



Places, people and planning

A consultation on the future of
the Scottish planning system

Easy Read Guide



Scottish Government
Riaghaltas na h-Alba
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This short guide explains how the current planning system operates and highlights our proposals for change which are contained within “Places, people and planning – A consultation on the future of the Scottish Planning System”. The consultation closes on 4th April 2017. You can access the consultation paper at: <https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/>

Why do we have a planning system?

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

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

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

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

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

There are three main parts to the planning system:

Development Plans: which set out how places should change and also set out the policies used to make decisions about planning applications.

Development Management: the process for making decisions about planning applications.

Enforcement: the process that makes sure that development is carried out correctly and takes action when development happens without permission or when conditions have not been followed.

PLAN MAKING

What are development plans?

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

The plan also helps development to take place quickly by describing how any new or improved facilities, such as roads, schools and parks, will be provided. The policies in the development plan help set out what kind of development is acceptable. The council will respond to planning applications based on the plan.

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

What does the plan contain?

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

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

Councils can also prepare supplementary guidance. Common types include:

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

What changes are proposed?

We believe that the development plan should be strengthened so that more people get involved in the preparation of plans for their area. The consultation paper includes proposals to:

- require development plans by law to take account of wider community planning (proposal 1).
- remove strategic development plans from the system and replace them with regional partnership working (proposal 2).
- enhance the National Planning Framework to cover regional priorities and potentially strengthen the role of Scottish Planning Policy so policies are set nationally and do not need to be repeated in local development plans. (proposal 3).
- simplify the process of preparing development plans, extend their review period to 10 years, and remove supplementary guidance (proposal 4).
- change the way development plans are examined by independent Reporters with a 'gatecheck' early in the process (proposal 4).
- strengthen the focus of plans on delivering development on the ground (proposal 5).
- take a broader approach to identify how much land is required for housing, guided by the National Planning Framework and supported by the use of zoning (proposals 10 and 12).
- ensure plans are based on clear evidence and understanding of infrastructure capacity and supported by commitment from delivery partners (proposal 13).

How can I get involved in preparing the development plan?

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

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

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

If you want to know when your council will be preparing a new plan, or how it is getting the public and other groups involved, then you should look at its development plan scheme. The council will produce this scheme every year. You can look at the development plan and development plan schemes in local libraries, at the council's planning office, or online by going to your council's website.

What changes are proposed?

We believe that there is scope to improve the way that people get involved in development planning. The consultation paper includes proposals to:

- give people an opportunity to plan their own place. We want communities to have an opportunity to come together and prepare local place plans and that these plans should form part of the statutory local development plan (proposal 6).
- involve a wider range of people in planning, including measures to engage children and young people in decisions about the future of their places (proposal 7).
- ensure community councils have a say in the way that councils engage with them in preparing their local development plan through the development plan scheme (proposal 8).

DECISION MAKING

What is development management?

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

Do I need planning permission?

You need planning permission for any new development. The law says that 'development' includes any building, engineering, mining or other operations in, on, over or under land. It also includes changes in the use of buildings and land. Your council will be able to tell you more.

Planning permission is not needed for work that only affects the inside of a building. If it is a listed building, you may need listed building consent to make changes inside a building.

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

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

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

Your council can give you more information about these categories.

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

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

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

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

Can I make a comment on a planning application?

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

How are decisions on planning applications made?

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

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

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

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

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

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

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

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

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

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

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

What changes are proposed?

We believe that development management can be improved through targeted changes. We can improve the weight which is given to development plans in decision making. We would also like to see improved engagement with communities on applications. The consultation paper includes proposals to:

- improve public trust in the system by requiring additional consultation for sites which have not been allocated for development in the plan (proposal 8).
- enhance requirements for consultation for major and national developments before the application is made, for example to require developers to hold more than one public meeting (proposal 8).
- remove the applicant's right to submit a revised or repeat application at no cost if an application is refused, withdrawn or an appeal is dismissed (proposal 8).
- the community's views should be clearly summarised in decision notices (proposal 9)
- increase the range of developments where there is no need for a formal planning application (proposal 19).
- improve the way applications are handled by planning authorities (proposal 19).
- make planning work better through the use of information technology (proposal 20).

Appealing against a decision

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

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

You have three months from the date of the decision to ask for a local review or to make an appeal to Ministers. You can get a form from either your council or from the Directorate for Planning and Environmental Appeals who deal with appeals to Ministers.

What changes are proposed?

We are inviting views on whether the current system of appeals should change, to allow more decisions to stay at the local level, rather than being made by central government. The consultation paper includes a proposal to:

- reconsider the range of applications which are subject to local review rather than appeal (proposal 9).

ENFORCEMENT

What powers do planning authorities have to ensure people comply with the law?

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

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

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

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

What changes are proposed?

To help build public trust in the system, the consultation paper includes proposals to:

- increase the financial penalties where there has been a breach of planning control (proposal 8).
- substantially increase fees in cases requiring retrospective planning consent (proposal 8)

FURTHER IMPROVEMENTS

What other changes are proposed?

We are also seeking views on new and improved activities which could be undertaken by planning authorities to achieve better outcomes from the system. The consultation paper includes proposals to:

- close the gap between getting consent and building homes. We believe planning authorities could do more to help make development happen, and encourage different types of homes to be built (proposal 11).
- secure funding for infrastructure in a more transparent way, potentially through an infrastructure levy (proposal 14).
- encourage innovative solutions to infrastructure planning, to support green spaces and networks, education, energy and low carbon solutions (proposal 15).
- develop and broaden skills (proposal 16).
- increase planning fees and look at new ways of recovering the cost of the planning service (proposal 17).
- strengthen the way that the performance of planning authorities is monitored, reported and improved (proposal 18).
- achieve digital transformation of the planning system (proposal 20).

Want to find out more?

You can see the full consultation document and supporting papers online at <https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/>.

The consultation closes on 4th April 2017.

Want a copy? Then write, ring or e-mail.

What are the contact details?

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You can also find out about updates through our Twitter account at @ScotGovPlanning and #SGPlanningreview.