

Planning changes coming in on 3rd August 2009

Further changes to the Scottish Planning system come into force on the 3rd of August 2009. These include a number of procedural changes which applicants, agents, community groups and other interested parties need to be aware of. Details are listed in this document.

Modernising Planning information, including details of new pre-consultation requirements which came into force on the 6th of April 2009 can be accessed online on www.scotland.gov.uk/topics/built-environment/planning

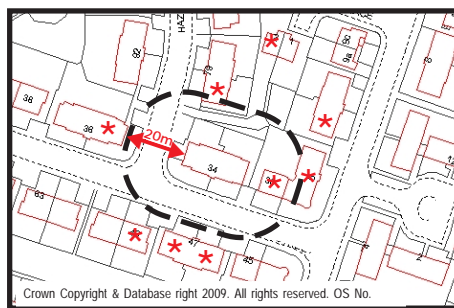
New Application Types and Forms

As of the 3rd of August 2009, applications for **planning permission in principle** will replace outline applications. This is to establish whether the principle of developing a piece of land is acceptable without preparing detailed plans. At the same time, applications for **approval of matters specified in conditions** (MSC) will replace reserved matters applications. This type of application is for the submission of details required by conditions imposed on an application for planning permission in principle. Applications for full planning permission and those under Section 42 of the Town and Country Planning (Scotland) Act 1997 will remain. All consents issued for planning permission from the 3rd of August 2009 will be valid for 3 years from the decision date.

Neighbour Notification

As of the 3rd of August 2009, the Council will carry out any neighbour notification associated with planning applications. Notification will be sent to all properties within 20 metres of the application site and will include who the applicant is, what the proposal is for, the application reference number, a location plan and postal address.

Parties who are notified will also be given details of how to view the proposals and comment on the application. Comments must be made to the planning authority within 21 days from the date of the notification letter. A list of the notified neighbours will be available on Public Access.



Notification to owners and agricultural tenants will remain the responsibility of the applicant.

Commenting On Applications

Prior to the application being submitted, the applicant may have carried out pre-application consultation. Any comments made to the applicant during the pre-application consultation are not regarded as a formal representation on any current planning applications and the public need to judge if their comments or concerns have been accommodated in the submitted scheme. A new representation or comment will therefore be required when the application comes in.

Publicity

An advert will be placed in the local paper when the planning authority has been unable to notify neighbouring land on which there are no premises. The applicant is required to pay for this advert within 21 days; the decision cannot be issued until this is paid.

Fees relating to 'bad neighbour' development will still apply. Fees will also be required for Development contrary to the Development Plan. For those affecting listed buildings or within conservation areas, the planning authority will place an advert in a local paper. There is no fee for this.

Decision Notices

As of the 3rd of August 2009, the content of decision notices will change.

General information that already appears on a decision notice, such as reference numbers and a description of the development will remain. The new decision notice will also state the duration of consent, drawing numbers and whether there is a section 75 legal agreement associated with the decision and where this can be viewed, and the reasons on which the authority based that decision. The Council will also include reference to legal agreements under section 69 of the Local Government (Scotland) Act 1973.

The decision will be issued to the applicant, or their agent, and any party who makes a representation to an application will be advised of the decision and where the decision notice can be inspected.

The decision notice will be accompanied by a decision pack which will include details of what the decision type means and the appeal or review route; forms of Notices of Initiation and Completion of Development; additional information on other consents required (and guidance on renewals and variations).

These new requirements for notices start on the 3rd of August 2009. Forms will be included in a decision pack with the decision letter.

Notice of Intention To Develop

When planning permission is granted for a development, a 'Notice of Initiation of Development' must be submitted to the planning authority before work is started, and failure to do so would be a breach of planning control.

This notice must provide the date on which development is expected to start, the full name and address of the person intending to carry out the development, of the landowner (if different) and of any site agent.

The date of issue and the reference number of the planning permission should also be included.

Notice of Completion of Development

When a development is completed, the applicant or the person who completes the development must give notice of completion to the planning authority. The notice must provide the date on which the development was completed; the full name and address of the person who completed the development and details of the landowner (if different).

The date of issue and the reference number of the planning permission should also be included.

Display of Notice While Development Is Carried Out

For national, major or 'bad neighbour' (such as public houses or coal yards) developments, the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and be:

- *displayed in a prominent place at or in the vicinity of the site of the development;*
- *readily visible to the public;*
- *printed on durable material.*

A display notice is available on our website to download at www.stirling.gov.uk/planning.

Scheme of Delegation

Stirling Council will be operating a new statutory scheme of delegation as of the 3rd of August 2009. Only decisions made under the new scheme can be subject of review by the Local Review Body. Others will continue to be appealed to the Directorate for Planning and Environment Appeals (DPEA). The majority of local developments will be considered under the new statutory scheme of delegation.

The applicant can request a review of the decision or non-determination of the application by the Stirling Planning Local Review Body. Local developments may still be dealt with on the Planning Schedule, or Panel, if certain criteria are met. These include:

- **Significant local objection;**
- **Remit to Planning Panel by the Planning Panel or the Head of Planning;**
- **Member remit to Planning Panel;**
- **Significant departure from the Local Development Plan;**
- **Where notification is required to Scottish Ministers;**
- **Applications made by the Planning Authority or staff members involved in the planning process or land in the ownership of the planning authority or where there is a financial interest.**

Applications for listed building consent, conservation area consent, advert consent and other consents are not changed by the new regulations. The appeal route will be the same as at present, i.e. to Scottish Ministers.

Major developments may be decided by the Planning Panel, and, if refused the applicant could appeal to the Scottish Government's DPEA. However, non controversial major developments may still be presented on the Planning Schedule. National applications will always be decided by full Council. Appeals against conditions attached to national and major applications would also be to the DPEA.

Local Review Body (LRB)

For most local developments determined from the 3rd of August 2009 under the new statutory scheme of delegation, applicants will have a right to request a review of the LRB, which will comprise 3 members of the Council. The consideration of a review will be in public and based on the information available when the original decision was made. Applicants or agents will be required to fill in the Notice of Review form available on the Council's website.

The request for review can be on the basis of non-determination of the application, refusal or conditions attached to the permission.

In the case of non-determination, requests must be made within 3 months of the application target date. There will be no longer be the facility to extend the 2 month determination for local developments. In these cases, if the review is not conducted within 2 months of receipt it is deemed to have been refused, and the applicant can appeal to Scottish Ministers.

Upon receipt of the request for a review all parties who commented on the original proposal will be notified and have 14 days to make comment. The LRB will then meet and decide whether to determine the request for review based on the evidence in front of them or continue the case. The LRB may make an accompanied or unaccompanied site visit and decide whether the review should be by written representation or a hearing. Upon the outcome of a review the applicant, or a third party, could appeal to the Court of Session, but only on a point of law.

It is important to recognize that any planning advisor to the LRB will be independent of the planning application determination process to ensure impartiality.



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