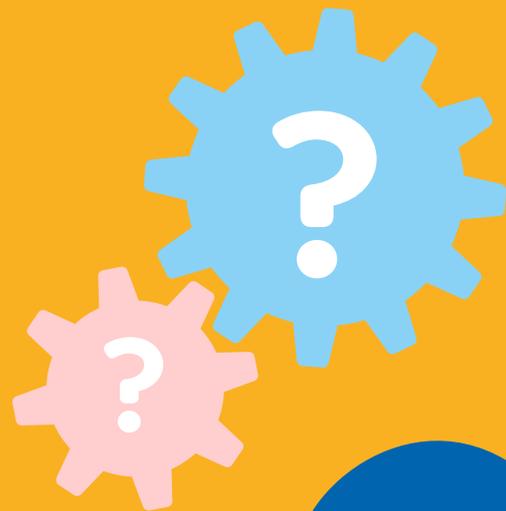




Responding to a Planning Application

This guide is for people who want to know more about the process Scottish Planning that deals with planning applications.



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INTRODUCTION

This guide is for people who want to know more about the process of Planning in Scotland that deals with planning applications, usually known as Development Management. Perhaps you have heard that a development (for example new houses or an incinerator) is going to be built near you. You want to know more, and whether you should get involved. This guide attempts to help you find out what is happening, how to comment on an application, and how you may influence the decision about that development.

In most cases, people feel the need to do something because they don't like what is proposed, so they will wish to object. But there are cases where people want a development to happen and therefore wish to write in to support the proposal (e.g. a new shop in a run-down area). A neutral approach as this does not help the decision makers. Be specific, one way or the other, or say nothing at all except to your local councillor.

Who wrote this guide and why

This guide has been written by members of the Planning Democracy network who have had experience in dealing with planning matters in their own communities.

It has been produced as part of our peer support work, where people who have experienced planning from a community perspective provide information and support to others who are starting up the steep learning curve of dealing with the Scottish Planning system.

There are other organisations who provide professional or legal advice. However we know there is much to be gained from 'non-professional' individuals or groups, who have become experienced amateurs, helping each other. Our work has shown us that, even if a community lacks professional planning experience, with the right support they can achieve results that they might initially have thought impossible.

Planning Democracy cannot be held liable for any inaccuracies in this guide, it is written in good faith, however we would welcome any advice on corrections that may need to be made so that future issues can be as accurate as possible.

Huge thanks to everyone who contributed to this guide, especially Diana, Archie, Gus, Tess, Sue, Mary and Dave.

Guide to the guide



The guide is divided up into sections:

RED

FAST RESPONSE. This is for occasions when you don't have much time to make a response and need to get something in superfast

AMBER

For use when you have time for a more considered response and want to involve others

GREEN

What to do after you submitted your objection

BLUE

Thinking ahead, knowing where to find out about future applications

FAQs: questions we get asked a lot

Helpful links: useful websites

Glossary: definitions of the tricky planning language you need to get your head around. Highlighted words in the text are defined in the glossary at the end of the document.

Annex with helpful examples of objection letters

Some other issues that come up regularly



SECTION 1

URGENT RESPONSE – Writing an OBJECTION (OR SUPPORTING COMMENT)

The quick and easy guide to writing an objection in a hurry

You may have heard from a neighbour, had a notification letter from the Council, or seen a notice on a lamppost, that a planning application has been submitted for a development that may affect you. You have never commented on an application and don't know what to do.

Firstly, two things you should know.

- 1** Everyone has a right to comment on a planning application. You don't have to live in the area or be a member of a Community Council (although it's helpful to get their support).
- 2** You will have to act fast as most applications, once announced, only give you 21 days to respond. You might be able to extend the deadline.

Speak to the case officer at the local planning department (they can be found through the 'Planning Portal').

Getting a deadline extension

A Planning Case Officer (the planner in charge of the application) may accept comments later than the deadline, but make sure you get an email confirming the new deadline. Be aware that the 'Planning Portal' will probably close for comments after the 21 days. We recommend sending your response in an email to the Case Officer and cc'ing your local councillor.

If they are not willing to give an extension, see if you can get permission to get very basic points submitted by the deadline - even as bullet-points - and reserve the right, bearing in mind the timing of the consultation, to expand on those comments within, say, another 28 days. If this isn't possible, take the matter up with one of your local councillors; you might even be able to submit written comments through them.

Top tip:

Most of the processing of planning applications eg Validation, Registration, 'Neighbour Notification' and Consultation, are now all undertaken by Admin Staff. It is likely that they will be the ones who typically tell you that comments are required within 21 days.

The Planning Case Officer will probably start to get involved around week 3 or 4 after the application has been registered - perhaps with a site visit, and will possibly (week 4 or 5) identify a likely decision quite early on.

Find out who the Planning Case Officer is, check you are speaking to them, NOT the admin staff processing the application.

Finding out more about the planning application

You can do this by looking up the plans and other documents on the local authority website 'Planning Portal'. You can also visit the local authority planning office to view the plans.

Getting to the online Planning Portal

Step 1 – go into your local authority website

Step 2 – go to planning and find the 'search for an application' part of the website.

'Planning Portals' can vary, but on most, it is straight forward enough to find the 'Comment on an application' or 'Search for an Application' section.

The screenshot shows a web interface titled "Planning – Simple Search". Below the title is a search instruction: "Search for Planning Applications, Appeals and Enforcements by keyword, application reference, postcode or by a single line of an address." There are five tabs: "Simple" (selected), "Advanced", "Weekly/Monthly Lists", "Property", and "Map". Under "Search for:", there are three radio buttons: "Applications" (selected), "Appeals", and "Enforcements". Below this is a "Status:" dropdown menu set to "All". A text input field is labeled "Enter a keyword, reference number, postcode or single line of an address." To the right of the input field is a blue "Search" button. A mouse cursor is pointing at the "SEARCH" button.

This is a screenshot of a **Planning Portal** search engine

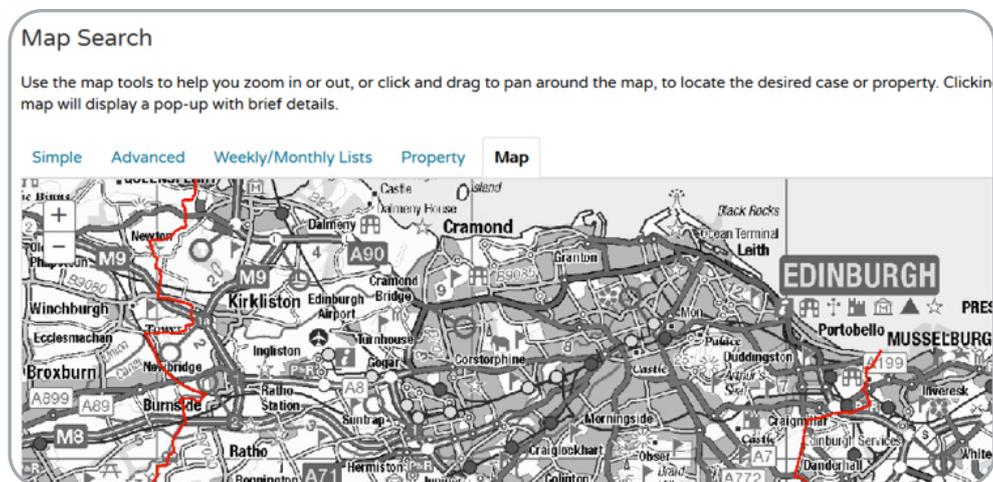
Step 3 – Searching for the application

You can do a simple search by the type of development (e.g. housing or factory), put in a key word to describe the development or the postcode of where the development is going to be built.

Note that developers don't always use the correct names of places, sometimes they give the wrong names or names that are no longer used, or refer to geographical locations different to what local people call it.

A development site in a rural village was mischievously described as being in another location very close by, but which was a more industrial area and more in keeping with the proposed development.

If you know where the site of the application is, you may be able to use the 'MAP' facility in the 'Planning Portal' to find a planning proposal.



All applications are given a reference number (e.g. 20/1234/FUL or 20/1234/PPP (see our FAQs for codes for different types of permission)

If you know the reference number, use that to search for the application.

If you can't find the application contact the planning department and ask for the application number.

The Application Details

Although you may be in a hurry to get this done, it is important to make sure you read the application carefully. There may well be mistakes and the developer may have forgotten to put in important facts. Spotting these could be important and may lead to an application being rejected, so it's worthwhile taking your time.

Key matters to look for:

- who the applicant is
- the deadline date by which objections need to be submitted
- whether it is an 'Outline' or a 'Detailed' planning application
- the size and scale of the development - especially in relation to adjacent features
- the exact location
- what the intended function of the building /land use is
- find out if the application is in the 'Local Development Plan'.
- proposed hours of operation (if a business)

The developer who puts in the application is known as the applicant or first party.

Decide whether you object to, or support, or are neutral to this development and consider whether others might feel the same way. If you think it will affect you or your community or the environment badly then you can write a letter of objection, stating why you think it will have a bad impact. Alternatively, you might wish to support something that would be an environmental improvement.

Some things to look out for that you may want to comment on

One of the most effective ways of objecting to a planning application is to see if the development conforms/agrees with the 'Local Development Plan'. If the application does not reflect what is written in the 'Local Development Plan' policies or if the site is allocated for something different, you will have a better case for objecting.

Planning decisions should quote which policy/ies support the decision. However, this does not stop the Local Authority from ignoring certain policies or changing its mind or 'reinterpreting' a policy. If you think several policies are relevant, quote them all, explaining why you think that way.

Writing letters of objection/support or comment

You will need to write your letter of objection/support and send it in online or by post (a phone call to a local councillor does not count as an objection). Make sure you put your name, address and contact details and a reference to the application in your response. Say why you are objecting to, (or supporting), the development. It is important to use the words "I object" in your letter, otherwise your letter may be taken merely as a comment by the planning department – and to all intents and purposes, disregarded.

If you need to send in a diagram or map, you may not be able to do this via the 'Planning Portal'. We recommend you send in a copy either by hand (ask for a receipt) or via the post asking for proof of receipt.

NB: You may not get a confirmation that your response has been received. Check the 'Planning Portal' to see if it is on there. (Not all Local Authorities post objections on the 'Planning Portal').

Arguments that can and cannot be used – Material Planning Considerations

For objections to be taken seriously by the planning department, they are supposed to be Material Planning Considerations. Examples of 'Material Considerations' are listed below.

There are two ways to help decide whether something is material or not.

- 1** It should be related to the purpose of planning. This means it should relate to the development and use of land.
- 2** It should fairly and reasonably relate to the particular application you are objecting to.

However, it is also worth putting in other arguments, there are no exact rules. In fact, planning lawyers spend huge amounts of time and money deciding what should be a material consideration and whether they should affect the planning decision, so give it a shot, you never know.

Below, we list examples of valid planning objections taken from various sources:

The proposed development will:

- be contrary to planning policy or other laws or policies;
- not be in keeping with the context or scale of the area;
- have a negative impact on a conservation area;
- have a negative impact on the amenity of another property, e.g. noise, odour, light pollution, loss of daylight, privacy, or late-night activities;
- be of a different land-use type for the area, e.g. industrial, residential;
- have a layout or density that is inappropriate for the area;
- cause traffic congestion, access or safety problems;
- reduce available or provide insufficient car parking;
- be similar to other rejected similar developments in the area;
- create a precedent making it difficult to object to similar proposals;
- be piecemeal, preventing proper future development of the area;
- have a negative economic impact;
- result in loss of vitality and viability of the local high street;
- adversely impact listed buildings or sites of cultural or architectural value such as monuments;
- impact environmental health, a conservation area or green belt, or the natural environment e.g. a significant loss of trees;
- result in loss of amenities such as green spaces, recreational grounds or community buildings;
- not have sufficient landscaping;
- create visual clutter (advertising);
- result in the loss of important public views (loss of a personal view is not seen as a material consideration);
- not be able to be serviced by local infrastructure;
- have a cumulative impact alongside other developments;
- have inadequate access for people with disabilities.

Objections that are generally not valid include:

- building-regulation issues, such as design standards for health and safety
- private issues such as boundary disputes;
- reduction in value of properties affected by the proposed development;
- impacts resulting from the construction of the development;
- personal loss of views;
- possibility of the proposed development causing future problems;
- personal or business circumstances of the applicant;
- problems with notification of the application;
- competition with existing companies.



We have put a sample letter of objection for you to see how you could write your own in the appendix.

Be aware your letter may be made public. While you should always be careful, factual and confident in what you write, there is a suspicion that some applicants (ie the developer) submit applications, then withdraw them (which is when comments from the public become available to view on 'Planning Portals'). Having seen what people are saying about the application, they then resubmit it knowing what counter-arguments they have to deal with. While this can be helpful to allow a developer to take on board people's views and alter an application, it can also be used to pre-empt and gloss over valid concerns. Nevertheless, you should not be discouraged from expressing your views in writing.

You may be able to see other letters of objection/support on the local authority 'Planning Portal'. However not every Local Authority will publish these; practice seems to vary.

We recommend your objection letter is short (no more than 2 pages), with bullet points on no more than 5-6 key issues. The Planning Case Officer will need to summarise all the objections received. It will be easier for them to do this accurately if keep your objection to the point. Try not to ramble!

How to write comments

Here is a real example

“I think this proposal is ludicrous. To put so many houses in this area is not a good idea. I use this green space regularly to walk my dog and to build on it is ridiculous. If it goes ahead then there will be a loss of amenity for the community”.

Although this is heartfelt and green space is important, it might be more likely to be listened to if it is phrased like this;

“I object to this proposal because the land it is on is used regularly by local residents for exercise and recreation. There will be a loss of an important community amenity”.

You can make it even stronger by referring to the Local Development Plan or another local authority policy such as the Green Space Strategy or to a Government policy on health and exercise.

“This site is recognised in the LDP2 as a greenspace site which should be protected from development. There will be a loss of playing field provision and the Local Development Plan clearly identifies in policy ENV 28 that greenspace, other open space, including sports pitches, are a major component of the green network”

“The development does not comply with Government outcomes for physical activity because it removes a key outdoor open space used regularly for physical recreation. Outcome 4 of the ‘Active Scotland Delivery Plan’ states that we need to “to ensure that our environments support outdoor play, walking, cycling and other forms of active travel, and provide inspiring and safe opportunities for people to participate in physical activity and sport.”

<https://www.gov.scot/publications/active-scotland-delivery-plan/pages/9/>



For sample template letters of objection see Annex





SECTION 2

IF YOU HAVE MORE TIME AND FAMILIARITY WITH PLANNING AND WANT TO BUILD SUPPORT

This section is for you

- if you have more time and want to write a detailed objection response
- you have some knowledge of planning
- you need to get others involved and build a campaign for/against a development
- If you have time to read all the information about the development, of which you should find on the '**Planning Portal**'.

A) The Pre Application Stage

Developer Organised Public Exhibitions or 'Pre-Application Consultation'

You may hear about a planning application BEFORE the developer applies for permission, because things are a bit different for larger developments such as 50 or more houses. These are known as '**Major Developments**' or '**National Developments**', and developers have to tell Local Authorities in advance that they plan to submit an application for these.

Developers have to carry out a '**Pre-Application Consultation**' (PAC) before they submit an application for planning permission for a **Major or National Development**. This is a public meeting or exhibition where they show you the plans and ask for informal feedback. Please note the feedback they get at these events does not form an objection and goes to them, not to the Local Authority. Public feedback may go into a report which is written by the developer and submitted with the application.

Encourage people to attend the **PAC**. A well-attended public meeting may be reported on and can be very helpful in showing the level of local concern. You might have to alert the press beforehand which could help increase public awareness of the **PAC**. If you do decide to do this, it is useful to have a short statement prepared to give the paper. If your copy is in 'ready to print' format, that makes the journalist's life easy.

The original purpose of **PAC** was to encourage co-operation between developers and communities, however there is often public wariness of this process, due to long standing issues of public trust in planning.

An example of a public notice for a 'Pre application Consultation' on a 'Major Development'

Public Consultation Planning Application at Little Village

Executive Homes Ltd invite you to a public consultation event to seek your views on a revised proposal for the development of 262 houses at Little Village.

Public Exhibition
24th December
3:00pm-8pm
Little Stable Hall, Bethlehem

At the exhibition you will have the opportunity to discuss the proposals with representatives of the development team and provide feedback via the questionnaires provided.

(Please note that comments made will be to the prospective developers, not the planning authority. There will be an opportunity to submit representations to the planning authority, Aberdeenshire Council, upon submission of a planning application).

For further information please contact:
Executive Homes Ltd, Glasgow.
Email: info@executivehomes.com

In summary for major applications, *developers* must:

- submit a 'Proposal of Application Notice' (PAN) to the planning authority and relevant community councils at least 12 weeks prior to the planning application being submitted;
- hold at least one public event ('Pre Application Consultation' or PAC), which must be advertised in the local newspaper at least seven days prior to the event;
- following this 'public consultation' event, developers submit a consultation report to the planning authority with the planning application.

Making the most of the Pre-Application Consultation

The advantage of the **PAN** and the **PAC** are that they give you more time to get organized before the planning application goes in, after which you will only have limited time (21 days) to write a **formal response /objection** to the application.

- 1** Prepare for the meeting. Remember, this is an opportunity to develop a relationship with the developer. If the relationship is good and the developer reputable, plans may be changed to take on board community concerns.
- 2** Be prepared with questions about the development. e.g. ask about claims the developer has made or details they may have omitted. This is the time for you to find out more information.
- 3** Some less reputable developers use **PACs** as an opportunity to find out what people are thinking about an application and then use that information to pre-empt community arguments so that they can gloss over concerns in their applications.
- 4** Developers are only required to put on one event. There are no rules/ guidance about when or how the event is held.
- 5** It may be worth checking the developer's **PAC** report to see if it accurately reflects public sentiment. Ask them when and where the report will be available.
- 6** Bear in mind that, even at this early stage, the developer will have already been in discussions with the local planning department, so the developer may be well aware of some of the community concerns.

B) The Application Stage

Lodging comments, making an objection or providing support

See section 1 as all this will be relevant.

Using supporting documents associated with the application to strengthen your objection

There may be supporting documents such as traffic impact assessments that are supplied by the developer alongside the application which you may need to look at carefully. This can be difficult, as many of these documents can be very technical but it is worthwhile asking for help from people in your area, who may have the right planning/technical knowledge. But don't forget to use plain common sense and your local knowledge, it often gives local residents an advantage. If something in the plans seems illogical or wrong, that's probably because it is!

Top tips:

It may be that other planning applications have been submitted for other proposals in the area and that traffic figures can be taken from these to help develop your own arguments.

It is not unknown for developers to submit traffic impact assessments long after the time has expired for lodging comments to a formal planning application.

The developer is unlikely to have any meaningful traffic information at the pre application consultation stage.

It is well worth scrutinising these reports if you possibly can, as sometimes planning officers only give them a cursory glance. (Planning departments are very poorly resourced nowadays and officers are under a lot of pressure).

One traffic study for an application in Edinburgh was found to contain references to cycleways through Glasgow! This major mistake made decision-makers question the rest of the study and resulted in a refusal of permission.

See what ‘**Statutory Consultees**’ (e.g. SEPA, SNH) have said about the development and whether they have objected. They may decide not to object, but rather to comment on the issues so that the applicant can put in mitigation.

If a statutory consultee objects to an application, this holds quite a lot of weight, so you may want to encourage them to object rather than just comment on an application.

Environmental Impact Assessments

Check if an Environmental Impact Assessment (EIA) has been carried out on a development. EIAs look at the environmental effects of a development and try to reduce the negative impacts that it could have. Not all developments need to have an EIA done, but if an EIA has been done, a report called the ‘**Environmental Statement**’ will be put in as part of the planning application. This is a public document, so you should be able to see it. If you think the EIA has missed out some significant environmental impacts, you can say so in your objection letter.

NOTE: We have found that EIAs are pretty rare – we suspect Local Authorities don't like asking for them because they need specialist staff to process them.

However, bear in mind the following

- 1** The Local Authority may decide that an EIA is not necessary. Whether or not one is needed is part of what is called a '**Screening Opinion**' that a Local Authority carries out. We have found that often even large-scale housing developments have not required an EIA according to the Local Authority.
- 2** Developers are not required to do an EIA on smaller developments. A typical tactic is for developers to put in applications that are just below the threshold (e.g. for 49 rather than 50 houses), so that they don't need to do an EIA
- 3** An EIA is commissioned by the developer and is done by consultants who essentially work for the developer. *In fact you can say the same thing about traffic impact assessments.*
- 4** It is unlikely that the EIA will prevent a development from going ahead, but it may result in '**Mitigation Measures**' or the application being given permission if it fits certain conditions.

Writing a good objection letter

Section one covered how to write a good objection letter, the important thing is to

- make good planning arguments using '**Material Considerations**' (see also section 1)
- refer to the Local Development Plan policies and allocations
- write "I object" on the letter
- be short and to the point, use bullet points and summarise
- only use 5-6 points preferably in not more than 2 pages
- See also section 1 for further tips.

NOTE:

If a local planning authority has not succeeded in putting its Local Plan in place within a predetermined timeframe, it may be deemed out of date. As '**Local Development Plans**' become outdated, the weight to be given to them is much reduced, especially if they are seen to be inconsistent with the policies in the '**National Planning Framework**' (NPF) which is the country wide development plan. NB: The NPF since the new planning law was written in 2019 is the most powerful of the plans as '**Local Development Plans**' have to conform with it.



See appendix 1 for examples of good objection letters

Getting community support

A Local Authority planning department only has to let immediate neighbours (within 20m) know that a development is proposed. It is really up to local people to tell their local community about an application. You may need to leaflet the local area to raise awareness of the application.

Get in touch with your local Community Council to ask if they are putting in a response. Their response may hold more weight than a letter from an individual. Community Councils have to provide a representative view which sometimes means that they remain neutral on applications if there are mixed views on applications in the local area. Sometimes individuals who are opposed to applications form separate campaign groups or residents' associations to represent those who object. There is nothing to prevent this, but it is always better to work with the Community Council if possible and maintain good community relations. It is still worth submitting individual letters, as each letter is taken on its merits and the points raised, and you may have different or additional points to make.

If there is a wildlife or biodiversity threat from an application alert local Wildlife Trusts or conservation groups to the application. The RSPB and Wildlife Trust websites have very good information on protecting wildlife threatened by development. In these cases, SNH [Scottish Natural Heritage] should make a comment or raise an objection or concern. If they haven't, then contact them to ask why not and describe your concerns about the possible impacts on local biodiversity.

Getting the local authority to refuse/support an application can be a numbers game, so encourage as many people as possible to object/support the application.

The campaign against the controversial Flamingoland development on the shores of Loch Lomond attracted 53,000 objections by gaining support from an active MSP and local and national campaign groups such as [Parkswatch](#).

Communicate/publicise

If you think the plans are of interest or concern to the local community, find a way of communicating your concerns. This can be done by writing to your local paper, contacting organisations like Neighbourhood Watch groups, leafletting, particularly the properties nearest to the site of the application, placing leaflets in public places, e.g. shops, libraries, community centres, pubs, etc.

This is a good example of local publicity with details of where to object and what to say.

<p style="text-align: center;">DON'T BUILD ON OUR HILLS! Make your objection today</p>  <p>The Council are looking at plans to build a major housing development at the foot of our hills on a greenfield site called the Field (pictured).</p> <p>The new housing estate will:</p> <ul style="list-style-type: none"> • Increase traffic on the busy and steep village approach road- adding 50 cars at peak times, causing bottle necks and increasing risks for children walking to school. • Put pressure on local schools with a rise in admissions to our primary school which is already at capacity • Spoil the landscape of the beautiful local hills which help define the character of our town and attract millions of visitors who contribute to the local economy • Threaten wildlife around the hills as no Environmental Impact Assessment has been done. <p>Developers have already started chopping down trees, before planning permission has been granted. The Councils planning brief required these trees to be kept.</p> <p style="text-align: center;">Together we can STOP this</p>	<p style="text-align: center;">MAKE YOUR VOICE HEARD Make your objection today</p>  <p>The estate would be here in front of these trees, right next to a right of way, they will cause light pollution and stick out like a sore thumb.</p> <p>The Council will listen if enough voices are raised. It is easy to do.</p> <p>Email planning@localauthority.gov.uk with your name address and comments. Put objection/20/1234/PPP in the subject line.</p> <p>Or you can write a letter to Planning Officer, Council office, Local Town</p> <p>The developers proposals don't meet the planning brief outlined in the Local Development Plan on many areas including affordable housing, road improvements, wildlife, open space, National Scenic Area and traffic.</p> <p>Here are the issues to raise in your objection</p> <ul style="list-style-type: none"> • Traffic congestion on Town Approach Road • Pressure on local services and utilities • Impact on wildlife around the Dingly burn • Inappropriate setting of a housing estate in a National Scenic Area <p>To find out more about the proposed development visit https://eplanning-localauthority.gov.uk/onlineapplications and search for the application number 20/1234/PPP</p> <p>For help with your objection email goodcitizen@hotmail.com or visit the Protect Our Hills facebook page.</p>
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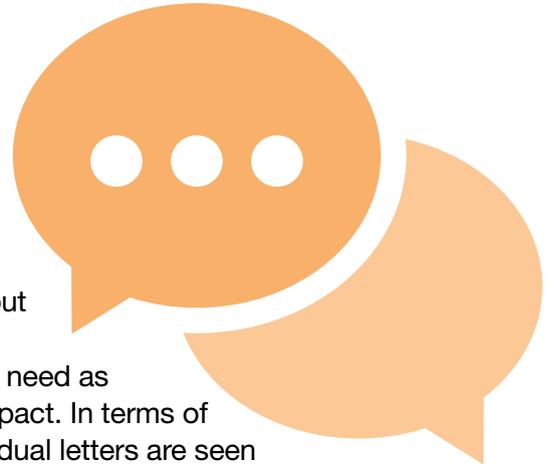
You might also attach a map so that people can identify where it is.

You can call a public meeting but this may not be easy to do in the timescale within which you have to respond to the application. Also, the developers may be separately organising their own public meeting as part of the consultation process (see 'Pre-Application Consultation')

Community Councils are 'Statutory Consultees' for planning applications, so contact your Community Council to find out if they are objecting to the planning application. If time permits, ask to go along and speak at a meeting so you can outline your concerns and ask for the support of the Community Council - they are there to represent the views of the community. An objection by or support from the Community Council carries more weight than an individual objection so it pays to try and persuade them to support you.

Getting the word out

Speak to people - find out who knows about it. Tell friends, neighbours and family in the local area and beyond, spelling out the possible ramifications of the plans. Ask them to tell their friends, neighbours and family too. Holding stalls in your local high street on a Saturday morning when there are a lot of people about is a good way to inform people about the plans. Have a supply of information for them to take away. Start a petition but bear in mind that you need as many letters of objection as possible to make an impact. In terms of importance given to them by local authorities, individual letters are seen as carrying most weight, followed by standard letters and lastly petitions.



Make up a contact list so that people can leave their details with you. (Be aware that there are new rules about data protection, with GDPR rules).

You can then set up an e-mail list for contacting people so that you can disseminate information quickly and easily. Include a box on the contact sheet that asks what help people could offer, for example, specialist knowledge or help with tasks such as leafletting.

Set up a website and make sure its address is clearly visible on your leaflets. Send the link to people you think might be interested. Set up a page on a social networking site such as Facebook and invite others to join. See if you can connect up with other like-minded people to set up a campaign group to fight the plans if you think it is appropriate.

Contact your local politicians to outline your concerns and ask for their support. You may find that some of them will wait to see which way public opinion is going before wanting to commit themselves. If your councillor expresses a view, they may be prevented from voting in a Planning Committee if they sit on one. It may be better to find a councillor who can voice support for local opinion but is not hampered by being on the Planning Committee.

On Petitions

Your objection will have more effect if a number of people write letters as individuals. You should be aware, that a petition, is unlikely to carry much weight as it is often counted as one objection. Also, avoid using a standard letter, although writing a template can be helpful. It is better if everyone uses their own words in their letters of objection.



SECTION 3

AFTER YOU SUBMITTED YOUR LETTER OF OBJECTION or SUPPORT

This section gives advice on what to do after you have submitted your letter of objection / support

Follow up your objection/comment

When the period for lodging comments has ended, contact the planning department to find out the likely timescale, whether the planning application will be going to the Planning Committee and how many letters of objection have been received. You may also be able to keep a check on this using the 'Planning Portal'. This should give you a good idea of the strength of objection to, or support for, the plans. You may not be able to read other people's letters.

Council policy on publishing objection letters seem to vary and some initially show letters but later remove them.

Ask the Planning Case Officer to keep you informed of any developments, e.g. additional documentation being lodged by the developer, and when the plans are likely to be considered by the Planning Committee. It can be difficult to keep up, and developers often change things.

If you are a Community Council, you might want to include something in your comment letter along the lines of: "As 'Statutory Consultees', we would be grateful if you would forward us details of any amendments to the application so that we can comment as required."

However, you can register to be kept up to date with changes. See below an example from the 'Planning Portal'.

 Search ▾
 My Profile ▾
 Login
 Register

Registration

Once registered the following additional functionality will be available:

- Tracking applications
- Saving Searches
- Email notifications about tracked applications and new search results.

Recently a new software called RAMPS has been developed by a group of individuals living in Midlothian who have struggled to keep up with the number of applications in their area. The software helps communities to track changes and details on complex planning applications. This may be rolled out to other areas soon. Get in touch with Planning Democracy for more information on this.

Who makes the decision?

There was a time when most planning applications would be determined by a committee or sub-committee of the elected councillors. Now, many applications particularly 'local' applications are decided by the Council's officers under powers which have been delegated to them by the Council.

However, most Councils have a mechanism which enables planning applications which might otherwise have been dealt with by the officers under delegated powers to be referred to a committee or sub-committee of the authority's elected members instead. The way this happens varies from one Council to another and can be found in the Council's '**Scheme of Delegation**' or you can check with your council committee services.

Getting an application decided by elected councillors at committee rather than a planning officer usually requires a Councillor to request that an application is referred to committee for determination. In some cases, this will happen automatically if a Councillor has requested it or if there are over a certain number of objections.

If you believe there is a risk that a planning application to which you object may be approved by a planning officer under delegated powers, Then contact your local Councillor and ask them to get the application referred to committee, so that it can be properly debated. This does not guarantee that the application will be referred, but it is worth asking. However, it is also worth noting that the officer will still be required to put in a report and to make a recommendation as to whether the application should be given permission or not. Your local councillors may decide to vote in line with the officer's recommendation.

Note that officer reports to the Planning Committee have to enter the public domain (ie be on-line) at least 3 working days before the Planning Committee.

The Scottish Government requires less than 10% of applications to be decided by Committee, so this means 90% of applications are decided by a planning officer.

If you have managed to arrange to address the Planning Committee - then you will likely have up to 3 minutes (some Councils allow 5 mins) to make your points. A briefing note (one side - with max 3 to 4 points) will assist. If you have been able to get more than one person to address the committee - agree in advance who is going to cover what aspect. Whilst difficult, it can be useful to identify a personal angle that links you to the key issue(s) or concerns you are raising.

If the planning report is going to Committee - and you have booked yourself to speak to the Committee - do check the officers report. Does it accurately list all the relevant LDP policies against which the application needs to be considered? Does it accurately summarise all the issues of concern raised in the public comments? Does it accurately summarise all the statutory consultee responses?

Remember that - on controversial applications - the agent or developer may also be present at the Committee. Also, due to its quasi-judicial role - members of a Planning Committee cannot be “whipped” (as a political group), and are also required to personally declare any “conflicts of interest” at the start of the Planning Committee meeting.

Even if a Planning Committee refuses an application, remember that the applicant can appeal - either through the local “Planning Review” process (by a different part of the same Council!) - or by appeal to the DPEA (the Planning and Environmental Appeals Division (DPEA) of the Scottish Government. The DPEA appeal option allows a formal or (more usually) informal hearing. All objectors should be notified by the DPEA if such an Appeal is accepted. The procedures relating to a Local Planning Review are more obscure - both on the size and type of applications they can review, and on how community groups can have their views heard.

Publicity & Media

Get in touch with your local newspaper about your concerns. They are often looking for stories so may be happy to do an article about the proposed development and local feeling about it.

Organise a letter-writing campaign to local and national newspapers to highlight your concerns and raise awareness. See if you can get local TV/ radio interested in covering your campaign.

Organise a protest, a publicity stunt or a demonstration if you think this would be appropriate. Be clear on what you are demonstrating about and try to get publicity in the local press. Make sure you get plenty of people there or it could end up a damp squib.

Remember though that, no matter how well publicised your campaign, you cannot assume that everyone will know about the planning application.

Getting your local councillors support

'Major Developments' are generally required to go to a Planning Committee to be determined by local elected councillors. (Although Scottish Government targets encourage decisions to be decided by officers and decision target times of less than 13 weeks, which can prevent this).

In some Local Authorities planning decisions are made by an area committee or by the full council.

You can use the time during the period after lodging your objection and before the plans go before the Planning Committee to lobby all the councillors on the committee. (You can find out who is on the Planning Committee by 'phoning the local planning department or by looking on the council's website).

Contact all of the councillors on the committee. NB Sometimes, your own local councillors may not be on the Planning Committee. This may be to your advantage as they may be able to make presentations to the Planning Committee where ordinary members are not able because of protocols.

Remember that elected Councillors cannot be seen to favour one side or the other, prior to the Planning Committee.

It is the members of the Planning Committee who make the decision, so let them know why you believe the plans should be refused permission.

A good way to do this is by visiting all the Planning Committee councillors at their surgeries to explain your objections face-to-face. You will need to judge when the best time is to do this, as councillors are busy people and don't always need a lot of detail. If you are part of a campaign group, then the task can be divided between several people. It is a good idea to prepare a script to follow, which focuses on the key facts about the application and its likely impacts. Remember the councillor may not be able to give you an opinion on the application and you should not ask them for one but it is important for you to highlight the public interest in the plans.

If it is not possible to visit the Planning Committee councillors (for example if they are spread over a wide geographical area) then you can lobby them by writing to them, either by letter or e-mail. You may wish to encourage others to do so as well, in order to demonstrate the strength of feeling against the plans.

PLEASE NOTE:

If one of your local councillors is a member of the Local Authority Planning Committee, Local Authority guidelines may prevent them from expressing their opinion before the plans are discussed by the Planning Committee. If they express an opinion on an application before the Planning Committee they may not be allowed to vote on the application.

As a result, it is a common problem for councillors to refuse to speak to local residents about applications. They are often fearful of being lobbied, because of the 'rules'. This can be difficult, but if you are able to make it clear that you are not expecting them to take a position on an application, but to listen to your concerns and that is part of their democratic responsibility.

Another way around it is to write an identical letter to all members of the Planning Committee (or the sub-committee which is going to determine the application), and make it clear in the text of the letter that this is a letter which is being written to all the members.

Getting the issue in the press is also another way to ensure that local councillors are aware of community opposition to an application.

Planning Democracy believe we need to work against a culture that discourages councillors from listening to their constituents as this is anti-democratic.

When the application is due to be considered by the Planning Committee you may receive a letter informing you of the date of the meeting at which it will be considered. However, it is unlikely to tell you what the council officer's report recommends, i.e. 'minded to grant' or 'minded to refuse'.

You can find out the recommendation by looking up the application on the '**Planning Portal**' or Committee papers. They should be there 3 working days before the Planning Committee. Alternatively, if you have a good relationship, contact the planning department or ask your local councillors to keep you informed of when the report is likely to come out. You may also find the Case Planning Officer's draft report to the Committee on the '**Planning Portal**' in the week prior to the application being considered by the Committee. It is best not to rely on the council to inform you of progress of the application so you may want to keep informed by contacting the planning department at regular intervals so that you hear about developments as soon as they occur.

Writing to MSPs and MPs

You can always write to your MSP or MP. However this does not carry as much weight as you may think. Even if he or she is persuaded to write in on behalf of constituents, the views expressed will carry no greater weight than those of any other objector. An MSP has no authority or influence over the Council decision. An MSP might, however, help a local community to organize a campaign against a controversial development. As planning is a devolved matter, MPs are likely to have less influence than MSPs.

Preparing for the Planning Committee meeting

If you plan to attend the Planning Committee meeting at which the application will be considered, you may want to see a copy of the Case Planning Officer's report and recommendations. If you are planning to speak at the committee meeting, you will definitely want to see a copy, especially if it contains a recommendation you disagree with.

If you see that the officer's recommendation is to grant planning permission and you disagree with this, then you can lobby the councillors who sit on the Planning Committee before the meeting. Because of time constraints it will probably be easiest to e-mail them with key points about the plan and why you think it should be refused. It will help to give them a list of questions you want answered during the meeting. The councillors can then pose the questions to the Case Planning Officer at the meeting, or to the developers if there is a hearing (see below).

If there is a lot of public interest in the application, it may be possible to ask for a hearing at the Planning Committee meeting, where both the developers and local campaign groups, or others such as the Community Council for the area, may be able to make presentations to plead their case.

Not all Local Authorities allow hearings, so it is advisable to check what council policy is. If hearings are allowed, the decision about whether a hearing is admissible for a particular planning application will be at the discretion of the planning department but your local councillor(s) may be able to argue for a hearing on your behalf. If you are refused a hearing, one of your ward councillors may be able to speak on your behalf at the meeting.

If you are granted a hearing and several local groups are making presentations, then co-ordinate what you are going to say so as to avoid duplication or omission of key facts or arguments. Keep your presentation brief and to the point (you will probably be restricted to five minutes) and provide visual aids such as photographs or models where appropriate. Rehearse your presentation and try to anticipate the sort of questions you may be asked. If possible, ask someone to play the devil's advocate by asking you potentially awkward questions in order to make sure that you are as well prepared as you can be. If the community is listened to before the developer, it can make it difficult to challenge any inconsistencies or inaccuracies that may be put forward by an applicant. Doing your homework before the committee and knowing what the developer may say might help you pre-empt this. On the other hand, you may get a friendly councillor to allow you to speak again.



The day of the Planning Committee

If you want to attract maximum publicity for your campaign, you may want to stage a demonstration outside the council's offices where the Planning Committee meets. Try and use a gimmick to make your point, for example, a group opposing a waste transfer station application wore dust masks to show that they were concerned about the possible dust and smell coming from the site. Contact local media: newspapers, television and radio stations to see if they will cover your demonstration.

Try and encourage as many local residents to come along to support you at the Planning Committee meeting. They will be able to hear what is said at first hand and it will show the Planning Committee that there is real concern about the application. Remember, public objection is a '**Material Consideration**'.

If you succeed in persuading the councillors to your point of view and they refuse planning permission you will feel a great sense of achievement but be aware that the developer may appeal, which could trigger a Public Local Inquiry taking you into another realm entirely.

Note that developers will use whatever information helps their case – notably Housing needs and Demand Assessments, comments by Planning Officers who provided a contrary report to the eventual decision of the Planning Committee and legal precedents.

If you are not successful then, unlike the developers you have **no right of appeal**. The only possibility of having the decision revisited will be if you believe there has been a maladministration of the case or there is a point of law on which you can ask for a Judicial Review of the decision. You will need professional advice to pursue one of these options This is a very expensive and uncertain route to follow. See our information sheet on Judicial Reviews.

Planning Democracy have led the campaign to give communities a right of appeal, because we recognize that it is a blatant injustice to allow the developer a right to appeal if their application is refused, but to not allow a community the right to appeal if an application is granted permission, however controversial, unpopular or misguided the decision. The Government continue to refuse to grant an Equal Right of Appeal for communities. Planning Democracy will continue to speak out about this.

Finally – some of the best campaigns have been successful for being creative and persistent with getting plenty of publicity and widespread support.

Finding the result of the decision

If you have objected to an application you will receive a letter telling you whether the application has been granted or refused permission. You can view a copy of the decision notice on the online '**Planning Portal**'.



SECTION 4

GETTING AHEAD

This section is for those of you who want to think ahead and be prepared for what development might happen in your area in the future.

How do I make sure I know what is going to get built in my area in advance?

If you want to be alerted to upcoming applications

- 1** go to your local Community Council meetings, they should be aware of all planning applications
- 2** check the weekly list of developments. Every week, the council will prepare a list of the applications for that week and send it to Community Councils. It can be accessed from the local authority websites. In some authorities it can run a week behind by the time it goes on to the '**Planning Portal**' so if an application is critical, check critical dates with the Case Planning Officer
- 3** register with the local authority (you can be signed up to be notified of all or particular planning applications in your area / ward by contacting your local planning authority)
- 4** get friendly with your local elected Councillor as they often hear about applications in advance
- 5** regularly check your local newspaper - where certain local applications that diverge from the LDP must be advertised.

Discovering your Local Development Plan

If you want to be very well prepared you should check your '**Local Development Plan**' (LDP) for the area and see what is planned for the future. This will give you an idea of how the Council intends to develop different areas, whether for housing, industry, greenspace or recreation. This helps you to predict what kind of developments might come forward as applications, although the plan is only an indication.

It is important to understand that in Scotland, '**Local Development Plan**' act as a guide. However there is nothing to prevent a developer putting in an application for planning permission for anything, anywhere, whether or not it is in the '**Local Development Plan**'. Or indeed on property owned by someone else! Yes, you read that right, you don't have to own land to put an application in. They may have less chance of getting planning permission granted if the development is not in the plan. However, some developers, such as the volume house builders, play a very long game and will be looking to influence the '**Local Development Plan**' years before they put in an application. They are also good at knowing how to get planning permission even when the development runs contrary to the LDP.

FAQS section

Questions people often ask us

How do I find out the case officer/ planner dealing with the application?

You can find this on the '**Planning Portal**' on the local authority website. Or ring the planning department and ask. It is useful to develop a positive and polite relationship with the case officer. Planning departments are severely under resourced and planning officers may well be under pressure.

I haven't been notified about a planning application in my area, should I have been?

It is the Local Authority's responsibility to make sure that people living close to an application are notified about a new development but only people whose properties are 20m away. This is known as '**Neighbour Notification**'. They notify you once the developer has put in an application for permission and it has been validated (checked).

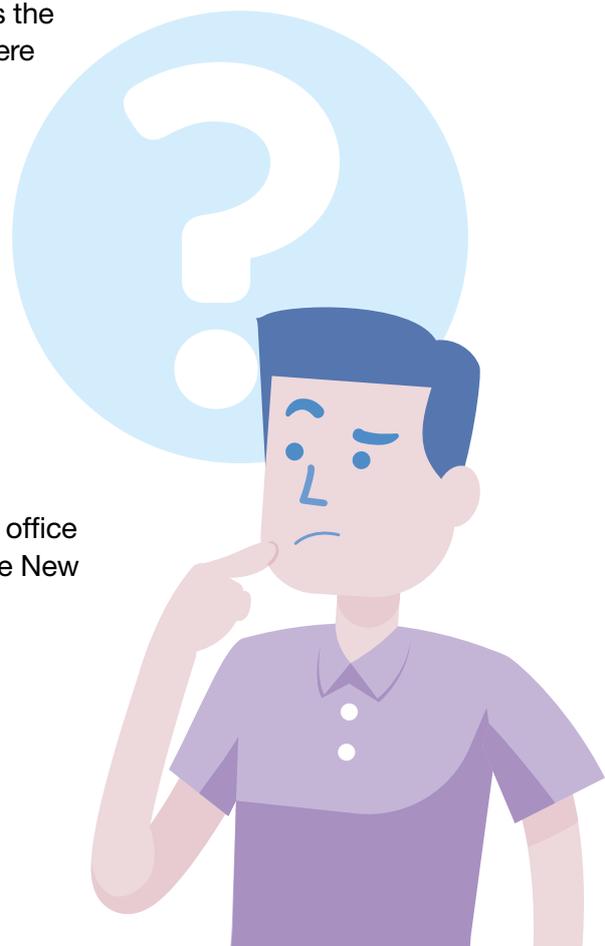
The official guidance states that the notification should go to all the properties within 20m distance on neighbouring land, but it is up to the discretion of the Local Authority if they want to tell more people. It is the Local Authority's responsibility to tell people about a planning application. They are also required to put an advert in a public domain which could be in some rather obscure paper such as the Edinburgh Gazette (an official Government paper, where you can find all manner of official notices).

<https://www.thegazette.co.uk/>

If you live in an area of high development pressure you may need to look at your Local Authority's '**Planning Portal**' on a weekly basis. It is best to do this on the same day each week so that the task takes a few minutes.

If you only do it once a month, then you will lose objection/comment time and the task will be more daunting and time-consuming.

You may be able to ask your Local Authority planning office to include you on the Weekly List of those who receive New Applications and Decisions.



What to do if you haven't been notified about an application.

There is not much you can do if you haven't been notified, apart from contacting your local Planning Department and ask them to be put on their list of Consultees for future. Many people feel that the '**Neighbour Notification**' is not enough, but often a good Community Council or an active local group will let people in the area know about a proposed application through leaflets or publicity of some sort. Unfortunately, communities need to be vigilant and proactive to keep on top of applications. We understand that in areas of high development pressure this can be exhausting, we have found that groups / Community Councils who work together and support each other cope better. Being familiar with your Local Development Plan can also alert you to potential areas that will be developed.

Who makes the decision about the planning application?

Applications for smaller developments (known as '**Local Developments**') will normally be decided by a 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.

Knowing who makes a decision on different types of development helps you to decide who to approach about challenging the development

'Local developments': Most '**Local Developments**' are considered small enough for a planning officer to make a decision about whether or not to grant planning permission.

However, the decision can be made by elected councillors at a Planning Committee. This depends on various factors such as whether there have been a lot of objections, or whether the councillors themselves 'call in' the application to be decided by committee.

The factors that affect how decisions are made are laid out in the Local Authority's '**Scheme of Delegation**' (which you should be able to find on your Local Authority website). Some councils' '**Scheme of Delegation**' are clearer than others.

***'Major developments'**: are decided by your local authority planning committee.*

***'National Developments'** are decided by the Government - Scottish Ministers.*

I don't understand how we missed this major application, it seemed to slip under the radar?

'Major developments' require more public consultation than smaller 'local' developments. Beware of so called 'salami slicing' where the developer divides an application into several smaller ones to avoid it being classed as a major development which means they have to do more public engagement in advance. Certain controversial developments have gone under the radar because of this tactic as in [Canonbie](#) where 18 coal bed methane borehole sites were divided into smaller applications. George Chalmers raised this issue in his public petition ([PEO 1518](#)) in 2015, however nothing was done to address the problem in the Planning (Scotland) Act 2019.

How do I find out who owns the land?

You can look here <https://www.ros.gov.uk/our-registers/land-register-of-scotland>

On the Land Registry website, there is a free register called ScotLis which deals with properties - but it seems that you might have to contact the registry to get help on finding owners of parcels of land, and maybe pay a fee. If the land is owned by a company - then information about the company and its directors can be found on the following websites:

<https://www.gov.uk/get-information-about-a-company>

<https://www.duedil.com>

It can be useful to check the stated land ownership in the application against that registered with Registers of Scotland - where a small fee allows you to see who owns the land title; what charges (or mortgages) there are against the land; and what BURDENS (conditions) exist relating to the use of the land.

It's worth noting that anyone can put in a planning application, even if they don't own the land.

Planning permission comes with the land not the owner or developer.

Consider going directly to a landowner to negotiate. There may be scope for a community purchase.

What are material planning considerations and do I need to use them?

Those factors that have to be taken into account by planning authorities when making decisions are called '**Material Considerations**' and are extremely useful for objectors and proponents of planning applications.

When the council makes decisions on planning applications, they must be in line with the Local Development Plan unless '**Material Considerations**' justify going against the plan.

We have given examples of some important '**Material Considerations**' in section 1.

Generally, representations should not be emotive as objections of this nature receive no consideration whatsoever. However, Councillors will be swayed by a vociferous community on many other grounds.

As far as we can see, the way in which '**Material Considerations**' are viewed varies greatly in practice: they are discretionary guidance rather than a legal requirement.

There are many arguments made in the courts about what makes a material consideration, but as we have new priorities in society, new '**Material Considerations**' are accepted. For example, carbon emissions, sustainable development and climate change may increasingly be accepted as '**Material Considerations**' in the future. (for more see this blog post).

We think this developer is dodgy, can we stop them from getting permission?

Unfortunately, even if a developer has a proven track record of not fulfilling conditions or putting up poor quality housing or development there is nothing that can be done. Planning permission comes with the land, rather than the developer.

What is a statutory consultee?

These are organisations with expertise and legal responsibility on certain subjects, that have to be consulted by planning authorities if an application affects the interests of that organisation e.g. SEPA, Historic Scotland, Scottish Natural Heritage, Transport Scotland, Scottish Water, Network Rail. Their concerns will be taken seriously by the planning authorities, so it is useful to note whether they object to a planning application.

What is a Local Development Plan?

Development plans set out the long-term vision for where development should and shouldn't happen. Each of Scotland's 32 council areas and the two national parks are required to produce a development plan which allocates sites, either for new development, such as housing, or sites to be protected. It also includes policies that guide decisions on all planning applications. They can be found on council websites.

I have been to a meeting about an application and they didn't take my views into account, what can I do about this?

You may have attend the **Pre Application Consultation** public meeting which is not the decision making stage of the process and it is for information purposes only. Your input at the **PAC** will not be officially taken into account, you still need to put in a letter of objection when the planning application is lodged.

The application is not going to committee, but is being decided by an officer. How can I get it to a committee decision?

Look up your Council's '**Scheme of Delegation**' This tells you how they decide whether the application is considered by Planning Committee or by an officer under Delegated Powers. If you can't find it, ask the Council's Committee Services. It's sometimes part of the Council constitution. To get a decision made by the committee, some Council's require a minimum number of objections, or call in by a number of Councillors

Here is some [research](#) done by Brodies (a law firm) on the '**Schemes of Delegation**' which are widely variable. See [Edinburgh](#) and [Highland](#) Council '**Schemes of Delegation**'. Time is of the essence you may only have 21 days to get the councillor to get it called in.

What Types of Planning Permission are there?

There are different types of planning applications, including Planning Permission in Principle, Full Planning Permission, Change of Use.

Planning Permission in Principle:

The first stage for the approval of '**Planning Permission in Principle**', establishes that a site is suitable for development. The application will contain only basic information so that the local authority can decide if it broadly acceptable. Once granted, it becomes difficult to object to 'Full' planning permission for that category.

Full Planning Permission:

The second stage of permission is a 'technical details consent', which is where more detailed development proposals are put forward by the developer. Once granted this is usually enough to allow development to commence, subject to permission from Building Control, Highways, etc. It may be followed up by additional applications such as 'AMC' or amended applications. It becomes quite difficult to keep tabs on approvals that have not been formally advertised (like the addition of a house to a large approved scheme) as these may not be seen as making a material difference.

Change of Use:

If someone wants to change the use of a building or piece of land they require planning permission, for example changing from a shop to a residential premises. Use classes are covered by **The Town and Country Planning (Use Classes) (Scotland) Order 1997**. They cover Class 1 - Shops; Class 2 - Financial, professional and other services; Class 3 - Food and drink; Class 4 - Business; Class 5 - General industrial; Class 6 - Storage or distribution; Class 7 - Hotels and hostels; Class 8 - Residential institutions; Class 9 - Houses; Class 10 - Non-residential institutions; Class 11 - Assembly and leisure

Permitted Development:

For certain developments, the developer does not need to submit a planning application because permission has been granted in advance on certain types of development, such as telecoms infrastructure for example. This permission is usually referred to as 'permitted development rights'. As this goes to press the Government is consulting on expanding the list of permitted developments to include allotments, peatland restoration and some other categories. This is a good thing for climate change. However other permitted developments are not so good such as change of use of housing.

Energy Consents:

Applications to build, operate or modify onshore electricity generating stations with capacities exceeding 50 megawatts, as well as all applications to install overhead power lines, large oil and gas pipelines, and associated infrastructure are decided by the Government's [energy consents unit](#).

Applications concerning onshore electricity generating stations with capacities of 50 megawatts or less are approved by the local planning authority.

Retrospective:

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 is decided in the same way as other planning applications.

Here are the codes used for different application types

ADV	Advert Consent
AMC	Approval of Matters Specified in Conditions
CLE	Certificate of Lawfulness (existing)
CLP	Certificate of Lawfulness (proposed)
CON	Conservation Area Consent
FUL	Planning Permission
HSC	Hazardous Substance Consent
LBC	Listed Building Consent
OBL	Planning Obligation
PA	Prior Approval
PAN	Proposal of Application Notice
PNA	Prior Notification of Agriculture Development
PND	Prior Notification of Demolition Development
PNT	Prior Notification – Telecommunications
PPP	Planning Permission in Principle
PREAPP	Pre Application
TCO	Tree Work Within a Conservation Area
TPO	Tree Work

Helpful links:

The Scottish Government produce guidance on the requirements for planning permission [here](#) in Development Management Circular 3/2013.



Helpful links to wildlife charity sites on planning:

- **RSPB**
<https://www.rspb.org.uk/get-involved/campaigning/protecting-wildlife-sites-near-you/local-planning-pack-scotland/>
- **Bat Conservation Trust**
<https://cdn.bats.org.uk/pdf/Bats-and-the-Planning-System-website-pack-2019.pdf?mtime=20190213164304>
- **Scottish Wildlife Trust**
<https://scottishwildlifetrust.org.uk/our-work/our-advocacy/planning/>
- **Amphibian and Reptile Conservation**
<https://www.arc-trust.org/planning>
- **Scottish Badgers**
<https://www.scottishbadgers.org.uk/planning.asp> - links to guidance for Planners, Good Practice guidance for ecological surveys, and how to engage with the planning process which is aimed at volunteers who will be looking at new proposals.
- **Biodiversity in Planning website**
<https://www.biodiversityinplanning.org/wildlife-assessment-check/how-to-guide/> which is really good, their wildlife assessment check list is brilliant and they have guidance notes on a range of species and how they're protected.

Glossary:

PAN: 'Proposal of Application Notice'. A Proposal of Application Notice is submitted to the Council at least 12 weeks before the submission of a 'major development' planning application. 'The Proposal of Application Notice' is not a planning application, it is a notice served on the Council advising of a likely forthcoming planning application.

NB: (Also means Planning Advice Note which are Government good practice guides).

PAC: 'Pre-Application Consultation' is a statutory requirement community consultation that prospective applicants must undertake with communities for certain types of development. The idea of **PAC** is for communities to be better informed about 'Major' and 'National Development' proposals and to have an opportunity to contribute their views before a formal planning application is submitted to the planning authority. The developer is not obliged to take on board community views, or directly reflect them in any subsequent application. The developer is required to hold a minimum of one public event which must be publicised in a newspaper.

NPF3: The [current](#) National Planning Framework contains 14 'National Developments'

National Developments: are the top tier in the hierarchy of developments. They automatically get Planning Permission in Principle, by being named as a 'National Development'.

Major Developments. There are nine classes of major development; the classes and threshold for each are:

- All development under Schedule 1 of the EIA (Scotland) Regulations 1999.
 - Housing proposals of 50 dwellings or more, or housing sites exceeding 2 hectares (ha).
 - Business & general industrial, storage and distribution with a gross floorspace of 10,000m² or a site exceeding 2 ha.
 - Electricity Generation where capacity is or exceeds 20 MW
 - Waste Management Facilities where capacity exceeds 25,000 tonnes per annum, or for sludge treatment facilities where capacity exceeds 50 tonnes (wet weight) daily.
 - Transport and Infrastructure where the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 km in length.
 - Fish Farming where the surface area of water covered exceeds 2 ha.
 - Mineral Extraction where the site area is or exceeds 2 ha.
 - Other Development not falling wholly within one of the above classes where the gross floor space is or exceeds 5000m² or a site area exceeding 2 ha.
- NB: a hectare (ha) is equal in size to about two rugby pitches.

Local Developments: This is all development other than ‘national developments’ and ‘major developments’. include housing developments of less than 50 houses, so can actually be quite big. It contains a wide variety of applications, from an extension to a housing development up to 50 houses.

Neighbour Notification: A local authority is required to notify those with an interest in “neighbouring land” of a planning application. Neighbouring land is defined as “an area or plot of land which, or part of which, is conterminous with or within 20m of the boundary of the land for which the development is proposed”.

Planning Portal: A website managed by the local authority or Scottish Government that allows planning applications to be dealt with electronically.

Public Local Inquiry: A hearing by a planning reporter into a planning matter such as a local plan or appeal. If you have commented on an application that is refused and subsequently appealed by the developer, you may be invited to take part in a PLI.

Material Considerations: A matter that should be taken into account in deciding a planning application.

Mitigation Measure: Measures taken to prevent, reduce or control adverse environmental effects of a development

Scheme of Delegation: Section 28 Planning (Scotland) Act 2019 requires each planning authority to prepare a scheme of delegation for the determination by an appointed person of various applications. The scheme of delegation is the set of rules which determines whether a planning application will be decided by the elected councillors at Committee or by planning officers under the delegated powers given to them by the council.

Screening Opinion and Scoping: A screening decision (or screening opinion) is the process of determining whether an Environmental Impact Assessment is required as part of a planning application. Screening is the process of deciding which applications require an Environmental Impact Assessment (EIA). A ‘**Scoping opinion**’ only considers what information should be included in an EIA.

Statutory Consultees: Organisations and bodies, defined by statute or law, which local planning authorities are legally required to consult before reaching a decision on relevant planning applications.

Outline and Detailed Planning Permission: Outline planning applications give a bare bones indication of what is proposed and seek to establish the principle of what the application is about. A detailed or FULL application which shows what the proposal would look like may follow once the principle is established and is usually more difficult to comment on if outline permission has been granted.

Annex 1

Sample Objection letter

Your address

Local Authority Address (*find on planning application or on 'Neighbour Notification' letter*)

Planning officer dealing with the case (*can be found on the 'Planning Portal' with application details*)

APPLICATION REFERENCE number eg 12/1234/PPP;

Address of development:

4 Greenfield road, outskirts Edinburgh:

Description of development:

Mixed use development, housing 199 units with car parking

State clearly that you object to the development:

I would like to object to the following application on the grounds of conservation, flooding and housing land supply.

You can give reasons for your objection using the local development plan policies as a reference

In the Local Development Plan this greenfield area is designated as Open Space and an Area of Great Landscape Value, and also a Special Landscape Area. These designations mean that any development should be refused as it might diminish the landscape (Policy ENV 28) or fail to preserve or enhance the conservation area (Policy ENV 58).

NB: Environmental policies or protective designations may not be enough alone to reject an application, it is important to include other topics. Usually housing land supply, traffic may be deemed as stronger arguments for refusal.

You can tell them other statutory bodies object

SEPA have already commented on this application and objected on grounds of flooding and drainage issues. Likewise, Transport Scotland have raised concerns about traffic increases. Greenfield Community Council have expressed strong objection on grounds of loss of amenity, traffic, and conservation.

You can also reference previous planning decisions in the area

Pressure for the development in our area has been successfully prevented in 5 previous applications (including two on appeal) in the last five years. The reasons for rejecting those developments included the inability of the small local roads to take an increase in traffic.

You can talk about other issues which affect your community as a whole. You could reference any Community Action Plans or Local Place Plans for the area if they exist.

The development will build on fields regularly used by residents for dog walking and football: it is an important greenspace for the health and well-being of the community.

You could refer to the housing supply in the local development plan.

There is no need for this kind of speculative market housing in our area. This area has more than five years' supply of housing land to meet the requirements of the newly adopted Local Plan policy H1. We have enough large houses: the only identified need is for affordable housing for people who work locally, stated in the local authority's Housing Needs Survey.

You may want to request to speak at the local planning authority committee meeting when the application is decided

If this application is to be decided by councillors, please note I would like to speak at the meeting of the committee at which this application is expected to be decided. Please let me know the date of the meeting as soon as possible so I can make arrangements to be available.

This was adapted from the CPRE resource on how to respond to a planning application <https://www.planninghelp.cpre.org.uk/improve-where-you-live/how-to-comment-on-a-planning-application/letter-of-objection>

A slightly adapted real life Planning Objection (from one of our network)

Dear Planning Case Officer

2019/0123/FUL | Erection of 9 houses, formation of access track and path

We object to the above proposal and request the opportunity to address the planning committee when the application is determined.

The proposal is not allocated in the LDP and, accordingly, the public have not had the opportunity to comment on the suitability of this site through the development plan process.

The immediate surroundings of the proposal site are of high ecological value. The woodland is identified in the Native Woodland Survey of Scotland as upland birchwood of very high nativeness and naturalness. The woodland is dominated by birch, aspen and willow and includes a few unusually large individual birch and willow. Recent observations have established that the willows support a significant population of the Scarlet Splash fungus (*Cytidia salicina*). This species was identified in the 'short list' as in need of urgent and focused conservation action in the CNPA's Cairngorms Nature Action Plan 2013-2018.

We disagree with the appraisal that additional houses at this location would not increase disturbance to capercaillie.

The claim that a distance of 1.5k is a significant deterrent to people using the woods stretches credulity, especially given the rising popularity of running, cycling and e-biking, all of which regularly involve far greater distances.

We are concerned at the use of a septic tank, which we look upon as regressive and an option that should only be considered as an absolute last resort. There is clearly a realistic option, albeit costly, of the proposal connecting to the main sewage system.

The burn running through the woodland is connected to the River Spey SAC; in addition, it is apparent that the burn is of ecological importance in its own right. We are concerned at the vulnerability of the burn to pollution from the septic tank and soakaway.

We are also concerned at the proposal for road drainage and surface drainage from the properties to be discharged to the burn in large flow conditions, so providing a route by which pollutants can enter the burn. Such pollutants could include chemical fertilisers and weed killers that may be used both on people's gardens and in the community areas of landscape planting.

Some houses are significantly too close to existing trees and this is likely to result in felling of trees. We consider that there should be a substantially greater hold back distance between existing trees and the houses and their curtilages.

The houses are described as affordable rental properties yet the residents will have to pay for the maintenance of their private road access to their houses. It seems questionable whether this is in line with the 4th aim of the park, "To promote sustainable economic and social development of the area's communities", or economically sustainable in the longer term.

Yours sincerely

Some questions you might want answered about a development

Is the development going to destroy or damage an area that is important for nature?

Will there to be a significant loss of trees and is this compatible with climate change targets?

Are there other enhancement works that might mitigate any harm?

Is the proposed planning use compatible with the local environment? How will it create local pollution? (to air or water).

Will it adversely impact on designated areas or buildings (Listed Buildings or Conservation Areas) or designated environment areas (TPOs, nature reserve, etc). (Note that no developer is likely to admit to any such harm - but is often a question of assessing various specialist reports to identify inconsistencies.

What impact will the development have on access and traffic?

Are there junctions that will become unmanageable or overloaded by an increase in traffic? Do these junctions need improving?

Is there cycling provision? Modern housing developments have to meet the Roads Dept standard for parking provision (per house and for visitor parking - often in 2.8 region per house) - but have they addressed footpath or public transport links.

Will the development overlook someone's house, or impact severely on a neighbour's privacy or amenity? Whilst there is "no legal right to a view" - there is a legal "right to light" (effectively a 45 degree line from eye level - out of a window - cannot be obstructed).

Will the development lead to or exacerbate flooding? Is a SUDS (Sustainable Urban Drainage Scheme) required?

How will the development impact schools and GP surgeries or other Infrastructure? Are they already running at maximum capacity? Or is there scope for expansion?.

Finally two key issues that come up regularly

Are the claims about job creation realistic?

The planning system in Scotland prioritises economic growth. Councillors and decision makers (including the Government) will give this matter a great deal of weight, particularly if they feel a development will bring inward investment. It is worth checking and questioning claims that a development will bring extra jobs as these can be exaggerated and do not necessarily mean local people will get the employment.

Housing Land Supply Arguments (for the brave)

Often for large scale housing developments the most influential argument is whether the development contributes to the Housing Land Supply or not.

Local Authorities are required to find a generous supply of land for housing within the 'Local Development Plan'. They have to have at least a 5-year supply of effective housing land at all times. A developer might successfully appeal an otherwise poor application for a housing development (which has been rejected by the local authority) if the local council cannot demonstrate that it has a committed 5-year land supply for housing. This is a complicated area, which may boggle your mind, however if you are keen to find out more read the following [blog](#) written by a lawyer who twice represented developers at appeal successfully.

(Housing Land Supply – continuing conflict and some judicial clarity – by Steven Stuart of Burness Paull – 18th September 2019.)

Planning Democracy is a community run organization that campaigns for a more people-friendly and accountable planning system in Scotland.

For years Planning Democracy has campaigned hard to get the community voice heard, most recently during a major rewrite of planning legislation in Scotland which resulted in the Planning (Scotland) Act 2019. We mobilized hundreds of people to campaign for greater community rights in planning, particularly calling for an Equal Right of Appeal.

There is still a very long way to go, as the length of this guide suggests, planning is very complicated and not community-friendly. We continue to fight for changes to the planning system to make it more accessible and responsive to the concerns of communities.

If this has helped you can you help us?

We hope to produce more guides such as A guide to the Planning System. Please support us to help us to do this.

If you have found this briefing useful you may consider signing up as a Planning Democracy supporter or making a donation to

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Other guides available are [A Guide to Judicial Review](#)

