

MAKING A PLANNING APPLICATION

Introduction

As part of Scottish Government Modernisation to provide a more efficient and responsive planning system, new legislative procedures have been introduced in relation to making a planning application. The Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Development Management) (Scotland) Regulations 2008 and associated Circular 4/2009 (Development Management Procedures) introduce new arrangements. The provisions include changes to the content of applications and the type of supporting information required to accompany applications.

Under the new arrangements, all applications will require to meet the minimum statutory requirements. However, the Circular encourages applicants to think beyond the minimum requirements and to submit additional information to allow the efficient processing of applications. The Planning Authority is fully committed to providing a more efficient and responsive planning service and recognises that delays require to be stripped out from the existing planning process if it is to deliver the speed and quality of decision making envisaged by the Government. This guide sets out the information required to make an application valid and processed as quickly as possible. It provides a series of checklists for different application types and is in 2 parts: –

1. the minimum information required to properly describe the development and make an application valid
2. the type of supporting information that must accompany certain applications to allow the full and proper consideration of such applications.

What makes an application valid?

The checklist outlines the minimum requirements to make an application valid according to the type of application. Failure to submit the required information will result in delays in validating the application and no work will commence on processing the application. Once the information has been submitted the application will be considered complete and the time period for determination will commence. In most cases the determination period will be 2 months with the exception of major and national developments and applications which are subject to Environmental Assessment (EIA development) where the period is increased to 4 months.

With regard to plans and drawings, the Circular states that it is for the Planning Authority to determine the extent of information required to sufficiently describe the development and tie in with the written description. The checklist reflects the type and extent of plans required.

What supporting information is required to determine an application?

The checklist also outlines when additional information will be required over and above the minimum requirements, for example additional details, plans, assessments or impact studies. Certain types of applications rely on supporting information to be submitted in order to fully consider the proposals and their impacts. This is necessary before a decision can be reached. This will vary from application to application and depend on the type of proposal and the potential impacts of the development. Applicants are advised to read the checklist carefully to ensure that the information required to process the application quickly is submitted with the planning application.

Applicants are also advised to engage in pre-application discussions with the Planning Authority before submitting a planning application. Part of this process includes establishing the scope of technical information required to determine an application. Proposals involving more significant development are recommended to go through the Councils "Major Application" pre-application process. Further advice on the need for pre-application discussions can be obtained from the local Planning office.

What happens if the supporting information is not submitted with the application?

Where applications are not accompanied by the required supporting information in accordance with the checklist, the Planning Authority will write to the applicant or the appointed agent at the start of the process to request the information. The regulations allow planning authorities to request additional information beyond that required by the minimum statutory requirements where it is considered necessary to deal with the application. The request for supporting information under Regulation 24 will give applicants one month to submit the required information. If the information cannot be provided within this timescale the applicant must contact the case officer to agree an alternative timescale for submission. A reminder letter will not be sent. The Authority will proceed to determine the application as submitted if the requested information is not provided within the required timescale.

It is important that applicants refer to the checklist as early as possible to ascertain the requirements and submit the necessary information along with the application. The checklist should form an integral part of the pre-application discussions to ensure that applicants are aware of the requirements for their particular application. The Planning Authority will not delay the determination of an application due to the lack of information and will generally proceed to consider the application as submitted. This could result in the application being refused on the grounds of inadequate information or failure to demonstrate compliance with policies.

Please note that any appeal or Local Review Body review of a decision to refuse planning permission will focus on the material that was before the Planning Authority at the time it made its decision. There will be limited scope to introduce new information at the appeal or Local Review stage.