

Planning and licensing



The planning system and the role of the Community Council

Scottish Ministers and the 32 local councils are in charge of the Scottish planning system.



The planning system:

- works to make places better
- make decisions about what work is needed and what needs to be protected for the future

The planning system decides what **development** should happen.

Development is a change to a place and includes things like:

- new building like houses
- the use of land
- a change of use like from a house to a shop



Community Councils can give the views of local people on:

- local development plans
- planning applications



More information about the planning system is on the [Scottish Government website](#).



Laws and policies



The planning system follows the rules in Planning (Scotland) Act 2019).

National Planning Framework 4 is a national planning policy made by the Scottish Government that says 'where' and 'what' development should happen in Scotland.

Development Planning



Local Development Plans are made by planning authorities and set out where development should and should not happen in their areas.

Development plans:

- set out how our places will change into the future
- say where development should and should not happen
- look 20 years ahead to what an area should look like in the future
- find sites for development as well as sites that should be protected



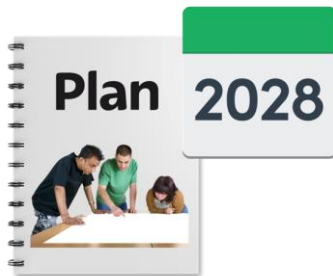
Community Councils should give their community's views into the preparation of development plans.





A Development Plan Scheme is published each year by the local **planning authority** and includes information about how people and Community Councils can get involved.

A **planning authority** is the local council or the National Parks in the areas the parks cover.



Development plans are reviewed every 10 years.

All planning authorities will have a new Local Development Plan in place by 2028.



Community groups and Community Councils can make local place plans that say what local people want and need for their area.

A local place plans should be sent to the local council.



If it follows all the rules it is added to the Register of Local Place Plans.

The planning authority should look at them carefully when they are making a local development plan.

Development management



Development management is how it is decided to either **grant** or refuse planning permission.

To **grant** permission means to agree that something can happen.

Planning applications may be:

- approved
- approved with conditions
- or refused



The local planning authority should know and think about the views of local people when making a decision on a planning application



Scottish Ministers have the power to choose that they will make the decision on a planning application or appeal.

Ministers will not use this power very often.

There are different types of planning application, including applications for:



- full planning permission
- planning permission in principle (full details of the development are not given)
- approval of conditions that are part of a planning permission in principle (looks only at the details)

The planning authority's **Scheme of Delegation** shows which applications will be decided by officers of the authority and which will be decided by committee.

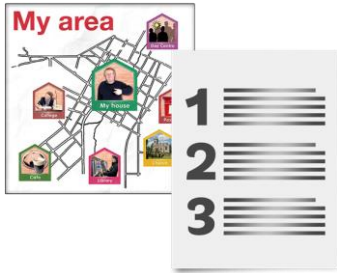


For some developments a pre-application **consultation** (PAC) is needed, including with the Community Councils whose area includes or is next to the land for the proposal.

A **consultation** means asking people what they think about something.



PACs tell communities about development proposals and can help deal with any worries early in the process.



The planning authority will send local Community Councils a weekly list of planning applications in their council area.



Community Councils can choose to give comments to agree or disagree about a planning application if they want to.

Their comments must be sent in before the date given by the planning authority.



Issues about planning applications are put in a document called a 'Report of Handling' made by the planning authority for the case.

Permitted Development Rights



Permitted Development Rights (PDR) are types of development that can be carried out without a planning application.

Most PDRs have conditions or restrictions like the size of development that is allowed.



If a developer cannot follow the conditions or restrictions, then a planning application is needed.

Making sure the rules are followed



A development is in **breach** of planning control:

- if it happens without planning permission
- where the development does not match the permission that has been given

A **breach** means the rules have been broken.



Planning authorities are responsible for investigating **breaches** of planning control in their areas.

If they think a breach has happened they will discuss it with the responsible person or people.



If this does not solve the problem they may use formal powers like:



- asking for a planning application to be completed after the development has happened

- stopping development that has not been approved

- demanding that buildings or structures are taken down



All planning authorities must have an **enforcement charter** that:



- sets out the powers of the planning authority
- how the authority investigates and takes action to make sure the rules are followed
- how suspected breaches of planning control can be reported to the authority

Appeals

There is a right to appeal to Scottish Ministers against:



- the refusal of a planning application
- conditions put on a planning permission
- a decision not being made in time

The appeal could also be considered locally by a planning officer of a Local Review Body.

Planning guidance



National guidance is on the Scottish Government website as [Planning Advice Notes](#).

Local guidance may be published on planning authority websites.

Other useful information



- [PAS](#) – Independent advice and training on planning and environmental matters and encourages public engagement in planning
- [Improvement Service](#) – Supporting improvement national programmes, resources, capability and capacity
- [Scottish Government Planning, Architecture and Regeneration Division](#)
- [Transforming Planning](#) - Scottish Government's planning system reform
- [OurPlace](#) - helps communities to have conversations about their area and can support making local development plans



License Applications



A **Licensing Board** makes the rules for places that sell alcohol to the public or places where **betting** is allowed.

A **betting** shop is somewhere people go and bet.



A **bet** is when someone tries to guess something like which football team will win a game or which horse will win a race.

If they get it right they win some money.



A law called the Licensing (Scotland) Act 2005 says Licensing Boards must tell the Community Council about:

- new license applications
- applications to change how a building is being used



Community Councils can object to a license application or ask Licensing Boards to check a licence if it does not follow the rules.



Local councils employ a Licensing Standards Officer – part of their job is to try and solve problems including those raised by Community Councils.



Licensing Boards must involve local people by having a consultation about a Board's **Licensing Policy Statement** or **overprovision assessment**.



A **Licensing Policy Statement** says what the licensing board look at when they are deciding about a license application including:

- opening hours
- outside drinking areas
- behaviour in and around licensed premises
- what they will do if places do not follow the rules



An **overprovision assessment** says:

- if the licensing board thinks are too many places that sell alcohol in an area
- or if there are too many of a particular kind of licensed premises like betting shops or nightclubs



The Scottish Government gave guidance called 'Section 142 guidance' to Licensing Boards.



If Licensing Boards do not want to follow the guidance they must tell Scottish Ministers why and give a statement of reasons for it.