

Briefing for the Citizen Participation and Public Petitions Committee on PE2075: Prioritise local participation in planning decisions, submitted by Stewart Noble on behalf of Helensburgh Community Council

Background

The role of planning authorities and community councils in the development management system, and the relationship between these organisations within that system, are very briefly described below.

The development of land normally requires permission from a planning authority, either the local or national park authority. This power to grant planning permission is conferred by statute upon a planning authority and cannot be delegated or transferred to any other person or body. However, a planning authority can delegate this power to a sub-committee of Councillors or planning officers.

Some developments, for example minor changes to existing properties, are classed as “permitted development” and do not need permission from the planning authority.

All proposed developments fall within one of the three categories of the hierarchy of developments, which can be described as follows:

1. **National developments:** Developments designated as of national significance in [National Planning Framework 4](#).
2. **Major developments:** Nine classes of large-scale development are defined as major developments in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
3. **Local Developments:** Any development which is not a national or major development is automatically categorised as a local development.

Decisions on national developments are usually made by Councillors of the relevant planning authority, although proposed developments of such national significance may be “[called-in](#)” by Scottish Ministers for their own decision. Decisions on major developments will normally be made by Councillors while local developments are likely to be decided by planning officers, under a

'scheme of delegation' which devolves decision making powers for smaller scale developments from Councillors to planning officers.

Planning authorities are required to determine planning applications in accordance with the development plan (made up of the relevant local development plan and National Planning Framework 4) unless material considerations indicate otherwise. Material considerations can include other national or local policies, site specific factors unique to the development, and letters of objection and support for the proposals, including the views expressed by community councils.

Planning authorities are required to provide community councils with a weekly list of all planning applications for developments within their area. Community councils may then request formal consultation on particular applications. Even if a community council does not make such a request, a planning authority must consult them on proposed developments that are likely to affect the amenity of their area.

The Scottish Government's [Planning Advice Note 3/201: Community Engagement](#) highlights a more proactive approach to development management taken by some community councils, stating that "Many Community Councils take a proactive role in planning matters to ensure that the community they represent is consulted on issues that could have an impact on the area and that their views are communicated to the planning authority."

Government Action

While not directly addressing the issues raised in this petition, since 2016 the Scottish Government has been consulting on, developing and implementing a significant [modernisation of the Scottish planning system](#). One of the key topics pursued through this modernisation is [community engagement](#), including the formal incorporation of community-developed local place plans into the Scottish planning system.

Scottish Parliament Action

To date, the Scottish Parliament has not directly considered the issues raised in this petition. However, the Parliament scrutinised the proposals in the [Planning \(Scotland\) Bill](#) during 2018 and 2019, which provides the legislative change required to support the Scottish Government's modernisation programme. The Parliament has also [scrutinised and approved](#) National Planning Framework 4.

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9 January 2024

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP