and licensed premises). The requirements for neighbour notification and advertising are set out in the amended Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and further guidance is contained in Circular 4/2009: *Development Management Procedures*.

52. The period for making comments on a planning application in response to neighbour notification is no less than 21 days from the date of the notice. Where the application is advertised in the local press, then the period for responding is no less than 14 days from the date of the advert. The period within which representations should be made will be set out in the notice or advert.

Consultation with the community council

53. As noted above, community councils must be consulted on development plans and where pre-application consultation is required for applications for national and major developments. The law also requires them to be consulted:

- where the community council, within 7 days of receiving the weekly list containing information about an application, informs the planning authority that it wishes to be consulted; and
- where the development is likely to affect the amenity of the community council's area.

54. Planning authorities must give community councils at least 14 days to consider and respond to the application before they determine it. As with all representations, those which contain relevant considerations may be accepted any time before an application is decided on.

Commenting on applications

Most cases should be handled within the timescale set out in legislation. But the 14 day period is a minimum and it is open to a community council, like any other statutory consultee, to ask the authority to use its discretion to allow a reasonable extension in special cases: for example those which are unusually complex or controversial.

Enhanced scrutiny

55. When an application for a national development or for a major development which is considered to be significantly contrary to the development plan, the planning authority will provide an opportunity for a **pre-determination hearing**. Anyone who has submitted views on the planning application will be able to make their views known to a Committee of the Council before the decision is made. The final decision on the application will be made by the full Council.

Notification to Scottish Ministers

56. Where the planning authority proposes to carry out development itself, or has some other interest in a proposed development, it will be subject to the same requirements as any other planning application. Also, where the local authority considers that such a development proposed is significantly contrary to the development plan for the area, the application will also be subject to notification to Scottish Ministers in the event the planning authority wish to grant planning permission. This gives Ministers an opportunity to consider intervening in the handling process by calling in the application for their own determination. This is instead of the planning authority being the decision maker, if there are any issues of genuine national interest at stake.

Appeals and Local Reviews

57. Where planning permission is refused, or where the planning authority has failed to make a decision within a specific timescale, the applicant can challenge the decision or non-determination by making an appeal. It is only the applicant who can make an appeal or seek a review of the decision. The appeal will be made to either the Local Review Body (i.e. local developments delegated to an officer for decision) or the Scottish Ministers (i.e. local developments not delegated to an officer for decision plus all major and national developments).

Planning authority checklist for engaging people in the planning application process

- Ensure that applicants have, where required, fulfilled pre-application consultation with the community by assessing the pre-application consultation report.
- Maintain a list of applications to be determined.
- Prepare a weekly list of new planning applications received.
- Notify neighbours of planning applications allowing at least 21 days for people to comment from the date of the notice. If publicised in the local newspaper, at least 14 days from the date of the advertisement.
- Provide an opportunity for pre-determination hearings for national developments and for major developments which are significantly contrary to the development plan.
- Give reasons for all decisions - approvals as well as refusals.
- Follow procedures for development proposals where there is a local authority interest.
- Place more information on the Planning Register with decision notices and reports of handling.

(The legal requirements set out above can be found in the amended Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.)

58. The applications for local development which can go before the Local Review Body are set out in the planning authority's **Scheme of Delegation**. Each planning authority has individually prepared such a Scheme which specifies the cases which can be delegated. With the exception of a legal bar on delegating certain council interest cases, the sorts of triggers preventing delegation are a matter for the individual planning authority. Examples of triggers used by local authorities include the number of representations or an objection from a specified statutory consultee. Schemes should be available on the planning authority website with copies also available on the Scottish Government planning website. All other appeals, including those on major and national developments will go to Scottish Ministers.

Further information on appeals to Ministers can be found in A Guide to Planning Appeals in Scotland which is available on the Scottish Government website at www.scotland.gov.uk.

59. Appeals and local reviews examine all relevant information which had been before the planning authority when it considered the application – including letters of representation from local people, community groups etc. The Scottish Ministers (through the Directorate for Planning and Environmental Appeals) or the Local Review Body might contact people who have already participated in the application if they need any additional information or evidence before making a decision.

Enforcement

60. For many people, their first contact with the planning system is, unfortunately, when they complain to the planning authority about apparent breaches of planning requirements. Breaches of planning control fall into two broad categories; unauthorised development – including development without planning permission, and breaches of planning conditions which were attached to a grant of planning permission. Guidance on the Government's policy on the use and range of enforcement powers available to planning authorities can be found in Circular 10/2009: *Planning Enforcement*.

Planning Enforcement

61. Planning authorities are required to publish a regularly reviewed and updated Planning Enforcement Charter. The Charter should set out in clear terms their policies in respect of planning enforcement so that members of the public can understand how to raise concerns about suspected breaches of planning control and how these will be investigated and addressed.

The Scottish Government has prepared a model charter available at www.scotland.gov.uk. A planning authority **must**, when preparing its charter, have regard to this guidance as an example of the sort of information the charter should contain.

Planning Enforcement Charter checklist:

- Explain the planning authority's policies on enforcement action.
- Explain how members of the public are to notify breaches of planning control to the authority.
- Explain how members of the public and developers will be made aware of the procedures for complaints about the way enforcement action was taken by the authority and explain how complaints about enforcement action will be dealt with by the authority.
- Review, update and republish the Charter at least every two years, or as directed by Scottish Ministers.
- Publicise the charter with copies in local libraries and on the council's website.

Community Engagement – Other Examples

Good Neighbour Agreements

62. Section 24 of the Planning etc (Scotland) Act 2006 will, when implemented, introduce formal procedures for establishing good neighbour agreements (GNAs). These will be voluntary arrangements between a community body and developer or site operator. There is no obligation on either party to enter into such an agreement, however, where there is a shared commitment to set a framework for liaison around how a site operates then good neighbour agreements can have a number of benefits. Once agreed, an agreement may be recorded in the Register of Sasines or the Land Register of Scotland and runs with the land, i.e. it is binding on any future landowner. The 2006 Act also introduces a formal mechanism that allows GNAs to be modified or discharged should circumstances change.

Environmental Impact Assessment

63. For those proposals which require an **environmental impact assessment**, applicants must make a non-technical summary of the Environmental Statement available. The purpose of the non-technical summary is to ensure that the key points of the Environmental Statement can be more readily understood by the lay person. It should set out the main findings of the Environmental Statement in accessible, plain English, in a manner which is both accurate and balanced. Further guidance is available in Planning Advice Note 58: *Environmental Impact Assessment*.

DELIVERING EFFECTIVE COMMUNITY ENGAGEMENT IN LAND USE PLANNING

64. A great deal of guidance on how to achieve effective community engagement already exists and several references have been included in Annex 1. The Royal Town Planning Institute's publication **Guidelines on Effective Community Involvement and Consultation** and the **National Standards for Community Engagement**, as linked to **VOiCE** (Visioning Outcomes in Community Engagement) are particularly useful and when followed can help plan, monitor and evaluate community engagement. The National Standards below have been applied to the planning system and are ideally suited for use by planning authorities for development plan preparation, by prospective applicants in pre-application consultations with communities and by people and communities in engaging on planning issues.

Standard 1: Involvement

Standard 2: Support

Standard 3: Planning

Standard 4: Methods

Standard 5: Working Together

Standard 6: Sharing Information

Standard 7: Working with Others

Standard 8: Improvement

Standard 9: Feedback

Standard 10: Monitoring and Evaluation

SP=EED. A benchmarking tool for community engagement in planning, prepared by Planning Aid for Scotland (<http://www.planningaidscotland.org.uk/>) which aims to help anybody involved in community engagement to make it as meaningful and worthwhile as possible. It is: designed to be used for any consultation process, including development plan and pre-application consultations; aware that different types of consultation will be appropriate for different scenarios; aimed at sharing good practice.

Standard 1: Involvement: Identify and involve the people and organisations who have an interest in the focus of the engagement.

65. Different groups of people will want or need to be involved depending on the nature and scale of the development and whether the engagement is linked to the development plan. On development planning, it is good practice to ensure that engagement is broadly representative of a cross section of all communities and includes a range of interests such as community councils, community planning partnerships, local traders and other businesses, amenity societies, developers, investors and statutory consultees and agencies.

66. A contact database comprising people and groups with an interest in planning issues should be developed and maintained by the planning authority. This can be used to assist with community engagement in development plan preparation and where the planning authority is coming to a view on additional consultation at the pre-application stage. In this case, it should be shared with prospective applicants as it will assist them in preparing their proposal of application notices.

67. While some community groups and individuals will be well organised and represented, others will not and may be less able to engage in the preparation of development plans, or in making their views known on individual proposals. Research¹ has shown that the under 35s and those in full-time employment are less likely to engage in planning.

68. Engagement with a wide range of interests is essential to ensure that harder to reach groups have the opportunity to get involved in planning - and in ways that best suit their needs. In recognition of the importance of equality issues, the Planning etc. (Scotland) Act 2006 places a duty on Scottish Ministers and planning authorities to perform their planning functions in a way which encourages equal opportunities.

¹ <http://www.scotland.gov.uk/Publications/2004/07/19666/40347>

Standard 2: Support: Identify and overcome any barriers to involvement.

69. An understanding is needed about the support particular individuals or groups require to help them engage. The needs of minority groups and people with disabilities should be accommodated where possible, including the opportunity to access information in alternative formats such as Braille, large text and audio and the provision of information in alternative languages. Some people may need practical support with, for example, transport or child care, and whilst this is sometimes impractical, the benefits of providing some assistance can be considerable.

The Equality and Human Rights Commission published Good practice in community engagement from an equality perspective in March 2009. It can be accessed from <http://www.equalityhumanrights.com/scotland/research-in-scotland/>.

70. But barriers to involvement may also exist due to a lack of knowledge of the planning system. There may therefore be a need for capacity building within communities in advance of changes to the development plan. Prospective applicants may also need to reflect that their audience at pre-application consultation may require some knowledge of the planning system. Since community involvement relies mostly on voluntarily effort, consultations should not be timed to coincide with major holidays.

Standard 3: Planning: Gather evidence of need and resources to agree purpose, scope and actions.

71. Thorough project planning is essential in delivering effective community engagement in the planning process. Planning authorities should recognise the value of continuous engagement through regular meetings with community organisations to support understanding of the process and build capacity for engagement. In development planning the participation statement has a vital role to play in setting realistic and deliverable actions for community participation.

72. It is equally important that pre-application consultations by prospective applicants with the public are well planned. Less will be gained from poorly attended or unrepresentative events. Whatever the engagement, the timescales involved and respective roles and responsibilities of those undertaking the community engagement, and those participating, should be clear.

Planning Aid for Scotland offers a range of training programmes including Planning for People in which includes the delivery of awareness raising events designed to stimulate interest in planning and the provision of training on issues such as providing effective representations. In 2007 it gained an Award at the Scottish Awards for Quality in Planning where the judges remarked that the programme helps communities to understand the hard choices that need to be made and encourages them to engage positively, making best use of their time and resources.

73. Any planning policies, planning proposals, constraints, opportunities or limitations within which decisions will be taken should be expressed openly and honestly, and communicated at an early stage in the process so people know what to expect.

Standard 4: Methods: Agree and use methods of engagement that are fit for purpose.

74. Effective community engagement requires the use of a variety of methods. The choice of method and the people involved will vary and it is impossible to set methods for every circumstance. What is important is that the approach adopted suits the scale and impact of the project, the people participating and the particular situation.

Choosing the right method

The method used should help achieve the plan or proposal objectives and take account of the:

- history of engagement with the community;
- culture of the community;
- demographic, social and economic landscape of the community;
- literacy levels;
- availability of skills required to deliver this method;
- budget in place to support the engagement method;
- support from communities for this method; and
- time required to deliver a good result with this method.

75. Mechanisms that promote dialogue, rather than one-way communication, are more effective, less confrontational and more valued by participants.

These are just examples of methods – if you are aware of these or other methods working well in practice, then contact the Scottish Government which is looking to disseminate such examples.

Portfolio of Methods

- Distribution of information, for example postcards, leaflets, brochures, easy read guides and mail shots to postcode area.
- Use public notice boards in shop windows, GP surgeries, places of worship such as churches, mosques and synagogues, community centres and sports facilities where people congregate.
- Disseminate information by Community Councils and other networks.
- Use e-participation/e-planning systems – interactive plans and applications online.
- Use of the media to raise awareness – Newspaper adverts/articles/radio.
- Use a mobile unit – taking information and advice into the community.
- Public stalls/street stalls – for example within a shopping centre, or at a market.
- Public meetings, exhibitions, roadshows, workshops and focus groups.
- Visits/talks to established group settings/meetings, for example to schools and mother and toddler groups.
- Have an open house event/Inviting people in – an informal means of communicating information.
- “Planning for Real”[©] – participants place notes on a map or model containing their ideas.
- Site visits and tours.
- Cognitive mapping exercise or workshop with sectors of the community, such as school pupils.
- The use of charrette style exhibitions and events – multi-disciplinary collaborative design workshops
- Photo survey – taking images of what is important in a local environment for sharing with others
- Visual aids such as Computer Aided Images/3D visualisation, models, photographs, animations.
- Use games – an enjoyable way to get people working together.
- Develop a telephone/enquiry helpline.

Standard 5: Working Together: Agree and use clear procedures that enable participants to work together effectively and efficiently.

76. All participants should be given equal opportunity to engage and all participants should seek to listen and reflect on the views of different individuals and organisations. Behaviour should be open, honest, respectful and non-discriminatory. In all situations it is important for the community to understand the decision making process, its role within it and what can and can not be influenced. If necessary, independent facilitators should be used to help build consensus and recognise and resolve conflicts. In some instances, where there is disagreement, or conflict, mediation can be used to help to build bridges between stakeholders and resolve issues of dispute. The aim should be that the various parties understand each other and try to reach an agreement that everyone can live with.

A Guide to the Use of Mediation in the Planning System in Scotland is aimed at helping those involved in the planning system in Scotland to understand how mediation can be used to enhance the planning process (<http://www.scotland.gov.uk/Publications/2009/03/10154116/0>).

Standard 6: Sharing Information: Ensure necessary information is communicated between the participants.

77. Information relevant to the development plan or development proposal should be shared between all participants. Information should be easy to understand, jargon free, accessible, attractive, clear, understandable and relevant. It should be made available in appropriate formats and provided in good time to enable people to take part and discuss their views with others. Electronic communication methods can provide good opportunities for sharing information effectively. But care should be taken not to exclude people through reliance on one method of communication.

Standard 7: Working with Others: Work effectively with others with an interest.

78. Planning authorities should promote effective community engagement by making strong links with other community structures and organisations relevant to their work, such as existing local authority networks, community planning networks, Access Panels and organisations such as the Black and Ethnic Minority infrastructure in Scotland (BEMIS). Working with these networks can ensure a more co-ordinated approach to community engagement and help to avoid consultation fatigue. These networks can provide links to other organisations where mechanisms are already in place for involving communities. There might also be opportunities for resources to be shared.

79. There is scope for better links, in particular between community engagement in the preparation of development plans and community planning. As the two processes develop ways in which to work effectively together, this will inevitably deliver greater certainty and enhanced accountability for people and communities.

80. As the same people are often involved in both community and land use planning, planning authorities should seek to strengthen their links with the Community Planning process and utilise community planning partnerships and their networks as far as possible. It is useful to develop opportunities for engagement through regular contact with existing wider local authority networks including for example customer focus groups, community councils and Access Panels.

Standard 8: Improvement: Develop the skills, knowledge and confidence of the participants.

81. The skills of all parties should be maintained and improved in achieving effective community engagement. Everyone with public or community liaison responsibilities – including developers and their agents – should have appropriate training and customer care skills, including specific training programmes to develop skills and the capacity of community councils and other groups and help ensure that as far as possible community engagement is sustainable.

Standard 9: Feedback: Feedback results to the wider community and agencies affected.

82. The more the process is clear and transparent, the more likely it is that people will be able to understand and accept the final decision. People who have made comments on a development plan should be able to see within the participation statement report how their views have been taken into account and the authority's reason for proceeding in the way it intends. Pre-application consultation reports should include response to the comments made and how the proposals may have changed as a result. Everyone who has submitted comments on planning applications can expect feedback in that they will be informed by the planning authority of the decision.

VOiCE – Visioning Outcomes in Community Engagement, is a database tool which was developed to help plan, record and monitor community engagement activity. It is designed to help those involved in community engagement achieve the National Standards. It can support community engagement in a range of situations and it is designed to be relevant both for individual services and for integrated, cross-disciplinary community planning. It enables all users to have a common system for analysing, planning, monitoring, evaluating and recording that provides common definition of terms and understanding of different types and purposes of engagement. Further information is available at: www.voicescotland.org.uk

Standard 10: Monitoring and Evaluation: Monitor and evaluate whether engagement achieves its purpose and meets the national standards for community engagement.

83. Monitoring and evaluating success is important, and planning authorities should see this as an opportunity to learn from their experiences to improve the quality of their services.

Evaluating Community Engagement: Checklist

- Has the community been made aware of the programme for participation in development plans and opportunities to make their views known on planning applications including in pre-application consultations in required circumstances?
- Have those most likely to be affected by the development plan or development proposal been given opportunities to make their views known?
- Was the engagement in a manner, location and at a time that allowed a wide range of people to make their views known?
- Has the planning authority or project team analysed the results of the engagement and provided feedback to the community?
- Has the planning authority or project team responded by amending the plan or proposal where possible?
- Where changes have been made, have details of the revised plan or development scheme been publicised with an explanation of how people's views have influenced it?

SUPPORT FOR COMMUNITY ENGAGEMENT IN PLANNING

84. A range of training, support and advice is available to planning authorities, developers and the public.

85. Planning Aid for Scotland provides a free, independent and impartial planning advice service (subject to eligibility criteria), and delivers a range of training events aimed at everyone, including young people, community groups, community councils, Social Enterprises and business start-ups as well as planning professionals and Councillors. Planning Aid for Scotland is a volunteer-based organisation which achieved Investing in Volunteers status in October 2008. Contact details are available at Annex 1.

Planning Aid for Scotland's training programmes aim to stimulate interest in planning issues, as well as providing knowledge, unravel planning policy and procedures, and explain how to get involved effectively e.g. writing effective representations. In 2006 Planning for People gained an award at the Scottish Awards for Quality in Planning and in 2007 Planning to Act® received a commendation. PAS has also developed SP=EED, a benchmarking tool for community engagement in planning. More information on all programmes are available from the PAS website www.planningaidscotland.org.uk

86. As well as ensuring their staff have the necessary skills, planning authorities should consider giving assistance to communities, either through direct funding or support in kind to organisations such as Community Councils, or to provide training and awareness raising events.

87. Planning authorities provide a discretionary administration grant to the Community Councils in their area. Supplementary grants for various projects and purposes, or supplement their support indirectly, such as producing newsletters, providing computers, accommodation, or typing and other administrative services may also be provided.

88. Planning authorities should build on the support of existing council networks. Opportunities for planning authorities to share community engagement expertise and to use specialist facilitators for some activities should also be considered. The expertise of Community Learning and Development providers is a good resource which can be used to help build the capacity of people to engage. Providers can be contacted through the local authority.

89. Planning authorities have a role in providing training for their Community Councils, other community groups and individuals to improve understanding of and participation in the planning system. In addition, the Scottish Government provides core funding to Planning Aid for Scotland, an independent voluntary organisation, which provides training and advice on planning matters to individuals and groups across Scotland.

Sources of Information and Advice

90. Some of the main sources of advice and information are noted below. Their contact details are noted in Annex 1.

FURTHER INFORMATION

91. Queries on the PAN and requests for additional copies, or for material in large print, other formats or community languages should be addressed to Graham Robinson on 0131 244 7063 or email graham.robinson@scotland.gsi.gov.uk.

The Scottish Government

- **Directorate for the Built Environment**, can provide information on legislation and national planning policy in Scotland.
- **Directorate for Planning and Environmental Appeals**, can provide information on appeals to Ministers.

Other Bodies

- **Planning Authorities**, usually based within your local authority, can advise people on enquiries relating to a local planning issue, the development plan or an individual planning application. (See local telephone directory or websites for contact details)
- **Planning Aid for Scotland** is an independent charity which helps people engage in the planning system. It provides free, impartial advice on planning for individuals and community groups.. Planning Aid for Scotland provides a range of information and briefing papers, some in other languages, as well as visual material on many aspects of the planning system. Its material is written with the lay person in mind and provides an explanation of technical terms and descriptions of the various planning processes.
- The **Scottish Mediation Network** can advise on the use of independent mediation and consensus building techniques and on the appointment of mediators and facilitators.
- The **Environmental Law Foundation** (ELF) is a national UK charity that helps people use the law to protect and improve their local environment and quality of life. Through a network of specialist lawyers and consultants, it provide free guidance and support to those in need of assistance, providing a voice for communities and individuals. It also provides education and training, promotes lectures, conferences and seminars, produces publications and encourages policy development.

- The **Environmental Law Centre Scotland (ELCS)** is a charitable law centre providing legal advice, advocacy, training, updates and research covering a full range of planning and environmental law issues. It helps community groups, individuals and the voluntary sector to participate in and, where necessary, challenge the planning and decision-making processes across Scotland.
- The **Royal Town Planning Institute (RTPI)** is a chartered professional body and registered charity and works to promote good planning, shape policy affecting the built environment, raises the standards of the planning profession, supports members through continued professional development, and provides education and training for future planners.
- The **Scottish Disability Equality Forum** is the umbrella body for most access panels in Scotland. Access Panels, the membership of which usually includes people with mobility, hearing and visual impairments, offer their knowledge and experience to improve access to the built environment and information which affects it.

Annex 1: Useful Contacts and References

The Scottish Government Directorate for the Built Environment: Area 2H,
Victoria Quay, Edinburgh EH6 6QQ.

Phone: Planning Helpline 08457 741 741. www.scotland.gov.uk/planning

The Scottish Government Directorate for Planning and Environmental
Appeals: 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.

Phone: 01324 696 400. www.scotland.gov.uk/dpea

The Scottish Government Regeneration: Community Engagement Team,
Area 1G South, Victoria Quay, Edinburgh EH6 6QQ.

Phone: 0131 244 0477.

(*National Standards for Community Engagement*, Communities Scotland,
2005)

Association of Scottish Community Councils: PO Box 5099,
Glasgow G78 9AL

Phone: 0845 644 5153. www.ascc.org.uk

Black and Ethnic Minorities Infrastructure in Scotland (BEMIS):
The Centrum Building, 3rd Floor, 38 Queen Street, Glasgow G1 3DX.

Phone: 0141 548 8047. www.bemis.org.uk

Community Learning and Development Partnerships can be contacted via
the Local Authority.

(The Community Learning and Development (CLD) Guides.)

Consultation Institute: Baystrait House, Station Road, Biggleswade,
Bedfordshire SG18 8AL.

Phone: 01767 318 350 www.consultationinstitute.org

Convention of Scottish Local Authorities (COSLA): Rosebury House,
9 Haymarket Terrace, Edinburgh EH12 5XZ.

Phone: 0131 474 9200. www.cosla.gov.uk

Environmental Law Centre Scotland: 65 George Street, Paisley PA1 2JY
Phone: 0844 335 6741. www.elcscotland.org.uk

Environmental Law Foundation: Suite 309, 16 Baldwins Gardens, Hatton Square, London EC1N 7RJ
Phone: 0207 404 1030. www.elflaw.org

Equality and Human Rights Commission: The Optima Building, 58 Robertson Street, Glasgow G2 8DU
Phone: 0141 228 5910 (non helpline calls only)
<http://www.equalityhumanrights.com/scotland/>.

Involve: 212 High Holburn, London WC1V 7BF
Phone: 0207 632 0120. www.involve.org.uk
(People and Participation – How to put citizens at the heart of decision-making, Involve)

Planning Aid for Scotland: 11A South Charlotte Street, Edinburgh EH2 4AS.
Phone: 0131 220 9730 / 0845 603 7602. www.planningaidscotland.org.uk

Royal Institution of Chartered Surveyors: 9 Manor Place, Edinburgh EH3 7DW.
Phone: 0131 225 7078. www.rics.org

Royal Town Planning Institute in Scotland: 57 Melville Street, Edinburgh EH3 7HL.
Phone: 0131 226 1959. www.rtpi.org.uk

(*Guidelines on Effective Community Involvement and Consultation*, Royal Town Planning Institute (RTPI), revised 2007.)

Scottish Civic Trust: The Tobacco Merchants House, 42 Miller Street,
Glasgow G1 1DT.

Phone: 0141 221 1466. www.scottishcivictrust.org.uk

Scottish Community Development Centre: Suite 305, Baltic Chambers,
50 Wellington Street, Glasgow G2 6HJ

Phone: 0141 248 1924 www.scdc.org.uk/

Scottish Disability Equality Forum: 12 Enterprise House,
Springkerse Business Park Stirling, FK7 7UF.

Phone: 01786 446456. www.sdef.org.uk

Scottish Mediation Network: 18 York Place, Edinburgh EH1 3EP.

Phone: 0131 556 1221. www.scottishmediation.org.uk

Standards Commission for Scotland: 23 Walker Street,
Edinburgh EH3 7HX

Phone: 0131 260 5368. www.standardscommissionscotland.org.uk

(Code of Conduct for Councillors.)

Annex 2: Glossary of Planning Terms

Action Programme – a document setting out how the policies and proposals in the strategic or local development plan will be delivered, including action by the planning authority, private developers and other organisations. An Action Programme is also attached to the National Planning Framework.

Adoption – the bringing into force of a local development plan.

Appeals – applicants aggrieved by the decision of a planning authority to refuse planning permission or grant planning permission subject to conditions may in certain circumstances have a right of appeal to the Scottish Ministers (see also Local Reviews). Other appeals include those related to listed building consent, advertisement control and enforcement action. The developer may also appeal if the planning authority has failed to make a decision within the required period. Responsibility for determining most appeals to the Scottish Ministers is delegated to the Directorate for Planning and Environmental Appeals (DPEA).

Approval – with regard to development planning, bringing into force a strategic development plan.

Design / Design and Access Statement – statements which accompany certain planning applications setting out how issues relating to design or design and access for disabled people have been considered when developing the proposal.

Development Brief – a document which sets out guidance on how planning and design should be implemented on a specific site.

Development Management – the term (previously known as Development Control) refers to the management of development through the submission of planning applications and decisions made on them by planning authorities, or in some cases, by the Scottish Ministers.

Development Plan – made up of the local development plan, the strategic development plan (if any) and any supplementary guidance prepared in connection with those plans. Old-style structure plans and local plans will form the development plan until they are replaced by new-style strategic and local development plans. Legally, decisions on planning applications must be based on the development plan in the first instance.

Development Plan Scheme – a document setting out the planning authority’s programme for preparing and reviewing their strategic development plan or local development plan. It includes a Participation Statement.

Development Plan Examination – an assessment by someone appointed by the Scottish Ministers of unresolved issues raised in representations on strategic or local development plans. proposed development plans. This happens before plans can be approved / adopted.

Directorate for Planning and Environmental Appeals (DPEA) – a Directorate of the Scottish Government whose reporters will normally assess representations to development plans and take decisions on most planning appeals on behalf of the Scottish Ministers.

Enforcement – procedures to ensure development is carried out correctly and appropriate action is taken when development happens without planning permission or when planning conditions have not been followed.

Environmental Impact Assessment (EIA) – a procedure for ensuring that the likely significant effects of new development on the environment are fully understood and taken into account before planning permission is granted.

Hierarchy – as set out in the 2006 Planning Act, through the Hierarchy, all developments are categorised as National, Major or Local.

Local Development – within the hierarchy, any development which is not National or Major.

Local Development Plan – sets out a detailed statement of the planning authority’s policies and proposals for the development and use of land. Local development plans cover the whole of Scotland and there may be several within a single planning authority area.

Local Review – where an application for a local development which is delegated for decision by an individual officer within the scheme of delegation has been: refused; granted subject to conditions; or not determined within two months, then the applicant may require the planning authority’s Local Review Body to review the case.

Local Review Body – the committee of the planning authority comprising at least three elected members who conduct the local review.

Main Issues Report – a report published by the planning authority at an early stage in preparing each strategic development plan and local development plan. It identifies the key issues that face the area including development proposals and alternatives to these.

Major Development – development defined in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It includes the development of 50 or more dwellings plus certain transport, energy and waste developments.

Master plan – explains how a site or a series of sites will be developed, describing and illustrating the proposed urban form in three dimensions.

Material Consideration – is a planning issue which is relevant to the application and can include national policy, comments (on planning issues) by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the proposal on the environment. Legally, decisions on planning applications must be made in line with the Development Plan unless material considerations indicate otherwise. What weight to be given to a particular consideration is a matter for the decision maker, for example a planning officer, the local review body or ultimately, the Courts. Further information on material considerations can be found in Annex A of Circular 4/2009 *Development Management Procedures*.

Mediation – a process involving an independent third party, whose role is to help parties to identify the real issues between them, their concerns and needs, the options for resolving matters and, where possible, a solution which is acceptable to all concerned.

National Development – development set out in the National Planning Framework and including the replacement Forth crossing, other strategic transport enhancements plus infrastructure for the 2014 Commonwealth Games.

National Park Authority – the two designated National Park Authorities in Scotland are the Loch Lomond and the Trossachs National Park and the Cairngorms National Park.

National Planning Framework (NPF) – a document published by the Scottish Government providing a national context for development plans and planning decisions, as well as informing the ongoing programmes of the Scottish Government, public agencies and local authorities. In addition, it sets out the National developments.

National Standards for Community Engagement – published in 2005 and set out best practice guidance for engagement between communities and public agencies.

Negotiation – a process by which those involved in a discussion of issues seek to find a common understanding and to explore options for resolving differences then by agreement.

Neighbour Notification – legal requirements relating to informing people with an interest in neighbouring land or property in 1) the immediate surrounding area of development proposals, that a planning application has been submitted to the council or 2) that a local development plan contains proposals for that site. This provides neighbours with an opportunity to make comments.

Participation Statement – sets out the ways in which local people and other stakeholders will be involved in the preparation of strategic development plans and local development plans. It forms part of the Development Plan Scheme.

Planning Application – a formal request seeking planning permission (including planning permission in principle) to undertake development or a change of use of land or buildings. It can also include reference to applications for approval, consent or agreement required by a condition attached to a planning permission, e.g. applications for approval of matters specified in conditions attached to planning permission in principle.

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.

Planning Register – a record of all planning applications and decisions, held and maintained by the planning authority and available for public inspection.

Pre-application consultation – a legal requirement for applicants for national and major developments to consult with communities before any planning application is submitted. There is a legal minimum requirement which can be added to by the planning authority in individual cases.

Pre-application consultation report – where pre-application consultation is required, the applicant must submit with their planning application a report on the consultation undertaken.

Pre-determination Hearing – an opportunity of appearing before and being heard by a Committee of the Council before a decision on applications for certain types of development (as defined in regulations) is made.

Proposal – a proposal by a planning authority, a landowner or a developer for a specific development on a specific site.

Proposal of Application Notice – a notice provided by the prospective applicant where pre-application consultation is required and giving information on the proposed development and outlining the intended consultation with the community.

Proposed Plan – the public stage in the preparation of a strategic development plan or local development plan after the main issues report. The proposed plan represents the planning authority's view of what the final content of the plan should be. Unresolved issues raised by the public in formal representations on the proposed plan are considered at the development plan examination.

Reporters – officials from the DPEA who hold examinations into development plans and take decisions on most planning appeals on behalf of the Scottish Ministers.

Representation – a comment made on a planning issue by a member of the public, statutory consultee and other stakeholder. Representations include objections and expressions of support.

Scheme of Delegation – is a document prepared by the planning authority which sets out under what circumstances developments will be decided by the planning committee or a planning officer.

Scottish Ministers – the group of Ministers that collectively comprise the Scottish Government. While the general term Scottish Ministers is used, decisions on strategic development plans and on a limited number of planning applications which raise national issues are taken by an individual Minister.

Scottish Planning Policy – is the statement of Scottish Government policy on nationally important land use planning matters.

Strategic Development Plans (SDPs) – plans prepared by strategic development plan authorities and approved by Scottish Ministers, which set out a long-term vision and a strategy to deal with the key planning issues that extend beyond individual planning authority boundaries. They do not need to cover detailed planning issues as these are covered by local development plans prepared by each planning authority.

Strategic Development Planning Authorities (SDPAs) – a group of planning authorities acting jointly to prepare a strategic development plan (SDP). The SDPAs do not cover the whole country – only the four main cities of Aberdeen, Dundee, Edinburgh and Glasgow and their surrounding areas.

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.

Supplementary Guidance – detailed guidance, for example on design, adopted by the planning authority in connection with a strategic development plan or local development plan. Supplementary guidance forms part of the development plan where it has met requirements on participation and adoption. Planning authorities may also publish other non-statutory guidance that does not form part of the development plan.

Weekly List – a list of applications received that week by the planning authority and provided to the community council and the wider public.

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