

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 12 June 2012**

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**Subject: Scottish Government Consultation – Miscellaneous Amendments  
to the Planning System 2012**

#### **1. Purpose**

- 1.1** To advise the Committee of a Scottish Government consultation on proposed changes to the regulations relating to miscellaneous amendments to the planning system, and to agree the Council's response.

#### **2. Background**

- 2.1** The modernisation of the planning system introduced a range of new legislation and procedures, and a number of changes are proposed following a review of the first 12 months of the modernised planning system. The purpose of this consultation is to seek views on draft legislation for a number of refinements and amendments to the procedures on development management, schemes of delegation, local reviews and appeals.

#### **3. Main Issues**

- 3.1** The consultation paper contains 12 specific questions on which the Council's views are sought. The recommended responses are contained in Appendix A.
- 3.2** The principal changes proposed are as follows:
- Remove the requirement for the 12 week statutory pre-application consultation for major and national developments where the application is merely to amend the conditions of an existing planning permission (i.e. a 'Section 42' application);
  - Remove the requirement to advertise applications in the local press for neighbour notification purposes where (a) the neighbouring land concerned is a road or a private means of access to land or land which is owned by the applicant or the planning authority, and (b) where the application is for a householder development and the neighbouring land has no premises on it;
  - Abolish the separate fee for advertising of applications, and raise application fees to cover advertising costs;
  - Introduce a requirement to consult Network Rail and other railway undertakers in relation to development within 10m of a railway boundary;
  - Abolish the restriction on schemes of delegation which requires that local applications where the Council is the applicant/developer or has a financial or property interest must be determined by the Planning Committee. Planning authorities would therefore have discretion whether or not to delegate such cases;

- Allow local reviews on the grounds of non-determination to be sought at any time after the expiry of the two month determination period provided an extended period for consideration has been agreed upon in writing between the applicant and the appointed officer. (At present such reviews must be submitted within 3 months of the expiry of the determination period);
- Extend the period for determination of reviews in non-determination cases from 2 months to 3 months;
- Amend the appeals regulations to allow the reporter to request minor pieces of information which would help to process the case but which do not constitute new evidence requiring consultation and comment from all parties. (At present reporters are not allowed to request any additional information); and
- Potentially altering the requirements for formal applications for approval of matters specified in conditions where the matters concerned are of a minor or technical nature. (At present all such matters require to be subject to an application, whereas under the previous outline/reserved matters arrangements minor matters could be dealt with by an exchange of correspondence).

**3.3** The changes proposed are on the whole supported, and have been proposed as a result of a review of the first 12 months of the modernised planning system, from various stakeholder forums, and from previous consultations in 2010. The exclusion of Section 42 applications from the statutory 12 week pre application consultation for major and national developments will streamline the process for these types of applications, some of which are relatively minor in nature, and will allow developers to submit applications more swiftly and help to facilitate the delivery of development more quickly on the ground. The proposals to reduce the requirement to advertise applications and to simplify the fee arrangements will help to reduce costs and speed up the development management process. The removal of the requirement for Council interest applications to be determined by the Committee will potentially reduce the amount of minor applications which require to be determined in this way, speeding up the determination of such applications and allowing the Committee to focus on larger and more important applications. Other changes in relation to the local review and appeal processes are also welcomed.

**3.4** Whilst the proposals address many of the procedural weaknesses which have arisen in the course of the Planning Modernisation reforms, they do not address this Council's concerns about loss of strategic oversight where there is a conflict of views between neighbouring planning authorities. At the Planning Committee meeting on 3 April 2012 the Committee instructed officers to write to the Scottish Government to express our concerns in this regard, and this has taken place. It is considered that the changes which will arise from the present consultation provide an opportunity to address the shortcomings of the consultation and notification procedures, and that this point should be restated in this Council's response. This is addressed more fully in Question 12 of the response in Appendix A.

## **4. People Implications**

**4.1** There are no personnel issues

## **5. Financial Implications**

- 5.1** The proposal to remove advertisements fees if implemented whereby the advertisement would have to be funded through the planning fees will have to be reviewed within existing planning services budget.

## **6. Risk Analysis**

- 6.1** There are no known risks associated with this report.

## **7. Equalities Impact Assessment (EIA)**

- 7.1** There is no equalities impact associated with this report.

## **8. Strategic Assessment**

- 8.1** The proposed changes do not conflict with the Councils four strategic priorities.

## **9. Conclusion and Recommendation**

- 9.1** In general, the proposals are considered to be appropriate changes which allow planning procedures and regulations to be more proportionate, appropriate and streamlined.
- 9.2** It is recommended that the Committee note the content of this report and agrees that Appendix A forms the Councils response to the consultation paper.

**Elaine Melrose**

**Executive Director of Housing, Environmental and Economic Development**

**Date: 29 May 2012**

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**Appendices:** A. Proposed Response to Consultation

**Background Papers:** 1. Scottish Government Consultation;  
"Miscellaneous Amendments to the Planning System  
2012

**Wards Affected:** All