

SECTION H

PLANNING

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PLANNING

H1 CONSULTATION AND ENGAGEMENT ON PLANNING MATTERS

H1.1 The Development Process

Planning permission is required for the erection of most buildings and for the material change of use of land and buildings. The processing of planning applications is one of the Council's most important statutory functions. Investment in South Ayrshire Council, through new building and refurbishment projects is estimated in tens of millions of pounds each year and provides associated activity in construction and service sector jobs. The planning system has a crucial part of the development process. The system considers where development should happen, where it should not and how development affects its surroundings. It aims to balance competing demands so that land is used in the public long-term interest, in a way that creates high quality, sustainable places. Decisions about planning applications are based on the 'development plan', prepared by each of the 34 local councils or national park authorities (aka the 'planning authority').

H1.2 The Planning System

Scotland has recently gone through the biggest reform to its planning system for 60 years, with a strong emphasis on involving people and the community. The Planning etc (Scotland) Act 2006 introduced significant changes to how planning applications are processed (Development Management) and to the regime of development plans, which are the primary decision-making framework for planning authorities (Development Planning). A hierarchy of planning policy exists from national to local level, setting out both overarching strategic issues and priorities and locally specific policies: National Planning Framework 2 (NPF2) is the Scottish Government's strategy for Scotland's long term spatial development. In particular, it designates 'national developments', such as key infrastructure projects.

H1.3 Development Plans – Prior to the 2006 planning reform, the Development Plan in each local authority consisted of the Local Plan and the Structure Plan. Following the reforms, the Development Plan in the four city regions will consist of Strategic Development Plans (SDP's), and Local Development Plans (LDP's) produced by each local authority. In other areas outside the city regions (including South Ayrshire), the development plan will consist solely of the Local Development Plan. In South Ayrshire, the South Ayrshire Local Plan and Ayrshire Joint Structure Plan remain as the development plan until the Local Development Plan is adopted.

H1.4 South Ayrshire Planning Forum

As part of the Council's commitment to maximise community engagement in the planning process, the Planning Forum was established in 2009 to discuss and provide feedback on Planning Service performance matters, and to inform the development of planning policy through the Local Development Plan (LDP) process, and supplementary guidance on specific policy areas. The Forum is made up of members of the community, Community Councils and representatives from the development industry. The Planning Forum has been extremely influential in forming the policies of the LDP and helping to bring about improvements to the Planning Service.

H.2 Planning Applications

H2.1 Planning applications are categorised according to their level of significance and are defined as being either 'national', 'major' or 'local'. As an example, housing proposals will be categorised as 'major', when more than 50 housing units are proposed, or where the site area exceeds 2 hectares. Below this level, the proposal would be 'local' development. Each has different requirements as to how an application will be processed. In the case of 'major' or 'national' applications, developers have a duty to consult Community Councils prior to a planning application being formally submitted to South Ayrshire Council.

H2.2 The involvement of Community Councils in the consideration of planning applications is important. Further advice and guidance is set out in the government's Planning Advice Note 47 'County Councils and Planning' which may be viewed at:

<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

This advice indicates that Community Councils should focus their attention on application proposals of potential community wide interest and not individual householder applications.

H2.3 South Ayrshire Council has, a statutory obligation to consult with Community Councils regarding planning applications where a Community Council has requested formal consultation. To facilitate this a weekly list of planning applications is circulated to Community Councils which is also published on the Council's web-site:

<http://www.south-ayrshire.gov.uk/planning/register.aspx>

The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development.

H2.4 On receipt of the weekly list, Community Councils have seven days to request a formal consultation on an application. A fourteen day consultation period commences on the date the Planning Section issues a copy of the application to the Community Council. It is advisable for Community Councils to keep the Planning Section advised of the person to whom the weekly list is to be sent. 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.

H2.5 As Community Councils have a limited time to consider and comment on an application, it is recommended that a sub-committee be formed with fewer Community Councillors to allow for a quick response. The terms of reference and delegated powers of the sub-committee must be clearly laid down and recorded in the Community Council's Constitution or minutes of the meeting at which this was agreed. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to and approved by the full Community Council.

H2.6 Whilst the above process is available to Community Councils, they need not request a consultation in order to consider and submit representations on a planning application. Since 2009, planning applications can be viewed on-line on the Council's web-site. It may be easier to view application plans on line:

<http://ww6.south-ayrshire.gov.uk:81/bumblebee-web/>

and also submit comments using the 'Make a Comment' tab. This avoids the need to contact the Council, as outlined above, and await the receipt of a hard copy of plans via the post. It also makes it easier for members of the Community Council to view the application plans and drawings and the Community Council to submit any observations it may wish to make. Using this process saves on time and cost. This alternative process does not undermine the status of a Community Council as a statutory consultee.

H3 Statutory Timetable – Planning Applications

The planning authority has a statutory duty to give a decision on a planning application within two months of it being registered, after which the applicant has a right to pursue a deemed refusal appeal. This period is extended to four months for applications that are classified as being 'major'. In a limited number of applications these timescales may be difficult to meet because of the complexity of the issues to be assessed. In these instances South Ayrshire Council and the applicant may agree to an extended determination time period. In some cases the Council may enter into a processing agreement with the applicant, setting out a timeline and key dates for the application process.

H4 Scheme of Delegation – Planning Applications

The Council has adopted a "scheme of delegation" through which 'local' development applications are dealt, without reference to the Council's Regulatory Panel. Where any 'local' development application has attracted more than 5 formal objections, is considered to be a significant departure from the Development Plan, the Council has an owner or financial interest in an application, or where the application is made by an elected member of the Council, that application requires to be referred to the Panel for a decision. Additionally, where a Community Council objects to an application and an appointed officer is minded to recommend approval of that application; that same application will be reported to the Panel for a decision. Applications for 'national' or 'major' development will always be determined by members of the Council.

H5 The Planning Committee – The Regulatory Panel

The Regulatory Panel meets every four weeks (other than during the summer recess) and usually considers no more than 20 items. The Panel meetings are usually held on Thursday mornings with business starting at 10 am. Panel Members' receive a copy of a report on the application, prepared by the Planning Service in advance of the meeting and also have an opportunity to view the application and representations published on the Council's web-site. Applicants and representees have an opportunity to address the Panel meeting for a maximum of five minutes. To aid this process all Panel papers are issued to all parties two weeks in advance of the meeting. Any party unable to attend can provide additional written representation for circulation one week in advance of the Committee meeting.

CONSULTATION ON DEVELOPMENT PLANS, MASTER PLANS, DEVELOPMENT BRIEFS AND SUPPLEMENTARY PLANNING GUIDANCE

H6 Development Plans

Development Plans are key documents in the planning process. They deal with promotion, facilitation and regulation of development. They contain policies designed to promote the economic, social and environmental wellbeing of an area and allocate land for different uses, based on a strategic vision for the area. The current development plan for South Ayrshire comprises of the approved Ayrshire Structure Plan and the South Ayrshire Local Plan.

- H6.2 Under the Planning etc (Scotland) 2006 Act, the Development Plan for South Ayrshire will no longer include a structure plan and a local plan. Instead this will be replaced by a single 'Local Development Plan', which will be replaced every five years. Until a new Local Development Plan has been adopted, the Development Plan in South Ayrshire will remain Ayrshire Structure Plan and the South Ayrshire Local Plan. It is expected that the South Ayrshire Local Development Plan will be adopted in 2014.
- H6.3 When preparing a local development plan extensive and active 'engagement' with communities is required, and community councils provide a key focus for engagement. The nature of engagement with the community councils changes at different stages in the plan's preparation. At the outset of the preparation of a plan, engagement with community councils should be open and transparent to allow communities to genuinely influence the strategic direction of the plan. Later stages focus more on ensuring communities have appropriate opportunities to make representation on the Council's proposed policies and sites.
- H6.4 Under the new arrangements for development plans, the Council will publish a Development Plan Scheme which is to be prepared at the outset of commencing a Local Development Plan. The Scheme will set out how and when people can get involved and the timetable for plan preparation. The Scheme will be published widely so that the community are kept up to date with consultation arrangements and how the plan is progressing. The Development Plan Scheme is to be updated on an annual basis, to ensure it remains accurate. In addition to the publication of the Development Plan Scheme, community councils will be formally contacted by the Council at each stage of the process.
- H6.5 As with the current Development Plan arrangements, any person or body can make a formal representation on the Local Development Plan, which can include objection to any part of the plan. These representations will be considered by the Scottish Government's Directorate for Planning and Environmental Appeals, which will appoint a reporter to conduct an examination of the Plan. The examination will focus on any unresolved representation to the proposed plan. It will be for the Reporter appointed to the development plan examination to determine whether an objection is to be considered through the exchange of written material or through a hearing or a public local inquiry.

H6.6 Each stage of the plan process will have different timescales for the receipt of consultation responses or additional information. Some of the timescales will be statutorily set, from which there will be no discretion for the Council to depart. Others may be more flexible. However these will be clearly set out in the Development Plan Scheme and in letters sent in respect of formal consultation or in response to a representation of objections that may have been lodged.

H7 Master Plans and Design Briefs

Master plans and Design Briefs provide a framework for the co-ordinated development of areas of land already defined for development in the Local Plan/Local Development Plan. These documents specify a range of detailed matters that should be adhered to in the development of particular sites. When produced by the Council these documents will be prepared in consultation with the Community Council within which the development site is located.

H8 Supplementary Planning Guidance

H8.1 Supplementary Planning Guidance can be prepared by the Council to provide detail to a policy that is covered in the development plan, or where there is a change that requires a more urgent policy response than can be provided through a development plan review. Supplementary guidance usually relates to matters of design, but can also set out detail on the implementation of policy.

H8.2 Supplementary guidance may be prepared and adopted alongside a local development plan, or subsequently. Guidance adopted in connection with a plan falls when that plan is replaced, but if it remains up-to-date, the Council may readopt it in connection with the replacement plan after limited reconsultation, provided a proper connection with the plan remains. Scrutiny by Scottish Ministers at the pre-adoption stage is likely to focus more on ensuring that the principles of good public involvement and a proper connection with the SDP or LDP have been achieved consistently, than on detailed policy content. The Council may issue guidance in connection with SDPs or LDPs without going through these procedures, but this should not be termed supplementary guidance and will not form part of the development plan. In any case, the Council's protocol for preparing supplementary guidance sets out that community councils will be consulted during the preparation of supplementary guidance.