

Welcome to the first issue of "Planning Matters", a short newsletter for Highland Community Councils. We know that the planning service can sometimes seem complex and impenetrable so we have been working hard to change that perception. Community Councils have an important place in the process and have asked for better communication so we hope this update will help.

We'd be grateful for any feedback you can give us on this newsletter, as well as any ideas of what you would like to see in future editions. We are also using this opportunity to carry out a survey of community councils so that we can take the results and improve the service we offer. Further details on this are set out below.

The last year has been a busy one, with a challenging programme of work on our development plans. We have also been one of the busiest planning authorities in Scotland, determining over 2500 planning applications.

We have recently submitted our Planning Performance Framework to Scottish Government, and it is available on the Council's website [here](#). This document sets out a review of progress for the last year as well as the service improvement plan for 2014/15.

We are not complacent - the service improvement plan for this year sets out the need for us to improve how we engage with community councils, and this newsletter is just part of that initiative. We need your involvement in the planning process and would be very grateful for your feedback on how we perform.



Thomas Prag,  
Chair, Planning Development and Infrastructure Committee

### **Community Council survey**

We would be very grateful if your community council would take a few moments to respond to the survey which can be accessed using the link below. If you would like to receive a pdf or paper version, please contact Angela Morrison on 01463 702295, and we will arrange to send one out.

**Please respond to the survey by November 30th 2014.**

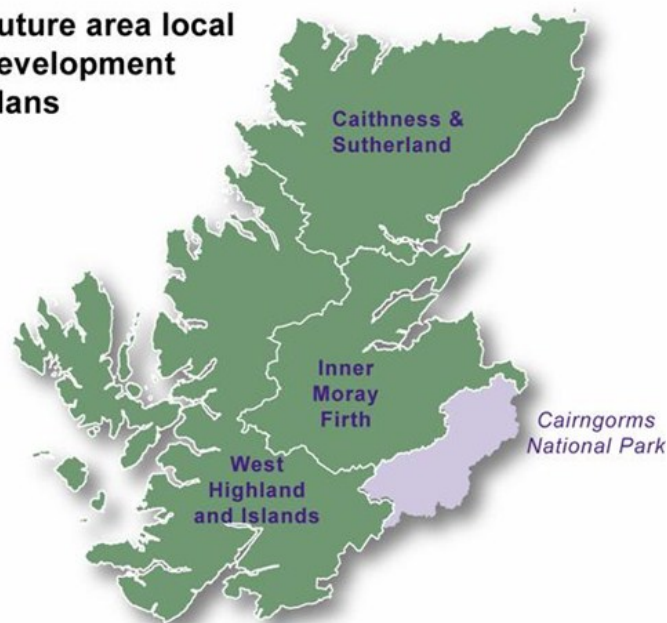
Survey Link: <https://www.surveymonkey.com/s/ZXQ63X6>

## FOCUS ON....DEVELOPMENT PLANS

### Update on the Council's Development Plan

The Council is always working to make sure that its Development Plan – the suite of documents that are used to assess planning applications - is up to date. The main documents are known as Local Development Plans but there is also Supplementary Guidance which covers more detail on specific issues or particular sites or areas across Highland. **It is really important that Community Councils get involved in the process of preparing these documents as they can affect what happens in your area.**

### Future area local development plans



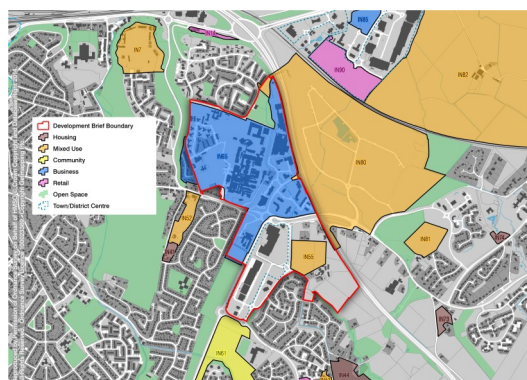
### Local Development Plans

At this stage the majority of our work is related to the preparation of three Area Local Development Plans for the areas shown on the map. These plans will provide details of the sites that might be suitable for future development and the unique issues relevant to that area. The process of preparing the Inner Moray Firth plan is well advanced and has reached the 'Examination' stage. This is where an independent person known as a Reporter assesses the Council's plan against comments that people made. Next in line is the Caithness and Sutherland plan, which is at an early stage and in late October the Main Issues Report will be published for consultation. At this stage people are encouraged to give their views on the main issues affecting the area. Keep a look out for leaflets that we'll be posting to people in the plan area, and on our [website](#) which will be kept up to date with the latest information.

Looking ahead the Council is about to start preparing the West Highland and Islands plan. Early next year we'll be issuing a "Call for Sites" where we will ask people to submit any suggestions for sites they wish to be considered for future development, but also sites that they want to see protected. Finally, the Highland-wide Local Development Plan which was adopted in April 2012 also needs to be reviewed. We are aiming to publish the Main Issues Report to gather people's views at the start of this process in summer next year.

### Supplementary Guidance

There are a number of Supplementary Guidance documents that we intend to prepare and consult on over the next few months. For example, until the end of October we will be consulting on a draft Development Brief for the Inshes and Raigmore area of Inverness. We will also be preparing a development brief for the Muirtown and South Kessock areas. Topics that will be covered by Supplementary Guidance include onshore wind energy, aquaculture and the design and layout of development.



We will also be preparing other guidance on specific locations across Highland including action plans for some of our town centres, and guidance on certain conservation areas.

## FOCUS ON....DEVELOPMENT PLANS

### Local Development Plans

LDP	Call for Sites	Main Issues Report	Proposed Plan	Submission to Scottish Ministers	Adoption
Highland-wide					April 2012
Inner Moray Firth		November 2013	May 2014	June 2014	Early 2015
Caithness and Sutherland		Late 2014	Late 2015		
West Highland and Islands	Early 2015	Late 2015			

**Community Councils will be involved in consultation at all stages of these Local Development Plans—the Development Plans team will be writing out to you with further details in due course.**

To see Supplementary Guidance that currently forms part of the Development Plan, follow this [link](#).

To see Development Briefs and Framework Plans for particular developments, follow this [link](#).

**Any questions? Contact us!**

#### Email

[devplans@highland.gov.uk](mailto:devplans@highland.gov.uk)

Visit our website: [www.highland.gov.uk/developmentplans](http://www.highland.gov.uk/developmentplans)

Visit our blog: [www.hwldp.blogspot.com](http://www.hwldp.blogspot.com)

Like us on [Facebook](#)

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## Update on National Planning Issues

### New Planning Regulations

The Scottish Government have introduced a number of new Planning Regulations. These affect [Development Management](#), [Appeals](#), [Schemes of Delegation and Local Review Procedure](#) and [Advertisement Control](#). The most notable changes (for applications made on or after 30 June 2013) include:

- **Neighbour notifications:** We used to have to advertise any development adjacent to “unknown neighbour” land (i.e. when land doesn’t include a premises that we can send a notice to). This has changed and we no longer have to advertise developments when the adjacent land is owned by the applicant or the planning authority or when the development is for “Householder Development” (i.e. for minor alterations/extensions to an existing house). Developments are still advertised in all other circumstances.
- **Consultee notifications:** We must now consult Network Rail when an application is for development within 10m of a railway line and SEPA and SNH on all applications for specified types of development which could have implications for major hazards.
- **Review/appeal:** Decision notices must include a statement explaining how the applicant can get information on reviewing or appealing the decision.
- **DPEA Appeals:** The DPEA Appeals Reporter can now give interested parties a period of not less than 14 days to confirm whether they intend to participate in any further procedure in respect of an appeal and inform them that they may lose the opportunity to participate in any further procedure if they don’t ‘opt-in’. Where interested parties do not ‘opt-in’, their original representations will still be taken into account.
- **Local Review Body:** The period after which permission is deemed to be refused in the absence of a decision by a local review body (and at which point the applicant can appeal to the Scottish Ministers) has changed from 2 months to 3 months.



### Scottish Planning Policy (SPP)

The [Scottish Planning Policy](#) document was updated in 2014. It is an overarching policy document which sets out the Scottish Ministers’ priorities for the development and use of land, **and for that reason it is an important reference point for Community Councils**. It promotes consistency in the application of policy throughout Scotland and directly relates to both the preparation of development plans and the determination of planning applications.

### National Planning Framework 3

The [National Planning Framework \(NPF\)](#) has also been reviewed in 2014, with the publication of the third NPF in June 2014. NPF3 sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole, setting out the Government’s development priorities over the next 20-30 years.

For the most up to date position on national planning matters keep an eye on the [Scottish Government’s Planning Webpage](#).



## PLANNING PROCEDURES AND TIPS

As you will be aware, Community Councils have a very important role as a Statutory Consultee for all planning applications within their area. A number of people asked for clarification on procedures, so the following sets out how the process works:

- All Community Councils are sent a list on a weekly basis of all applications that have been submitted within the past 7 days in their area.
- The Community Council are only considered as a Statutory Consultee for any application within their area IF THEY SPECIFICALLY REQUEST A CONSULTATION. If a Community Council does not request a consultation they can still submit comments but these are treated in the same way as any other public comment and an objection would not trigger a referral to Committee.
- Within seven working days of receiving the weekly list, the Community Council must email a list of the planning application reference numbers of the applications that they wish to be consulted on. It is better to respond to the person that sends the weekly list for your area rather than individual case officers as this will prevent delays. For clarity it would be helpful if your email could be phrased “the Community Council requests to be consulted on the following applications” followed by the application reference numbers.
- You will receive an email confirmation with details of the date for response (this is set at 14 days from the email confirmation unless the proposal is subject to Environmental Impact Assessment (in which case the period for response is 28 days).
- If the Community Council cannot meet this response date, please email the case officer and request an extension to the time period for response, providing the revised date the Community Council will respond by. We will try to accommodate reasonable extensions where possible.
- Send the Community Council formal consultation response to the Council’s electronic planning centre at [epc@highland.gov.uk](mailto:epc@highland.gov.uk)

It is helpful if the consultation response could make clear the Community Council’s position on the application by using the following wording:

- a. The Community Council **object** to the application – and include the reasons.
- b. The Community Council **support** the application – and include the reasons.
- c. The Community Council wish to **comment** on the application – and include the comments.
- d. The Community Council have **no comments** on the application.

It is not necessary for the Community Council to take a stance either against or in support of an application. It is open for the Community Council to provide information on the application, highlight split opinions within the community, suggest issues which should be assessed, or highlight areas of local interest or importance. Point (c) above covers these instances. It may be the case that when the application has been looked at by the Community Council, the Community Council decides not to get involved in the application. Point (d) above covers this instance.

## What kind of comments can we make?

We value the comments that you make on behalf of your community. When making your comments, please remember that only material planning issues will be considered. These can be:

- Suitability of the site for the proposed development (e.g. contamination / flooding issues)
- Visual appearance of the proposed development and its relationship to its surroundings
- Building materials
- Height, scale, massing, design, density, and layout of development, particularly in comparison with other buildings in the locality
- Privacy, over-shadowing, over-development (overcrowding) and lack of natural light
- Environmental impact - such as pollution and contamination
- Impact on setting of listed buildings or conservation area
- Nuisances caused by the development such as noise, smell, fumes, glare from floodlights or headlights of vehicles
- Adverse safety impact, e.g. the siting of a hazardous installation such as a firework factory next to houses
- Compatibility with existing uses e.g. the mix of uses found in town centres, such as shops, offices and cafes can be mutually beneficial
- Economic benefits e.g. creation of jobs
- The needs of an area (employment, commercial, social or leisure facilities, affordable housing)
- Provision of suitable access and transportation (including road safety, parking issues, effect on pedestrians and cyclists, and amount of traffic generated)
- Adequacy of infrastructure (e.g. sewerage, drainage and water)
- Creation of an undesirable "precedent", making it difficult to resist similar proposals elsewhere (but this should not be over-emphasised)
- Planning history of the site (including decisions on previous planning applications on the same site, particularly appeal or court decisions)

## Are there any types of comments that we don't take into account?

Items which are NOT material considerations, and are therefore not relevant to the assessment of a planning application include:

- Applicant's lack of ownership of the site
- Issues covered by other legislation e.g. health and safety regulations, licensing, building control
- Loss of view/reduction in property values
- Any factor indicating that there is a lack of any reasonable prospect of the development proceeding

## WEEKLY LIST UPDATE

### IF YOUR COMMUNITY COUNCIL DOES NOT RECEIVE A WEEKLY LIST, PLEASE EMAIL

[DI-CustomerService@highland.gov.uk](mailto:DI-CustomerService@highland.gov.uk)

Every week a list of planning applications is published here:

[http://www.highland.gov.uk/info/180/planningapplications\\_warrants\\_and\\_certificates/143/planning\\_permission/6](http://www.highland.gov.uk/info/180/planningapplications_warrants_and_certificates/143/planning_permission/6) .

From this website you can view:

- Planning applications received right across the area;
- Delegated decisions;
- Scoping and screening requests; and
- Proposal of Application Notices.

### “TELLME SCOTLAND” – PUBLIC INFORMATION WEBSITE

<http://www.tellmesotland.gov.uk/>

Tellme Scotland is a portal for accessing public information notices issued by local authorities across Scotland. Here you can:

- Check and search public notices such as planning and licensing in your area;
- Roadworks and restrictions on any route that you choose;
- Search archived notices across the country; and
- Register to receive alerts by text or email on notices in your area.



## INTRODUCING...Highland's Planning Enforcement Team



During 2013, a new Planning Enforcement Team was formed within the Development and Infrastructure Service. The team consists of **David Baldwin**, **Aidan Brennan** and **Jennifer Mair**, who have been tasked with establishing new procedures; producing enforcement guidance documents; and establishing clear lines of communication with the Procurator Fiscal's office. This should allow for an enhanced, fair, transparent and constantly improving enforcement service, and a more consistent approach to enforcement across the Highland Council area.

The team are based in HQ and are also responsible for investigating the more serious enforcement cases in conjunction with the respective Area Office. Where necessary, those who refuse to comply with planning control will be pursued in a robust fashion, with the intention of reporting a greater number of breaches to the Procurator Fiscal Service.

**Reporting a Breach of Planning Control:** A new electronic form has been introduced which allows the public to report breaches of planning to us directly. This is proving successful and we would encourage anyone reporting a matter to be investigated to use the form, which can be found on the Highland Council's web site, by following this link [http://www.highland.gov.uk/info/180/planning\\_-\\_applications\\_warrants\\_and\\_certificates/170/planning\\_enforcement](http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/170/planning_enforcement)



**Effective Enforcement:** The success of the planning system in Scotland is underpinned by effective enforcement. While the Council's team is still in its early days, and there is a large area to cover, they are committed to raising the profile of this important function of the Service and work with concerned parties to resolve matters quickly and amicably and without unnecessary delay. While initial contact should still be directed to the Area Office, the HQ team are happy to provide specialist advice and guidance, or respond to general enquiries about the enforcement process or legislation.

**Contact:** [david.baldwin@highland.gov.uk](mailto:david.baldwin@highland.gov.uk)  
[aidan.brennan@highland.gov.uk](mailto:aidan.brennan@highland.gov.uk) or [jennifer.mair@highland.gov.uk](mailto:jennifer.mair@highland.gov.uk)