



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

**Development and Regeneration Service
Governance and Regulation Service**

PLANNING TOOLKIT

What The Toolkit Is...

This toolkit will explain a little bit about the main elements of the planning system. It will set out the key documents and stages in the planning system and show you when and how you can influence the process.

The topics which will be covered in this toolkit are

- What is Planning? (page 4)
- Scottish Planning Policy (page 5)
- Development Plans (page 7)
- Planning Applications (page 10)
- Planning Appeals (page 15)
- Planning Enforcement (page 16)

In each section we provide links for further information, highlight important points and show when you can influence the planning process

Who This Toolkit is For...

This toolkit is for anyone who is involved in any aspect of planning for their area or is interested in learning more about the planning system.

Why We've Done This...

The planning system is a very complex thing. It can also be very emotive and can affect individuals and communities in very different ways. We hope that this document will explain the planning system in a simple way and make it easier for us to interact.

Who We Are...

The Development and Regeneration Service and Governance and Regulation Service of East Dunbartonshire Council is responsible for preparing long term plans and strategies for the area as well as processing planning and building standards applications, enforcing planning and building regulations, coordinating strategic developments, economic development and business support.

What We'll Do Next and Getting Involved In the Planning Process...

We understand that whilst we do some things well, we can also do things better.

Some of the things we think we need to do better are

- explain what we do,
- explain how we do it,
- show how you can get involved, and
- show that we are listening and learning.

Therefore, we are seeking new ways to improve the service we offer and improve our relationships with our customers and local communities.

We have set up customer forums, for people who use our service often, where we get their views on what we do and tell them about changes in our work. We use these to help us get better at what we do.

We realise that these are only one group of our customers, so we are going to try and get more groups involved in different ways.

We also approach local communities whenever we can and ask them what they think, and will do more of this in the future.

What You Can Do...

You can give us your feedback, both good and bad, not only on this toolkit but on the Service in general.

Our Contact Information...

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What is Planning?

Planning is about where development should happen, where it should not and how it interacts with its surroundings. This involves promoting and facilitating development while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time.

Planning guides the future development and use of land, resulting in places where people want to be.

What is the Planning System?

The planning system is used to make decisions on planning matters, such as future development and the use of land. The planning system does not exist to protect the interests of one person, community or business against the activities of another but operates in the long term public interest. It is a transparent process based on the published development plan and is open to public scrutiny.

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.

Scottish Planning Policy

What is Scottish Planning Policy?

Scottish Planning Policy is a term for a number of documents written by the Scottish Government. Planning Authorities, like East Dunbartonshire Council, have to follow these national policies when preparing plans or deciding planning applications.

Scottish planning policy and guidance is set out in the following documents:

- [National Planning Framework \(NPF\)](#)
- [Scottish Planning Policy \(SPP\)](#)
- [Circulars](#) and [Planning Advice Notes](#)

National Planning Framework

National Planning Framework 2 (NPF2) was published in 2009. It sets out key projects for Scotland in terms of strategic land use and transport links over the next 20 years and how to make that possible.

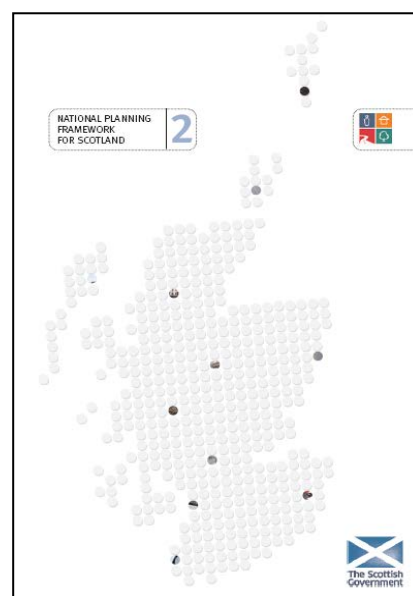
NPF2 identifies key strategic infrastructure needs to ensure that each part of the country can develop to its full potential. It designates 14 national developments of strategic importance to Scotland. The only national development directly affecting East Dunbartonshire is the Central Scotland Green Network, although we all stand to benefit as a nation from the others.

Planning legislation requires Scottish Ministers to revise the NPF within 5 years of publication, or to publish an explanation of why they have decided not to revise it.

The Scottish Government monitors the progress made in implementing the NPF2 on an ongoing basis. Work has commenced on NPF3, which will be published in 2014.

You can read the National Planning Framework and find out up to date information at

<http://www.scotland.gov.uk/npf>



Scottish Planning Policy

Scottish Planning Policy (SPP) was published in 2010 and is a statement of the Scottish Government's policy on nationally important land use planning matters.

SPP sets out:

- the Scottish Government's belief that the Planning System should support their central purpose of delivering sustainable economic growth,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning,
- subject based planning policies, and
- the Scottish Government's expectations of the planning system.

SPP is a material consideration in determining planning applications and should be referred to when writing planning policy.

SPP is currently being reviewed and a revised SPP will be published in late 2013.

The SPP is available on the Scottish Government Website

<http://www.scotland.gov.uk/planning>



Circulars and Planning Advice Notes

Circulars contain guidance on how to interpret or implement planning laws or regulations.

Planning Advice Notes (PANs) expand upon SPP providing specific advice on good practice and other relevant information on planning topics. They also provide advice and information on technical planning matters. PANs can be material considerations in assessing planning applications. The PANs cover a diverse range of topics, such as design, mineral planning and telecommunications.

A list of Circulars and PANs is available on the Scottish Government Website

<http://www.scotland.gov.uk/planning>

Development Plans

What is a Development Plan?

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

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

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

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

Within East Dunbartonshire, the development plan comprises the Glasgow and the Clyde Valley Strategic Development Plan and the East Dunbartonshire Local Plan 2.

In addition to the development plan, the Council produces Supplementary Planning Guidance which explains how the policies and proposals contained in the plan will be delivered.

Strategic Development Plan

The approved Strategic Development Plan for East Dunbartonshire is the **Glasgow and the Clyde Valley Strategic Development Plan** (2012). It was approved by the Scottish Ministers in May 2012.

Strategic planning work is undertaken by the Glasgow and the Clyde Valley Strategic Development Planning Authority (GCVSDPA) which covers the eight separate Local Authorities in the Glasgow metropolitan area and is comprised of two councillors from each of the authorities.

The Strategic Development Plan sets out wider strategic planning policy and locational guidance for the long term planning of the Glasgow and the Clyde Valley area. It provides the basis for co-ordinating strategic decisions on land use, the environment and transport, and sets out effective land supply for major land uses.

All Local Development Plans must generally be in accord with the Strategic Development Plan.



You can find out more about the GCVSDPA and view the Strategic Development Plan at

www.gcvsdpa.gov.uk

Local Plan

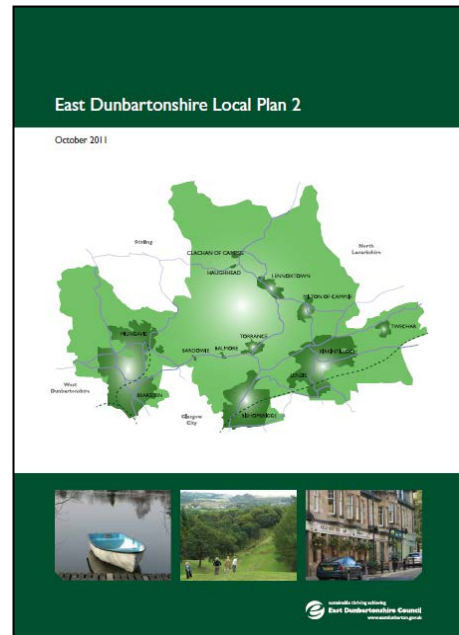
Until a Local Development Plan is prepared and adopted by the Council decisions will continue to be based on Local Plan policies.

The Local Plan sets out the development policies at a local level focussing in on towns and villages and identifying sites for development, regeneration or improvement. The Local Plan is produced by the Council and must be updated at least every 5 years.

Local Plans provide clear guidance on what will or will not be permitted and where it will not.

The current Local Plan 2 was published in October 2011.

The Council has started work on a new Local Development Plan.



You can view the Local Plan at

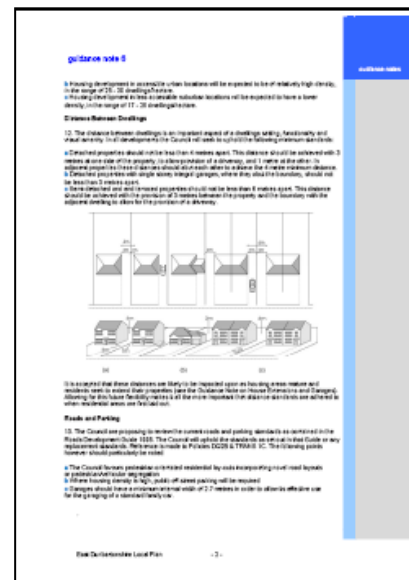
www.eastdunbarton.gov.uk/planning

Supplementary Guidance

Planning Guidance is used to assist applicants with aspects of planning policy. It follows on from the Local Plan (or Local Development Plan) and forms a material consideration for all applications. Such guidance is useful where:

- there is a need for an urgent policy response to an emerging issue; or
- the level of detail is inappropriate for a development plan; for example development briefs, design guides and master plans for areas of intensive change.

The Council has prepared around twenty planning guidance notes, on topics from residential layout and redevelopment, to guidance on advertisement control and working from home. These guidance notes provide specific guidance as to how aspects of developments are assessed. Supplementary Guidance and Guidance Notes are material considerations in the assessment of planning applications.



You can view the Guidance Notes on our webpage

www.eastdunbarton.gov.uk/planning

What are the Stages of the Plan and How Do I Get Involved?

During the first stage of preparing a new plan, we talk to communities and local businesses to identify the current Main Issues. A Main Issues Report sets out ideas about the different ways our area could change. It is important that you get involved in preparing the plan at this point, when it is easier for us to take account of new ideas. There will be a consultation on the Main Issues Report



Based on what emerges from the consultation, the Council will then prepare a Proposed Plan and make it public. If you are not happy with this, you can make formal comments. The issues that people have raised will be discussed at an Examination held by a person appointed by Scottish Ministers (a Reporter). The Scottish Ministers are responsible for the final approval of Strategic Development Plans.

A Local Development Plan, is prepared in the same way as The Strategic Development Plan - a Main Issues Report, followed by a Proposed Plan and an Examination. The main difference is that the Council must take notice of the findings of the Examination before adopting the Local Development Plan.

Preparation

If you want to know when we will be preparing a new plan, or how you can get involved, then you should look at our development plan scheme (DPS). The Council produces this scheme every year. You can look at the development plan and development plan schemes in local libraries, the Council's Planning office, or the Council's website.

You can view the Council's DPS on our webpage

www.eastdunbarton.gov.uk/planning

You can view the GCVSDPA DPS at

www.gcvsdpa.gov.uk

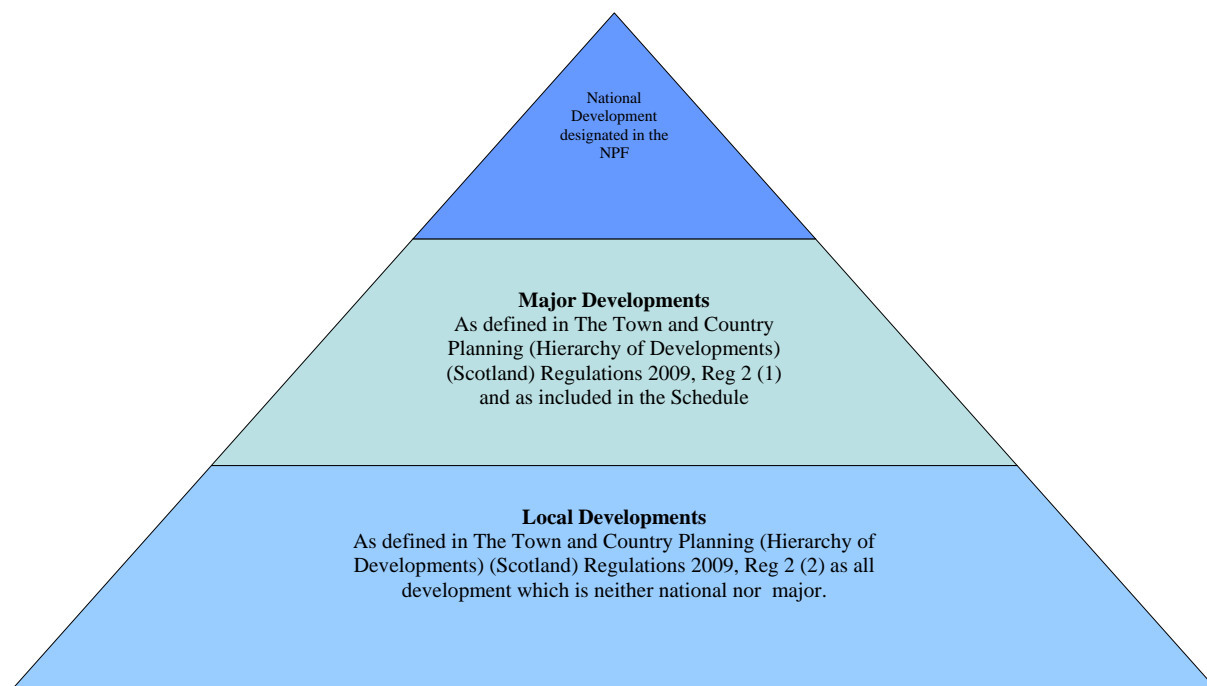
Planning Applications

Types of Development

Where development is proposed, a planning application is normally required. These are submitted by the developer to the Council for consideration.

Some very minor 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.

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, business 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 the National Planning Framework.

Types of Applications

There are a number of different types of consent that developers apply for. The most common ones are

Applications for Full Planning Permission

Full planning permission is a detailed planning application for property development. It requires full details of the design, siting, materials, access and parking facilities for your proposed development, with scale drawings and can range from a domestic extension to a major urban expansion.

Applications for Planning Permission in Principle

Planning permission in principle (PPP) is where the consent is in principle for development on a specified site (There is no need to submit detailed, architect-drawn or scale drawings). PPP is granted subject to conditions that the development in question will not begin until certain matters (e.g. access, design, landscaping etc) have been approved.

Applications for Approval of Matters Specified in Condition

An application must be made to fulfil any condition imposed on a grant of planning permission whether in full or in principle.

Other Types of Consent

Other types of application including Listed Building Consent (for work to be carried out on a Listed Building), Conservation Area Consent (for demolition works in a Conservation Area), Advertisement Consent (to display adverts), all have their own separate regulatory regimes, but are all handled, publicised and decided similarly to planning applications.

Pre-Application Consultation

For major and national applications, prospective applicants are required to consult communities before submitting a planning application. This is known as pre-application consultation (PAC).

The Council publishes a list of all proposals currently subject to the 12 week PAC process.

The purpose of pre-application consultation is to allow meaningful consultation to take place before development proposals are finalised and applications for planning permission are submitted. PAC is an additional measure and it does not remove the need for people who wish their views to be considered by the Council to make formal representations on applications once submitted.

You can view PAC applications at

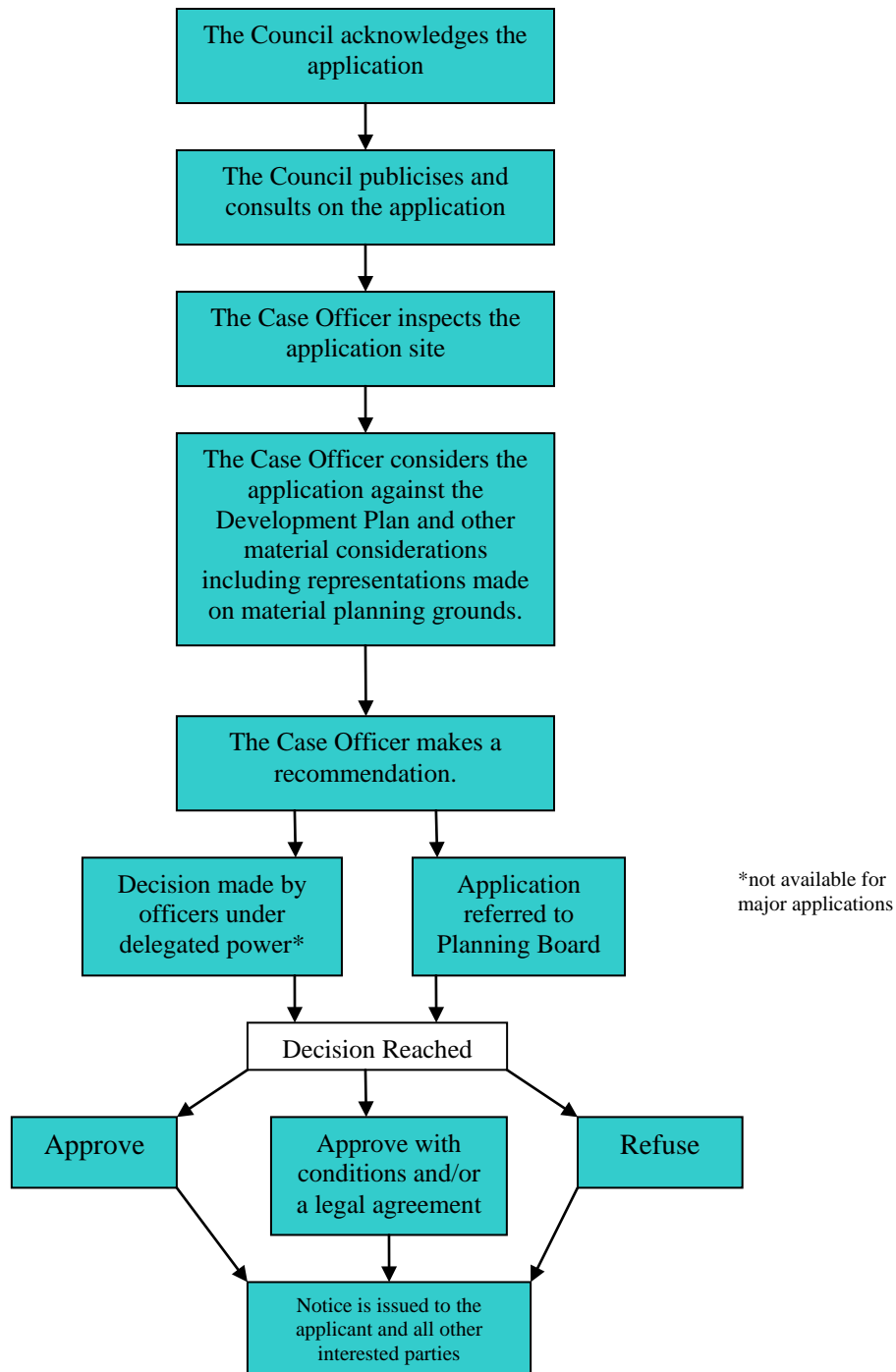
www.eastdunbarton.gov.uk/planning

Applicants are required to hold at least one public event and submit a report of consultation setting out the views expressed and how the proposal has been revised in response or if not, why this is the case. Although the regulations do not specify what type of event is to take place, they are to be advertised in the local press.

It is important for communities and others to follow their interest in a proposal through to the planning application stage, which provides the statutory opportunity for representations on proposals to be put before the Council.

Formal representations (including objections) must be submitted at this stage whatever view may already have been given to the developer.

The Stages in the Planning Application Process



East Dunbartonshire tries to make a decision on applications for local development in two months and for major development in four months.

Publicising and Consulting on Applications

The Council publishes a weekly list of all new planning applications and allows a period of 21 days for individuals and communities to comment on or object to planning applications. Everyone has the right to comment on any planning application which is being considered by the Council.

You can view the weekly list at

www.eastdunbarton.gov.uk/planning

Councils are also required to notify by letter those with an interest in land neighbouring a planning application. Neighbour notification applies only to applications for planning permission in principle, planning permission and applications for approval of matters specified in conditions. The term “neighbouring land” is defined as *“an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed.”* This allows neighbours to comment on planning applications which may affect their property or land.

The Council also allows for viewing of planning applications online or at our offices. Representations can also be submitted online.

You can view and comment on planning applications at

www.eastdunbarton.gov.uk/eplanning

Commenting on Applications

Anyone can comment on a planning application, even if they have not been consulted or notified by the Council. They must however do so in writing.

People either 'object to', 'comment on' or 'support' an application and can do so on as many or as few grounds as they want. The Council can only consider representations made on 'material planning' grounds.

Material planning grounds include:

- Amenity (for example noise, traffic, impact on sunlight, or privacy)
- Design (for example height of buildings, density of development, detailing and materials, or how the proposed development takes account of its surroundings)
- Environmental impact (for example loss of trees or open space, flooding or impact on wildlife)
- Policy (for example has the proposal taken account of the Development Plan)
- Access (for example public transport access, adequacy of parking provision or cycle and footpath provision)

There are some things which are not material grounds, and these cannot be considered by the Council. These include: -

- Impact on property values
- Loss of a view
- A private legal matter (such as land ownership), or
- Commercial interests (including competition) and
- Personal views about the applicant or the nature of their business.

The number of objections received to a planning application is noted; however it is the nature of the issues raised rather than the number of submissions which will carry the most weight.

All representations are analysed and responded to as part of the determination process

Determining Planning Applications

All planning application decisions must be made in accordance with the development plan and planning guidance, unless there are very “good reasons” not to.

These very good reasons are called ‘material considerations’. There are two main tests in deciding whether a consideration is material and relevant:

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

A material consideration is a planning issue which is relevant to the application and can arise from national policy, comments by the public and views of organisations the Council has consulted. It is however for the Council to decide how important and relevant these material considerations are and whether individually or collectively they outweigh the provisions of the development plan.

How the Decision is Made

In order to make sure decisions are made promptly, East Dunbartonshire operates a Scheme of Delegation.

The Scheme of Delegation gives powers to planning officers to determine more straight forward planning applications without the requirement for the application to be put before the Planning Board.

The Planning Board of East Dunbartonshire comprises all 24 elected members of the Council. The Board has full powers to deal with all types of Planning Applications and Planning Enforcement matters without referral to any committee or full Council.

Types of Decision

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

- grant planning permission without conditions,
- grant planning permission with conditions, or a legal agreement, or
- refuse planning permission.

Legal Agreements on Planning Applications

Sometimes planning applications are decided ‘subject to legal agreements’. This normally happens on larger applications where the Council requires additional work to be carried out outwith the site or requires some legal burden put onto the land. These agreements are part of the consent and apply to future owners of the land.

Legal agreements are normally made between the Council, the developer and the landowner. But, because of their complex nature, they can take a long time to finalise.

The most common reasons for having a legal agreement are to: -

- require a contribution to affordable housing provision,
- deliver improvements to infrastructure (roads, drainage, schools, etc that are necessary because of the development)
- avoid buildings being sold separately in the future (e.g. annexes to houses or garages)

By law, where agreements are to deliver ‘planning obligations’, this must be reasonable (related) to the development, deliverable by the applicant and proportionate (in scale).

Good Neighbour Agreements

A Good Neighbour Agreement (GNA) is an agreement voluntarily entered into between a developer and a body representing the local community through which the local community are afforded direct involvement in aspects of the day-to-day operation of a development.

A GNA might, for example, require information to be passed to the community body about the development, limit certain activities, require upkeep of areas or even require the involvement of local businesses in the developments construction or occupation.

Generally the Council will play no part in the development of a GNA but is required to place its details on a register once it is finalised.

The regulations do not require all development schemes to be accompanied by a GNA, but once entered into such agreements do become legally binding.

To date, GNAs have rarely been used.

Appeals and Local Reviews

If an applicant is unhappy with a refusal or a condition placed on a consent, he can appeal the decision.

Only the applicant is allowed to appeal a planning decision. There are no third party rights of appeal, so objectors cannot take matters further, except through the civil courts.

You can find out more about taking applications through civil courts at

www.cpre.org.uk/resources/housing-and-planning/planning/item/1882-

If an appeal is lodged, all those who made comments on or objections to an application will be notified. Their comments will be carried forward to the appeal so there is no need to resubmit representations.

If a planning application decision is made under delegated powers, then the appeal is made to the Local Review Body, which consists of elected members. The body meets regularly to consider cases and sits in public.

If the decision was made by the Planning Board, then the appeal is made to the Scottish Government who will then appoint an independent Reporter to consider the case. The appeal process is based on the available documents but occasionally the Reporter may agree to a public hearing. In very significant cases, they may agree to a formal Public Inquiry.

You can find out more info about Scottish Government Appeals at

www.scotland.gov.uk/dpea

Scottish Government Call-In Powers

Scottish Ministers have a general power to call-in planning applications for their own determination. Circular 3/2009 *Notification of Planning Applications* provides guidance on the circumstances (normally very significant departure from the Development Plan) under which the Council must notify Scottish Ministers where they propose to grant planning permission. It also sets out the circumstances under which Scottish Ministers may call in a planning application from the Council, thereby taking over the role of decision maker.

Such decisions are very rare indeed.

Enforcement

If works are undertaken without planning permission or fail to keep to the terms and conditions of a planning permission, the Council can consider planning enforcement action.

Upon becoming aware of a breach, enforcement officers will visit the site and gather information, and then decide on the best course of action.

The Council only takes enforcement action where it is in the public interest to do so. In some cases, even though there may be a breach of planning control, it may be of such a minor scale or impact that it is judged not to be appropriate to take formal action. There are also time limits as to when enforcement action can take place.

There are a number of options available to planning enforcement officers when a breach is highlighted, these include voluntary cessation, remediation or a retrospective application to assess if matters can be “regularised”. A breach of planning control is not a criminal offence, but in certain cases it may result in court action. Formal legal action is, however, always the last course of action.

Useful Links



East Dunbartonshire Council Planning Pages

www.eastdunbarton.gov.uk/planning



Scottish Government Planning Pages

www.scotland.gov.uk/planning



Royal Town Planning Institute

www.rtpi.org.uk



Planning Aid for Scotland

www.planningaidscotland.org.uk



Glasgow and the Clyde Valley Strategic Development Planning Authority

www.gcvsdpa.gov.uk



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