COMMUNITY ENGAGEMENT
PLANNING WITH PEOPLE
PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars** which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland’s long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of the Scottish Executive, public agencies and local government.
SUMMARY

This is the first time that the Scottish Executive has issued advice to planning authorities and developers on how communities should be properly engaged in the planning process. This PAN has been produced with the support of a steering group made up of representatives from planning authorities, Planning Aid for Scotland, the Royal Town Planning Institute, local community groups and the development industry.

Scotland’s planning system is undergoing its most radical overhaul in 60 years. Scottish Ministers are determined to make the planning system more inclusive and accessible to people, with greater openness and accountability in the decision-making process. This cannot be achieved without reforming how planning involves people – but more importantly how people are involved in planning. It also requires real culture change – from everyone involved in the planning process.

Many people believe there are barriers to engagement in the planning system including: lack of awareness of available opportunities; inaccessibility of documents; complex procedures and practices; lack of expertise; consultation fatigue; belief that views are not taken into account and distrust of local government.

We need to change all of this. We now have a golden opportunity to create a planning system which Scotland can be proud of – modern, efficient and, above all, with communities at its heart.

This PAN shows how everyone can take part in shaping the future of their area, providing information and advice on how best to listen, engage and understand what people want for their area.

Further Information

A summary leaflet for the public and community groups is also available. This contains information about how people can get involved in the current planning system.

Queries on the PAN and requests for additional copies of this or the summary leaflet, or for material in large print, other formats or community languages should be addressed to Jane Macrory on 0131 244 7530 or e-mail jane.macrory@scotland.gsi.gov.uk
PLANNING REFORM

The planning system is being radically reformed by the Planning etc. (Scotland) Act 2006. The Act will change planning legislation in a number of ways which are aimed at making the planning system more efficient and inclusive at all levels – from national policy to strategic and local development plans and development management.

This PAN reflects the requirements of the new planning system as it will be changed by the Act. The detail of how the new system will operate will be determined by secondary legislation (Regulations and Orders) and guidance that will be developed during 2007 and 2008 – the implementation period. This means the provisions of the Act will come into force and become law at various stages during 2007 and 2008. A timetable can be found on the Scottish Executive Planning Division webpage: www.scotland.gov.uk/topics/planning/modernising.

As the new planning measures emerge, subsequent Scottish Planning Policies (SPP) and Planning Advice Notes (PAN) will provide more detail on public engagement to complement the advice provided in this PAN. There will also be opportunities to inform the development of draft regulations and guidance during the implementation period and, if necessary, this PAN will be updated once all of the new measures are in place.

This PAN represents the good practice that planning authorities, Councillors, developers, housing associations, businesses, key agencies and statutory consultees should be operating under and Community Councils, other community groups and members of the public can expect to see from the planning system. It denotes the new culture we want the whole of the planning system to develop – ahead of the new legislative measures coming into effect.
SCOTTISH MINISTERS ARE DETERMINED TO MAKE THE PLANNING SYSTEM MORE INCLUSIVE AND ACCESSIBLE TO EVERYONE WITH GREATER OPENNESS AND ACCOUNTABILITY IN THE DECISION-MAKING PROCESS.

01 Planning is important. It really matters. The planning system is there to promote, facilitate and regulate development in the public interest. Development is essential if we are to meet current and future economic, social and environmental challenges. These challenges require mineral and energy resources, jobs, homes, schools, hospitals, leisure and recreation facilities. To enable development to proceed and to deal with the consequences of development requires timely investment in a range of infrastructure – transport, energy, water, drainage and waste as well as a wide range of community facilities. Provided in the right place, at the right time and to the right standard with good quality design, these developments and their supporting infrastructure can make a significant contribution to our sustainable development aspirations.

02 The impact of development, much of which is irreversible, on the lives of individuals and communities can be very significant depending on its nature, scale and location. While there are already opportunities for people to engage in the planning system, there are barriers to getting involved. The system is complex and highly technical; it can be confusing and people may feel that their views are not considered sufficiently leading to a breakdown in trust between all parties involved. There is a lack of awareness of the relevance of planning to people’s lives which means that many have no interest in getting involved until a development proposal directly affects them. All too often, engagement is left to the last minute, whereas early involvement might have resulted in better outcomes in terms of decision making. All sections of a community should engage in planning the future of their area if decisions are to be improved. The aim is for a planning system that promotes early and broad based engagement when planning policy is being drawn up and when applications for planning permission are made.
Better engagement cannot, however, guarantee that everyone gets the decisions or outcomes they desire. Land allocations and investments in the infrastructure that society needs, or demands, throw up tough choices and hard decisions. There will always be cases where differences cannot be resolved. The challenge lies in ensuring that communities are engaged in shaping the future of their area; that the basis and justification for policies, land allocations, infrastructure priorities and decisions are clear and that the trade-offs between competing and, in some cases, conflicting interests are explicit and transparent. That places responsibilities on, and requires a culture change from, planning authorities, the development industry and communities themselves.

This PAN suggests ways to help improve community engagement. It seeks to raise awareness of planning in Scotland and to demonstrate how the reforms will provide more and better opportunities for people to get involved. This should in turn result in more widespread trust and confidence in the planning system. The aspiration goes beyond planning authorities and developers publishing their plans, or submitting planning applications, and waiting for a reaction. It is instead about promoting a more inclusive and participatory system. To achieve this, everyone interested in the future development of their neighbourhood, village, town or city should understand the importance of the planning process, how to get involved at the earliest possible opportunity and feel confident that engaging in the process has been meaningful. The PAN sets out advice and information to help ensure that everyone, no matter what their age, gender, or cultural background, can participate in ways that suit them in the planning decisions that affect their environments.
The PAN has been designed with a range of users in mind; planning authorities, Councillors, developers/applicants, communities and key agencies and statutory consultees. A glossary of planning terms is included at the end of the document. A summary leaflet for the public and community groups is also available which contains information about how people can be involved in the current planning system.

This PAN contains examples of community engagement that have been used by several planning authorities, the development and industry sectors and community groups. Further examples of effective community engagement will be placed on the Scottish Executive planning website as they emerge. While these examples do not comment on the effectiveness of engagement, they do provide a useful indication of the techniques that have been used at various stages of community engagement in planning that authorities and developers may find helpful. Your help with the submission of further interesting examples is requested. Users of the planning system might find it helpful to learn from and build upon these experiences and approaches in fulfilling the new inclusion measures outlined in the Planning etc (Scotland) Act 2006 and within this PAN.

Terms in the glossary are noted in bold the first time they are referred to in the document.
COMMUNITY ENGAGEMENT IN PLANNING – WHAT IT IS AND WHY IT IS IMPORTANT
EFFECTIVE COMMUNITY ENGAGEMENT MEANS ENSURING THAT PEOPLE ARE MADE AWARE OF PROPOSALS THAT AFFECT THEM AS EARLY IN THE PROCESS AS IS POSSIBLE, THAT THEY HAVE THE FACTS TO ALLOW THEM TO MAKE A CONTRIBUTION, THAT THEY HAVE HAD THE OPPORTUNITY TO ENGAGE AND THAT HAVING MADE THEIR VIEWS KNOWN, THEY GET CLEARER EXPLANATIONS OF HOW AND WHY DECISIONS WERE MADE.

07 There are different degrees to which people will choose to engage with the planning system. Sometimes, very active participation is called for, especially on controversial issues or very local matters. Whatever the circumstances, it is important that all stakeholders know the degree to which they can expect to become involved, bearing in mind the practical limits of the process and the constraints within which it will operate.

08 Effective community engagement means ensuring that people are made aware of proposals that affect them as early in the process as is possible, that they have the facts to allow them to make a contribution, that they have had the opportunity to engage and that having made their views known, they get clearer explanations of how and why decisions were made. However, the new measures alone will not achieve better community engagement. Organisational and cultural changes are also needed. Everyone involved, from members of the public, community councils and community groups, to elected members, political activists, planning officers, businesses, housing associations and developers must examine their respective roles in the planning system and contribute towards this culture change.
Defining ‘community’ in relation to planning is very challenging. It can mean different things to different people and will be applied differently depending on the level of engagement. For example, development planning will include a wide community – potentially people from across the whole planning authority area and its key stakeholders. Development management, or planning applications, might include people in the immediate neighbourhood, statutory consultees, key agencies and local community groups such as Community Councils, Residents Associations, Tenants Groups, special interest groups and voluntary organisations, requiring a different level of engagement proportionate to the nature and scale of the development proposal and its likely impact.

The ‘community’ can be based on location – those who live, work and otherwise use the area during the course of their everyday lives whether for business, education or accessing public services or leisure facilities. It could also be a group of people who share common interests, values or backgrounds such as members of sports clubs, heritage and cultural groups, the business community, young people, minority ethnic groups and disabled people. Each community will have different wants and needs that may have to be balanced against the needs of other communities.

This PAN does not propose hard and fast definitions of terms such as consultation, engagement, involvement and participation. However, in this document where we use the term ‘consultation’ we mean the dynamic process of dialogue between individuals or groups, based on a genuine exchange of views and, normally, with the objective of influencing decisions, policies or programmes of action. The terms ‘engagement’ and ‘involvement’ in this document are generally interchangeable and are taken to mean the establishment of effective relationships with individuals or groups to encourage substantive deliberation in the community. Participation is everything that enables people to influence the decisions and get involved in the actions that affect their lives. In the context of this document engagement is, in effect, giving people a genuine opportunity to have a say on a development plan or proposal which affects them; listening to what they say and reaching a decision in an open and transparent way taking account of all views expressed. By ensuring transparency and inclusivity, even difficult decisions may be easier to accept by all parties involved.

Use of the terms consultation and engagement are based on the definitions from the Consultation Institute while participation is from People and Participation by Involve.
ROLES AND RESPONSIBILITIES
THE PLANNING SYSTEM IS CHANGING TO MAKE IT EASIER FOR PEOPLE TO GET INVOLVED.

12 This section outlines the roles of those charged with creating better opportunities for community engagement in the planning system. This includes the points in the new planning system at which people can expect to be engaged in the planning issues that affect them.

THE ROLE OF SCOTTISH MINISTERS

13 Scottish Ministers develop legislation, national policy and advice on land use planning for Scotland. In the modernised planning system, Ministers will have a role in setting a strategic framework for national developments through the National Planning Framework (NPF); in approving strategic development plans for the four main cities and their regions and in making decisions on certain types of planning applications and appeals. Engaging the public is an important feature of the Scottish Executive’s work. The main ways that people can engage in national planning issues are set out overleaf.
Community Engagement at National Level

Scottish Ministers want to engage people in the preparation of the National Planning Framework (NPF). The NPF identifies long-term priorities for the development and use of land in Scotland. It will identify opportunities for national developments that are of national strategic importance, for example major transport systems and water, drainage and waste management infrastructure projects in different parts of the country.

The public will have the opportunity to participate in the debate on the NPF at several stages. Scottish Ministers have started the process for NPF 2008 and have published a Participation Statement setting out how and when people can get involved. Further information can be found on the NPF webpage at www.scotland.gov.uk/topics/planning/national-planning. The preparation process will be:

- Early engagement on the scope and content of the NPF;
- A draft NPF, a non-technical summary and Strategic Environmental Assessment issued for public consultation;
- Revision of the NPF in the light of reaction to the consultative draft and related engagement; and
- Consideration of a final draft NPF, and a report on the way the Executive has involved the public, by the Scottish Parliament.
It is recognised that it can be difficult to engage people in the development of national policy and that initial awareness raising is required before meaningful engagement is likely to take place. This will also be the case with strategic development plans for the main city regions.

People can get involved in other aspects of national planning policy in the following ways:

- As part of the process of implementing the new planning legislation, where Regulations and guidance will be developed in conjunction with stakeholders and other interested parties during 2007 and 2008;
- When revisions are made to Scottish Planning Policy (SPP);
- During the approval process for Structure Plans (and what will be the new Strategic Development Plans under the new system) which are approved by Scottish Ministers; and
- Planning applications which are called-in by Scottish Ministers for their determination.

The Scottish Executive’s planning website provides information on planning legislation publications, policy and advice (www.scotland.gov.uk/planning). Help about planning in Scotland is also available by contacting the Scottish Executive’s Planning Helpline on 08457 741741. You can also register with the Scottish Executive email alert system in order to be alerted to relevant and forthcoming consultations at: http://register.scotland.gov.uk/?rt=18.
THE ROLE OF THE PLANNING AUTHORITY

19 The operation of the planning system is the responsibility of planning authorities. In most cases this will be the local council’s planning authority (of which there are 32), but may also be one of the 4 new strategic development planning authorities in the main city regions, or one of the 2 national park authorities. Planning authorities should seek to enhance the quality of community engagement in the delivery of their key roles, including:

> Preparing development plans, master plans, development briefs and supplementary guidance;
> Deciding on applications for planning permission; and
> Taking enforcement action against breaches of planning requirements.

Community Engagement in the preparation of Strategic and Local Development Plans

20 Development plans are key documents in the planning process. They contain policies designed to promote the economic, social, physical and environmental well being of an area and allocate sites for specific land uses such as housing, retailing, business and industry, or developments such as schools, health centres and waste management facilities. They may also protect land from development – for example leaving open space such as parks and areas for natural heritage purposes. These allocations establish the principle that a site may be used, or protected, for a particular purpose. Strategic development plans will set out a vision and spatial strategy for development, identifying the key location and priorities for protection, development and regeneration up to 20 years ahead, while being more precise about shorter-term priorities. Local development plans will then articulate the detailed policies and proposals to implement that vision.

21 Development Plans cannot be prepared in isolation. They are bound by European obligations and national and regional strategies on, for example, Natura 2000 sites, the National Planning Framework, Area Waste Plans or transport strategies. It is vital when engaging communities in development planning that the constraints within which decisions are made are clear, for example, which aspects of the plan are effectively set in stone and which aspects the community can influence.

22 The law requires that any planning application be determined in accordance with the development plan, unless there are material considerations that indicate that a different decision should be taken. It is therefore essential that people are given adequate opportunities to participate in the preparation of the development plan. It is often too late for people to object to the principle of an allocated use at the stage when it becomes subject to a planning application. It is the role of the planning authority and elected Councillors to promote a wider sense of public awareness of

COMBINING YOUR APPROACH

A range of approaches were used to target a representative audience and to help people participate in the preparation of the Clackmannanshire Development Plan – traditional and new, formal and informal with a focus on interactive and two way communication. Planning for Real events were held. Owners and neighbours were notified of key development plan site proposals. Consultation packs were prepared setting out why, how and when the community could get involved, with information provided on the planning authority’s website. Press coverage was actively sought and a general press advert was supplemented with specific adverts each week. Posters were placed in libraries and shops and thousands of leaflets were produced. Community Councils were specifically encouraged to meet with the planning authority, with feedback reports prepared. Further information at www.clacksweb.org.uk
development plans by engaging actively with the people that they represent. The community too
has an important role in engaging early with the planning authority as all parties need to have a
common understanding of the issues. Greater recognition of the importance of development
plans will result in more active engagement by the public and other parties in preparing those plans.

23 At the start of the strategic and local development planning processes, the planning authority will widely
publish a Development Plan Scheme including a Participation Statement which will set out how and when people can get involved and the timetable for plan preparation. People can expect to be
engaged early in the process following the publication of a Main Issues Report which will identify the
key areas of change that need to be addressed. Planning authorities should tailor this early engagement on the basis of the issues under discussion and to the relevant audience. For example, where a
plan is likely to propose a significant number of new houses but few other changes to the overall strategy, the early engagement will focus on the options for different housing sites and target the communities likely to be most affected, rather than delivering a one size fits all approach.

24 The emphasis will be on getting extensive involvement of local people and relevant bodies at this early stage through wide publicity and methods which fit into people’s everyday lives. This might include, for example, stands at supermarkets, shopping centres or public buildings, articles and advertisements in the local press and the use of electronic information through websites and e-mail. Planning authorities should consider their media strategy for raising awareness of their development planning process through the local press.

25 Representations received during this 6-week minimum participation period on the Main Issues Report will provide the planning authority with important views from the public and other stakeholders and will assist in the preparation of the proposed plan.

26 Following analysis of the comments received, the proposed plan should be prepared and published. It should promote a development plan that has the broad support of all stakeholders including the community. The proposed plan should be concise, clear and easy to understand. There will be another 6-week period for people to make further comments. Neighbours of new site specific proposals in the

PLANNING AUTHORITY CHECKLIST FOR COMMUNITY ENGAGEMENT IN THE STRATEGIC AND LOCAL DEVELOPMENT PLANNING PROCESS

Further regulations and guidance on development planning will be prepared in conjunction with stakeholders and other interested parties during 2007 and 2008.

- Prepare and publicise Development Plan Scheme including Participation Statement setting out how and when people can get involved in the preparation process.
- Prepare and publish Main Issues Report to help with early targeted engagement, identifying suitable participatory approaches.
- Following review of the representations made, prepare and publish Proposed Plan and Proposed Action Programme for consultation.
- For local development plans only, notify neighbours of new site specific proposals, along with others who have made previous representations.
- Consider responses and seek to strengthen support for the plan and resolve objections through negotiation or mediation.
- Publish proposed amendments and produce a report confirming what engagement has been carried out. This report will be assessed at the examination or approval (Strategic Development Plan)/adoption (Local Development Plan) stages to check how the planning authority has met, or exceeded its intentions set out in the participation statement.
proposed plan will be notified directly by the planning authority to ensure they are aware of the proposals at an early stage. The detailed provisions on neighbour notification will be set out in secondary legislation developed during 2007/08. Guidance will be prepared setting out a consistent and practical view on the legal requirements, for example, suggesting how to notify residents in a tenement property, or what to do if a site backs onto a road. Guidance is also likely to clarify when to notify and re-notify and confirm the timescales for responding to the neighbour notification notice.

27 The planning authority should seek to resolve objections and build support for the proposed plan through discussion and negotiation. Where communication has broken down, the use of mediation may be productive. Where objections are not withdrawn an independent examination by the Scottish Executive Inquiry Reporter’s Unit (SEIRU) will be held.

28 Public awareness of the development planning process is important. Plans should be prepared in an easily digestible format and publication of the various related documents (Participation Statement, Main Issues Report, etc.) should be advertised in local newspapers and on the planning authority’s website. They should also be made widely available – for example distributed via Community Councils and other representative community interest and amenity groups. It is also important to consider timing issues – try to avoid starting a consultation during a school holiday period when many people will be away, or if it is unavoidable, extend the period of engagement. If making documents available at other locations such as libraries ensure they are accessible and open to the public.

29 Development proposals in which the local authority has an interest (financial or land ownership) will be handled with greater transparency and rigour. A schedule of land ownership will form part of each new local development plan. This will identify sites proposed for development that include local authority owned land. The schedule of land ownership will place council ownership in the open while ensuring that the selection of these sites will be subject to additional scrutiny.

30 An important feature of the new arrangements for inclusion is that the extent to which the planning authority has met or exceeded its intentions to involve people in the development plan process, as set out in its Participation Statement, will be assessed. In the event of an examination (required where there are outstanding objections to the development plan), this assessment will be undertaken by a reporter from the Scottish Executive Inquiry Reporters Unit (SEIRU). Where an examination is not required, the assessment of the Participation Statement will be undertaken by Scottish Ministers.

PROMOTING INTEREST

To promote interest in the development plan, Midlothian Council had a travelling exhibition in a community bus staffed by planning officers. It toured the main communities affected by development proposals, reaching members of the community who otherwise might not have been able to attend exhibitions or public workshops. Further information at www.midlothian.gov.uk
If the quality of participation undertaken on the development plan is judged to be inadequate, the reporter or Scottish Ministers will have the power to ask for further work to be carried out before the plan proceeds to the next stage. This might occur, for example, where community councils or representative amenity groups were not consulted on the plan, or if the engagement was limited to sending out a few hundred copies of the draft document or holding one public meeting. The planning authority might then be required to carry out a further period of public consultation to ensure that all parties had a chance to view and comment on the plan. This measure is intended to enhance the public’s confidence in the planning system and to ensure that planning authorities take proper regard of people’s views and opinions at the right stage in the plan preparation process. Detailed procedures for the examination of development plans and the accompanying Participation Statement will be set out in secondary legislation and a new Code of Practice which will be developed during 2007/08.

Users of the planning system might find it helpful to consider the above approaches to community engagement in the preparation of development plans.

The law requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Therefore if a proposal accords with the development plan and there are no material considerations indicating that it should be refused, planning permission will be granted. That is why it is so important for the community to be involved at the development planning stage.

However, people still have an opportunity to have a say in the form of development that takes place once the principle of the use has been established through the development plan. Representations on planning applications are an essential part of the decision making process. In deciding an application, the planning authority should identify any provisions of the development plan which are relevant to the decision; interpret them carefully, looking at the aims and objectives of the plan as well as the detailed wording of policies; consider whether or not the proposals accord with the development plan; identify and consider relevant material considerations (for and against the proposals) and assess whether these considerations warrant a departure from the...
available to view as soon as the neighbour receives the notice. There will also be greater use made of site notices and newspaper advertising. The period for responding to neighbour notification will be extended from 14 to 21 days to allow more time for people to prepare their responses. Everyone has the right to comment on a planning application – the wider community as well as neighbours. All comments received should be carefully considered by the planning authority.

Certain types of application will be subject to enhanced scrutiny measures. These measures consist of pre-application consultation by the developer with local communities, pre-determination hearings by the planning authority, decisions by the full Council and notification of applications to Ministers (who will have an opportunity to decide whether the issues involved would merit call-in of the application for their determination). The types of application involved are likely to be developments that are significantly contrary to the development plan, those requiring an Environmental Impact Assessment (EIA) and those defined as larger scale bad neighbour developments such as a crematorium. All major developments will be subject to pre-application consultation with local communities, but not necessarily the other enhanced scrutiny measures unless they fall within one of the three previously mentioned categories.

There are a range of considerations which might be considered material in planning terms including legitimate public concern or support expressed on relevant planning matters. The planning system does not exist to protect the interests of one person or business against the activities of another, although in some cases private interests may coincide with public interest. In distinguishing between public and private interests, the basic question is whether the proposals would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest. Not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

To increase public awareness, the availability of a list of new applications registered by the planning authority will be advertised each week in a local newspaper and, where there is capability within the planning authority to do so, this information will also be made available online. To increase public confidence, neighbours will be notified about the submission of planning applications by the planning authority, rather than the applicant. This will ensure that the details of a planning application, including all technical information required to support the application such as drawings and plans, are available to view as soon as the neighbour receives the notice. There will also be greater use made of site notices and newspaper advertising. The period for responding to neighbour notification will be extended from 14 to 21 days to allow more time for people to prepare their responses. Everyone has the right to comment on a planning application – the wider community as well as neighbours. All comments received should be carefully considered by the planning authority.

Certain types of application will be subject to enhanced scrutiny measures. These measures consist of pre-application consultation by the developer with local communities, pre-determination hearings by the planning authority, decisions by the full Council and notification of applications to Ministers (who will have an opportunity to decide whether the issues involved would merit call-in of the application for their determination). The types of application involved are likely to be developments that are significantly contrary to the development plan, those requiring an Environmental Impact Assessment (EIA) and those defined as larger scale bad neighbour developments such as a crematorium. All major developments will be subject to pre-application consultation with local communities, but not necessarily the other enhanced scrutiny measures unless they fall within one of the three previously mentioned categories.

MASTER PLANNING

The preparation of the Winchburgh Masterplan in West Lothian for an extension to the village has involved all age groups in the community and established a process for further engagement. It has resulted in direct additions to the masterplan, changes to the proposals and the inclusion of design guidelines specific to key issues discussed during the consultation process. The Council and the developer, CALA Homes, provided several ways to engage: by post, internet, prepaid postcards, meetings, workshops and exhibitions. The aim was to inform people of the need for development and how to be involved; to listen to what local people had to say – good and bad; and to reflect local peoples contributions into the masterplan. A parallel objective was to establish a process for ongoing consultation at later design stages and to create a “knowledge community” using master planning as a means to learn about the built environment. Further information at www.winchburgh.org.uk

There are a range of considerations which might be considered material in planning terms including legitimate public concern or support expressed on relevant planning matters. The planning system does not exist to protect the interests of one person or business against the activities of another, although in some cases private interests may coincide with public interest. In distinguishing between public and private interests, the basic question is whether the proposals would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest. Not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.
The planning authority will be responsible for checking whether the applicant has engaged effectively with the community in these cases through an assessment of the report of pre-application consultation. Where this pre-application consultation is felt to be inadequate, the planning authority can refuse to register the planning application. It is important to stress that communities should not disengage from the planning application process once they have taken part in the pre-application consultation. Individuals and communities should follow up on the proposals as submitted in the planning application and, if necessary, submit further comment to the planning authority on the case. Regulations and further guidance on the pre-application consultation process will be developed during 2007/08.

For those types of developments outlined in paragraph 38 (significantly contrary to the development plan, larger scale bad neighbours and those requiring EIA), the planning authority are to hold mandatory pre-determination hearings so that those who have previously submitted views on the planning application will be able to make their views known to the Planning Committee before the decision is made. As with other development management measures, the detail on pre-determination hearings will be developed through secondary legislation. In these three categories of planning application, the decision will ultimately have to be made by the full Council and subsequently notified to the Scottish Ministers for further scrutiny.

Where the planning authority propose to carry out development itself, or has some other interest in a proposed development, it will be subject to the same requirements as any other planning application but will also be subject to enhanced scrutiny by Scottish Ministers to ensure the Council’s decision has not been influenced by any conflict of interest.

In the new system, everyone who has submitted comments on a planning application will be informed by the planning authority of the decision and the reasons for approval, or refusal, of planning permission. It is not enough to simply indicate that the proposal is contrary to, or in adherence with, the provisions of a development plan. Clear reasons should be given and the relevant policies referred to explicitly. Information on planning decisions and the reasons for them are vital to
public understanding of the planning system, particularly in cases where public interest has been expressed. Further information on the consideration of applications and copies of decision notices, including any conditions, and planning agreements between the applicant and the planning authority will be kept on each planning authority’s Planning Register for greater transparency in the decision making process.

Community Engagement in Enforcement

For many individuals, their first contact with the planning system is when they complain to the planning authority about apparent breaches of planning requirements. The majority of breaches are relatively minor, often due to a failure to understand the need for planning permission, and can in most cases be resolved fairly quickly through submission and approval of a retrospective planning application. More serious breaches may still be resolved through negotiation and the submission of a retrospective application, but the person responsible for the breach may be unwilling to co-operate and may seek to delay compliance. While the purpose of planning enforcement is to remedy the breach, ultimately in some cases this can only be achieved by removal of the unauthorised development. All prospective developers should seek the advice of the planning authority before starting work to check if planning permission is required.

Planning modernisation aims to add to, and strengthen, the enforcement powers available to planning authorities so that people have more confidence that breaches of planning control will be dealt with quickly and effectively and that there will be penalties for unauthorised development. Planning authorities are required to publish a Planning Enforcement Charter setting out in clear terms their policies in respect of planning enforcement so that people can understand how to raise concerns and the nature of action that they can expect to be taken.

Breaches of planning control are often of concern to surrounding communities and fall into two broad categories; unauthorised development and breaches of planning conditions. For unauthorised development, the existing enforcement powers are comprehensive but still time-consuming to implement. The additional measures are intended to speed up the process and deter developers from breaching the rules by increasing fees for retrospective applications and making it an offence not to submit a planning application when required to do so. The Temporary Stop Notice is intended to stop unauthorised activity immediately for a period of up to 28 days where there is concern that amenity or the environment is at risk. For example, a Temporary Stop Notice might be used to prevent the use of land for dumping landfill.

Airticity’s proposals to develop the Clyde Windfarm in South Lanarkshire included a programme of consultation and discussion with the relevant statutory bodies, members of the public and those wider social, economic and environmental interests. The consultation process resulted in 50 changes and 12 new layouts generated prior to the submission of the planning application. The proposed number of turbines has been reduced and some turbines have been resituted to avoid and mitigate environmental impact, including visual impact. The consultation included a series of roadshow exhibitions, a number of direct mail drops, door to door discussions, meetings, a trip to the existing Ardrossan windfarm and ongoing liaison with the local media. This programme ensured that the local community was well informed and had opportunities to participate and influence the development.
The new pro-active enforcement measures aim to make it easier for planning authorities to monitor developments to ensure that planning permission conditions are fulfilled by developers, for example where the planning permission makes provision for landscaping. The measures include Fixed Penalty Notices that will allow planning authorities to deal with breaches of enforcement notices quickly by issuing a fine instead of having to prosecute through the courts. There is another requirement on developers to display an on-site notice for certain types of development which would include details of how the public can contact the planning authority to report suspected breaches. Developers will also be required to submit to the planning authority a Notice of Initiation of Development and a Notice of Completion of Development for all developments that require planning permission and, for larger developments, to notify the planning authority when certain stages have been completed allowing the planning authority to monitor development more closely and help prevent conditions being breached. Further detail on how the new enforcement measures will operate will be developed in secondary legislation and guidance during 2007 and 2008.

Enhanced monitoring and the additional measures against unauthorised development aim to strengthen public confidence that failure to comply with planning controls and regulations will be dealt with promptly and robustly.
Local authority Councillors have an important role in planning. It is therefore vital that those elected members who are involved in taking planning decisions understand the operation of the key elements of the new planning system and the ethical issues underlying the handling of planning matters. Scottish Ministers have produced a Code of Conduct for Councillors, approved by the Scottish Parliament, setting out the principles and rules governing the conduct of elected members. The Standards Commission for Scotland has produced Statutory Guidance for Councillors which clarifies their responsibilities in relation to planning.

In terms of ethical standards, there is nothing to stop any Councillor from discussing or debating planning policy and strategy, expressing views, or advocating proposals on policy and strategy. This applies to the development planning process, even though the development plan will provide the framework within which individual applications will be decided.

However, different considerations apply when dealing with individual planning applications. The Standards Commission’s Statutory Guidance states:

“Where a Councillor has a responsibility – either at a committee or at the Council – for dealing with planning applications, then he or she must not have – or be seen to have – prejudged any application before the proper occasion for deciding on the application, that is when all the relevant material considerations will be before the meeting that will determine the application.

“A Councillor should not organise support or opposition, lobby other councillors or act as an advocate to promote a particular recommendation on a planning application, (or on a planning agreement or on taking enforcement action) where the Councillor has a responsibility for dealing with the planning application. If the councillor does so, then he or she should declare an interest and not take part in the debate and withdraw from the meeting room.

A telecommunication development was proposed in a conservation area in the west end of Glasgow, opposite a listed Georgian crescent. The developer was made aware of considerable concern from local residents in the area and responded by circulating pre-application consultation letters to give local residents more information about the proposal. The local Councillor then organised a stakeholder meeting where the operator made a presentation to over 50 residents to help consider their concerns. More information at www.mobilemastinfo.com including the Mobile Phone Operators Traffic Light Model to Community Engagement.
Early engagement in the regeneration of Oatlands, a £100 million regeneration and redevelopment project in the east end of Glasgow, has lead to the establishment of the Oatlands Steering Group which is chaired by the local Councillor and attended by relevant Council officials, the developer Bett Homes Ltd, housing association representatives and any members of the local community who wish to attend. Development has commenced and the steering group continues to meet regularly with newsletters on progress delivered, approximately every 9 months since 2001, to all households in the area. Ongoing feedback from the community in response to local exhibitions (including a scale model), have led to the incorporation of local preferences into the plans. Further information at www.oatlandsregeneration.co.uk

“...This should not, however, be taken as precluding the councillor from raising issues or concerns on any of these matters with the planning officers concerned. Indeed, a Councillor may well have an important contribution to make in respect of an individual planning application or on what the Council should include in a planning agreement. It is entirely appropriate for councillors on the planning committee to make known what representations they have received on a pending planning application, to attend public meetings and to assist constituents in making their views known to the relevant planning officer, provided that at no time does the Councillor express a ‘for’ or ‘against’ view by advocating a position in advance of the planning committee meeting to decide upon a particular application.”

51 Further information on the Standards Commission Code of Conduct for Councillors and the related Statutory Guidance can be found using the link in the contacts section of this PAN. Examples of Councillors involvement in planning issues are included above.
Due to difficulties surrounding a previous failed planning application to redevelop a former bus depot and office at Shrubhill, an inner city location in Edinburgh, the new developer, BL Developments was faced with a legacy of local hostility in a well informed and engaged community.

The developer undertook early informal meetings with key players, the planning authority and key agencies. These were followed by wider consultation with the public – a first meeting to explain the project with follow-up meetings for further discussion. The public were provided with feedback forms to return. These were analysed and changes were accommodated where possible within the proposals. As a result of changes made in response to comments, the Cockburn Association wrote a letter of support for the planning application. The director of the development company attended all meetings and took a transparent approach to answering questions. Residents were already engaged through their previous experience and had a clear idea of what they wanted for their community. During processing of the application, public consultation by the developer BL Developments continued with displays at a local library and e-mail updates to all parties. At the application stage the planning process was quick for a proposal of this scale and complexity. The application was approved at Committee where the approach of the developer, key agencies and the community was commended.

The project won a Scottish Quality in Planning Award in 2006. The judges were very impressed by the developer’s commitment to securing the best development on this sensitive site and their pro-active approach and determination to gain the community’s trust. There was low level of objection to this proposal which the judges found particularly admirable considering the difficult history of this site. They considered that the developer’s commitment to following a process that successfully engaged and empowered the community was outstanding and encouraged other developers to take on board this model.

THE ROLE OF APPLICANTS AND THEIR AGENTS

52 There are currently many cases where applicants for planning permission, or their agents, already engage with local communities voluntarily in advance of making a planning application. Once the new provisions on pre-application consultation come into force this will need to become common practice across Scotland. Applicants should view pre-application consultation as an opportunity to consult with people to develop proposals which have minimal adverse impacts on communities. Planning authorities will expect applicants to submit good quality, accurate planning applications with all the supporting information identified at the pre-application stage so that processing can commence without delay.

Community Engagement in the Pre-Application Process

53 Under the new planning system, applicants will have a statutory duty to consult local communities before an application is made for certain types of developments (likely to include all major development proposals; those that are significantly contrary to the development plan; those requiring an Environmental Impact Assessment (EIA) and proposals for larger scale bad neighbour developments). Pre-application discussions between the planning authority and the applicant may address what form the pre-application consultations should take and what is considered to be acceptable in the spirit of openness and transparency. However, once the required formal notice is given from the potential applicant that pre-application consultation is being undertaken, the planning authority will have 21 days to indicate the pre-application notification and consultation to be undertaken in addition to that required by regulation.

54 A report on how the developer has consulted the community will have to be submitted alongside the planning application. The pre-application consultation report should identify whether the applicant has considered the comments arising from the consultation process and whether they have taken those comments, or changes, on board. Regulations and related guidance on the pre-application process, including those to be consulted, the form of consultation and the criteria against which planning authorities will consider the quality of that consultation, will be developed during 2007/08.

55 Once the pre-application measures come into effect, planning authorities will refuse to register applications where pre-application consultation has not been carried out as required, or is considered to be inadequate. Applicants and agents need to submit sufficiently detailed planning applications to allow immediate neighbours, local communities and statutory consultees to engage with the development management process efficiently and effectively.
For those proposals which require an EIA, applicants are reminded of their statutory obligations under the Environmental Impact Assessment (Scotland) Regulations 1999 to make available a Non Technical Summary (NTS) of the Environmental Statement. The purpose of the NTS is to ensure that the key points of the Environmental Statement can be more readily understood by the lay person. It should set out the main findings of the Environmental Statement in accessible, plain English, in a manner which is both accurate and balanced. Further guidance on EIA is available in PAN 58 – Environmental Impact Assessment.

The checklist alongside sets out the main requirements which applicants and their agents should follow in pre-application consultations with communities.

PRE-APPLICATION CONSULTATION: CHECKLIST

Further regulations and guidance on pre-application consultation procedures will be prepared in conjunction with stakeholders and other interested parties during 2007 and 2008.

➢ Applicant approaches the planning authority to ascertain whether pre-application consultation with communities will be required.

➢ Within 21 days of notifying that it will be undertaking pre-application consultation, the planning authority must indicate what notification and consultation is to be undertaken by the applicant.

➢ Applicant informs those persons specified in regulations (e.g. community councils and other interest groups) for the area in which the development is to be located and notifies additional parties which the planning authority may indicate should be approached.

➢ Applicant should seek to use tailored and appropriate approaches to engage the public.

➢ The applicant is required to submit a Pre-Application Consultation Report alongside the planning application setting out: a list of all parties consulted; notes of discussions with pre-application consultees and details of any amendments made to the proposal as a consequence of the pre-application discussions.

➢ Where an application for a development (which falls under the legislative requirements for pre-application consultation) has been submitted without the pre-application consultation step undertaken, the planning authority may refuse to register the application until certain steps have been carried out.
Once the new measures come into effect during 2007 and 2008, applicants will also be encouraged by planning authorities to use Good Neighbour Agreements (GNAs) where significant developments are proposed. GNAs are essentially voluntary arrangements between a community body and developer, or site operator, and as such should not be imposed on either party. However, where there is a shared commitment to set a framework for liaison around how a site operates then GNAs can have a number of benefits. These include providing communities with a clearer role in developments that affect them – providing a basis for communication, exchange of information and dispute resolution between the developer and community representatives. GNAs may also provide for access to relevant information about how a site operates, or what activities take place, the materials used or disposed of, or information about emergency procedures. The agreement might also enable access to the site by community representatives at agreed times to increase awareness of what is happening.

The provision of worthwhile information is part and parcel of improved relations between community interests and operators of the types of development that can have adverse impacts on neighbouring communities. GNAs are intended to be freestanding, registered in the same way as planning agreements and as such binding on successors in title. GNAs will not reduce the importance of effective monitoring and enforcement by the planning authority.

Effective community engagement is particularly important where there is ongoing long-term development, for example, in relation to the operation of mineral sites. In such circumstances, the performance of operators and their willingness to discuss and address legitimate concerns openly can often help secure the confidence of local communities. Scottish Planning Policy 4: Planning for Minerals and Scottish Planning Policy 16: Opencast Coal highlight the importance of operators working closely with local communities and encourages the establishment of formal community liaison arrangements as a mechanism for regular discussion.
A UNITED COMMUNITY TAKING THE LEAD

Although starting as a campaign against a specific proposal, the Portobello Campaign Against The Superstore is an example of a whole community uniting to defend and conserve the amenity and character of their town where a proposed development was not considered to enhance, or complement, the existing urban form. It quickly turned into a positive forum for discussion on what was needed for the future development of the town in general as well as the development site. All ages and groups of society were involved and the local residents and traders worked together in the fundraising effort to make their case against the proposal through the Public Local Inquiry.

The result is a stronger community with a reinvigorated sense of identity which now wants to find a positive, community-enhancing use for the site. There is now a real desire for people to become involved in the planning process through engagement with the local authority and with future developers. Further information at www.pcats.org.uk

THE ROLE OF COMMUNITY COUNCILS, VOLUNTARY, INTEREST AND AMENITY GROUPS

Community groups have an important role in the planning system and are to be encouraged to get involved in the development planning process and, once the new provisions come into effect, pre-application consultation. While not all community groups are involved in planning matters, there is a wealth of ‘resource’ in terms of community groups willing to be involved in shaping their environment. They will have a great deal of local information and knowledge which will be very helpful to planning authority and developer alike.

The only type of community group with a formal role in the planning system is community councils who are consulted on planning applications. There are proposals, to be arranged through secondary legislation, to give them a statutory role in development planning. Community councils vary in their extent, set-up and in the issues that interest them so their level of involvement in planning can differ from community council to community council. However, they can be very effective in obtaining and conveying views from their members and from other local community groups. The current role of community councils is outlined in PAN 47 Community Councils and Planning, although this will require updating once the new planning measures are in place.

Community councils should assist planning authorities in terms of their engagement in the planning process. For example, keeping the authority apprised of any changes in circumstances and allowing for appropriate programming of community engagement by the council.

When responding to plans and applications it is important that community groups ensure that responses are focused on planning issues as in this way they may be considered a material consideration. If in doubt speak to Planning Aid for Scotland, or your planning authority, about what is and is not a material consideration. The examples on this and the next 2 pages aim to illustrate how community councils, voluntary, interest and amenity groups can make their views known and influence development plans and proposals affecting their areas.
THE ROLE OF KEY AGENCIES AND STATUTORY CONSULTEEES

The engagement of bodies who hold information, or provide services that are essential to the delivery of development plan policies and development proposals, is critical to the success of the new planning system. Key agencies and statutory consultees will be defined in secondary legislation and therefore will be subject to consultation in due course. Key agencies will have a duty to co-operate in the development plan process and to engage at different stages (main issues report, proposed plan and preparation of the action programme). This should ensure that information essential to the strategy, or its delivery, is discussed at an early stage. Additional bodies, such as community councils, are likely to be designated as statutory consultees in development planning to ensure that they have the opportunity to participate. Proactive and timely engagement by statutory consultees in the planning application process is equally important.

Scottish Executive departments and agencies, such as Historic Scotland, Communities Scotland and Transport Scotland should also play their part and should pro-actively engage in the process. Service level agreements, or protocols, will be developed to set out the relationship between these bodies and planning authorities in different parts of the planning system.

WORKING IN PARTNERSHIP

The Community Futures programme for the Loch Lomond and Trossachs National Park assisted 24 communities (based on Community Council boundary areas) to prepare their own local community plans. Each community in the National Park has prepared and published a plan which details the community’s vision for its future, the community’s current situation, the themes and issues that matter most to the community and the community priorities for action. Every community in the National Park has voluntarily participated in the project with the result that people in the Park area now have a greater interest and knowledge about the planning process with better partnership working at many levels. Further information at www.lochlomond-trossachs.org and www.stardevelopmentgroup.org
A COMMUNITY COUNCIL’S ROLE

Many Community Councils have developed a pro-active role in planning matters to ensure that the community they represent is consulted on issues that would have an impact on the area and that their views are communicated to the relevant Planning Department. They achieve this by monitoring the weekly list of planning applications produced by the Council; consulting with relevant Planning Officers where appropriate; holding extra meetings with Community Council members and public meetings to publicise plans and gauge community feeling and writing letters to the Planning Department expressing the views of the community on planning issues.

In South Queensferry there was a lot of opposition from neighbours about a housing development but the Community Council took a neutral stance. They organised a display in the local supermarket with representatives from the developer, the council and the Community Council. The Community Council contacted Planning Aid for Scotland to ask for advice on the planning system and what material considerations would be considered for possible objections. The approach gave realistic information so that representations could be made on appropriate key issues.
WHAT THE COMMUNITY CAN EXPECT FROM THE PLANNING PROCESS
EVERYONE HAS THE RIGHT TO COMMENT ON PROPOSALS LIKELY TO AFFECT THEM. AS A RESULT OF PLANNING REFORM THERE WILL BE MANY MORE OPPORTUNITIES FOR PEOPLE TO GET INVOLVED IN PLANNING.

66 This section looks at the current opportunities for public engagement in planning and details the additional measures that communities can expect under the new planning system once the measures under the Planning etc. (Scotland) Act 2006 are implemented during the course of 2007 and 2008.

67 While the detail of planning reform is still to be worked out, we encourage those involved in planning to improve the quality of engagement with people – ahead of the statutory provisions coming into force. The inclusion of people and communities in the planning process is one of the driving forces behind planning reform.

➢ Community Engagement must be meaningful.
➢ Community Engagement must be at an early stage to influence the shape of plans and proposals.
➢ It is essential for people or interest groups to get involved in the preparation of development plans as this is where decisions on the strategy for growth, or protection, are made at a bigger scale.

68 We still have a long way to go to bring about the much broader cultural change in planning we are all seeking. The Planning etc. (Scotland) 2006 Act and the advice in this PAN provide the bedrock on which we can all help build a transformed planning system.
CURRENT OPPORTUNITIES TO ENGAGE IN PLANNING

The main ways that people and communities can engage in the current planning system are by commenting on:

National planning policy

This can be influenced through consultations, or by raising issues with Scottish Ministers or Parliamentary Committees. Publications are on the Executive’s website at www.scotland.gov.uk/topics/planning

Development plans

Councils consult people and communities when they prepare structure and local plans which between them show how much development may take place, where it will take place and where it is unlikely to be allowed. Development Plans are the basis for decisions on planning applications. There are further opportunities:

- After a structure plan has been prepared, it goes to Scottish Ministers for approval and comments can be made to the Scottish Executive.

- After a local plan has been prepared and finalised, it is advertised by the council and objections can be made. Councils usually try to settle outstanding objections by negotiation. If this is not possible, objections are considered in public at a ‘local plan inquiry’ before the council decides how it will adopt the plan.

Planning applications

Everyone has the right to comment on proposals likely to affect them. Neighbours must be notified by the applicant while some types of application are advertised in the local press and elsewhere. Applications can be seen at the planning office (and sometimes in other places, such as local libraries, by arrangement) and local community councils are informed. Comments made in good time, along with other statutory consultations, must be considered by the council before a decision is made.

Enforcement

Councils have powers to enforce against breaches of planning controls and will act on complaints. Councils are often alerted to unauthorised works through complaints made by members of the public.
EMERGING ADDITIONAL OPPORTUNITIES TO ENGAGE IN PLANNING

As a result of planning reform there will be many more opportunities for people to get involved in planning. The following paragraphs detail the additional measures that communities can expect under the new planning system once the measures under the Planning etc. (Scotland) Act 2006 are implemented during the course of 2007 and 2008.

Further regulations, guidance and advice on the emerging additional inclusion measures as they relate to development planning, management and enforcement will be prepared in conjunction with stakeholders and other interested parties.

National Planning Framework (NPF)

Communities can expect Scottish Ministers to:

- Seek views on the scope and content of the NPF.
- Publish a consultation draft of the NPF for comment.
- Carry out specific consultation on national developments, for example – major transport systems and water drainage and waste management infrastructure projects.

National Policy

Communities will continue to have the opportunity to contribute to all Scottish Executive planning consultation documents which are available on the Scottish Executive's website and in hard copy.

Development Plans

Strategic and local development plans are the basis for making decisions on planning applications. It is therefore important that people participate early in their preparation. Communities can expect the planning authority to:

- Publish a Development Plan Scheme on what, when and how the development plan(s) will be prepared including a Participation Statement setting out how and when the planning authority will consult the community. The availability of the Participation Statement will be advertised in the local newspaper and will be available on the planning authority's website.
- Involve the community early and meaningfully in the preparation of new development plans.
- Notify neighbours of new site specific development plan proposals.
- Engage with Statutory Consultees including Community Councils.
- Increase transparency by including a schedule of land owned by the local authority as part of the local development plan.
- Be proactive in seeking to resolve objections through negotiation or mediation.

Communities can also expect that:

- There will be an independent examination by the Scottish Executive Inquiry Reporter's Unit (SEIRU) where there are outstanding objections to the development plan.
- The examination of development plans by SEIRU will be less adversarial with increased use of informal round table discussion.
- SEIRU, or the Scottish Ministers, will check how the planning authority has met or exceeded its intentions set out in the Participation Statement before development plans are adopted.
- Where consultation is inadequate, the planning authority will be directed to remedy any failure.
- New plans will be concise, easy to use and understand and will be available at the planning office, in local libraries and on the planning authority’s website.

Development Management

People can make their views known on all planning applications but those which comply with the development plan will generally be approved. Communities can expect the planning authority to:

- Publish availability of a weekly list of new applications in the local newspaper and on their website.
- Notify neighbours of development proposals (instead of developers as at present) allowing 21 days rather than 14 days for comments.
- Check the adequacy of the pre-application Consultation Report submitted by the applicant alongside planning applications for certain types of development (likely to be major developments, those significantly contrary to the development plan, those requiring EIA and larger scale bad neighbour developments). Where pre-application consultation by the applicant is considered to be inadequate, the planning authority can refuse to register the application.
- Allow people to make their views known to the Planning Committee at a pre-determination hearing before a decision is made on the aforementioned types of developments.
- Inform everyone who has submitted comments on planning applications of the decisions and the reasons for approval, or refusal, of planning permission.
- Make the Planning Register (which contains information on all planning applications) available for public inspection at the planning office.

Enforcement

- Planning authorities will be required to publish an enforcement charter setting out in clear terms their policy on enforcement.
- Where there are breaches of planning control, or breaches of planning conditions, the planning authority will have strengthened powers which will enable them to be pro-active in using enforcement measures.
- People can also expect the planning authority to monitor the progress of developments more closely to ensure that they comply with their planning consent.
- Local people can expect developers and site operators to make greater use of Good Neighbour Agreements to identify issues of concern and agree measures to resolve them.
05

DELIVERING EFFECTIVE COMMUNITY ENGAGEMENT IN LAND USE PLANNING
DON’T DO ANYTHING FOR THE COMMUNITY WITHOUT THE COMMUNITY.

69 Scottish Ministers are committed to ensuring that community representation in the planning and delivery of public services is embedded in a range of areas. Of key importance is the Community Planning process found in each local authority area which provides an overarching framework for the design and delivery of all public services in that area, including health, justice and education. Community planning involves local people in shaping their communities and consequently there is a clear link between these community planning partnerships and land use planning. The same processes and people are often involved in both community and development planning, and the community plan will inform and be informed by the development plan. Planning authorities should strengthen the links between these two planning systems and utilise community planning networks in the development planning process.

70 A great deal of guidance on how to achieve effective community engagement already exists and several helpful references have been included in Annex 1 of this PAN. The Royal Town Planning Institute’s publications Guidelines on Effective Community Involvement and Consultation and the National Standards for Community Engagement developed on behalf of Communities Scotland, are particularly useful and when followed can help plan, monitor and evaluate community engagement. The National Standards have been applied to the planning system below and are ideally suited for use by planning authorities for development plan preparation, by applicants in pre-application consultations with communities and by people and communities in engaging on planning issues.
STANDARD 1: INVOLVEMENT: IDENTIFY AND INVOLVE THE PEOPLE AND ORGANISATIONS WHO HAVE AN INTEREST IN THE FOCUS OF THE ENGAGEMENT.

71 The involvement of people in development plan preparation and pre-application consultations will depend on the nature and scale of the development plan – whether a strategic or local development plan, whether the plan is authority wide or more site specific – and in terms of development management, the scale, size and impact of the development proposed. The relevant communities might include those directly affected for example landowners and those in the immediate vicinity of the site (bearing in mind this could include communities in the adjacent planning authority area); those with a statutory interest for example Scottish Water or heritage and environmental bodies and the wider community who may have an interest through activities carried out in the course of their daily lives. It is good practice to ensure that engagement is broadly representative of a cross section of the community and includes a range of interests such as local Councillors, community councils, community planning partnerships, the local enterprise company, local traders and other businesses, amenity groups, developers, investors and statutory consultees and agencies.

72 While some community groups and individuals will be well organised and represented, others will not and may be less able to engage in the preparation of development plans, or in making their views known on individual planning applications. The under 35s and those in full-time employment are less likely to engage in planning, while others, for example, disabled people, black and ethnic minorities, young people, gypsies/travellers and other people with temporary or unsettled accommodation are far less inclined to get involved in planning matters.

73 Changes to legislation mean that equality related duties on race, disability and gender have been, or will be, placed on the public sector. In recognition of the importance of equality issues, the Planning etc. (Scotland) Act 2006 places a duty on Scottish Ministers and planning authorities to perform their planning functions in a way which encourages equal opportunities. The Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission have each produced a range of support material on the
duties (see Annex 1). Engagement with a wide range of interests is essential to ensure that harder to reach groups, like those referred to above, have the opportunity to get involved in planning – and in ways that best suit their needs.

74 As the same people are often involved in both community and land use planning, planning authorities should seek to strengthen their links with the Community Planning process and utilise community planning partnerships and their networks as far as possible. It is useful to develop opportunities for engagement through regular contact with existing, wider local authority networks including, for example, customer focus groups, community councils and Access Panels.

75 The development of a contact database comprising people and groups with an interest in planning issues should be developed and maintained by the planning authority. This can be used to assist with community engagement in development plan preparation and shared with developers for pre-application consultations.

STANDARD 2: SUPPORT: IDENTIFY AND OVERCOME ANY BARRIERS TO INVOLVEMENT.

76 An understanding is needed of the support that particular individuals or groups require to help them engage. There may be a need for practical support such as the provision of suitable transport, crèche facilities, payment of out of pocket expenses, access to premises and communication aids. Participants and consultees may need access to equipment, for example, computers, telephones and photocopying. The needs of minority groups and people with disabilities should be accommodated where possible, including the opportunity to access information in alternative formats such as Braille, large text and audio and the provision of information in alternative languages.
Thorough project planning is essential in delivering effective community engagement in the planning process. Planning authorities should recognise the value of continuous engagement through regular meetings with community organisations to support understanding of the process and build capacity for engagement. The participation statement has a vital role to play in setting realistic and deliverable actions for community participation in development planning. It is equally important that pre-application consultations by applicants with the public are well planned, and developers may find it helpful to discuss their proposals with the planning authority. Whatever the engagement, the timescales involved and respective roles and responsibilities of those undertaking the community engagement, and those participating, should be clear. Any planning policies, planning proposals, constraints, opportunities or limitations within which decisions will be taken should be expressed openly and honestly, and communicated at an early stage in the process so people know what to expect.

Community engagement for a development plan, or a masterplan, will require the application of a variety of methods and involve different people and groups than those required for pre-application consultations for, say, a small industrial development. The level of engagement may also differ from area to area, for example between heavily populated urban areas and more sparsely populated rural areas. It is impossible to set methods for every circumstance. What is important is that the approach adopted suits the scale and impact of the project, the people participating and the particular situation.

There is a general view that mechanisms that promote dialogue, rather than one-way communication, are more effective, less confrontational and more valued by participants.
Choosing the right method

The method used should help achieve the plan or proposal objectives and take account of the:

> History of engagement with the community.
> Culture of the community.
> Demographic, social and economic landscape of the community.
> Literacy levels.
> Skills required to deliver this method.
> Budget in place to support the engagement method.
> Support from communities for this method.
> Time required to deliver a good result with this method.

Portfolio of methods

> Distribution of information, for example postcards, leaflets, brochures, easy read guides and mail shots to postcode area.
> Use public notice boards in shop windows, GP surgeries, places of worship such as churches, mosques and synagogues, community centres and sports facilities where people congregate.
> Disseminate information through Community Councils and other networks.
> Use e-participation/e-planning systems – interactive plans and applications online.
> Use of the media to raise awareness – newspaper adverts/articles/radio.
> Use a Mobile Unit – taking information and advice into the community.
> Public stalls/street stalls – for example within a shopping centre, or at a market.
> Public meetings, exhibitions, roadshows, workshops and focus groups.
> Visits/talks to established group settings/meetings, for example to schools and mother and toddler groups.
> Have an open house event/inviting people in – an informal means of communicating information.
> Planning for Real – participants place notes on a map or model containing their ideas.
> Site visits and tours.
> Hold a cognitive mapping exercise or workshop with sectors of the community, such as school pupils.
> Photo survey – taking images of what is important in a local environment for sharing with others.
> Visual aids such as Computer Aided Images/3D visualisation, models, photographs, animations.
> Use games – an enjoyable way to get people working together.
> Develop a telephone/enquiry helpline.

The Macaulay Institute has been using its mobile Virtual Landscape Theatre (VLT) as part of a programme of developing best practice over how the public can participate in planning and proposed changes to the countryside. As an example, the VLT has been used to raise public awareness of a windfarm proposed for Aberdeen Bay by the Aberdeen Renewable Energy Group, and AMEC Ltd as the developer. Members of the audiences have consisted of people local to Aberdeen, Aberdeenshire, and beyond, across ages and races, and in venues that ensured attendance of those with mobility, visual and auditory difficulties. The VLT has enabled people to interpret how they may be affected, to record their views on the possible changes in landscape, and to discuss the issues as they see them. Feedback from participants suggests that the use of the virtual reality environment was a successful tool for involving people in discussions about the proposal for the windfarm, made accessible by its mobility and the nature of the engagement.
STANDARD 5: WORKING TOGETHER: AGREE AND USE CLEAR PROCEDURES THAT ENABLE PARTICIPANTS TO WORK TOGETHER EFFECTIVELY AND EFFICIENTLY.

All participants should be given equal opportunity to engage and all participants should seek to listen and reflect on the views of different individuals and organisations. Behaviour should be open, honest, respectful and non-discriminatory. In all situations it is important for the community to understand the decision making process, their role within it and what can and can not be influenced. If necessary, independent facilitators should be engaged to help build consensus and recognise and resolve conflicts. In some instances, where there is disagreement, or conflict, mediation can be used to help to build bridges between stakeholders and resolve issues of dispute. The aim should be that the various parties understand each other and try to reach an agreement that everyone can live with.

STANDARD 6: SHARING INFORMATION: ENSURE NECESSARY INFORMATION IS COMMUNICATED BETWEEN THE PARTICIPANTS.

Information relevant to the development plan or development proposal should be shared between all participants. Information should be easily understood, jargon free, accessible, attractive, clear, understandable and relevant. It should be made available in appropriate formats and provided in good time to enable people to take part and consult with others. Regular workshop sessions or forums should take place between the planning authority and customer focus groups. Good use of e-mails and more information on individual cases would enable community councils and other groups to give a better service.
STANDARD 7: WORKING WITH OTHERS: WORK EFFECTIVELY WITH OTHERS WITH AN INTEREST.

Planning authorities should promote sustainable community engagement by making strong links with other community structures and organisations relevant to their work, such as existing local authority networks, community planning networks, Disability Access Panels and the Black and Ethnic Minority infrastructure in Scotland. Working with these networks can ensure a more co-ordinated approach to community engagement and help to avoid consultation fatigue. These networks can provide links to other organisations where mechanisms are already in place for involving communities. There might also be opportunities for resources to be shared. There is scope for better links, in particular between community engagement in the preparation of development plans and community planning.

The City of Edinburgh Council made their draft Edinburgh City Local Plan available in hard copy and on-line in an innovative interactive format. They simultaneously published a consultation paper for a review of the Edinburgh and the Lothian Structure Plan, jointly with Lothian Authorities, and their own City Vision to 2040. The outreach work undertaken achieved a more representative engagement process, by going out to people in their normal meeting places through 7 libraries, 3 shopping centres, the framers market and Leith gala, than normally achieved through Local Development Committee meetings at which people are invited to attend. Further information at www.edinburgh.gov.uk

STANDARD 8: IMPROVEMENT: DEVELOP THE SKILLS, KNOWLEDGE AND CONFIDENCE OF THE PARTICIPANTS.

The skills of all parties should be maintained and improved in achieving effective community engagement. Everyone with public or community liaison responsibilities should have appropriate training and customer care skills. This might require specific training programmes to develop skills and the capacity of community councils and other groups to help ensure that, as far as possible, community engagement is sustainable.

STANDARD 9: FEEDBACK: FEED RESULTS BACK TO THE WIDER COMMUNITY AND AGENCIES AFFECTED.

The more the process is clear and transparent, the more likely it is that people will be able to understand and accept the final decision. People who have made comments on a development plan should be able to see within the participation statement report how their views have been taken into account and the authority’s reason for proceeding in the way it intends. In the new system, everyone who has submitted comments on planning applications can expect feedback. They will be informed by the planning authority of the decision and the reasons for approval, or refusal, of planning permission.
East Ayrshire Council have developed a “bottom up” approach to planning and the regeneration of communities through the production of Community Action Plans. Information from the Community Action Plans has been fed into the East Ayrshire Local Plan and vice versa. As a consequence, there has been a significant increase in the number of community groups involved in the statutory development management process for local projects and a greater awareness of the planning process. The direct link between planning staff and communities developed through this programme has helped strengthen the understanding of the planning and regeneration process by communities. It has built community spirit and cohesion and developed partnership working. New community groups have been created and existing groups strengthened, contributing significantly towards building the capacity and confidence of local people to become involved in the statutory planning process. Further information at www.eastayrshire.gov.uk
Further guidance will be developed as secondary legislation is prepared in conjunction with stakeholders and other interested parties during 2007 and 2008 but to help evaluate community engagement the following simple questions can be asked:

- Has the community been made aware of the programme for participation in development plans and opportunities to make their views known on planning applications, including in pre-application consultations in required circumstances?
- Have those most likely to be affected by the development plan or development proposal been given opportunities to make their views known?
- Was the engagement in a manner, location and at a time that allowed a wide range of people to make their views known?
- Has the planning authority or project team analysed the results of the engagement and provided feedback to the community?
- Has the planning authority or project team responded by amending the plan or proposal where possible?
- Where changes have been made, have details of the revised plan or development scheme been publicised with an explanation of how people’s views have influenced it?

Aberdeenshire Council allowed representations to be submitted online during the preparation of the Aberdeenshire Local Plan. Comments were then automatically transferred into a database where individuals could log on and view all representations online. This system allowed efficient communication of views and saved time on data entry. Further information at www.aberdeenshire.gov.uk

STANDARD 10: MONITORING AND EVALUATION: MONITOR AND EVALUATE WHETHER ENGAGEMENT ACHIEVES ITS PURPOSE AND MEETS THE NATIONAL STANDARDS FOR COMMUNITY ENGAGEMENT.

Monitoring and evaluating success is important, and planning authorities should see this as an opportunity to learn from their experiences to improve the quality of their services. In the new planning system, the reporter’s or Scottish Ministers’ assessment of the Participation Statement required for development plans and the planning authority’s assessment of the pre-application consultation report will be used to evaluate community engagement. The Planning etc (Scotland) Act 2006 also gives Scottish Ministers new powers to assess planning authority performance, with the aim of improving performance and ensuring a more consistent level of service across Scotland. A key part of the new assessments will be to examine the scope and quality of planning authority participation with individuals, communities and other bodies, and to look at issues around access to planning information. Further guidance on the new regime will be developed over the next 2 years.
SUPPORT FOR COMMUNITY ENGAGEMENT IN PLANNING
A RANGE OF TRAINING, SUPPORT AND ADVICE IS AVAILABLE TO PLANNING AUTHORITIES, DEVELOPERS AND THE PUBLIC.

86 The skills, knowledge and confidence of all stakeholders needs to be strengthened to sustain effective community engagement in the planning system. A range of training, support and advice is available to planning authorities, developers and the public. The Planning etc (Scotland) Act 2006 provides many more opportunities for communities to get involved in planning. Consequently, local authorities are encouraged to invest sufficient resources in planning departments to help deliver a more participatory planning service and greater community engagement in the preparation of development plans and in decision making on planning applications. As well as ensuring staff have the necessary skills, planning authorities should consider giving assistance to communities, either through direct funding or support in kind to organisations such as Community Councils or to provide training and awareness raising events.

87 Local authorities provide a discretionary administration grant to the Community Councils in their area. Many provide supplementary grants for various projects and purposes, or supplement their support indirectly, such as producing newsletters, providing computers, accommodation, or typing and other administrative services.

88 Planning authorities should build on the support of existing council networks. Opportunities for planning authorities to share community engagement expertise and to use specialist facilitators for some activities should also be considered. The expertise of Community Learning and Development (CLD) providers is a good resource which can used to help build the capacity of people to engage. CLD providers can be contacted through the local authority.
Planning authorities have a role in providing training for their Community Councils, other community groups and individuals on how planning works, and in building effective communication channels. For example, Planning for People is a national training programme run by Planning Aid for Scotland (PAS) and is available to community groups and individuals. The programme can be run in conjunction with planning authorities across Scotland. It is geared to promote the positive role of people in the planning system. It brings together for one day people from all walks of life within their area – to debate planning issues in their locality and consider how they can use their knowledge and work with planning professionals and others to create better places to live and shape their future. It is an effective and useful means of promoting active participation, instilling confidence and helping to create trust in the system.

PAS is also developing a project to support training for community councils prior to local plan inquiries. Scottish Executive funding has also been agreed for Planning Aid for Scotland to develop a new “planning mentoring programme”. This is designed to work in a sustained and in-depth way with communities by providing the opportunity through locally identified projects to shape the environment with professional assistance from planning mentors. Community councillors and other community representatives are encouraged to take advantage of training opportunities provided by planning authorities to support them in their engagement.

The Scottish Executive Planning Development Programme (PDP) is designed to help planning authorities address their skills and knowledge development needs through training and other learning opportunities. This is intended to help them deliver a more effective planning service, and to support better engagement between planning authorities and communities. Resources from the PDP will be targeted at helping planning authorities develop relevant understanding and engagement skills.

New Councillors serving on their Planning Committee need training and support to help equip them with the necessary skills to navigate the community engagement process and handle development plans and planning applications in an even-handed way. Through the PDP, induction material on the planning system is being prepared for newly elected Councillors. The induction pack will explain the planning system and the roles and responsibilities of elected members within it. It is anticipated that individual planning authorities will supplement the material with detailed information on their local arrangements. Councillors will also receive training on their roles and responsibilities in relation to planning.
SOURCES OF INFORMATION AND ADVICE

Some of the main sources of advice and information are noted below. Their contact details are noted in Annex 1.

The Scottish Executive’s Planning Helpline is open from 9.00 am to 5.00 pm, Monday to Friday. The Planning Helpline can provide advice and information about planning issues which are the responsibility of the Scottish Executive. Scottish Executive planning publications can be ordered through the helpline. The planning website gives details of Scottish Planning Policies, Planning Advice Notes, and information on performance and good practice by councils. The Scottish Executive Inquiry Reporters Unit can be contacted for enquiries relating to a planning appeal.

Planning Authorities, usually based within your local authority, can advise people on enquiries relating to a local planning issue, the development plan or an individual planning application. (See local telephone directory or websites for contact details)

Planning Aid for Scotland provides free and independent advice about specific planning issues for individuals and community groups across Scotland. Its two principal aims are to ensure that everyone has access to planning advice regardless of their ability to pay and to educate people to understand the planning system and their rights and responsibilities within it. Planning Aid for Scotland provides a range of information and briefing papers, some in other languages, as well as visual material on many aspects of the planning system. Its material is written with the lay person in mind and provides an explanation of technical terms and descriptions of the various planning processes.

Communities Scotland provides resources to Community Planning Partnerships through the Community Voices Programme, which aims to ensure that community representatives, volunteers and residents in the most disadvantaged communities in Scotland can get involved in influencing the services and regeneration activity in their areas.

The Scottish Mediation Network can advise on the use of independent mediation and consensus building techniques and on the appointment of mediators and facilitators.
The Environmental Law Foundation (ELF) is a national charity which links communities and individuals to legal and technical expertise in order to help prevent damage to the environment. ELF also advocates and campaigns to secure improved rights for the environment.

The RTPI (Royal Town Planning Institute) is a chartered professional body and registered charity which works to promote good planning, shape policy affecting the built environment, raise the standards of the planning profession, support members through continued professional development, and provide education and training for future planners.

e-PLANNING EFFICIENT GOVERNMENT PROGRAMME

94 The e-Planning Efficient Government Programme is another source of useful information. With an investment of between £10 million and 12 million during the course of 2007 and 2008, it will radically improve online access to planning information and, as a consequence, assist with community engagement. All planning authorities have committed to this project and are working with others in the partnership to ensure that e-planning systems are installed which provide people with enhanced access to planning information and consistent e-planning service delivery. People will be able to submit planning applications and appeals online, view recent applications and their plans, committee dates and decisions, submit representations via online forms and engage online with the local development plan process. This will reduce the need for people to travel into planning offices or libraries to view planning documents, making it easier for them to get involved in the planning process.
CONCLUSION
WE ALL HAVE A PART TO PLAY IN BUILDING TRUST AND CONFIDENCE BACK INTO THE PLANNING SYSTEM AND EFFECTIVE COMMUNITY ENGAGEMENT WILL BE THE WAY WE ACHIEVE THIS.

Through planning modernisation, a wide range of additional inclusion measures are being introduced during the course of 2007 and 2008. These measures require a planning system that: provides more and better opportunities for local people to be involved; is open and transparent; adopts measures to include hard to reach communities of interest and uses a variety of approaches, appropriate to the needs of the community. Greater inclusion should be accompanied by better engagement from all involved in planning, including developers and key agencies, as well as communities and local authorities. We all have a part to play in building trust and confidence back into the planning system and effective community engagement will be the way we achieve this.
ANNEX 1: USEFUL CONTACTS AND REFERENCES

THE SCOTTISH EXECUTIVE PLANNING DIVISION
2H Victoria Quay, Edinburgh EH6 6QQ
Phone the Planning Helpline on 08457 741741
www.scotland.gov.uk/planning

THE SCOTTISH EXECUTIVE INQUIRY REPORTERS
UNIT (SEIRU)
4 The Courtyard, Callendar Business Park,
Falkirk FK1 1XR
Phone: 01324 696 400
www.scotland.gov.uk/planning_appeals/seiru

THE SCOTTISH EXECUTIVE COMMUNITY
PLANNING TEAM
Public Service Performance and Improvement Division,
3H, Victoria Quay, Edinburgh EH6 6QQ
Phone: 0131 244 0420
www.scotland.gov.uk/Topics/Government/
local-government/CP/CP

ASSOCIATION OF SCOTTISH COMMUNITY COUNCILS
PO Box 5099, Glasgow G78 9AL
Phone: 0845 644 5153
www.ascc.org.uk

BLACK AND ETHNIC MINORITIES INFRASTRUCTURE
IN SCOTLAND (BEMIS):
The Centrum Building, 3rd Floor, 38 Queen Street,
Glasgow G1 3DX
Phone: 0141 548 8047
www.bemis.org.uk

COMMUNITY LEARNING AND DEVELOPMENT
PARTNERSHIPS
Contacted via the Local Authority.
(The Community Learning and Development (CLD) Guides.)

COMMUNITIES SCOTLAND
Community Engagement Team, Thistle House,
91 Haymarket Terrace, Edinburgh EH12 5HE
Phone: 0131 313 0044
www.communityscotland.gov.uk
(National Standards for Community Engagement,
Communities Scotland, 2005.)

COMMUNITY VOICES NETWORK
Freepost SCO6961, Glasgow G1 1BR
Phone: 0141 564 7600
www.community-voices.org.uk

CONVENTION OF SCOTTISH LOCAL
AUTHORITIES (COSLA)
Rosebury House, 9 Haymarket Terrace, Edinburgh EH12 5XZ
www.cosla.gov.uk

DEPARTMENT OF COMMUNITIES AND LOCAL
GOVERNMENT (DCLG)
Eland House, Bressenden, London SW1E 5DU
Phone Helpline: 020 7944 4400
www.communities.gov.uk
(Community Involvement in Planning: The Government’s
Objectives, Office of the Deputy Prime Minister (ODPM), 2004.)
(Mobile phone network development: Code of best
practice (ODPM), 2002.)

INVOLVE
212 High Holburn, London WC1V 7BF
Phone: 0207 632 0120
www.involving.org
(People and Participation – How to put citizens at the
heart of decision-making, Involve)
PLANNING AID FOR SCOTLAND  
11A South Charlotte Street, Edinburgh EH2 4AS  
Phone: 0131 220 9730 – 0845 603 7602  
www.planning-aid-scotland.org.uk

SCOTTISH CENTRE FOR REGENERATION  
Festival Business Centre, 150 Brand Street,  
Glasgow G3 1DH  
Phone: 0141 419 1690  
scr@communityscotland.gsi.gov.uk

SCOTTISH DISABILITY EQUALITY FORUM  
12 Enterprise House, Springkerse Business Park  
Stirling, FK7 7UF  
Phone: 01786 446456  
www.sdef.org.uk

SCOTTISH MEDIATION NETWORK  
18 York Place, Edinburgh EH1 3EP  
Phone: 0131 556 1221  
www.scottishmediation.org.uk

THE COMMISSION FOR RACIAL EQUALITY (SCOTLAND)  
The Tun, 12 Jackson’s Entry, Edinburgh EH8 8PJ  
Phone: 0131 524 2000  
www.cre.gov.uk

THE CONSULTATION INSTITUTE  
21a High Street, Sandy, Bedfordshire SG19 1AG  
Phone: 01767 689600  
www.consultationinstitute.org

THE DISABILITY RIGHTS COMMISSION  
Freepost MID02164, Stafford upon Avon, CV37 9BR.  
Phone: 08457 622 633  
www.drc-gb.org

THE ENVIRONMENTAL LAW FOUNDATION  
Suite 309, 16 Baldwins Gardens, Hatton Square,  
London EC1N 7RJ  
Phone: 020 7404 1030  
www.elflaw.org

THE EQUAL OPPORTUNITIES COMMISSION (SCOTLAND)  
St Stephens House, 279 Bath Street, Glasgow G2 4JL  
Phone: 0845 601 5901  
www.eoc.org.uk

THE ROYAL INSTITUTION OF CHARtered SURVEYORS  
57 Melville Street, Edinburgh EH3 7HL  
Phone: 0131 226 1959  
www.rics.org

THE ROYAL TOWN PLANNING INSTITUTE IN SCOTLAND  
9 Manor Place, Edinburgh EH3 7DE  
Phone: 0131 226 1959  
www.rtpi.org.uk

THE SCOTTISH CIVIC TRUST  
The Tobacco Merchants House 42 Miller Street,  
Glasgow G1 1DT  
Phone: 0141 221 1466  
www.scottishcivictrust.org.uk

THE STANDARDS COMMISSION FOR SCOTLAND  
Forsyth House, Innova Campus Rosyth Europarc,  
ROSYTH, KY11 2UU  
Phone: 01383 428 033  
www.standardscommissionscotland.org.uk

(Guidelines on Effective Community Involvement and Consultation, Royal Town Planning Institute (RTPI), 2005.)

(Code of Conduct for Councillors.)
ANNEX 2: GLOSSARY OF PLANNING TERMS

Please note that the definitions contained in this glossary may be subject to some amendments as secondary legislation and guidance is prepared and revised.

Action Programme
A document setting out how the policies and proposals in the strategic or local development plan will be delivered, including action by the planning authority, private developers and other organisations.

Adoption
Bringing into force of a local development plan.

Appeals
Applicants aggrieved by the decision of a planning authority to refuse planning permission or grant planning permission subject to conditions have a right of appeal to the Scottish Ministers. Other appeals include those related to listed building consent, advertisement control and enforcement action. They may also appeal if the planning authority has failed to make a decision within the required period. Responsibility for determining most appeals is delegated to the Scottish Executive Inquiry Reporters Unit (SEIRU).

Development Brief
A document which sets out guidance on how planning and design should be implemented on a specific site.

Development Plan Scheme
A document setting out the programme for preparing and reviewing the strategic development plan or local development plan. It includes a Participation Statement.

Environmental Impact Assessment (EIA)
An important procedure for ensuring that the likely effects of new development on the environment are fully understood and taken into account before planning permission is granted.

Main Issues Report
A report published by the planning authority at an early stage in preparing each strategic development plan and local development plan. It identifies the key issues that face the area and issues where the development plan may need to change.

Major Development
Developments not considered to be of national strategic importance but nonetheless are of a size and scale to be considered of major importance. Examples might be a shopping centre, a business park or a large scale housing development. Major developments will be described in secondary legislation.

Master Plan
A master plan explains how a site or a series of sites, will be developed, describing and illustrating the proposed urban form in three dimensions.
Material Considerations
A planning matter which is relevant to a planning application. Can include national policies, comments by the public and other people the planning authority has consulted, and issues such as the design of a proposal or its effect on the environment. Legally, decisions on planning applications must be based on the Development Plan unless material considerations indicate otherwise. Details of what constitutes a material consideration can be found in Paragraph 50 of SPP1.

Mediation
A process involving an independent third party, whose role is to help parties to identify the real issues between them, their concerns and needs, the options for resolving matters and, where possible, a solution which is acceptable to all concerned.

National Park Authority
There are currently two designated National Park Authorities in Scotland: Loch Lomond and the Trossachs National Park and the Cairngorms National Park.

Neighbour Notification
A means by which people with an interest in neighbouring land or property in the immediate physical proximity to development proposals are informed that a development plan identifies that site or that a planning application has been submitted, allowing neighbours to make comments.

Planning Agreement
An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between a planning authority and an applicant to regulate or restrict development.

Planning Committee
A group of elected members, Councillors, in a local authority who have the responsibility of taking decisions on planning applications or planning policy, including development plans.

Policies
Statements by planning authorities or Scottish Ministers of their attitudes or intentions towards existing or future situations which require action. Land use planning policies relate solely to physical land use development, for example, the location of housing or the improvement of the environment. They are limited to those which can be applied by the planning authority itself, or by other public bodies after full consultation and agreement.

Proposed Plan
The next public stage in the preparation of a strategic development plan or local development plan after the main issues report. The proposed plan should promote a development strategy for the area which has taken account of public representations made on the main issues report.
Representations
A comment made on a planning issue by a member of the public, Statutory Consultee and other stakeholder. Representations include objections and letters of support.

Scottish Executive Inquiry Reporters Unit (SEIRU)
A department of the Scottish Executive, whose reporters will assess objections to development plans and take decisions on most planning appeals on behalf of Scottish Ministers.

Scottish Ministers
The group of Ministers that collectively comprise the Scottish government. While the general term Scottish Ministers is used, decisions on strategic development plans and on a limited number of planning applications which raise national issues are taken by an individual Minister.

Strategic Development Planning Authorities
A group of planning authorities acting jointly to prepare a strategic development plan (SDP). The SDPs which will be created by the Planning Act will not cover the whole country – only the four main cities and their surrounding areas, i.e. Aberdeen, Dundee, Edinburgh and Glasgow.

Strategic Environmental Assessment (SEA)
A process for identifying and assessing the significant environmental effects of a strategy, plan or programme so that they may be taken into account before the plan is approved or adopted. All development plans must meet the requirements for SEA.

Supplementary Guidance/Supplementary Planning Guidance (SPG)
Detailed guidance, for example on design, published by the planning authority in connection with a strategic development plan or local development plan. Statutory supplementary guidance forms part of the development plan where it has met requirements on participation and adoption. Planning authorities may also publish other non-statutory supplementary guidance, but it does not form part of the development plan.