

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

28 February 1996

**SUBJECT: COMMUNITY COUNCILS AND PLANNING; DRAFT PLANNING ADVICE
NOTE 47**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report outlines the guidance which has been published in the Draft Planning Advice Note on community councils and Planning. The draft advice is considered to represent a practical basis for dealing with consultation and an initial meeting with community council representatives is recommended.

1 RECOMMENDATION

It is recommended that the Committee -

- a accepts the guidance set out in the draft Planning Advice Note and advises the Scottish Office Development Department of the contents of this report.
- b agrees that community councils be invited to send their nominated planning representatives to a joint meeting in March to discuss the proposed consultative arrangements.

2 INTRODUCTION

2.1 The Scottish Office has produced draft Planning Advice Note 47 to set 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' (on planning applications). COSLA and the Association of Scottish Community Councils assisted in the production of the draft advice.

3 KEY POINTS IN THE DRAFT PLANNING ADVICE NOTE

3.1 A copy of the draft PAN is appended to this Report. The key points in the document are -

- the Government sees a community council's key task as helping to provide an informed local context within which a sensible decision can be made in the public interest (para 8).
- variations in the capacity of community councils to respond should be acknowledged and liaison procedures should be tailored to the characteristics of the community councils and the local areas involved (para 10).
- occasional meetings with community councils are recommended to keep the arrangements under review (para 10).

- information on planning applications and development plans should be made easily and promptly available to community councils, by planning authorities (para 11).
- 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 (para 12).
- a regular contact person in the authority's planning department (usually the area case officer) should be clearly identified for each community council (para 12).
- community councils should be sent the weekly list of planning applications containing as a minimum, (1) a brief description of each application, (2) its reference number, (3) the latest date for comments and (4) the name of the planning officer dealing with the case (para 13).
- additional details of selected planning applications may usefully be provided locally on request or as part of prior agreement (para 14).
- authorities should not have to produce any special documents for community council consultation (para 13).
- in order that consultation does not cause delay in the processing of planning applications, community councils should ensure that they respond within the consultation period (para 16).
- community councils should be given 14 days to comment on an application. This 14 days should begin on the later of -
 - a the issue of the weekly list or;
 - b the issuing date of details of a planning application, provided that the community council has requested them within 7 working days of the issuing date of the weekly list (para 17).
- community councils should not expect to be consulted on very minor changes to applications while they are being considered or after they have been approved (para 19).
- discussions on the planning merits of cases between applicants and community council are strongly discouraged (para 20).
- 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 (para 21).

4 DISCUSSION

- 4.1 The advice which is set out in the draft PAN is a practical response to consultation with community councils. The nomination of a key contact point in each community council is an essential element of the procedures and provided that person has the time required to carry out the functions, it will help minimise the risk of delays.
- 4.2 Angus District Council Planning Department has operated 'planning surgeries' in each of the main towns and they are attended by the development control case officer for the area. It is intended to continue this practice and it will provide opportunities for liaison with community councils. The development of the Council's ACCESS points will also allow information to be made available locally.
- 4.3 While the arrangements in the PAN are reasonable, the consultation with community councils is likely to heighten their interest and involvement in the development control process. This will in turn lead to an increased workload at a time when the resources to respond will be at a premium. There is no recognition in the draft PAN of the additional resource requirements and the possible impact upon performance times.
- 4.4 The draft PAN refers to the desirability of planning authorities providing occasional training for community councils. Subject to the resource implications, this is an area which could usefully be addressed with a view to making the system work well. As the new arrangements will come into operation on 1 April 1996, there is a limit to what training can be provided prior to this date. However it is considered appropriate to arrange an initial joint meeting with the nominated planning contacts (from each community council) during March. This would allow the underlying principles of the planning process to be outlined and discussion of the procedures to be adopted.

5 FINANCIAL IMPLICATIONS

- 5.1 There will be some costs associated with the proposed meeting with community councils and with the additional consultation. These will be relatively insignificant, but there could be significant staff costs arising from the on-going consultation requirements.

6 CONSULTATION

- 6.1 The Chief Executive, Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

7 CONCLUSIONS

- 7.1 The advice contained in the draft PAN sets out a reasonable framework on which build procedures for consultation with community councils. Adherence to the guidelines by local planning authorities and community councils will be necessary in order that unnecessarily delays are not introduced into the consideration of planning applications.

- 7.2 It is proposed to build upon the present development control arrangements which include local surgeries and the progressive development of ACCESS points by Angus Council will provide further opportunities to improve the availability of information.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/SP

Alex Anderson
Director of Planning, Transport & Economic Development

31 January 1996



DRAFT

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 and 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. When world leaders met at the Rio Earth Summit in 1992 they pledged themselves to a root and branch examination of their environmental policies. Agenda 21, the 800 page agreement signed by 70 nations at Rio, 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 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 NPPCs 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 NPPCs 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 in which those involved can feel comfortable. They may need to differ from one part of authority's area to another. Occasional meetings between local authorities and community councils are recommended to keep these arrangements under review.

Making information accessible

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 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. Community councils should be sent the weekly list of 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 content of the weekly list will vary from authority to authority, it should contain at least: 1) a brief description of each application, 2) its reference number, 3) the latest date for comment and 4) the name of the planning officer dealing with the case.

Alternative approaches

14. After studying the weekly list, community councils may wish to view particular applications in detail. As a matter of good practice, they may be offered the option of electing to receive details of selected applications in their area automatically. Where the local authority and the community council agree, 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. Cases can be selected by the planning officer concerned on the basis of prior agreement and knowledge of the types of case likely to be of community interest. Of course, not all community councils may require this material in the first instance and for them the ability to view locally, or borrow details on request after receipt of the weekly list, may be all that is required.

HOW COMMUNITY COUNCILS CAN SEE PLANS

- *in Arayll & 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. In each case the community council should be given 14 days to make its comments on an application. This 14 days should begin on the later of:

- the issuing date of the weekly list; or
- the issuing date of details of a planning application, provided that the community council has requested them **within 7 working days** of the issuing date of the weekly list.

Postage may not always provide the simplest access, but where it is used, authorities should allow some extra time based on their knowledge of the service in the area. 2 days should be

submit extra time in most areas, with a maximum of 4 days in remote and island areas. The closing date for comments on an application should be clearly marked on the weekly list and 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 should be withdrawn and 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
range 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 :

Association of Scottish Community Councils : [Contact address + telephone to be agreed before publication]
Planning Aid for Scotland : Bonnington Mill, 72 Newhaven Road, EDINBURGH EH6 5QJ ☎0141 555 1565
Scottish Office : Roger Kelly, SODD Planning Services, Victoria Quay, EDINBURGH EH6 6QQ ☎0131 244 7526
Planning Authority :

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