



COMMUNITY COUNCILS AND PLANNING

REVIEW OF THE TOWN AND COUNTRY PLANNING SYSTEM IN SCOTLAND

Planning Advice Note 47

INTRODUCTION

1. As one of the decentralisation measures announced by the Government during the passage of the Local Government etc (Scotland) Act 1994, community councils will have a statutory right to be consulted on applications for planning permission from April 1996. The Government is keen to see an effective community council network able to play its part in considering planning issues of local concern. This is in line with its longstanding commitment to securing greater public involvement in environmental matters.

2. This advice note is part of the Government's response to the Review of the Town and Country Planning System in Scotland. Although Scottish Office advice, it has been produced with the help of the Convention of Scottish Local Authorities (COSLA) and the Association of Scottish Community Councils (ASSC). It sets out some key points of good practice to assist Councillors, planning officers and people in local communities to make effective use of community councils' new right to be consulted. It reflects an intention to involve local communities more closely in planning matters, and should help to foster constructive responses to development proposals as they arise.

About community councils

3. A framework for setting up voluntary community councils in Scotland was created by the Local Government (Scotland) Act 1973. Although with no formal powers, their function is to ascertain, co-ordinate and express the views of the local community to local authorities and other public bodies operating in their area, and to take any lawful action they think fit in pursuit of the residents' interests. Under the Act it was for local authorities to draw up schemes for setting up community councils within their areas. Details are held by individual authorities, not by The Scottish Office. There are now around 1200 community councils operating in Scotland.

4. In the consultation on local government reorganisation in Scotland, many suggested that community councils should have the opportunity to be more involved in local issues, particularly in relation to planning and licensing. The Government announced in 1993 that after reorganisation, community councils would have a statutory right to be consulted on local planning issues, and that local authorities would be encouraged to keep them more fully informed about local licensing issues. Ministers reaffirmed these intentions during the passage of the Local Government etc (Scotland) Act 1994, which also requires community councils to be consulted on the schemes for decentralisation which are to be prepared by the new local authorities before April 1997.

Local Involvement and Agenda 21

5. Agenda 21, the 800 page agreement signed by 70 nations at the Rio Earth Summit in 1992, commits governments not only to introduce policies for achieving sustainable development but also to secure greater local community involvement in environmental issues. These concerns echo the 1990 UK White Paper: This Common Inheritance, and both sustainable development and local involvement remain touchstones of national policy for planning in Scotland. Local authorities themselves are seeking community involvement through Local Agenda 21.

Local plans

6. Community councils' local knowledge and newly-extended responsibility in commenting on applications will make them key stakeholders in local planning policy. The Government would like to see local communities closely involved in local plan preparation, and advice will appear in a new Local Plans PAN being drawn up by The Scottish Office in conjunction with COSLA.

LOCAL AUTHORITY AND COMMUNITY COUNCIL ROLES

An informed basis for planning decisions

7. Local authorities receive comments and objections on planning applications from statutory consultees like Scottish Natural Heritage or Historic Scotland, from neighbours who are given special notification, and from a wide range of interested parties. The legitimate public interest in planning extends beyond those most directly affected by a proposal to a wider community of interest in the wise development of the local environment. The Government considers that the community council has a special role, representing a broader yet still local view which can be set alongside the comments of those with a more individual interest.

Importance of development plans

8. Authorities are obliged by law to decide planning applications in accordance with the development plan for the area (that is, the approved structure plan and the adopted local plan, taken together) unless material considerations indicate otherwise. Coming to a reasoned judgement on these matters lies at the heart of the planning authorities' discretionary power to approve, refuse or modify applications under the law and within a framework of national policy guidance. The Government sees a community council's key task as helping to provide an informed local context within which sensible decisions can be made in the public interest.

National policy and advice

9. The Government's policy guidance for development control (including pointers to relevant material considerations and the weight to be given to development plans) is set out in National Planning Policy Guideline 1: The Planning System. Other NPPGs give guidance on particular issues like housing, business, minerals and archaeology. Suggestions for good practice are given in a series of Planning Advice Notes, notably PAN 40: Development Control. A list of current NPPGs and PANs is attached to this advice together with a list of current planning Circulars.

LOCAL AUTHORITY AND COMMUNITY COUNCIL RESPONSIBILITIES

Tailored liaison arrangements

10. Community councils are as individual as the areas they cover, so their approach to consultations and their capacity for response will vary a good deal. Each planning authority should therefore make a point of gaining a good working knowledge of the community councils in its area. Its liaison procedures should acknowledge local variations and be tailored to the characteristics of the community councils and local areas involved. **Careful soundings and discussion in advance will help authorities to devise effective consultative arrangements with which those involved can feel comfortable.** They may need to differ from one part of an authority's area to another. Occasional meetings between local authorities and community councils are recommended to keep these arrangements under review.

Making information accessible

11. If community councils are to find out, co-ordinate and express the views of the local community, both the community generally and the community council itself will need to have ready access to information on applications and development plans. **It is therefore essential that planning authorities make this information available easily and promptly.** Planning Advice Note 40 suggests a number of ways in which local authorities can make planning information more locally accessible. Schemes for local authority decentralisation may also help to improve the access to planning information for local communities.

Appointed contacts

12. **Each community council should appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover, and inform the authority accordingly.** Internal arrangements for considering applications will be for each community council to decide. **A regular contact person in the authority's planning department should also be clearly identified for each community council.** This will usually be the case officer for the area concerned.

Weekly lists

13. Article 12(9) of the General Development Procedure Order (GDPO) requires that **community councils be sent a weekly list of all planning applications** as a matter of course. This is a sure baseline for all consultation arrangements. It is an approach which has been followed successfully by many planning authorities. Although the content of weekly lists may vary, and some authorities may prepare separate lists for parts of their area, each list is required to contain at least: the date of receipt of the application; its reference number; the site location; a description of the proposed development; and the name and address of the applicant or agent. As a matter of good practice, the weekly list should also explain the arrangements for obtaining details of a particular application (see 14 below), indicate the likely latest date for comments under these arrangements (see 17 below), and where possible give the name of the planning officer dealing with each case.

Approaches to consultation

14. After studying the weekly list, community councils may wish to view particular applications in detail. Accordingly, article 15(1)(n) of the GDPO provides for them to request formal consultation **within 7 working days of the issuing date of the weekly list**. The GDPO also allows for details of selected applications to be sent automatically, either where the application falls within a class of case or an area previously agreed between the community council and the authority, or where the authority considers that the application may affect local amenity. Under such arrangements the weekly list could be accompanied (or even preceded) by details of some applications, thus saving the community council from having to take the initiative to call for details of cases they are interested in and making it easier to comment in good time. Not all community councils may seek to be formally consulted; the ability to view locally, or borrow details on request after receipt of the weekly list, and then to submit comments like any other member of the public, may be all that is required. In all cases, 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.

HOW COMMUNITY COUNCILS CAN SEE PLANS

- ***in Argyll & Bute***, application documents are often deposited at local post offices for neighbour notification. Community councillors, alerted by the weekly list can see them there.
- ***in Edinburgh***, applications may be advertised at the discretion of the case officer. Community councils, alerted by this or the weekly list can call at the planning office where a set of the application plans is available for them to borrow.
- ***in Stirling***, the case officer selects applications where details will be sent on loan direct to the community council contact based on experience of items likely to generate local interest

No special documents

15. **Authorities should not have to produce any special documents for community council consultation.** All the material should be lent or copied from what is already available to local authority members and the public, or forms part of the planning application itself.

Timescale for consultation

16. **It is important that consultation does not cause delay in the processing of planning applications. Community councils should therefore ensure that their method of working allows them to respond within the consultation period** The right for community councils to be consulted on applications is simply an extension of the right currently available to other consultees and no special arrangements are envisaged.

17. Under article 15(3) of the GDPO, **where the community council is being consulted, it must be given 14 days to make its comments on an application. This 14 days begins on the issuing date of details of the application.** Postage may not always provide the simplest means of access, but where it is used, authorities should as a matter of good practice allow some extra time based on their knowledge of the service in their area. 2 days should be sufficient extra time in most areas, with a maximum of 4 days in remote and island areas. **The period allowed for comments should be clearly explained in the weekly list and shown on any additional details supplied.**

18. Most cases should be handled within the timescale set out here. But the 14 day period is a minimum and it is open to a community council, like any other statutory consultee, to ask the authority to use its discretion to allow a reasonable extension in special cases: for example those which are unusually complex or controversial.

Minor changes to applications

19. Community councils should not expect to be consulted on very minor changes which are sometimes made to applications either while they are being considered or after they have been approved. These 'non-material' amendments and variations carry no statutory provision for consultation. But where an application is to be amended in any material or substantial way it will normally be submitted afresh and a new opportunity for consultation will arise.

Discussions on applications

20. In some cases community councils may find it helpful to discuss applications with the planning authority. Authorities should respond constructively to requests for more information or discussion of particular proposals. **Discussions on the planning merits of cases between applicants and community councils are strongly discouraged.** It is for the planning authority to discuss issues with various parties if they think it necessary before coming to a decision.

Training

21. **As part of their commitment to the effective and efficient operation of the new consultation arrangements, planning authorities should consider occasional training sessions for community councillors in their areas.** This will help councils to make informed comments and gain a better understanding of how the planning system works. The Association of Scottish Community Councils, Planning Aid for Scotland (PAS) and the Planning Exchange may have a role to play here. Some financial support is being made available by The Scottish Office to PAS for a three-year programme of training for community councils. The main approach to training should be informal however, building up local understanding through the actual experience of consultation and the development of good working relationships. Local authorities will be well placed to consider the best opportunities for achieving this within the scope of their normal planning service.

COMMUNITY COUNCIL ACTION CHECKLIST:

- discuss consultation arrangements with authority*
- select contact point within community council*
- agree contact point in the planning authority*
- arrange for access to application documents*
- arrange working to ensure comments on time*

PLANNING AUTHORITY ACTION CHECKLIST:

- contact all the community councils in the area*
- agree consultation arrangements with each one*
- supply background information (devt plans etc)*
- agree contact point in the planning authority*
- arrange easy access to application information*
- consider arrangements for local training*

USEFUL CONTACTS:

Assn. of Scottish Community Councils: c/o 3 Bankfoot Park, Scotlandwell, Kinross KY13 7JP 01592 840537

Planning Aid for Scotland : Bonnington Mill, 72 Newhaven Road, EDINBURGH EH6 5QG 0131 555 1565

The Scottish Executive: Roger Kelly, SEDD Planning, Victoria Quay, EDINBURGH EH6 6QQ 0131 244 7526

Planning Authority:

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