

The Planning System – What is it?

The planning system controls the way in which Scotland's land is used. It does this through laws and legislation that require all (or at least most, the exceptions are explained in section 3) new developments to get permission from the council's planning authority before they are built.

1. How does planning work?

There are three main parts to the Scottish planning system:

Development Plans which set out how the land in the local authority area should be used and where change is proposed, and they set out the policies used to make decisions about planning applications.

Development Management is the process for making decisions about planning applications.

Enforcement is the process that makes sure development is carried out correctly and allows the planning authority to act when development happens without permission or when pre-set conditions have not been followed.

2. What are development plans?

The development plan is a document that sets out how places should change and what they could be like in the future. The plan identifies 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 and wildlife.

The plan also helps development to take place quickly by describing how any new or improved facilities, such as roads, schools, and parks, will be provided.

Councils and National Park authorities must prepare a development plan for their area every five to ten years. The Scottish planning law says that the development plan must be the starting point in making any planning decisions.

Within the development plan, there are policies that help set out what kind of development is acceptable. The council will respond to planning applications based on what it says in its plan.

What does the plan contain?

There can be multiple parts to the plan. Each Council area in Scotland is covered by at least one local development plan, which sets out where most new developments are proposed and the policies that will guide decision-making on planning applications.

In North Lanarkshire there is also a strategic development plan (known as Clydeplan) covering Glasgow City and the surrounding 7 local authorities. The strategic development plan sets out the long-term development of the city region (this recognises that Glasgow is a metropolitan area and the city does not function in isolation from the surrounding local authorities) and deals with city region-wide issues such as housing and transport.

How can I get involved in preparing the development plan?

During the first stage of preparing a new plan, the Council's planning staff will talk to communities and local businesses to prepare a main issues report. This will set out ideas about the different ways

your area could change. **It is important that local people become involved in preparing the plan at this stage when the council can take account of new ideas.**

The Council will then prepare a proposed plan and make it public. If you are unhappy with the proposed plan, you can make formal comments to the Council. This will normally be through the Council website, but information will be given on how to do this. The issues raised will be discussed at an examination held by a person (The Reporter) appointed by Scottish Ministers. Councils must take notice of the findings of the examination before adopting their Local Development Plan.

North Lanarkshire Council's Local Development Plan (LDP) has just completed being examined by the Scottish Government appointed Reporter and it is anticipated that a new plan will be in place at the end of 2021. Work will then commence on LDP2.

If you would like to know more about when the Council will be preparing a new plan, or how to get involved then you should look at its development plan scheme. The Council produces this scheme every year.

You can find information about the development plan and development plan schemes in local libraries, at the council's planning office, or online by going to the Council's website.

3. What is development management?

Development management is the term used to describe the process for deciding whether to grant or refuse planning permission.

What needs planning permission?

Planning permission may be required for any new development. The law says that 'development' includes any building, engineering, mining, or other operations in, on, over or under land. It also includes changes in the use of buildings and land. Further information is available on the Council website.

Planning permission is not needed for work that only affects the inside of a building. If it is a listed building, listed building consent may be needed to make changes to the inside of the building.

Some minor developments, such as changes to existing buildings or land; for example, certain house extensions, are classed as permitted development and don't need permission from the council.

For the purposes of planning applications, developments are put into one of three categories: local, major, or national. The different types allow Councils to treat developments in a way that is suited to their size, complexity, and the issues they are likely to raise.

- **Local developments** include changes to individual houses and, for example, smaller developments for new housing and retail. Most applications for planning permission will be for local developments.
- **Major developments** include developments of 50 or more homes, certain waste, water, transport and energy-related developments, and larger retail developments.
- **National developments** are mainly large-scale developments (for example, the redevelopment of Ravenscraig) and are identified in a document called the National Planning Framework.

5. Enforcement

If someone builds something without planning permission, or if they have not followed the conditions attached to a planning permission, the Council can use their enforcement powers. Enforcement is important because it makes sure that everyone stays within planning law and the conditions of their planning permission, however, it is a discretionary power. The Planning Enforcement process is about rectifying breaches of planning law not about punishment.

The Council will decide what action to take. If something is built without permission but would have been likely to have been granted permission, the council may ask the person responsible to make a 'retrospective' planning application. This will then be decided in the same way as all other planning applications. If the council grants planning permission, there may be conditions attached.

Councils also have powers to serve notices asking for more information about a development. If they decide it is warranted, they, can stop development that does not have permission or where the development does not follow the conditions attached to the permission which was granted. The final option available to Councils is to demolish the illegal development and to recover the cost of this from the developer but it is very rare for this action to be needed.

All Scottish Councils must publish a **Planning Enforcement Charter** setting out how the enforcement system works, the council's role in enforcement and the standards it has set itself. North Lanarkshire Council's Enforcement Charter can be viewed here <https://www.northlanarkshire.gov.uk/planning-and-building/building-standards/report-works-without-permission/planning-enforcement>

6. What is the role of the Community Council?

The legitimate public interest in planning extends beyond those most directly affected by a proposal to a wider community of interest in the most appropriate development of the local environment . The Scottish Government considers that the Community Council has a special role, representing a broader, yet still local view, which can be set alongside the comments of those with a more individual interest.

Community Councils have a key role to play in the evolution and preparation of the development plan. The law says that all decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise, so it is the most important planning document for the Council area. A Community Council's role is to provide an informed local context within which sensible decisions can be made in the public interest.

Community Councils have a specific role in the determination of applications for Major Developments. Prior to a major application being submitted for consideration the applicant is required to engage in a process known as Pre-Application Consultation (PAC). The developer must hold at least one public consultation event for the local community (this is likely to increase to 2 events in the future). The purpose of the consultation event is to allow the community to express their views to the developer and, where possible, for the developer to take account of these views in the application. A planning application cannot be made until 12 weeks after the consultation event.

Local community councils must be advised of consultation events in their area and invited to attend and **make representations to the developer**.

Community Councils are given access to information on all applications for planning permission that are submitted to the council. This happens through the publication of a weekly list of applications received which is sent to every Community Council. After studying the weekly list, Community Councils may wish to view applications in detail. This can be done by accessing the application through the online portal at <https://eplanning.northlanarkshire.gov.uk/online-applications/search.do?action=simple&searchType=Application>

The planning service is not required to produce special documents for the Community Council but will provide support in assisting them with understanding the supporting information if that is requested.