

# Planning Matters for CCCs

*A document to help  
Community Councils  
understand their role in  
Planning and Development  
matters in Highland.*



# Contents

	Page
1. The Planning System in Scotland	1
2. Change in Local Communities	5
3. Development Control Process	8
4. Who's Involved - Roles and Responsibilities	15
5. The Wider Picture - The Development Planning Process	20
6. Frequently Asked Questions	29
7. Useful Resources for Planning	32
8. Glossary of Planning Terms	33



# 1

# The Planning System in Scotland

## Introduction

Planning can raise difficult questions for Community Councils.

The Highland Council recognises that planning matters for Community Councils. Planning, particularly development control, is a complex process that is overseen by various bodies and statutory organisations in Scotland. The Highland Council's Renewing Democracy and Community Planning Select Committee wants to update the existing advice provided to Community Councils by the Planning and Development Service. This advice should cover not only the statutory role of community councils as consultees in the development control system, but also the Development Plan process in general.

Planning can raise difficult questions for Community Councils. The Renewing Democracy and Community Planning Select Committee agreed that the guidance and training currently provided by the Area Planning and Development staff should be broadened and expanded. It should explain Community Councils' role in the development plan process. It should also improve the consistency of advice across the Highlands as a whole, and include a code of conduct for Community Councils when dealing with planning matters.

To do this, the Committee has commissioned the development of the following materials:

- This Information Pack – Planning Matters for CCs – for community council use and reference
- An Induction Pack for new community council members (which is a summary of the above)
- A slide presentation and other materials for the delivery of associated training by The Highland Council Planning and Development staff

External consultants, Glenaffric Ltd, were asked to develop the materials. The consultants worked closely with a Steering Group that was established by the Committee to oversee the project and to comment on the materials while they were in

development. The Steering Group included representatives from Community Councils in The Highland Council area.

Many existing sources of information on the planning and development control processes have been considered and reviewed. We hope that the Information Pack and other materials will be useful and relevant to Community Councils in Highland. The Pack is designed to be used as a reference document. While some people may want to read it from cover to cover, it is also a source of information that Community Councils can dip into and refer to when they are dealing with planning matters.

### What is planning?

Planning is the process by which decisions are made about development in an area. The decisions are made with regard to the social, economic and environmental needs of the area as well as its local community, both for now and in the future. Community councils have a statutory right to be involved in development control and are encouraged by the planning authority – The Highland Council – to become actively involved in other aspects of the planning process.

Planning is variously referred to as town planning, land use planning, physical planning and environmental planning. Essentially planning is about creating better places for the future and not simply about trying to prevent poor quality development. The main statute underpinning the planning process is the Town and Country Planning (Scotland) Act 1997.

The purpose of the planning system is to guide change through an efficient and effective process that respects the rights of the individual while acting in the interest of the wider community. Its primary objectives are to:

- set the land use framework for promoting sustainable economic development

Essentially planning is about creating better places for the future and not simply about trying to prevent poor quality development.

- encourage and support regeneration
- maintain and enhance the quality of the natural heritage and built environment

An important principle of the planning system is that it is considered at all levels - national, regional and local.

An important principle of the planning system is that it is considered at all levels – national, regional and local. This is achieved through a complex process that has a specific focus at each level. At national level, the Scottish Parliament and the Scottish Executive determine planning principles, decisions on key major facilities, conservation and developmental priorities. This is done by providing policy guidance and advice, maintaining and developing the legislative framework and taking decisions on structure plans.

At regional and local levels, the local authority, through its committees and community councils, encourages regeneration and redevelopment while ensuring that adequate land is available. Communities are actively encouraged to express their views and aspirations for local development. The local authority prepares development plans, decides on most applications for planning consent and takes action against development that has been carried out without approval.

### Development Planning and Development Control

The development planning process is essentially in two parts. The first is the actual Development Plan for an area. The second is the mechanism by which that plan is enforced, which is normally referred to as development control.

The purpose of the statutory Development Plan is to guide the future development of an area. It consists of the Structure Plan and the Local Plan. To be effective the plan must contain relevant and realistic policies that are possible to implement. It should contain a positive and sustainable vision of the future for the area based on a thorough understanding of how the area functions, the challenges it is expected to face and community requirements and priorities. Policies should cover key land use issues including housing, transport,

employment, retailing, recreation, conservation and environmental protection. The aim of the Development Plan is to provide a land use framework within which investment and development can take place with confidence. Large planning authorities have multiple Local Plans usually relating to particular geographical areas.

Development control is the process through which decisions are made on applications for planning permission. In addition to determining planning applications development control includes:

- giving advice to the public
- having pre-application discussions with applicants and agents
- processing related applications, for example listed building, conservation area and hazardous substance consents
- monitoring implementation of approved applications and, where appropriate, enforcement
- dealing with appeals

Community councils need to be familiar with both the Structure Plan and the Local Plan for their area. In particular, the Local Plan will have a section about their community and the plans for land use over the next 10 years although the Local Plan will be reviewed after 5 years.

Community Councils need to be familiar with both the Structure Plan and the Local Plan for their area.

# 2

## Change in Local Communities

### Local views about development

Getting involved in the planning process is something that most people would probably like to avoid. However, as we increasingly want to improve or build our own homes, so we come into contact with planning permission and other elements of the process. Occasionally we become involved in community activities such as the building of a new school or through membership of the community council (CC). In such circumstances we see another side or aspect of the planning process.

Unfortunately research has shown that these experiences may make the public more critical or otherwise apathetic towards consultation about planning matters. Yet most people have a view about developments in their local community – the difficulty lies in getting a balance between a gut resistance to development and keeping a community alive and thriving.

### Community Councils and the planning process

Community Councils have a statutory right to be consulted on planning applications.

Under the Local Government (Scotland) Act 1994 CCs have a statutory right to be consulted on planning applications. The CC has no formal powers. Their function in relation to planning applications is to find out, co-ordinate and express the views of the local community to the planning authority and other public bodies. They may take any lawful action they see fit in pursuit of the residents' interests.

Some CCs find this an onerous responsibility as contentious issues may arise and community meetings can become personal and heated. However, there are ways in which CCs can take an active role in the planning process without things getting out of order. The following is an outline strategy to help a CC decide the nature and extent of its involvement in planning.

Action	Options and points to consider
Decide what will be the CC's involvement in planning matters	<ul style="list-style-type: none"> <li>● Look at applications that are of community interest</li> <li>● Only look at development of the Local Plan</li> <li>● Take no part in planning matters</li> </ul>
Decide who in the CC will look at planning matters	<ul style="list-style-type: none"> <li>● The whole committee</li> <li>● A planning sub-group</li> <li>● An individual who will co-ordinate the CC's views</li> <li>● No one – the CC decides against involvement in planning matters</li> </ul>
Decide who the CC point of contact for The Highland Council will be	Someone needs to be identified for The Highland Council to receive Weekly Lists and other planning documents – this could be the CC chair, secretary or planning sub-group chair
Decide how the CC will address the planning process timescales	Decisions on planning applications have a strict timescale – CCs are unlikely to meet as frequently as this requires so provision needs to be made to respond quickly to planning matters of interest
Write a formal note of the above decisions and decide when the CC planning policy will be reviewed	It is important to have a record of the CC planning policy – this can either be a separate document or recorded in the minutes of the CC meeting
Identify the relevant planning officer in The Highland Council	Each area has a named development control case officer and a Development Plan liaison officer – the CC may want to meet with these officers to establish an effective working relationship
Ensure CC members have copies of the Planning Matters Information sheet and the CC Code of Conduct	CC members involved in planning need to be aware of the planning process and their role and responsibilities in relation to planning



## The role of the Community Council

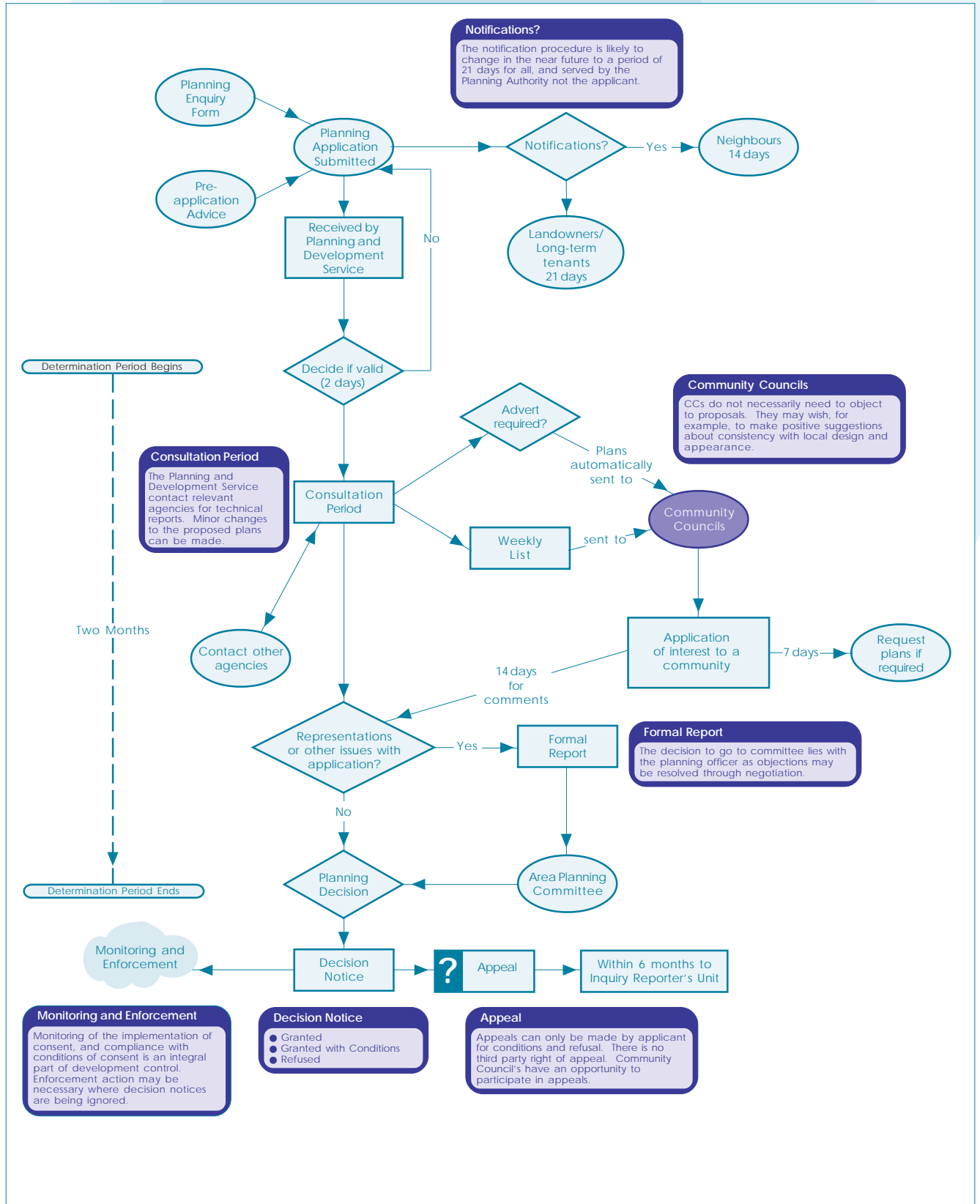
The role of a Community Council is to find out, gather and present the views of the community.

Where planning matters are concerned, whether they be planning applications or a new Local Plan, the role of a CC is to find out, gather and present the views of the community. Opinion may well be divided, especially if it is a response to the Local Plan. The CC is charged with presenting these views in a balanced and coherent fashion. The CC does not have to decide which view they support nor are they required to approve or oppose developments.

# Development Control Process

# 3

This diagram illustrates the development control process including the timescale.



Community Councils are notified about all planning applications in their area through the Weekly List.

When an application for planning permission is made, development control is the process by which the application is decided. Community councils are notified about all planning applications in their area through the Weekly List. If they decide that there is an application of community interest they then have 7 working days to request the plans. Some applications require advertising for various reasons including being a departure from the Development Plan, they involve a listed building or are in a Conservation area. When an application is advertised the plans are automatically sent to the CC.

Whether or not the plans are requested, the CC has 14 working days to comment. However, the 14 day period is the minimum and the CC can request an extension in special cases such as those developments that are complex or controversial.

There are different types of planning application that will be notified to CCs, for example:

- Householder Applications – modifications to an existing dwelling
- Applications for Outline Planning Permission – to establish the principle of a development without the expense of detailed plans
- Applications for Planning Permission – full details of a proposal including buildings, roadways, landscaping etc
- Listed Building Consent – required for alterations to any building or structure which is considered to be of special architectural or historic interest and is listed by the Scottish Ministers
- Conservation Area Consent – required for alterations in an area that is considered by the Planning Authority to be of architectural or historical interest

PAN 47 – Community Councils and Planning – recommends that:

*"Community Councils are advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind."*

Approximately one quarter of applications detailed in the Weekly List will be householder applications. This is where a homeowner seeks planning permission to either modify or improve their dwelling. The local planning officer will be aware of key factors such as the requirements of the Local Plan and, for example, potential flood problems. A CC may feel that neighbours' objections indicate community interest. However, this may not be a sufficiently broad view where the role of CCs in planning matters is concerned and CCs are advised to focus on the issues that are relevant to the community as a whole. Neighbours should be encouraged to make any objections directly to the Planning Authority and advise the CC of their actions.

For the most part it is substantial applications such as those for a number of houses, retail outlets and infrastructure, or applications that are contrary to the local plan, that will be of community interest.

### Permitted developments

Not all development requires planning permission but individuals are strongly advised to contact their local planning officer for advice regarding any proposed development. Examples of permitted developments are:

- Most household garages
- Velux rooflights
- Porches
- Developments under certain sizes or heights
- Statutory works at harbours, airports, etc
- Fences, walls, road accesses
- Agricultural works

- Roof alterations
- Minor alterations – windows, doors, exterior painting, walls, gates and fences
- Domestic heating fuel tanks and satellite dishes
- Farm developments such as outbuildings

A series of guidance leaflets is also available from The Highland Council Planning and Development Service covering the most common types of planning enquiry. CCs may wish to keep a full set of these leaflets as part of their planning resources.

## Consultation and representation

If a Community Council decides it wishes to view a particular application in detail, a request is made to the Planning and Development Service.

When considering planning applications CCs are advised to use the following checklist and guidance notes, bearing in mind that the planning officers will check the development against the relevant plans and policy notes:

- What is the nature of the community interest? Size, location, design, environmental impact, infrastructure, Local Plan issues
- Are these issues material to the proposal? For example do they relate specifically to the development or use of land and not to personal interests
- Is the CC aware of any neighbour representations – comments or objections? CCs should avoid being caught in neighbour disputes and only look at the planning issues
- Is there anything that the CC could propose by way of compromise? Different aspect, modify design, retain or plant hedgerow/trees etc

If a CC decides it wishes to view a particular application in detail, a request is made to the Planning and Development Service. Once the CC has discussed an application the Planning and Development Service should be informed of the outcome of the CC's discussion even if it is that the CC has decided to take no further interest.

## Planning Committee

Following the consultation period, the case planning officer will examine all of the evidence including background reports and representations from individuals and CCs. If there are issues that can be resolved through discussion with the applicant or their agent then this course will be pursued in the first instance. However, if there are objections or other matters outwith the devolved authority of the Planning and Development Service, the application will be referred as a comprehensive report from the Area Planning and Building Control Manager to the Area Planning Committee. Reports normally have the following sections:

- Summary – brief synopsis of the report with its recommendation
- Proposal – description of the proposal and who is applying
- Site Details and Background – location of proposal and relevant local information
- Public Participation – indication and details of any representations received
- Applicant’s Statement – testimony in support of the proposal
- Policy – relevant Highland Council and other policy documents
- Planning Appraisal – discussion of relevant issues
- Recommendation – suggested decision by Planning and Development Service with justification
- Site Plan – simple location diagram

The agenda and reports for a forthcoming Area Planning meeting, and the minutes of previous meetings, are available on The Highland Council website at:

**<http://www.highland.gov.uk/minutes/default.htm>**

In some cases the Area Planning Committee may decide that a Site Visit is necessary to appreciate the application in its location. A Site Visit may take

The agenda and reports for a forthcoming Area Planning meeting, and the minutes of previous meetings are available on The Highland Council website.

place on its own or it may be part of a Site Meeting or a Hearing. At a Site Visit the elected members will simply view the site with guidance from the planning officer. They will not take representations from any other party during the Site Visit. The Area Planning Committee will then consider the matter under the normal committee procedures – this may be done at or near the site (for example, in a local hall) if the Committee has decided on a Site Meeting or as part of the next scheduled Planning Committee Meeting.

## Hearings

Planning applications that are departures from the Local Plan are subject to a special procedure called a hearing. The Area Planning Committee may also decide that any application would benefit from this procedure which formally gives applicants, objectors and CCs an opportunity to make their representations. CCs are encouraged to participate in the Hearings Procedure and are allotted five minutes to present their views. A hearing may also include a visit to the site of the application. The procedure allows each side to be heard and be asked questions by the committee. At the end of the procedure the committee will decide how they wish to determine the application.

## CCs and Planning Meetings

To appreciate the development planning process, representatives from a CC may wish to attend an Area Planning Committee meeting to observe proceedings. Everyone has a right to attend these meetings but may only speak at them if invited to do so by the person chairing the meeting.

## Decisions and Feedback

To speed up decisions and to allow elected members to focus on applications raising major policy issues or matters of general public concern, decision-making responsibilities for applications that are consistent with the Development Plan or which raise no objections are delegated to the Planning and Development Service. The decision of either the Planning and Development Service or the Area Planning Committee will be conveyed to the applicant as a Decision Notice. If the applicant is unhappy with a decision that is either a refusal or granted with conditions, an appeal can be made. This must be made within six months of the decision and is made to the Scottish Executive Inquiry Reporter's Unit. CCs have an opportunity to participate in appeals if they wish. At present there is no third party right of appeal within the planning process. For example if a community was unhappy with a planning decision, they would have to take the matter to court through the legal system.

The decision of either the Planning and Development Service or the Area Planning Committee will be conveyed to the applicant as a Decision Notice.



# 4

## Who's Involved

### - Roles & Responsibilities

#### The Scottish Executive and the Planning Authority

The Scottish Ministers are keen to support and encourage the provision of a high quality planning service through the Executive and the local planning authority. This requires clear and transparent procedures, efficient working practices and ensuring that development maintains and enhances the quality of urban and rural areas. Currently, the Minister for Social Justice is responsible for planning matters in Scotland.

The Scottish Executive department responsible for planning is the Scottish Executive Development Department (SEDD). It administers a wide range of government responsibilities, including social justice, housing, roads and transport as well as land use planning and building control. SEDD also advises Scottish Ministers on national planning guidance and advice, local authority structure plans and on development proposals of national importance. This department also deals with planning appeals.

The development industry, local communities and individuals have a right to a high quality service that is fair, open, transparent and efficient. The Scottish Executive have set out a number of features that they expect a quality planning service to exhibit:

- Openness and Accountability – being able to demonstrate clearly how the views of local people and local interests have been heard and taken into account in policies and decisions
- Working Together – this involves councils working with business interests, heritage and community groups and others in modernising the planning system to ensure that it is efficient, effective and fair
- Implementation – planning authorities have a dual role in the implementation of objectives and specific projects: an enabling role which involves working to deliver change and a direct action role which is a result of the

The Scottish Ministers are keen to support and encourage the provision of a high quality planning service through The Scottish Executive and the local planning authority.

discretionary powers available in the Planning Acts

- Community Planning – the process through which greater collective engagement of the public sector with communities can be achieved
- Best Value – a process through which councils work for continuous improvement in service delivery. The aim is to ensure that the cost and quality of services are of a level that is acceptable to the service users
- Information and Communication Technology – exploring cost-effective ways to use ICT both internally and to provide direct customer service
- Human Rights – the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community
- Ombudsman – an impartial independent complaints system for those who remain dissatisfied with any public service
- Performance Targets – based on the statutory duty for planning applications to be determined in two months from the receipt of a valid planning application although this period can be extended with the agreement of the applicant

## Planning Officers

The majority of professional planners work in the statutory planning system, for local councils, the Scottish Executive or as planning consultants advising clients. They are usually members of the Royal Town Planning Institute and an essential condition of membership is adherence to the Institute's Code of Conduct. This requires professional planners to provide objective advice at all times.

Planning officers are responsible to their local authority. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction of the council and its committees. Planning officers are there to help the

council's customers – applicants, CCs and the public. CCs are encouraged to contact the case planning officer to seek advice, factual input or further information on an application in order to help the CC reach a decision.

In The Highland Council each area has an Area Planning and Building Control manager with a team of planning officers. Each planning officer is usually responsible for a specific geographical portion of the Area. There is also a team of officers at The Highland Council's Head Quarters who develop and implement planning policy.

### Highland Council Members

The Highland Council has a code of conduct for its councillors when dealing with planning applications.

The Standards Commission for Scotland published a statutory code for councillors which came into effect in September 2002. The Code applies to all members of local authorities in Scotland and sets out both general and specific principles of conduct and responsibility to be followed when dealing with council business. All Highland councillors serve on their Area Planning Committee and some also sit on the Council-wide Planning, Development, Europe and Tourism Committee. While councillors bring with them special knowledge of their own ward, their primary duty is to apply planning law and policies fairly to each case. In addition, The Highland Council has a code of conduct for its councillors when dealing with planning applications. A copy of the code is included with this pack. A revised version is in preparation.

### Community Councils

The statutory basis for CCs in Scotland is the Local Government (Scotland) Act 1973. CCs are essentially voluntary bodies established within a statutory framework. In November 2001 The Highland Council launched a Concordat detailing the working relationship and examples of good practice between itself and CCs. At present there is no formal code of conduct for CCs but the following is suggested as an acceptable standard for community council activities in general, and specifically for its members regarding planning.

### The Community Council should:

- positively support the local authority and try to establish close, constructive relationships with it, the local member and other organisations active in the area
- actively seek the views, opinions and aspirations of the full cross-section of the community and be able to demonstrate that steps have been taken to consult the local community where appropriate
- consider how best to determine and represent the views of the community it serves
- ensure that its work is visible and accessible to the community
- hold regular public meetings and encourage community attendance and participation
- encourage contested community council elections
- express its views on proposed plans for the community including positive support for acceptable schemes as well as criticism for those opposed by the community, suggesting changes where appropriate

### Community Council members should:

- avoid taking part in discussions with applicants for planning permission except where they are part of a structured arrangement with planning officials
- minimise social contact with known developers when they are known to be contemplating development
- avoid giving any commitment to applicants or objectors to support or oppose an application
- declare any private or personal interest in a planning application and withdraw from the meeting while the matter is discussed

Community Councils are essentially voluntary bodies established within a statutory framework.

## Individuals and Developers

Applications for planning permission are generally from individuals, through agents or from businesses. CC members who have applied for planning permission should alert the other members and withdraw from any discussion. Approaches from developers to CCs should be handled cautiously but not discouraged, provided the CC makes clear that the purpose of any meeting is solely for information and to allow questions from the community. If the CC is in any doubt they should ask the Planning and Development Service for guidance before entering into discussions with a developer.

## When things go wrong

It is unlikely that a Community Council will get into a difficult situation with planning if they follow the guidance given.

It is unlikely that a CC will get into a difficult situation with planning if they follow the guidance given. When in doubt the CC should ask for support from the Planning and Development Service. Sometimes it can be frustrating when a community opposes an application for what seemed to be sound reasons but it is still approved. Since there is no third party right of appeal the CC cannot appeal against the decision made. However, applicants aggrieved by the decision of the planning authority to either refuse planning permission or to grant planning permission subject to conditions, have a right of appeal to the Scottish Ministers within 6 months of the issue of the Decision Notice.

Applicants can also appeal if the planning authority has failed to make a decision on a planning application within the required period (normally 2 months). Although there is some leeway with this determination period through negotiation with the applicant by the planning authority, it is important that CCs are timeous in their approach to planning applications.

Responsibility for determining most appeals is delegated to the Scottish Executive Inquiry Reporters Unit (SEIRU). The majority of appeals handled by SEIRU are dealt with by written submissions and a site inspection, the rest through a Public Local Inquiry or hearing. In a few cases the Scottish Ministers make the final decision. CCs have the opportunity to participate in appeals and would be notified accordingly.

# The Wider Picture

- the Development Planning Process

# 5

## The Development Plan

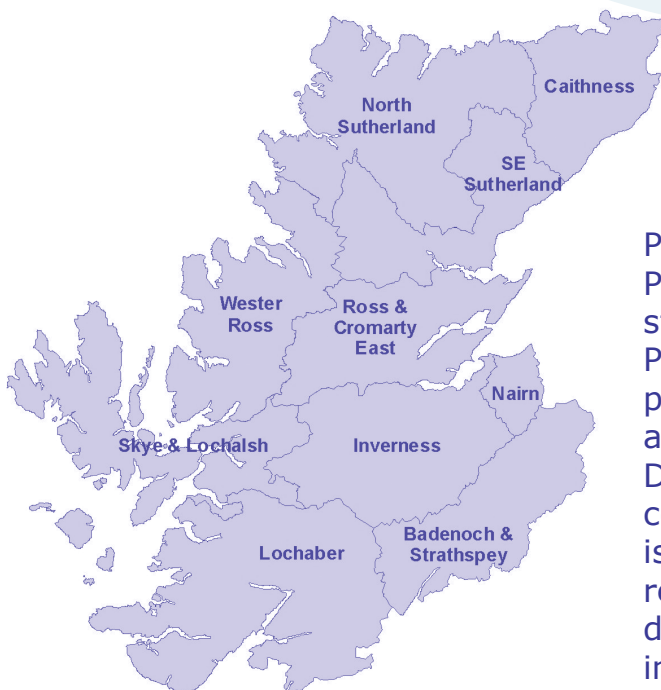
The Structure Plan and the various Local Plans together make up the statutory Development Plan for the Highlands. Preparation of these plans is a statutory requirement under Part II of the Town and Country Planning (Scotland) Act 1997. These set out The Highland Council's policies and proposals spanning the next 5 - 20 years. The Structure Plan paints the broad picture on the future pattern of housing, jobs, transport, services and the environment. Local Plans are much more specific. They tackle the problems and opportunities associated with individual communities and show exactly where The Highland Council's policies apply.

The Structure Plan and the various Local Plans together make up the statutory Development Plan for the Highlands.

The Highland Council publishes the current status of its Development Plan in the Development Plan Register. This document is available for inspection, free of charge, during normal office hours at all Highland Council Planning & Development Offices and local Service Points. The document can also be visited on the Internet at:

<http://www.highland.gov.uk/plintra/complan/lplans/devplanreg.htm>

The Highland Council Local Plan areas are:



Planning legislation and National Planning Policy Guidelines have strengthened the role of Development Plans in recent years. Decisions on planning applications should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. This is intended to give greater certainty to residents, community groups, developers, business investors and infrastructure providers.



## Structure Plan

The Structure Plan is essentially a vision of how the Highlands should develop in very broad terms over a period of 10 years and beyond.

The Structure Plan is essentially a vision of how the Highlands should develop in very broad terms over a period of 10 years and beyond. It sets out the strategic framework for the use of land and shows the scale and direction of development required to meet the needs of the region for jobs, houses and services in a manner that safeguards and enhances the environment. It incorporates changing circumstances and should reflect the current and future interests of the community.

The purpose of the Structure Plan is to provide:

- an indication of how international and national obligations affect the area
- an overall long term development strategy
- a complementary strategic approach to safeguarding and enhancing the environment
- policies and proposals that provide a sound basis for determining planning applications
- guidance for the preparation of Local Plans which show specific allocations of land

## Structure Plan contents

A number of documents which can be inspected by anyone, are generated by the structure planning process. These are:

- Report of Survey – details the information collected, its analysis and discussion of the issues
- Consultation Report – details consultation activities and findings
- Written Statement – sets out the full plan taking into account the consultation findings
- Key Diagram – plan showing the general location of key policies and proposals, the scale of development, priority locations and areas for restraint such as natural heritage areas

## Preparation of the Structure Plan

The first step is to identify the key issues which need to be addressed. This requires a good knowledge and understanding of how and why the Highlands are changing and what the future might bring. It requires the collection and analysis of a wide range of information such as population, employment, housing, transport and the environment. Key concerns and aspirations are also identified by inviting the views of the public, the private sector and other public agencies.

The Highland Council Planning and Development Service, with the assistance of key partners, prepares a draft plan. This takes the form of a broad strategy for the future of the area which addresses the issues, together with a set of policies and proposals to achieve the strategy. The plan is accompanied by the Report of Survey containing the information collected, its analysis and a discussion of the issues. Copies of the draft plan are made widely available in Highland Council offices and service points, libraries and in some rural post offices. Anyone can make comment on the draft and all members of the public are actively encouraged to do so.

The Highland Council considers all the comments made and submits a revised plan as the Written Statement with the Report of Survey, a Consultative Report and the Key Diagram to the Scottish Ministers for approval. Again the plan is made widely available. Any representations by the public and others are made to, and considered by, the Ministers.

Finally, the Scottish Ministers consider all relevant factors, including objections and representations. If the Ministers think it is necessary to obtain further information and advice before reaching a decision, an Examination in Public (EiP) may be held. The Ministers will either approve the plan in whole, in part, or propose modifications or reservations on particular aspects. If modifications are proposed,

Key concerns and aspirations are also identified by inviting the views of the public, the private sector and other public agencies.

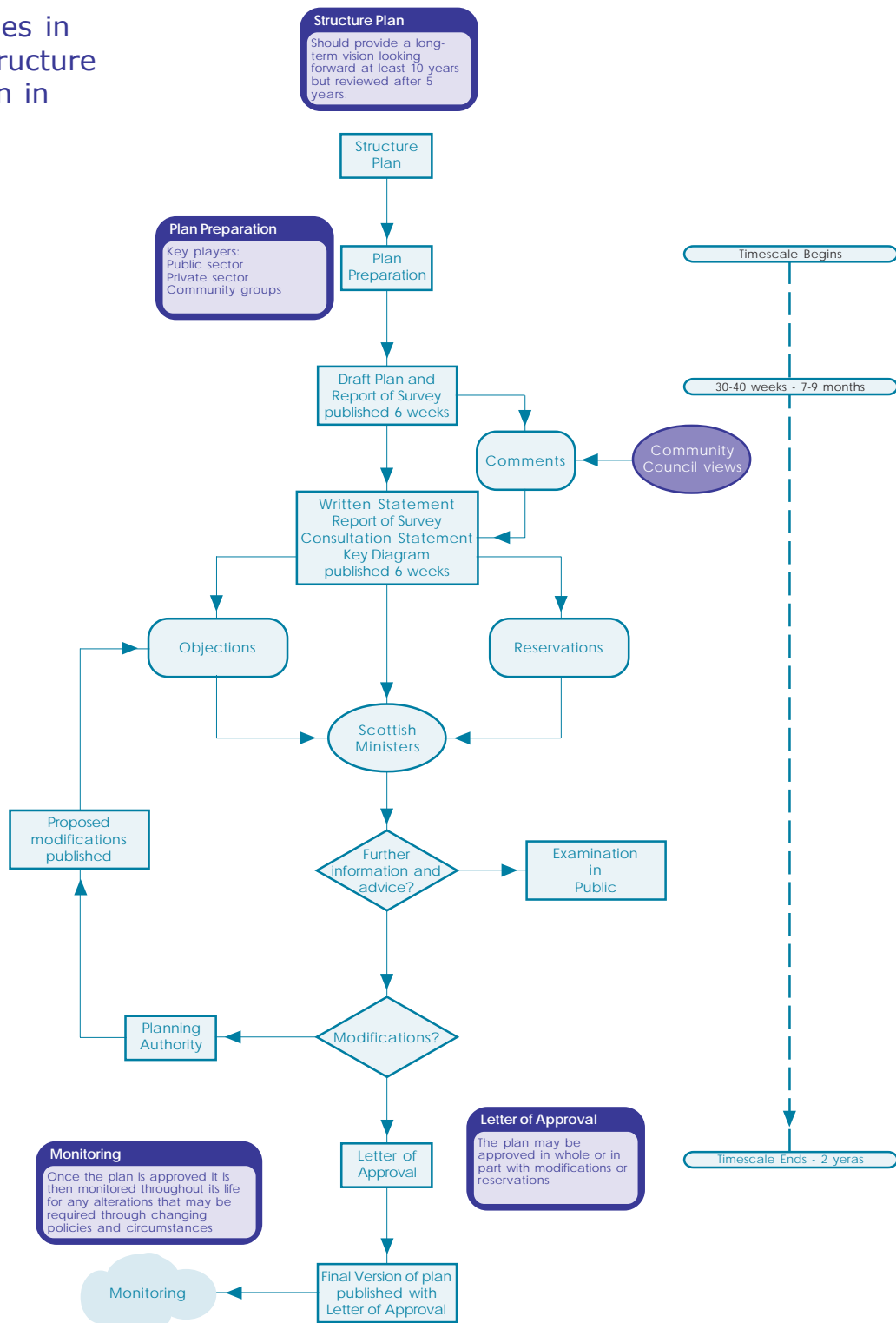


these are then brought to the attention of The Highland Council and other interested parties. They are also advertised to invite representations or objections from the public.

Once any representations to the modifications have been considered, the Ministers will issue a final decision on the plan. The Highland Council then arranges for the plan to be reproduced incorporating any necessary changes.

Appeals, which must be on legal grounds, are made to the Court of Session.

The main stages in preparing a Structure Plan are shown in this diagram.



## Local Plan

The Structure Plan paints the broad picture on the future pattern of housing, jobs, transport, services and the environment. Local plans are much more specific. They tackle the problems and opportunities associated with individual communities and show exactly where The Highland Council's policies apply.

The purpose of a Local Plan is to:

- guide decisions made on planning applications to ensure that new developments are right for their location
- help plan for the integrated development needs of an area such as new homes, factories, shops and schools
- provide a consistent framework within which both private and public sector investment decisions can be taken
- protect important natural and built heritage features
- allow local people to become involved in the planning process

Local Plans tackle the problems and opportunities associated with individual communities and show exactly where The Highland Council's policies apply.

## Local Plan contents

A Local Plan consists of a Written Statement and a Proposals Map. It covers a wide range of topics including:

- population and housing
- industry and employment
- transport and utilities
- shopping and commerce
- community and recreation facilities
- heritage and environmental matters

The Written Statement contains policies, which guide or control development, and proposals to promote development. It also contains site allocations – land allocated for different purposes, environmental safeguards, the phasing of proposals and the means of implementation. The Proposals Map shows where the policies and proposals apply.

In addition to indicating The Highland Council's own spending priorities, a Local Plan may include proposals identified by other agencies and bodies expected to happen within the period of the plan. However, any dates and costs shown against proposals are liable to change as programmes and the availability of resources are reviewed annually.

## Preparation of Local Plans

Local Plans must be topical and relevant.

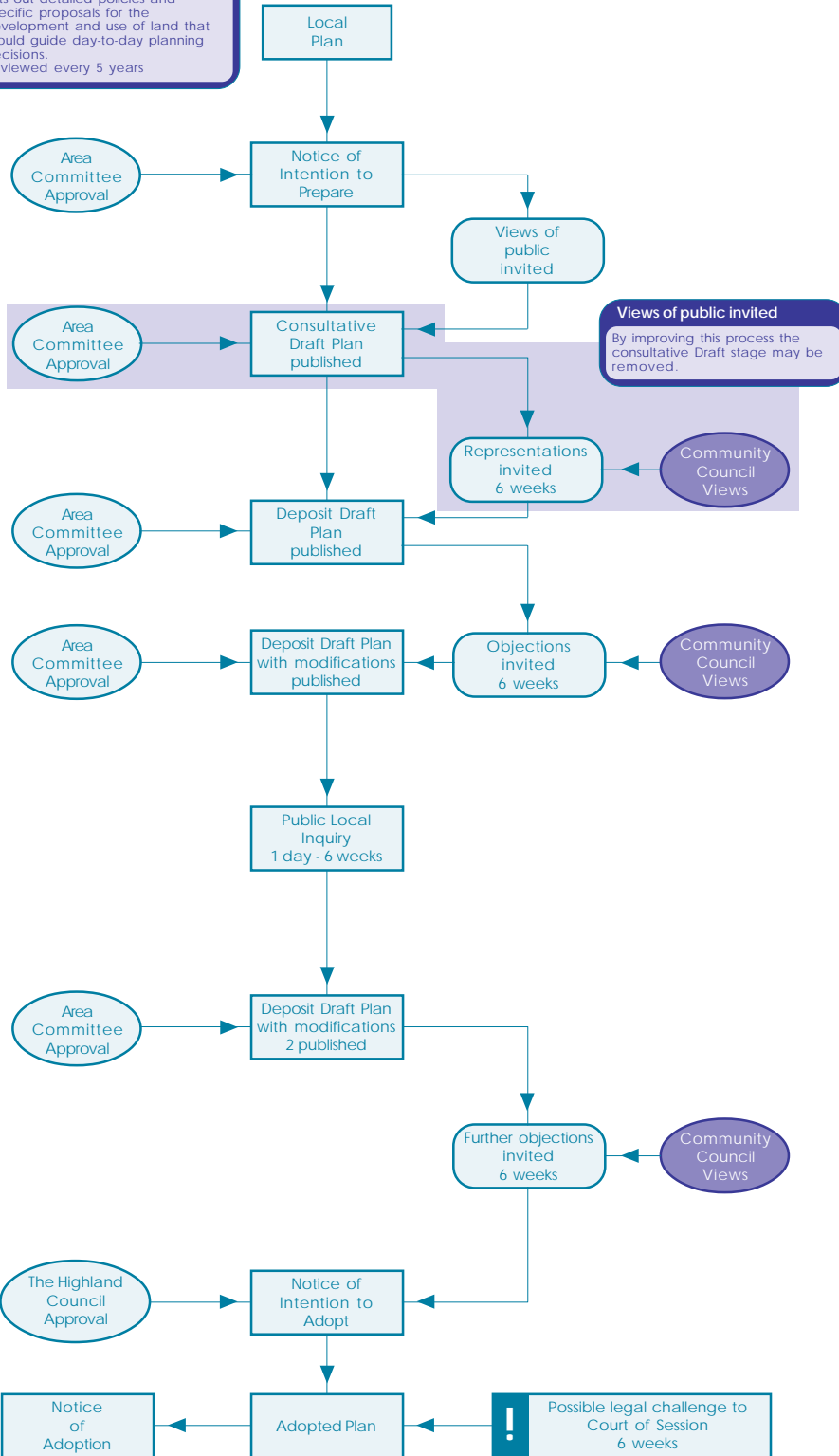
Local Plan preparation must follow a rigorous set of procedures laid down by the Scottish Parliament. Before a plan can become Highland Council policy, it must go through several stages of preparation, taking full account of the views of the public, local business people, statutory bodies and other organisations including CCs. Each stage in the process is advertised in the local press and copies of the plan deposited in the local planning office, Service Point, library and post office. Local Plans must be topical and relevant. The preparation of a Local Plan takes about three years from start to adoption. The Highland Council's target is to ensure that they are reviewed on a 5 yearly cycle.

When objections cannot be resolved, The Highland Council will hold a Public Local Inquiry (PLI). This is presided over by an independent Reporter who will advise The Highland Council what changes, if any, s/he thinks should be made to the plan. The Highland Council will then decide if the plan should be modified. Only when the plan has been through these procedures can it be formally adopted as Highland Council policy.

The main stages in preparing a Local Plan are shown in the diagram on the next page.

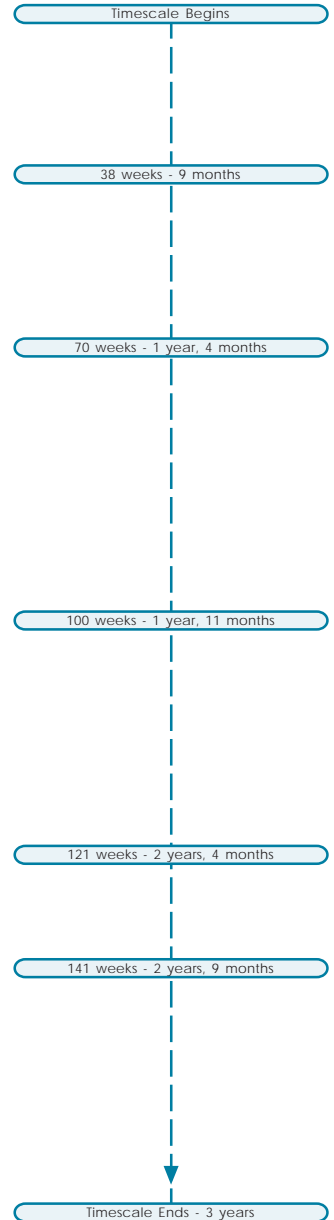
**Local Plan**

Sets out detailed policies and specific proposals for the development and use of land that should guide day-to-day planning decisions. Reviewed every 5 years



**Timescale Begins**

Timescales vary depending on the level of complexity and controversy. They can be less than 3 years or may take 5 years.



**Monitoring and Enforcement**

Once the plan is approved it is then monitored throughout its life for any alterations that may be required through changing policies and circumstances.

Community planning is a new initiative in Scotland. It brings together all the key public agencies, together with the private and voluntary sectors.

Community planning is a new initiative in Scotland. It brings together all the key public agencies, together with the private and voluntary sectors. Its aim is to agree a vision of the future, a range of common objectives for the area and ways of achieving them more efficiently and effectively by working together.

The Highland Council was one of five authorities chosen to prepare the first Community Plans. In time it is likely that the development of Community Plans and Local Plans will have some common processes to facilitate better integration of service delivery.

As the democratic body responsible for the area, The Highland Council was charged with drawing together the Community Plan. It does so on behalf of a partnership, the Wellbeing Alliance, whose members are:

- The Highland Council
- Highlands and Islands Enterprise
- NHS Highland
- Northern Constabulary
- Communities Scotland
- Scottish Natural Heritage
- Highland Voluntary Sector Forum

The draft plan was published in April 1999 as a discussion document and following a comprehensive consultation process, The Highland Community Plan was published in December 2000. There are five perspectives in the plan:

- Prosperous communities
- Learning communities
- Capable, confident communities
- Healthy, safe communities
- Communities rich in their heritage

Copies of the Highland Community Plan are available from the Policy Unit at The Highland Council.

## Other local policies

The following policy documents are available from The Highland Council and from the Internet at:

**<http://www.highland.gov.uk/cx/policies>**

- Community Council Concordat
- Community Plan for Highland
- Community Safety Strategy
- Highland Cycling Strategy
- Highland Structure Plan
- Local Housing Strategy
- Local Transport Strategy
- Road Guidelines for New Developments
- Service Plans
- Voluntary Sector Policy
- Working With Communities Consultation Strategy
- Youth Strategy 2002-2005

# 6

## Frequently Asked Questions

- **Why is the CC involved in planning?**

PAN 47 – Community Councils and Planning – details the role of CCs in the planning process. As one of the decentralisation of government measures announced during the passage of the Local Government (Scotland) Act 1994, CCs were given the statutory right to be consulted on applications for planning permission.

- **What is the Local Plan?**

A Local Plan sets out detailed policies and specific proposals for the development and use of land that should guide day-to-day planning decisions. They must identify effective opportunities for development and encourage investment in an area.

- **How can a CC be sure that its views are representative of the local community?**

There are a number of actions a CC might consider in order to be reasonably representative of its community. Some people may choose to remain silent and not declare their views – what is important is that there are different ways for many voices to be heard. The CC should have decided what its strategy regarding planning applications will be. This will enable them to target responses about specific developments from particular areas most affected by a proposed development. It is also helpful if information is available in different:

- ways – public meetings, particular groups – lunch clubs, social groups, parents evenings
- places – local post office, shop, hotel, library, surgery, Highland Council Service Point, school, church hall
- formats – posters, newsletters, web pages

- **What is the difference between a site meeting and a site hearing?**

A site meeting is when the members of an Area Planning Committee visit the location of a proposed development to gain a better understanding of the application. A site hearing is a specific procedure for a departure from the Development Plan.

- **Why should my CC get involved in the consultation on the Local Plan?**

Community councils' local knowledge and their responsibility in commenting on planning applications make them key stakeholders in local planning policy. They can also provide helpful contacts, local expertise, and a focus for discussion of local issues. The Local Plan is an important document for communities as it sets out the framework for determining planning applications in the future.

- **Someone on the CC wants to build a house, what should the CC do?**

The community council will note the CC member's interest if the application is discussed by the CC. The CC member will declare their interest in the application and withdraw from any CC discussion.

- **Two members of the CC have very different views about a proposed development and the CC is divided. What should the CC Chair do?**

Note the two opposing views and summarise them in the CC letter to the Planning and Development Service. The CC does not have to make a decision in support of one particular view, it simply has to collect and collate the views. It may also be that one or both members wish to write to the Planning and Development Service as individuals.

- **What should a CC do if they have concerns about the actions of their local councillor(s) - for example, if they feel that the CC's views on a planning issue have been misrepresented?**

In the first instance the CC should try to discuss the situation with the councillor(s) but if that is not possible the CC should contact the relevant planning officer to convey their concerns.

- **An application for a new house has red bricks and a Marley tile roof. Other adjacent houses in the area have white harling walls and slate roofs. Can the CC do anything?**

The CC should write to the Planning and Development Service highlighting the local appearance in the area and their desire for a more traditional design in keeping with the neighbouring dwellings. The Planning and Development Service will have undoubtedly noted the style and appearance of the proposed building, and may have contacted the applicant to review the matter.



- **A developer has approached a CC and offered to upgrade the children's play area if their supermarket development is supported by the CC. Should the CC accept?**

This may be a planning gain but the CC would be wise to contact the case planning officer and discuss it with them. The CC should not enter in to any agreement with a developer.

- **A new house has been built in the community but the CC is not aware of any planning application. What should the CC do about this possible non-compliance?**

Check with the Planning and Development Service.

- **A developer has requested a pre-proposal meeting with the CC. What is this and what should the CC do?**

This can be a useful opportunity for a developer to explain their proposal particularly if it is complex. The CC should consider organising a public meeting for information sharing with opportunities for questions. It may be helpful to invite someone from the Planning and Development Service and the local member.

- **A developer wants to mount an exhibition on a proposed development in the village hall. What should the CC do?**

Sometimes organisations are reluctant to participate in open meetings and propose exhibitions to explain their development to the community. However, the CC should try to convince the organisation of the value of having a public meeting allowing questions from the floor so the community has an opportunity to air its views. It may be helpful to invite someone from the Planning and Development Service and the local member.

- **A wind farm is proposed near two different communities that are broadly in favour of renewable energy developments. What can the communities do to ensure there is some direct benefit to them?**

This may be an opportunity for a community benefit – funding donated by a developer, for the benefit of communities affected by development, where this will have a long-term impact on the environment. The CC should contact their Area Manager to advise and assist the process.

# Useful Resources for Planning

# 7

Resource	Source	Does our CC have one?	
		Yes	No
The Highland Council Structure Plan	Planning and Development Service, The Highland Council		
Relevant Local Plan			
Planning Guidance Leaflets			
Highland Community Plan	Policy Unit, The Highland Council		
Planning Aid Scotland Leaflets	Planning Aid for Scotland 0131 555 1565		
OS Map of Area	Local Bookshop		
SPP 1 (replaces NPPG 1) The Planning System	SEDD Planning Helpline 0845 741741 for all NPPGs, PANs and SPPs		
PAN 37 Structure Planning			
PAN 40 Development Control			
PAN 47 Community Councils and Planning			
PAN 49 Local Planning			
Useful Web Addresses			
<b>Local and National Government</b>			
<a href="http://www.highland.gov.uk">www.highland.gov.uk</a>	The Highland Council		
<a href="http://www.cosla.gov.uk">www.cosla.gov.uk</a>	Convention of Scottish Local Authorities		
<a href="http://www.ascc.org.uk">www.ascc.org.uk</a>	Association of Scottish Community Councils		
<a href="http://www.scotland.gov.uk/planning">www.scotland.gov.uk/planning</a>	Scottish Executive Planning Department		
<a href="http://www.scottish.parliament.uk">www.scottish.parliament.uk</a>	Scottish Parliament		
<a href="http://www.ukonline.gov.uk">www.ukonline.gov.uk</a>	UK Government online information service		
<b>Planning Organisations</b>			
<a href="http://www.rtpi.co.uk">www.rtpi.co.uk</a>	Royal Town Planning Institute in Scotland		
<a href="http://www.planning-aid-scotland.org.uk">www.planning-aid-scotland.org.uk</a>	Planning Aid for Scotland		
NB These web addresses are for information only and do not indicate any preference on the part of The Highland Council or any responsibility for their content.			

# 8

## Glossary of Planning Terms

- **Affordable Housing**

Housing reserved for those for whom it would be impossible or inappropriate to pay the full market price for housing in a particular area. This may be for owner occupation or rent.

- **Amenity Housing**

Housing that has been moderately adapted for those with special needs, such as the elderly or disabled.

- **Ancient Monument**

A monument or site of historical, architectural, traditional, artistic or archaeological importance which is in the guardianship of the Secretary of State or which has been scheduled by him/her as being of archaeological importance under the terms of the Ancient Monuments and Archaeological Areas Act 1979.

- **Article 4 Direction Order**

An order approved by Scottish Ministers which requires that works that are normally exempt from the need to obtain planning permission should obtain formal consent. Often used in Conservation Areas where control over development is stricter than elsewhere.

- **Brownfield Site**

A site, normally within urban areas, which has previously been developed or used for some purpose which has ceased.

- **Building Warrant**

Formal permission granted by a local authority prior to any building works. It is designed to ensure the health and safety of the public in and around buildings and all abilities access. A warrant can be granted for new building, demolition or change of use.

- **Business Class/Class 4**

Use or development of land/buildings for light industrial, research and development, hi-tech and office purposes as defined by Class 4 of the Town and Country Planning (Use Classes)(Scotland) Order 1997.

- **Care Housing (Very Sheltered Housing)**

Housing for the elderly which offers a more intensive form of care than sheltered housing and may include additional bathroom facilities, extra wardens and meals.

- **Circulars**

Statements of Scottish Executive policy that contain guidance on policy implementation through legislative or procedural change.

- **Community Benefit**

This is funding donated by a developer, for the benefit of communities affected by development, where this will have a long-term impact on the environment.

- **Community Planning**

A process whereby councils and their community planning partners and other agencies (in the public, voluntary, private and other sectors) come together to develop and implement a vision and strategy for promoting the well-being of their areas.

- **Comparison Shops**

Shops selling items where some comparison is made before purchase, eg. clothing, footwear, household goods (furniture, carpets, electrical), recreational items, personal items.

- **Convenience Shops**

Shops selling every-day purchases such as food, drink, tobacco, magazines and newspapers, cleaning materials.

- **Conservation Area**

An area designated under the Town and Country Planning (Scotland) Act 1997 as being of special architectural or historic interest, the character and interest of which it is desirable to preserve and enhance.

- **Curtilage**

Ground which is used for the comfortable enjoyment of a house or other building. This includes adjoining gardens and outbuildings.

- **Designed Landscape**

An area of significant parkland and woodland, generally centred upon a castle or mansion house, which has been laid out for artistic effect and identified in the Scottish Inventory of Gardens and Designed Landscapes.

- **Development**

In town and country planning terms this is defined by statute as – “the carrying out of building, mining, engineering or other operations in, on, over or under land or the making of any material change of use in the use of any buildings or land”.

- **Development Brief**

*see Planning Brief*

- **Development Plan**

The Development Plan for an area comprises the approved Structure Plan and adopted Local Plan. These plans have statutory significance and are the planning consideration when planning applications are determined.

- **District Shopping Centre**

Name frequently given to a shopping centre normally including a range of comparison and convenience shops and drawing trade from beyond the immediate locality.

- **Enforcement**

Enforcement is the means of sustaining public confidence in the planning system by ensuring that planning procedures and decisions are respected and adhered to. The Town and Country Planning (Scotland) Act 1997 provides a range of powers for enforcing planning control. Primary responsibility for exercising these powers rests with planning authorities.

- **General Industry**

The term generally given to a development where goods are processed and/or manufactured. Where such processes are clean and quiet they may be regarded instead as a 'business use' in town and country planning terminology.

- **General Permitted Development Order (GPDO)**

A statutory instrument which lists types of 'development' which have the benefit of deemed planning permission and therefore where no formal application to the planning authority is required.

- **Green Belt**

An area defined in the Development Plan where there is strict restriction on urban growth, often to prevent the loss of a town's identity, protect the landscape setting or ensure adequate availability of recreational facilities.

- **Greenfield Site**

A site of development, usually in agricultural use, located outwith the existing built-up area.

- **Hearing**

Formal procedure whereby applicants, third parties and Community Councils can put their views directly to the Planning Committee before a decision on a planning application is reached. The procedure is most commonly used where proposals are not in accordance with Development Plan Policy.

- **High Technology (Hi-Tech)**

A form of light manufacturing involving design and production as defined in Class 4 of the Use Classes Order. Examples of such industries include electronics and computer software.

- **Home Zone**

A home zone is a street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists, opening up the street for social use.

- **Infill Development (Site)**

A development or site located within the built up area and involving redevelopment, conversion, sub-division or the development of undeveloped land.

- **Infrastructure**

A general term which includes roads, sewers, schools, supplies of gas, water, electricity and other services required to serve the needs of existing and new development.

- **Landfill**

Method of disposing of waste by burying it on land.

- **Light Industry**

An industry which could operate in a residential area without causing a nuisance by noise, vibration, smell, fumes, soot, ash, dust or grit. (see Class 4/Business Class).

- **Listed Building**

A building included on Scottish Minister's list of buildings of special architectural or historic interest which is afforded statutory protection.

- **Local Shopping Centre**

A shopping centre, normally predominantly convenience shops, serving a local catchment.

- **Material Considerations**

The issues that are relevant planning matters to be taken into account in a planning decision. There are two main tests in deciding whether a consideration is material and relevant:

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

- **National Planning Policy Guidelines (NPPGs)**

Issued by the Scottish Executive and are intended to identify and define types of development and locations which may raise national issues relevant to land use planning. The guidelines set out the national aspects of land use which should be taken into account by local planning authorities in the preparation of development plans. New or revised NPPGs are now to become known as 'Scottish Planning Policies' (SPPs) (see Scottish Planning Policies).

- **Notification**

Landowners – if an applicant does not own the land or property to which the planning application relates, the landowner must be served a Landowner Notice 21 days prior to the date of the application.

- **Neighbours**

The owners, tenants and occupiers of the buildings or land surrounding the site of the proposed development. Each must be served a Neighbour Notice, normally by Registered Post, at the time the application is made.

- **Open Space**

Open spaces are parcels of land and landscaped areas that normally have a principal function as:

- Amenity Open Space - to enhance the appearance of an area.
- Recreational Open Space - to provide a facility for informal outdoor activities and sports.

- **Park and Ride Facilities**

Car parks adjacent to public transport facilities where encouragement will be given to terminate journeys by private car and continue travelling into the city or town by public transport.

- **Plans**

- Site – a plan drawn to scale of at least 1:2,500 (or 1:10,00 for rural applications) showing the proposed development outlined in red and any other adjoining land outlined in blue
- Block – a plan at a scale of at least 1:500 showing all existing buildings, trees, walls and accesses on the site and an indication of all changes the proposed development will make
- Floor – detailed plans of the actual development proposal including cross-sections and elevations
- Neighbouring Properties – a plan showing in red the neighbouring properties whose owners, occupiers or tenants have been sent a formal notice

- **Planning Advice Notes (PANs)**

Issued by the Scottish Executive to provide advice on good practice and other relevant information.



- **Planning Application**  
An application made to the local planning authority, seeking planning consent for development.
- **Planning Brief/Development Brief**  
A document which briefly sets out the local planning authority's guidelines and requirements for the development of a site.
- **Planning Consent/ Permission**  
Formal permission granted by a planning authority or the Scottish Executive for development of land or buildings. Permission can be granted in outline or in detail. An outline planning permission establishes the principle of development; details of the development may be reserved and will require a further planning application.
- **Planning Gain**  
Contributions from developers to fund relevant improvements to public infrastructure required as a result of their development proposals.
- **Planning Policy**  
Contained either in NPPGs (SPPs) Structure Plans or Local Plans following extensive and formal public consultation. Such policies specifically refer to land use and development matters which are the foundation of town and country planning statutory procedure.
- **Prime Agricultural Land**  
The best quality agricultural land classified by the Macaulay Land Use Research Institute as grades 1, 2 and 3.1.
- **Proposal**  
A development or action which a local authority, other agency or private individual intends to implement.
- **Public Transport**  
A communal form of transport other than private car or taxi and including rail, bus and light rail.
- **Scottish Planning Policies (SPPs)**  
SPPs are a new series of planning policy documents to be issued by the Scottish Executive and update NPPGs. Existing NPPGs have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including current NPPGs.



- **Section 75 Agreements**

Legal Agreements between the local authority and the landowner (often with other relevant partners also) made under Section 75 of the Town and Country Planning (Scotland) Act 1997 which restrict or regulate the use of the land. Such agreements are registered in the Land Register and are legally binding on future owners of the land.

- **Sheltered Housing**

Groups of housing units provided for people who require occasional support and assistance from a resident warden but who do not require full residential care.

- **Site of Special Scientific Interest (SSSI)**

A site identified by Scottish Natural Heritage as requiring special protection because of its flora, fauna, geological or physiographical features under the Wildlife and Countryside Acts.

- **Site Visit (meeting)**

Visit by elected members to the actual site detailed in a planning application to help inform the planning decision.

- **Traffic Calming**

Physical measures designed to slow traffic to improve environmental and safety conditions for local communities.

- **Traffic Management**

The exercise of controls on the use of roads to obtain the best use in the general interest and as safely as possible.

- **Tree Preservation Order (TPO)**

An order preventing the cutting down, topping, lopping, uprooting or wilful damage to a tree/group of trees. The order is made under Section 160 of the Town and Country Planning (Scotland) Act 1997.

- **Use Classes Order (UCO)**

The Statutory Instrument termed The Town and Country Planning (Use Classes) (Scotland) Order 1997 which sets out various classes of uses for the purpose of clarifying when a change of use requires planning permission.

- **Windfall Sites**

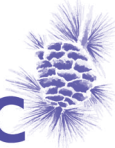
Development which is not identified through forward planning processes (ie, in Development Plans) often because it is of an unforeseen nature or difficult to predict on a one-off basis.

Reproduced with some additions and amendments by kind permission of Planning Aid for Scotland.

This document was produced by:

**Glenaffric Ltd eLearning Consultants**

**Glenaffric**



the natural choice for eLearning

14 Lewiston . Drumnadrochit . Inverness . IV63 6 UW

Telephone: 01456 459106

Fax: 0870 052 9151

Email: [office@glenaffric.com](mailto:office@glenaffric.com)

Web: [www.glenaffric.com](http://www.glenaffric.com)

Glenaffric Ltd would like to thank all those who contributed ideas or information for this document.

Particular thanks are due to the following:



*Members of the Project Steering Group*



*The Highland Council Headquarters and Area  
Planning & Development Staff*

This document is also available in **large print**.

If you require a copy please contact:

Polly Chapman . Chief Executive's Office . The Highland Council

Glenurquhart Road . Inverness . IV3 5NX

Telephone: 01463 702033

Email: [polly.chapman@highland.gov.uk](mailto:polly.chapman@highland.gov.uk)



**The  
Highland  
Council**  
Comhairle na  
Gaidhealtachd

*SERVING The Highland Community*

