

WEST DUNBARTONSHIRE COUNCIL

Report by the Acting Director of Housing, Regeneration and Environmental Services (Housing and Regeneration Services)

Planning Committee: 8 August 2007

**Subject: Town and Country Planning (Notification of Applications)
(Scotland) Direction 2007**

1. Purpose

- 1.1** To advise the Committee of the content and requirements of the new Notification Direction which came into effect on 1 July 2007 for planning applications and Local Authority developments.

2. Background

- 2.1** The Town and Country Planning (Notification of Applications) (Scotland) Direction 2007 consolidates and replaces the 1997 Notification Direction and all subsequent amendments. The new direction specifically address changes to the arrangements for notifying Ministers of local authority interest developments, departures from the development plan and EIA developments.
- 2.2** The new Direction is accompanied by Circular 5/2007 which offers guidance on the provision of relevant information when planning applications are to be notified to Scottish Ministers and it explains the types of circumstances where Ministers may call in applications for their own determination. The Planning Advice Note 82: Local Authority Interest Developments offers advice to planning authorities on the expected standards of assessment and scrutiny of development proposals where the local authority has an interest and the procedures to be followed.

3. Main Issues

- 3.1** The schedule to the direction sets out the categories of planning applications and circumstances in which planning authorities must notify Scottish Ministers before they grant planning permission. Many of the categories have not changed from the previous direction. The new requirements of the 2007 Direction require the following developments to be notified to the Scottish Ministers.
- Any Environmental Impact Assessment development whether to clear the application back to the planning authority or to call it in for their own determination.

- Applications which are significant departures from adopted local plans.
- Any application for or connected with opencast coal workings if its site boundaries fall within 500m from the edge of a community.
- Any application for fish farming where the planning authority propose to grant planning permission against the advice of the Ministry of Defence.
- The Notice of Intention (NID) procedure followed by Local Authorities where they act both as developer and as planning authority was discontinued on 1 April 2007. From that date local authorities own development proposals must follow the same planning processes as private developments.

3.2 The Direction also contains further provisions specific to the local authority interest category. Planning Authorities must notify Ministers where the proposed development by the Authority:

- would be contrary to the development plan for the area; or
- has been the subject of a substantial body of objections.

It provides details of the information to be provided to Ministers to aid their understanding of how development proposals have evolved. Guidance is provided on the interpretation of the notification requirement both to guide planning authorities on the matter and also to aid other people's understanding of why an application has, or has not followed this notification procedure. It also introduces a new requirement for authorities to inform objectors about their intention to grant planning permission and to invite comments before notifying Scottish Ministers. The Local Authority must provide objectors with a statement of reasons for that decision and objectors must be afforded an opportunity to provide comments to the planning authority on that statement of reasons, and also to make representation to the planning authority and to Scottish Ministers if they consider that their earlier representations have not been properly dealt with by the authority. Objectors must be given a minimum of 14 days to lodge any further representations in respect of these matters. Following the receipt of any further comments as a result of this consultation the Planning Authority must consider whether it remains minded to grant planning permission. If so, then at that stage the authority should notify the Scottish Ministers.

4. Personnel Issues

4.1 There are no personnel issues.

5. Financial Implications

5.1 There are no financial implications

6. Risk Analysis

6.1 There are no known risks

7. Conclusion

7.1 The new Direction has implications for the determination of certain types of planning application, in particular where the Local Authority has an interest in the application. Both the Circular and Planning Advice Notice provide advice and guidance where the Scottish Ministers may consider it necessary to become involved in decision making and the procedures to be followed. This guidance and advice will be followed in the determination of planning applications.

8. Recommendation

8.1 The Committee is asked to note the content of this report.

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Date: 24 July 2007

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Appendix: None

Background Papers: Circular 5/2007 Notification of Planning Applications

Planning Advice Note 82: Local Authority Interest Developments

Wards affected: None