

Report To: Environment & Regeneration Committee

Date: 30 August 2012

**Report By: Corporate Director
Environment, Regeneration & Resources**

Report No: E+R/12/08/04/SJ/NM

Contact

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Subject: Representations on Planning Applications

1.0 PURPOSE

- 1.1 The purpose of this report is to recommend a change to the Council's current practice of accepting written representations up to the date of the Planning Board at which an application is to be considered.

2.0 SUMMARY

- 2.1 At the meeting of the Planning Board on 4 January 2012, Members indicated that they wished the timescales for the circulation of written representations on applications to be reviewed. Members were particularly concerned by the submission of late representations after the publication of the Agenda.
- 2.2 Officers have now reviewed the current practice and have determined that the relevant legislation permits the practice to be changed so that any written representations received within a clear 14 days of the date of the Planning Board at which the application is first to be considered, need not be accepted.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Committee agree that except in the case of applications being presented to the Planning Board, any written representations on applications submitted under Planning and Listed Building legislation and received after the date for representation specified in either the neighbour notification form or newspaper notice, whichever is later, will be accepted if the application is undetermined. Where an application is to be presented to the Planning Board, any representation received within 14 clear days of the date of the Planning Board at which the application is first to be considered, will not be accepted.

4.0 BACKGROUND

- 4.1 The Council, in the role of Planning Authority, have a statutory duty to determine applications submitted under Planning and Listed Building legislation. While most are determined at officer level, the Planning Board also considers those that are not delegated to officers. The current practice of the Council is to accept all written representations received prior to the determination of the application. In the case of the Planning Board, this includes those received after publication of the agenda and up to and including the date of the Planning Board at which the application is to be considered.
- 4.2 It was indicated by members of the Planning Board on 4 January 2012 (Min Ref 2012 para 2(a)) that they wished the timescales for the circulation of written representations received after the date of issue of the Planning Board agenda to be reviewed.
- 4.3 The new requirements for processing planning applications came into force through the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and the relevant provisions of the Town and Country Planning (Scotland) Act 1997, as amended. Separate legislation is in place for listed buildings, development in conservation areas and for development requiring environmental impact. These requirements set out new minimum time limits within which written representations on planning applications must be submitted to the Planning Authority and are considered reasonable by the Government in promoting the prompt delivery of planning decisions. Members will also recognise the greater ease of access to information on planning applications with the ePlanning system allowing online viewing of planning applications with links to facilitate the electronic submission of representations. Some examples of the minimum time limits to submit representations are as follows:
- If a neighbour notification notice is served, the person on whom such a notice is served has a minimum period of 21 days to make representations;
 - If a planning application is advertised in a local newspaper, the public have a minimum period of 14 days to make representations;
 - If a planning application requires an environmental impact assessment then a minimum of 28 days is allowed for representations in relation to the environmental statement.
- 4.4 It is clear that any representations received after the relevant consultation period, whether that be following neighbour notification or public advert, do not have to be taken into account by the Planning Authority when considering a planning application. The Planning Authority continues to have discretion as to whether to accept late representations. It is recommended that to clarify the Council's position on the matter, a balance between the legislative minimum time and current practice be adopted.
- 4.5 To provide clarity to both applicants and those wishing to make representation, it is considered appropriate that except in the case of applications being presented to the Planning Board, any written representations on applications submitted under Planning and Listed Building legislation and received after the date for representation specified in either the neighbour notification form or newspaper notice, whichever is later, will be accepted if the application is undetermined. Where an application is to be presented to the Planning Board, any representation received within 14 clear days of the date of the Planning Board at which the application is first to be considered, will not be accepted.

5.0 IMPLICATIONS

- 5.1 Finance: None

Financial implications -

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

5.2 Personnel - None

5.3 Legal - None

6.0 LIST OF BACKGROUND PAPERS

Scottish Government Circular 4/2009 Development Management Procedures