Planning for Community Developments
A Guide to the Scottish Planning System
for Community Led Developments
Contents

Foreword ........................................................................................................ 3

01 Introduction .............................................................................................. 4

02 Introduction to Planning .......................................................................... 5

03 Development Planning Issues ................................................................. 7

04 Development Management ...................................................................... 12

05 Specific Issues .......................................................................................... 20
  Renewable Energy ....................................................................................... 21
  Community Halls / Facilities ...................................................................... 24
  Allotments ................................................................................................ 29
  Waste .......................................................................................................... 32

06 Community Engagement .......................................................................... 34
Foreword

The growth of community development of assets has been one of the key features of rural communities over the last decade. Increasing numbers of communities are realising the benefits of developing a variety of types of facilities, from community halls to renewable energy.

The movement towards community development has been recognised by the Scottish Government, that is bringing forward legislation such as the Community Empowerment and Renewal Bill to help enable community developments. A key element of this proposed legislation is recognition of the importance of support for community groups.

Planning Aid for Scotland (PAS) anticipated this growing demand for support in 2010 by establishing a new mentoring scheme, seeking to provide assistance on planning issues to community groups. Using a network of fully qualified volunteer planners, in-depth advice and support has been delivered to community groups across Scotland, on a wide range of issues.

This guide has been produced as part of the PAS mentoring scheme. It is intended to provide an introduction to the planning issues community groups are likely to face, including advice on development management and community engagement, as well as advice on specific topics such as renewable energy and allotments.

This guide is aimed at all types of community group, including Development Trusts, Social Enterprises, Hall Associations, and Community Councils. While it is based on the experiences PAS has gained from working with rural community groups, it applies equally to urban groups.

Petra Biberbach
The purpose of this guide is to provide groups who are trying to develop community assets with an introductory guide to the planning system in Scotland. The toolkit will provide information on the various different elements of the system, as well as case study examples from groups Planning Aid for Scotland (PAS) has worked with.

This guide can be used by a variety of groups/individuals:

- Development Trusts
- Community Development Companies
- Community Councils
- Community Hall Associations
- Sports Clubs
- Allotment/Community Gardens Associations
- Individuals considering forming any of the above

This guide has been produced as part of PAS’s Planning Mentoring Scheme, which has been running since April 2010. The Planning Mentoring Scheme was designed specifically to provide planning support to rural community groups who were attempting to develop assets. Using the PAS network of volunteers (all of whom are qualified planning professionals), groups received advice on a range of planning issues, including the following:

- Development Management: a key stage in the planning process. Groups were helped with planning applications and the issues around them. This could include issues such as permitted development or Listed Building Consent.
- Development Planning: groups were offered advice on how to get involved in the preparation of new Development Plans. These are the key documents that provide the basis for the future development of an area.
- Community Engagement: using our Scottish Government endorsed guide, SP=EED™ (Scottish Planning = Effective Engagement and Delivery), we advised groups on how to effectively engage with their community. This can be important not only for planning applications, but also for other issues such as funding or business plans.

This guide will cover these three topics in detail, highlighting the key issues groups are likely to face as they engage with the planning system. The guide will also include specific advice on a number of types of community development, including renewable energy, allotments, and community halls/facilities. These sections will provide links to relevant policies on the specific topic, as well as guidance on relevant legislation.

How to use this guide

This guide is designed to provide an introduction to planning policy and legislation, as well as signposting where further information can be found. If, having read through it, you require further specific advice, please contact the PAS planning advice service on 0845 603 7602. PAS volunteer advisors will then be able to offer expert advice on any specific planning issue you are facing.

Links are provided to PAS advice sheets where available, for example relating to Development Management, Development Planning and Material Considerations. These advice sheets provide an overview of relevant issues, and are a useful starting point in gaining further information on the topic.
The purpose of this section of the guide is to give an introduction to planning in general, and the planning system in Scotland in particular.

What is planning?

The Scottish Government gives the following summary regarding planning in its ‘Introduction to Planning’:

The planning system is used to make decisions about the future development and use of land in our towns, cities and countryside. It considers where development should happen, where it should not and how development affects its surroundings. The system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

PAS’s own definition of planning expands on this:

Terms such as ‘planning’, ‘the planning system’ and ‘planning process’ are about deciding how land is used in towns, cities and the countryside.

This includes a wide range of things such as home extensions, micro renewable projects, building schools, shopping centres, roads, community facilities, new towns and windfarms to protecting public open spaces like playing fields, leisure centres and listed buildings. These activities in the ‘built environment’ are known as ‘development’ and often require planning permission.

Planning decides where development should happen, where it shouldn’t and how it affects and fits into its surroundings. The planning system is essential for economic growth, in protecting the environment and promoting sustainability and also improving quality of life for all of us. The planning system aims to balance competing demands so that land is used in the public long-term interest.

The last sentence is key to the planning system. The public interest is central to all planning decisions. Defining the public interest is difficult though, as in some cases it might relate to a hamlet of 20 people, while in others it could be the entire Scottish nation. In fact, the public interest of the world as a whole is now an important issue in planning, due to efforts to combat climate change and protect the environment.

Deciding if a development is in the public interest therefore represents a considerable challenge to planners. Likewise, as community groups looking to carry out developments, it is essential to demonstrate the clear public benefit of your proposals.

The Planning System in Scotland

Planning Legislation

Planning in Scotland is a devolved matter, and has undergone a process of reforms since devolution. The basis of this is the 2006 Planning Act, which can be viewed here:

Planning etc. (Scotland) Act 2006

The 2006 Act is an amendment of a 1997 planning act, which can be viewed here:

Town and Country Planning (Scotland) Act 1997

The 2006 Act modifies the 1997 Act (which has itself also been modified), so both need to be read in conjunction with each other. These two pieces of legislation form the basis of the Scottish planning system. A series of circulars produced by the Scottish Government summarises the legislation in an easier to read format:

Scottish Government Circulars

National Planning Policy

As well as the planning legislation, the Scottish Government also has a role in
producing planning policy to apply at a national level. This is covered in a number of documents:

The National Planning Framework sets out a strategy for the long-term development of Scotland, covering major developments that affect the whole country, such as the new Forth Road Bridge and high speed rail link to London. The NPF is reviewed every five years, with public consultation carried out during the preparation of the plan. The current document, NPF2, can be viewed here:

**National Planning Framework 2**

As well as the National Planning Framework, the Scottish Government also oversees national planning policy through its document - Scottish Planning Policy:

**Scottish Planning Policy**

This summarises national policy on key issues such as renewable energy, housing, waste and transport. The policies contained within the SPP will feed into local planning policies through the development plan process. Further guidance comes in Planning Advice Notes (PAN), which provide advice on specific technical planning matters, such as conservation, renewable energy, waste and housing. The full list of PANs can be viewed here:

**Scottish Government Planning Advice Notes**

Familiarising yourself with these documents will help you understand more about planning legislation and policy in Scotland. It is particularly important to look at sections relevant to the type of development you are carrying out. For example, if you are considering a renewable energy development, you should look at paragraphs 184-192 of Scottish Planning Policy and the online Planning Advice Note. These documents will give useful information on renewable energy planning policy in Scotland.

**Local Planning Issues**

While the Scottish Government sets national planning policy, responsibility for handling planning applications and creating local plans is given to the 32 local authorities and 2 National Park Authorities in Scotland. For further information on each local authority, please follow this link to the PAS website:

[http://www.planningaidscotland.org.uk/map.asp](http://www.planningaidscotland.org.uk/map.asp)

This page provides detailed information on each Local Authority’s planning department, as well as details on their Development Plan progress and links to relevant documents. Click on where you are in the country for detailed information regarding your local authority, as well as details of any PAS events taking place nearby.

**PAS Information Sheet:**

Glossary of Common Planning Terms in Scotland and Development Plan Examination

**PAS Information Sheet:**

Development Plans and Development Plan Examination
Chapter 3

Development Planning Issues

The purpose of this section of the guide is to highlight the importance to community groups of engaging with Development Plans. This section will also give guidance on how groups can influence Development Plans, the key times to get involved, and examples of groups PAS has assisted to engage with the process.

Introduction to Development Plans

The Scottish Government’s Introduction to Planning gives the following summary of Development Plans:

The development plan is a document that sets out how places should change and what they could be like in the future. It says what type of development should take place where, and which areas should not be developed. It sets out the best locations for new homes and businesses and protects places of value to people or wildlife.

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 region areas will consist of a Local Development Plan (produced by the local authority) and a Strategic Development Plan (produced jointly by the local authorities that make up the city region). The four city regions and the local authorities that comprise them can be viewed in the table below (Table 1).

In the other areas outside the city regions, the

| Glasgow area (Glasgow and the Clyde Valley Strategic Development Plan) | • East Dunbartonshire  
| | • East Renfrewshire  
| | • Glasgow City  
| | • Inverclyde  
| | • North Lanarkshire  
| | • Renfrewshire  
| | • South Lanarkshire  
| | • West Dunbartonshire  
| Edinburgh and South East Scotland (SESplan) | • City of Edinburgh  
| | • East Lothian  
| | • Fife (South)  
| | • Midlothian  
| | • Scottish Borders  
| | • West Lothian  
| Perth and Dundee (TAYplan) | • Angus  
| | • Dundee City  
| | • Fife (North)  
| | • Perth and Kinross  
| Aberdeen (Aberdeen City and Shire Strategic Development Planning Authority) | • Aberdeen City  
| | • Aberdeenshire |
Development Plan will now consist solely of the Local Development Plan.

As Local and Strategic Development Plans are still in the process of being prepared, in some local authority areas the Local Plan and Structure Plan will still be relevant. This will continue to be the case until the new Local Development Plan (and, where applicable, Strategic Development Plan) are adopted. Strategic Development Plans (SDP) are used to set out a long term vision (20 to 30 years) for a city region, and are used to help form Local Development Plans. Strategic Development Plans will cover a range of issues, including:

- Housing
- Business
- Shopping
- Waste management
- Infrastructure (e.g. transport, or water supply)
- Green belt

Local Development Plans (LDP) are produced by all 32 local authorities and 2 National Park Authorities. The LDP goes into more details about local issues than an SDP, and will include settlement plans, which show appropriate uses for land across the local authority area.

Development Plans are important documents for all community groups, as planning decisions will always be based principally on the policies and land allocations contained within them. Therefore, if you are considering taking forward a development, it is essential that you are familiar with the policies contained in your LDP, and if applicable, SDP.

**Development Plan Schemes**

The Development Plan Scheme is a key document that each local authority is required to publish annually. This document gives details on how the local authority is progressing with their LDP and SDP, as well as key dates and opportunities for involvement. Development Plan Schemes will generally include a table indicating the likely dates for the key stages in the creation of the new Local Development Plan. The table below shows the key stages in the preparation of development plans (see diagram 1).

Each of these key stages should be listed in the Development Plan Scheme with the date it is expected to be completed. Local Development Plans are expected to be updated every five years, so this process is effectively ongoing, with work on a new plan beginning just as the current one is adopted.

Information about the timescales of each local authority’s Development Plan can be found through the PAS maps page:

http://www.planningaidscotland.org.uk/map.asp

**Main Issues Report**

The Main Issues Report stage is the principal opportunity for communities, individuals, developers and landowners to have input into the future Local Development Plan. This is therefore a very important time for community groups, as it offers the opportunity to influence land use in their community.

The Main Issues Report will consist of a number of suggestions for different planning issues, such as housing, waste, renewable energy and open space. For each option listed in the report, an alternative option will also be given.
At the Main Issues Report stage, the local authority is looking for ideas from respondents. As a community group, this is the opportunity to try to have sites allocated for future developments. In addition to looking to have sites allocated, community groups can try to ensure there is a policy framework that supports their activities. This might be a policy supporting community owned facilities, supporting community growing facilities, or in support of community renewable developments. Having a site allocated or policy included in the Local Development Plan is likely to make it easier to then progress such a development in the future.

**Proposed Plan**

Following consultation on the Main Issues Report, the planning authority will begin preparation of the Proposed Plan. When this is published, there is another opportunity to make comments. At Proposed Plan consultation stage, comments should be
Based on the content of the plan, rather than suggesting new sites or policies.

**Supplementary Planning Guidance**

Supplementary Planning Guidance sits alongside the Local and Strategic Development Plan, giving advice on specific policy issues in a local area, such as renewable energy or waste. It is important to be aware of what supplementary guidance is available in your local authority area, and when new guidance is being created. Under the reformed planning system, Local Development Plans are intended to be shorter, more concise documents than previous Local Plans. This means that a lot of the detailed information on specific policy issues is likely to be held in Supplementary Planning Guidance.
CASE STUDY  Main Issues Report

The group:
Planning Aid for Scotland worked with Clackmannanshire based allotments group the Ochil Allotment Association, helping them with a range of planning issues they faced.

Their aims:
The group wanted to ensure the Clackmannanshire Local Development Plan contained a policy supporting future allotment developments. They felt this would help them with their ongoing aim to develop allotment facilities across Clackmannanshire.

The process:
• a PAS volunteer, experienced in Development Planning, met with the group to help them with their response.
• the PAS volunteer explained the process of Development Planning, in particular what would happen once their response was submitted.
• the PAS volunteer was able to look at their response from the perspective of someone involved in the creation of Development Plans, and help them ensure it was as effective as possible.

The result:
The PAS volunteer advised the group that at the Main Issues Report stage, local authorities are looking for positive suggestions on what to include in the Development Plan. In responding to the Main Issues Report groups should not be commenting solely on what is proposed within the document; rather it is an opportunity to present new ideas.

‘The volunteer gave us a good critique of what we had drafted and was able to give us a better insight into how the system works and how planners might react to what we said. At the same time she did respect our agenda and at the end of the day we felt we had a much better document.’
Development Management

Introduction

Development Management is the process by which new developments are regulated, through approval or rejection of applications. It is the Development Management process you will go through if you are attempting to gain planning permission for a community development.

The purpose of this section of the guide is to provide an introduction to the various issues around Development Management, and how they are likely to affect a community developer.

Hierarchy of Developments:

One of the key changes to the planning system as part of the 2006 reform, which came into practice in 2009, was the introduction of a hierarchy of developments:

1. National Development
2. Major Development
3. Local Development

Under the hierarchy of developments, different development management procedures apply depending on whether the development is judged national, major or local (Table 2).

Further information on the Hierarchy of Developments is available in the Scottish Government circular: Circular 5/2009: Hierarchy of Developments

For community developments, most applications are likely to fall under the local category. If a development is classed as major or national then it will be subject to the relevant approval procedures.

Table 2

<table>
<thead>
<tr>
<th>Development</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Development</td>
<td>Development of national importance, as designated in the National Planning Framework. Examples include: New Forth crossing High speed rail link to London Central Scotland Green Network</td>
</tr>
<tr>
<td>Major Development</td>
<td>There are various different criteria for a major development, including the following: • 50 or more houses • Industrial/Business development exceeding 10,000 square metres, or a site over 2 hectares • Onshore wind farm generating in excess of 20 megawatts • Further criteria are applied to other developments including minerals, waste and fish-farming, amongst others.</td>
</tr>
<tr>
<td>Local Development</td>
<td>All other developments not classed as major or national</td>
</tr>
</tbody>
</table>
there are a number of additional procedures the developer needs to comply with. The most significant is the requirement, for a major or national development, to carry out formal pre-application consultation.

**Planning Permission**

If you are looking to develop a new building, make changes to an existing one or change the use of a site, you may need planning permission. You can apply for Full Planning Permission, or Planning Permission in Principle.

Fees will apply to all planning applications, based on the scale of the development. More information on fees is available in the Scottish Government circular: 

**The Town and Country Planning (General Permitted Development)(Scotland) Order 1992**

When submitting an application, along with the relevant fee and plans, it is advisable to include a supporting statement. A supporting statement can be used to detail how your application fits in with planning policy, levels of community support, need for the development, and any other relevant information that will support the application.

**Planning Permission in Principle**

Planning Permission in Principle (formerly Outline Planning Permission) is a process by which the principle of a development can be decided upon, without the prior requirement for detailed plans. This can be very useful for community groups as planning permission can be received without the need for the prior expense of hiring an architect to draw full plans. This mitigates against the danger of paying fees that are wasted if planning permission is refused.

If an application for Planning Permission in Principle is approved, you will later need to submit a further application, for what is known as Approval of Matters Specified in Conditions. This will concern details that are not included in the original application for permission in principle, and may include issues such as the external appearance of the building, access and landscaping. It is important to be aware therefore that drawings and plans will need to be submitted at this stage.

**Permitted Development**

Some minor developments, such as small extensions and garden sheds, are automatically granted permission by a statutory order and do not require you to submit a planning application. This is known as permitted development. Permitted development rights are detailed in the Scottish Government legislation:

**The Town and Country Planning (General Permitted Development) (Scotland) Order 1992**

The Scottish Government’s page on permitted development may also be of interest:

**Scottish Government: Permitted Development**

This legislation sets out various classes of development which do not require an application for planning permission. For example Part One deals with permitted development within a dwellinghouse, while Part Three deals with permitted development rights for change of use.

There are also a number of amendments to this order covering specific topics such
The group:
Planning Aid for Scotland worked with Dumfries & Galloway based community group the Creetown Initiative over a number of planning issues they faced.

Their aims:
The Creetown Initiative had identified the need for a new playpark following a period of consultation with residents of the village. They wanted to install new equipment, but wanted to ensure it was within permitted development rights.

The process:
- The PAS volunteer established if the group's plans constituted 'development', as defined by the Planning Act.
- Having established it was development, the PAS volunteer considered if planning permission would be required. As the site was already a playpark, planning permission for this use was not required. Planning permission may still have been required for new equipment, if it differed significantly from previous equipment.
- The PAS volunteer then liaised with the local planning officer, who confirmed permitted development rights would apply if equipment was not significantly different from existing equipment.
- Details of the proposed upgrade were then sent to the planning department, who confirmed permitted development rights would apply.

The result:
The group were able to identify types of equipment they could install without needing planning permission. They are now looking for funding to progress the development.

‘The PAS volunteer was a like a dream come true for our project! The project is progressing as a result of the help received from PAS’
as micro-renewables. More detail on the permitted development rights relating to these specific issues will be given later in this guide.

If you are considering exercising permitted development rights, it is advisable to discuss your plans with your local planning officer to ensure he/she agrees that your proposals constitute permitted development. PAS can also offer advice on permitted development issues through our advice and mentoring services.

Application Process

If you find your development does not fall under permitted development rights, you will need to complete a planning application. It is important therefore to understand the process which your application will go through. This is demonstrated in the chart below, which is based on the application being deemed a local development (for national or major applications there would be a different process, as the Scottish Government flowcharts demonstrate). The table below (Table 3) provides a link to the Scheme of Delegation for each Planning Authority in Scotland:

<table>
<thead>
<tr>
<th>Decision-making process</th>
</tr>
</thead>
</table>

Planning applications will be decided based largely on whether or not they comply with the Development Plan: where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with the development plan (Section 25 (1), 2006 Planning Act).

The planning system in Scotland allows a degree of discretion in the decision making process, however the emphasis on compliance with the Local Development Plan means it is essential for groups to consider how policies within the plan relate to their proposed development.

Material Considerations

As the above extract from the Planning Act states, decisions will be based on

<table>
<thead>
<tr>
<th>Local Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
</tr>
<tr>
<td>Aberdeenshire</td>
</tr>
<tr>
<td>Angus</td>
</tr>
<tr>
<td>Argyll &amp; Bute</td>
</tr>
<tr>
<td>Cairngorms</td>
</tr>
<tr>
<td>Clackmannanshire</td>
</tr>
<tr>
<td>Dumfries &amp; Galloway</td>
</tr>
<tr>
<td>Dundee</td>
</tr>
<tr>
<td>East Ayrshire</td>
</tr>
<tr>
<td>East Dunbartonshire</td>
</tr>
<tr>
<td>East Lothian</td>
</tr>
<tr>
<td>East Renfrewshire</td>
</tr>
</tbody>
</table>
the development plan, ‘unless material considerations indicate otherwise’. It is important therefore to be aware of what constitutes a material consideration, and what does not.

The PAS advice sheet on material considerations provides background information on the topic. In addition, Scottish Government Circular 4/2009: Development Management Procedures, contains Annex X: Defining a Material Consideration. Knowledge of what is and is not a material consideration will help you support your planning application with relevant facts. Knowledge of material considerations is also useful when considering potential objections that may come in, as they will only be relevant if based upon material considerations.

e-planning

The Scottish Government has been introducing e-planning over the last few years. The process is designed to allow more of the planning system to be accessed online. Further information on the process of e-planning can be viewed on the Scottish Government’s information page: https://eplanning.scotland.gov.uk/WAM/index.htm

A key element of the introduction of e-planning is to allow planning applications to be submitted online. In addition, members of the public are now able to view planning applications and related documents online. Using the online planning application service, you can view current planning applications, as well as viewing a site or property’s planning history. This can be useful to find out about previous applications, and how successful they have been. The table below (Table 4) provides links to the online planning application page for each Planning Authority.

### Table 4

<table>
<thead>
<tr>
<th>Online Planning Information</th>
<th>Online Planning Information</th>
<th>Online Planning Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
<td>Edinburgh</td>
<td>Orkney Islands</td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td>Eileen Sar</td>
<td>Perth &amp; Kinross</td>
</tr>
<tr>
<td>Angus</td>
<td>Falkirk</td>
<td>Renfrewshire</td>
</tr>
<tr>
<td>Argyll &amp; Bute</td>
<td>Fife</td>
<td>Scottish Borders</td>
</tr>
<tr>
<td>Cairngorms</td>
<td>Glasgow Not Available</td>
<td>Shetland Islands</td>
</tr>
<tr>
<td>Clackmannshire</td>
<td>Highland</td>
<td>South Ayrshire</td>
</tr>
<tr>
<td>Dumfries &amp; Galloway</td>
<td>Inverclyde</td>
<td>South Lanarkshire</td>
</tr>
<tr>
<td>Dundee</td>
<td>Loch Lomond</td>
<td>Stirling</td>
</tr>
<tr>
<td>East Ayrshire</td>
<td>Midlothian</td>
<td>West Dunbartonshire</td>
</tr>
<tr>
<td>East Dunbartonshire</td>
<td>Moray</td>
<td>West Lothian</td>
</tr>
<tr>
<td>East Lothian</td>
<td>North Ayrshire</td>
<td></td>
</tr>
<tr>
<td>East Renfrewshire</td>
<td>North Lanarkshire</td>
<td></td>
</tr>
</tbody>
</table>
Scheme of Delegation

As the flowchart above demonstrates, a key point in the process is deciding if the planning application can be delegated for decision by a Planning Officer, rather than being sent to the planning committee for decision. Each Local Authority produces a document known as a Scheme of Delegation, which lists the circumstances under which an application can be delegated to a planning officer.

Planning Appeals and Local Reviews

If a planning application is rejected, the applicant can consider challenging this decision via the planning appeal or local review process. This means that the decision taken by the planning authority will be re-examined in an independent manner. Clearly, it is preferable to avoid going to appeal or local review by preparing a high quality planning application, based on development plan policy and land allocation, and as likely as possible to be approved. In some cases though, appeals may be unavoidable. The outcome of the appeal or local review is final and can only be challenged by judicial review.

National Policy and Guidance

Changes to how planning appeals are dealt with were introduced in August 2009 meaning that some challenges of decisions on planning applications are dealt with by appeal to Scottish Ministers, while others are dealt with at local authority level by Local Review Bodies.

The Scottish Government has also produced an easy-read guide to the appeal process - A Guide to Planning Appeals in Scotland. The following Scottish Government Circulars on planning appeals and Local Review bodies provide more detail on the process:

Planning Appeals

The Directorate of Planning and Environmental Appeals (DPEA) is delegated by Scottish Ministers to determine, amongst other matters, appeals against refusal of:

- Major or national planning applications
- Local applications, where the decision was delegated to a planning officer
- Listed Building consent

The DPEA employs Reporters, whose role it is to consider, and then uphold, dismiss the appeal, or vary the terms of the original application. There are three formats by which appeals can be dealt with:

- Written Submission
- Hearing session
- Public Inquiry

The Reporter has the final say as to the appeal format - sometimes a mixture of these methods will be used.

In written submission appeals the Appellant prepares a written statement and provides further documentation as required; the local authority, and others who have made representations on the applications, are then able to submit further statements in support of their view. A hearing session involves a round table discussion with the relevant parties chaired by the Reporter. A public inquiry is a more adversarial process where the appellant and others involved can be cross examined, often by lawyers.

Local Reviews

Every local authority is required to establish a Local Review Body (LRB) which will review all challenges to local planning applications.
which were determined under delegated powers.

The LRB must consist of at least 3 or more elected members.

The LRB has the final say as to how the local review will be handled. Local Reviews can take various formats, ranging from the decision being made based on existing information only to further written submissions, site visits and hearing sessions.

As in planning appeals, the LRB will uphold, dismiss or vary the planning decision before them.

**Appeals on basis of non-determination**

Planning applications can also be appealed on the basis of not being determined within the time targets set by the Scottish Government i.e. two months from the application’s validation date for a Local Development and four months for a National or Major Development. This type of appeal must be submitted to the DPEA or LRB within 3 months of the date by which the application should have been decided.

**Further information**

If you are intending to undertake an appeal or local review, PAS can offer support through our planning advice helpline and mentoring service.
Specific Issues

The purpose of this section of the guide is to give information on the planning issues affecting specific types of development. Each section contains an introduction to the planning policies related to each type of development. Policies from various Local Plans/Local Development Plans have been included as examples.

This section is not intended to provide a comprehensive toolkit on how to carry out the specified development, rather it gives an introduction to the planning issues of the topic and links to further information.

Please click on the relevant topic for further information:

- Renewable Energy
- Community Halls / Facilities
- Allotment
- Waste
Chapter 5

Specific Issues

Renewable Energy

The development of renewable energy is currently a key Scottish Government aim. The Scottish Government has ambitious targets for renewable energy in the near future, with communities seen as an essential part of this. The Scottish Government has set a target of 500MW of community and locally owned energy by 2020, with a commitment to provide the necessary support to achieve this: [Scottish Government 2020 Routemap for Renewable Energy in Scotland]

National Policy

Scottish Government policy on renewable energy is contained within a number of key documents:

National Planning Framework:
Renewable energy policy is contained in paragraphs 144-150. Key to community projects is paragraph 149:

Small-scale renewable energy projects can make a valuable contribution locally. They can play a vital role in supporting the sustainable development of remote rural and island communities in particular. Cumulatively, they can make a significant contribution to the development of a more decentralised pattern of energy generation. Their local environmental effects will need careful management.

Scottish Planning Policy:
SPP renewable energy policies are outlined in paragraphs 182-195. The document states that renewable energy developments should be supported where appropriate, and emphasises the role of community developments:

There is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable way. (para 183)

Planning Advice Note:
The Planning Advice Note for renewable energy has been replaced with an online resource, providing information on a range of different issues, including onshore wind turbines, hydro schemes and biomass.

National Agencies

There are a number of agencies that are likely to have an interest in any renewable energy development:

Scottish Natural Heritage’s (SNH) role is to protect Scotland’s nature and landscape, and as such it has an interest in renewable energy projects. SNH publishes guidelines on renewable energy and the natural environment, which can be viewed on its website:

SNH Guidance Documents

Historic Scotland will have an interest in any renewable energy development that impacts upon a listed building, or takes place in a conservation area. If this applies to your development, you can view its policy on micro-renewables, as well as the wider policy:

Scottish Historic Environment Policy

Scottish Environment Protection Agency (SEPA) is responsible for protecting Scotland’s environment. It has produced guidance for a number of renewable energy types, including onshore wind and hydro. Its planning guidance sheets can be viewed here:

SEPA Planning Guidance
Local Policy

Planning Authorities will generally discuss Renewable Energy in their Local Development Plan, and if relevant, the Strategic Development Plan. In some cases Planning Authorities will also produce supplementary planning guidance covering renewable energy. See Example Policy No. 1 for an extract from a local development plan policy on renewable energy.

Renewable Energy - Permitted Development

Changes to permitted development rights have been implemented during 2011, which allow non-residential properties to carry

Example Policy No.1

Highland Local Development Plan Policy 22.2.3

Subject to these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- natural, built and cultural heritage features;
- species and habitats; public health and safety;
- visual impact, and impact on the landscape character of the Highlands (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- community amenity at sensitive locations including residential properties, work places and recognised visitor sites (in or out with a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism, recreation and film industry interests;
- land and water based traffic and transport interests;
In some cases, Local Development Plans may include a specific policy on community renewable energy projects. The Highland Local Development Plan is an example of this (Example Policy No.2)

### Example Policy No.2

**Highland Local Development Plan Policy 22.3.1**

The Council’s initial assessment of renewable energy proposals will apply the same tests of acceptability for a community project as it would to a commercial proposal. However, where a community wishes to develop a small project solely as a community venture, or takes a share in a larger project, then where it is the only community significantly impacted by the proposal the Council will regard this as a material consideration. In such circumstances and subject to the proposals being assessed as acceptable under other relevant policies of the Plan, the Council may grant consent for renewable energy development with greater impacts upon the amenity of that community’s area as a place in which people reside or work than would normally be the case.

out a number of small renewable energy developments without needing to apply for planning permission. The amended permitted development order can be viewed here:

**The Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order 2011**

The amendments included in this legislation relate to ground source heat pumps, air source heat pumps and solar panels. Installation of these is now allowed on non-domestic properties without the need to apply for planning permission, subject to the conditions stated in the Order.

Also included in this amendment are changes to allow small biomass or Anaerobic Digestion plants on agricultural or forestry land. This will be covered in more detail in the waste section.

**NOTE:** If considering exercising permitted development rights, it is advisable to discuss your proposed development with your planning officer. This will allow you to ensure they agree your development falls under permitted development rights, and mitigate against the danger of later enforcement action if they do not.
Community Halls/Facilities

This section will look at the planning issues relating to developing community facilities. The most common type of development is likely to be community halls, but the information in this section will also be useful for other developments such as community shops, sports facilities and community offices.

New Build or Refurbishment?

One of the most important issues for these types of developments is whether to carry out a refurbishment/redevelopment of an existing building, or to develop an entirely new building. There are many considerations in deciding which option to take, such as cost, heritage value of the existing building, and the desired use of the building. It is not the purpose of this document to discuss these issues in detail; instead it will consider the planning implications of both.

Refurbishment

If you are looking at carrying out a refurbishment of an existing building, there are a number of planning issues you will need to consider. Two of these may be:

- What is the current use of the building? Will you be changing this?
- Is the building listed, and/or in a conservation area?

Change of Use

A potential issue for groups considering refurbishment of a building is change of use. In some cases, changing the use of a building will require planning permission, in others it will be deemed permitted development.

You should consider the current/last use of the building, and what you intend to use it for in the future. A key consideration would be how the change of use you are proposing is likely to impact on neighbouring properties.

The use classes are as follows:

1. Shops
2. Financial, professional and other services
3. Food and drink
4. Business
5. General Industrial
6. Storage or distribution
7. Hotels and Hostels
8. Residential institutions
9. Houses
10. Non-residential institutions
11. Assembly and leisure

This is the summary of classes, further details on each use class can be found in the use class order:

The Town and Country Planning (Use Classes) (Scotland) Order 1997
The Town and Country Planning (Use Classes) (Scotland) Amendment Order 1998

Change of Use - Permitted Development

In some cases where a change of use class occurs, permitted development rights apply and an application for planning permission will not be required. The details of this are contained in Part 3 of the Permitted Development Order:


An example of a change of use that would be...
deemed permitted development would be a change from Class 3 (Food and drink) to Class 1 (Shops). You would not need to apply for planning permission if you wished to make this change. Permitted development rights will generally apply for changes of use where there is likely to be minimal impact on the neighbourhood from such a change. More significant changes will require planning permission.

**Listed Building/Conservation Area**

**Listed Buildings:**
If you are planning to make changes to a listed building, you may need to apply for Listed Building Consent. This needs to be done in addition to any planning permission required.

Historic Scotland carries information on all listed buildings. You can use their website to search for the relevant building, with their records showing the listing grade and information on the building itself:

http://www.historic-scotland.gov.uk/index/heritage/historicandlistedbuildings.htm

There are three categories of listing:
- **‘A’ Listed** - Buildings of national or architectural importance or little-altered examples of styles or periods.
- **‘B’ Listed** - Buildings of regional importance or important historic buildings that have been altered.
- **‘C’ Listed** - Buildings of local importance and lesser examples of a particular era which may have been altered.

If you are applying to make changes to an A listed building, the local authority will consult Historic Scotland before making a decision. If the building is B or C listed, the local authority planning department can make the decision without consulting Historic Scotland.

**Conservation Areas:**
The Scottish Government has produced a guide to Conservation Areas in Scotland, which can be viewed here:

A Guide to Conservation Areas in Scotland

The Scottish Government Planning Advice Note will also be relevant:

Planning Advice Note 71: Conservation Area Management

Local Authorities are responsible for designating Conservation Areas. Where a Conservation Area is designated, the Local Authority will also produce a Conservation Area Appraisal. This will identify what is special about the area, and what requires protection. The Conservation Area Appraisal will also have an impact on any planning application for the area.

You should also consult your Development Plan, as it is likely to contain policies relating to development in Conservation Areas. An example is shown from the Edinburgh Local Plan (Example Policy No.3, p27):

**New Build**
This section will cover the likely planning
issues involved with building a new community facility. The information within this section is generally aimed at those building community halls, but the planning advice could equally apply to other community facilities such as offices or sports facilities.

**Local Plan/Local Development Plan**

A sensible first step when developing on a new site is to consult your Local Plan/Local Development Plan. Looking at the relevant map within the plans, you should be able to see what use is allocated for the site, i.e. industrial, housing etc. Ideally you will find a site that is allocated for your intended use, or be able to have the site allocated through the development planning process, as discussed in the earlier chapter on development plans. If you wish to go ahead with an application for a site allocated for a use different from yours, you will need to find supporting policies within the Local Plan. In some cases, the Local Development Plan may have a specific policy on community facilities. As an example, below is an extract from the proposed Aberdeenshire Local Development Plan (Example Policy No.4) As well as looking for relevant policies in your Local Plan, you should also consider any relevant Supplementary Planning Guidance which may support your application. Supplementary guidance may also give information on design topics you will need to consider, such as access, and car-parking provision. You will also need to be aware of any other material considerations, as discussed in the Development Management section above.
Example Policy No.4

SG LSD7: Community facilities

We will approve new community facilities, comprising indoor or outdoor infrastructure, subject to other policies, where they are available to all community residents and in accessible locations within settlements. This may include, for example, halls, pavilions, playing fields, parks, public art and any other physical infrastructure to promote enjoyment and recreation within the community.

Where existing community facilities within settlements have become surplus to requirements, due to new or updated facilities being provided elsewhere, we will approve their re-use or redevelopment, subject to them being consistent with the terms of other policies contained within the Local Development Plan.

A legal agreement may be needed to ensure that new facilities are available to all members of the community for a reasonable amount of time on a regular basis.
CASE STUDY  New Build

The group:
PAS worked with the Barrmill Community Hall Association, based in a small village in rural North Ayrshire.

Their aim:
The group were looking to replace their existing village hall with a new facility. The group were faced with a number of different potential locations for their new hall.

The process:
• The group had to consider whether to replace their existing hall on the same site, or consider a number of possible alternative sites in the village. Each possible site had its own issues, which the PAS volunteer was able to offer advice on.
• The PAS volunteer was also able to help the group clarify the planning situation of each site by consulting the Local Plan, looking at the planning history of each potential site, and advising the group accordingly.
• The PAS volunteer also advised the group on the importance of demonstrating community support for their chosen site, which would need to be evidenced through effective and efficient community consultation.

The outcome:
The group had a better understanding of the suitability of the various available sites, which they were then able to present to village residents in a consultation event.
Specific Issues

Allotments
Planning Aid for Scotland has provided assistance to community groups aiming to develop allotment sites. A number of enquiries received via our advice service and mentoring scheme suggested, that while there is strong community desire to bring forward new allotments sites through the planning system, it may not always be easy to achieve this.

National Planning Policy and Guidance
The Scottish Government’s Scottish Planning Policy (SPP) document emphasises the value of open space in promoting health and well-being. It sets out the requirement for planning authorities to undertake open space audits, and within this, defines allotments as a category within the planning designation open space. It also states that “planning authorities have a statutory duty to provide allotments where there is proven demand” (para 153).
Planning Advice Note (PAN) 65 Planning and Open Spaces sets out a typology of open space for use by planning authorities in compiling open space audits; within this, allotments and community growing spaces are again defined as open space. It also suggests that planning authorities should assess demand for allotments by assessing demand via consultation with relevant local groups (para 29).

Local Planning Policy and Guidance
Most planning authorities do not have allotment-specific development plan policies which would be used to determine planning applications for allotments. They therefore tend to take guidance from PAN 65 and view allotments as open space and assess applications for allotments against development plan open space or other relevant policies. For example, if an open space site also lies within greenbelt, the greenbelt designation may be likely to have greater importance than the open space one. If the site was designated agricultural land, then other planning issues might arise e.g. change of use.
Some local authorities also publish their own guidance on allotment sites but these tend to focus on issues of management of sites rather than the planning issues of designating new sites.

PAS Research Projects
PAS undertook a research project investigating planning issues around the allocation of land for allotments via development planning and development management processes. This involved interviews with local authority planning officers, developers and allotment groups.
The research indicated that local authorities would always encourage community groups wishing to suggest new allotments sites to participate in the development plan process at Main Issues Report stage, or earlier if pre-MIR workshops or discussions are being offered. Involvement at this stage also offers the opportunity to influence local development plan policies or supplementary guidance relevant to allotments. Recent reform of the development planning process actively promotes early community involvement in this process.
At development management level, the research findings indicated that there may be a lack of clarity and consistency as to how planning applications for new allotment
sites, as well as new infrastructure such as huts, toilets or poly-tunnels, on established sites are handled. Some planning authorities, for example, have requested individual applications for a garden hut on each plot. It was also noted by some planning authorities that some allotment sites can attract objections on the basis of visual amenity and increased traffic. Other relevant issues to consider can be the provision of parking and toilet facilities.

**Change of Use**

This can be a factor in submitting a planning application for a new allotments site. There may be a lack of clarity on the particular issue in establishing whether change of use is required to establish allotments as a horticultural use, on existing agricultural land. Land use classifications can vary based upon locality and previous use of land so these factors could impact on the outcome of a planning application. It is clear that allotments can have a variety of land use classifications from locality to locality and that the situation may vary particularly between urban and rural authorities. The best approach for any group aiming to develop land for allotments is to engage in early discussions with your planning department. This should allow you to build up a picture of how allotment applications are handled in your local area.
CASE STUDY  Allotments

The group:
As offered advice to the Ochil Allotment Association as they sought planning permission for their first site. Having identified suitable land and agreed a deal with the landowner, gaining planning permission was the final step before starting to develop the site.

The process:
The site the group wanted to develop was on agricultural land, in a greenbelt, with access from a derestricted B-road. The issues of access and development of a greenbelt appeared to be the two main potential difficulties. PAS directed the group to look at Scottish Planning Policy paragraphs 159-164 for details on what developments may be acceptable in a greenbelt. This included horticultural developments and recreational uses compatible within an agricultural setting, as well as the following statement:

An effectively managed green belt can be an important resource for access to the countryside, providing a range of opportunities for outdoor recreation, education and tourism, and for protecting and enhancing biodiversity, the landscape and the historic environment.

The access issue related to vehicles turning off a derestricted road, leading to a potential increase in accidents. This led to the Roads and Transportation department objecting to the development. In order to counter this, the group gave an estimate of the limited number of vehicles likely to be attending the allotments on a daily basis. This persuaded the planning department to agree the added risk of collision was not significant enough to require refusal of planning permission.

The outcomes:
Having overcome these potential issues, planning permission was granted for the allotments in December 2010.
Waste management and the development of new facilities is currently a topic of increased importance in planning. The Scottish Government is attempting to reduce reliance on landfill, and encourage the use of waste as a resource, rather than something to be disposed of. As part of this, there is expected to be an increase in the number of waste management facilities across Scotland. This may be something that community groups can benefit from, through development of their own community waste management facilities.

Waste policy in Scotland is driven by European Union legislation. Two key pieces of legislation have particular relevance:

1. **European Landfill Directive**: requires EU member states to reduce the level of waste sent to landfill
2. **European Waste Framework Directive**: requires member states to conform to the waste hierarchy, as set out in the directive, and also to produce waste management plans.

The waste hierarchy aims to see waste viewed as a valuable resource, which should not be disposed of unless absolutely necessary:

### National Waste Policy

The Scottish Government has produced a [Zero Waste Plan](#), which sets out the Government’s vision for a Zero Waste society. The plan details the actions Scotland needs to take in order to achieve zero waste goals. More information on the plan itself is available from the Zero Waste Scotland website.

In planning terms, the Zero Waste Plan is used alongside other planning documents to form the National Waste Management Plan for Scotland:

1. **National Planning Framework**: Waste is dealt with in paragraph 27 of the NPF:
   - The effective management and re-use of waste is essential to a sustainable future. The EU Landfill Directive requires the amount of biodegradable municipal waste going to landfill to be reduced by 35% of the total produced in 1995 by 2020. Landfill Tax is increasing substantially. Additional facilities for the treatment and recycling of municipal, commercial and industrial wastes are therefore urgently needed. As the methane produced by landfill sites is a powerful greenhouse gas, reducing the scale of landfill helps to combat climate change. The construction and operation of waste management installations can also offer new economic opportunities.

2. **Scottish Planning Policy**: [SPP](#) discusses waste in paragraphs 212-224, covering issues such as the
Specific Issues

location of new facilities and the waste hierarchy.

3. Planning Advice Note 63: PAN 63 gives advice on the Scottish Government’s planning policy regarding waste. This document is currently due to be replaced.

These four documents, taken together, comprise the Scottish Government’s policy on waste. Consulting the relevant sections of these documents will give you a good impression of national waste policy.

Local Policy

The Zero Waste Plan states that Local Authorities should support Zero Waste aims through encouraging the development of new waste management facilities to ensure waste is dealt with in the most environmentally friendly manner possible. To achieve this, they will allocate sites in their Development Plans for waste management facilities, as well as providing a policy framework which supports the development of new sites. Policy R7 from the Proposed Aberdeen City Local Development Plan is included as an example of a policy referencing the Zero Waste Plan (Example Policy No.5)

10.3.2 Permitted Development:

Recent changes to the General Permitted Development Order could help groups looking to carry out small scale waste management developments. The amended Order can be viewed here: The Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order 2011

The amendments allow:
Class 6K.—(1): allows development of biomass or anaerobic digestion on agricultural land, subject to conditions detailed in the Order. and
Class 6L.—(1): allows development of biomass or anaerobic digestion on forestry land, subject to conditions detailed in the Order.

Restrictions as detailed in the Order include details such as the development not being within 25 metres of a classified road, and the energy generation must not exceed 50 kilowatts, amongst other restrictions.

Example Policy No.5

Proposals for waste management facilities within the City must comply with the waste hierarchy. Applications for waste management facilities will be supported provided they:

1. conform to the Zero Waste Plan and Aberdeen Waste Strategy;
2. meet a clear need for the development to serve local and/or regional requirements for the management of waste;
3. represent the Best Practicable Environmental Option for that waste stream;
4. will not compromise health and safety;
5. minimize the transport of waste from its source
Community Engagement

Background

The British planning system was set up with the aim of regulating and promoting development in the public interest. As the system has evolved, ever increasing focus has been placed on consulting and engaging members of the public about development in their local area.

In the Scottish context, the Planning etc. (Scotland) Act 2006 and subsequent reforms placed a particular emphasis on achieving a more inclusive and effective planning system whereby people would be more aware of and involved in local developments that might impact on them.

Under the reformed planning system, local authorities are expected to aim for greater and more innovative consultation in preparing development plans (see Development Plans chapter for information on how community groups can get involved in this process); and applicants for proposals deemed as major or national are required to undertake pre-application consultation. While there is no such requirement for local developments (which most community-led developments are likely to be classified as), PAS believes it is good practice to consider carrying out pre-application consultation for any planning proposal.

Community Development

For community-led development proposals, effective consultation/engagement can be particularly important and many planning proposals led by community groups offer up the opportunity for a high level of consultation and engagement to be achieved by tapping into local knowledge and experience.

National Policy and Guidance

The Scottish Government’s main planning policy document Scottish Planning Policy states that “effective engagement with the public can lead to better plans, better decisions and more satisfactory outcomes, and avoid delays in the planning process” (para. 31), and continues that “close working with communities can help to identify and overcome sensitivities or concerns associated with new development” (para 32).

Planning Advice Note 3/2010: Community Engagement sets out roles and responsibilities with regard to consultation and engagement, and provides guidance on how to undertake consultation. It also endorses PAS’s guidance on engagement in planning (see below).

SP=EED™ – Scottish Planning = Effective Engagement and Delivery

SP=EED™ is Planning Aid for Scotland’s practical guide to engagement and consultation in planning. It is anticipated that it will be a useful tool for community-led projects.

SP=EED™ is unique in that it focuses specifically on engagement in planning. It sets out

- 3 clear levels of engagement to aim for (see below)
- 8 criteria by which effective engagement can be designed and assessed e.g. Transparency & Integrity, Responsiveness, Inclusiveness

Two extracts are given below, and the full document can be downloaded free by clicking the image below:
Community Engagement

The first extract below is from SP=EED™ criteria on Transparency and Integrity, showing the requirements for Level 2 engagement:

![How to Use SP=EED™](image)

The second extract below shows the three different levels of engagement proposed in SP=EED

Further Information

Please contact PAS if you would like to discuss SP=EED™ or are interested in our SP=EED™ training workshops – sp=eed@planningaidscotland.org.uk.

Further information about community engagement and techniques is available at the following link on the Scottish Government website: [http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/engage](http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/engage)
The group:
PAS worked with Voluntary Action Barra and Vatersay, in the Outer Hebrides

Their aim:
The group hoped to restore a historic building in Castlebay, the main settlement on Barra. The group wanted to ensure the residents of the island had the opportunity to participate in the redevelopment of the historically important building.

The process:
PAS used SP=EED™ to advise the group on how to carry out effective community engagement. The group were looking to refurbish an important local heritage building, but wanted to ensure the community had the opportunity to contribute to the plans.
PAS worked with the group to explain how effective engagement can be carried out, emphasising that it is an ongoing process throughout the course of a development. It was also highlighted that different techniques should be used to engage with different members of a community. For example, to engage with older or less mobile people it may be necessary to visit in person, while younger people may respond better to communication through social media.

The outcome:
The group had a much better understanding of how to carry out community engagement. As well as helping them with the development of this building, they are also considering engaging with the community over the redevelopment of a number of other historic buildings on the island.