



Comhairle nan Eilean Siar Planning Service

Planning Service Charter

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1.0 INTRODUCTION and PURPOSE OF CHARTER

The Planning System is the statutory framework which guides the use and development of land in the public interest. The planning system affects our whole environment, is responsible for the physical structure and design of where we live and work and shapes our communities.

This Charter explains what the Comhairle's Planning Service does. The objective of the Charter is to set out the level of service which our customers are entitled to expect when coming into contact with us and indicates how you can help us to help you.

We hope you will find this Charter useful. Please let us know if you think we could improve the service further by contacting planning@cne-siar.gov.uk

The Planning Service and what you can expect

It is the aim of the Comhairle's Planning Service to provide a service in an efficient, consistent and open manner, with the focus of our attention being on good decision making, leading to the creation of a better quality environment that can be enjoyed by everyone.

Our main responsibilities are to:

- Prepare a Local Development Plan;
- Provide statutory and non-statutory planning guidance and pre-application advice;
- Consider and make decisions on applications for planning permission, listed building consent and other types of applications;
- Take enforcement action against breaches of planning control.

SERVICE STANDARD

By publishing our standards and targets, we aim to improve our service and make it responsive to the needs of our customers. We will monitor the contents of this charter to ensure that standards and targets are being met.

SERVICE STANDARD

Copies of this Charter are available on the Comhairle's website at: <http://www.cne-siar.gov.uk/planningservice/> in local libraries and at the Council Offices in Stornoway, Tarbert, Balivanich and Castlebay.

2.0 WHAT WE DO

2.1 The Development Plan

The Development Plan sets out the Comhairle's approach to the future use of land within its area. The Comhairle's present Development Plan consists of two documents: the Western Isles Structure Plan (approved December 2003) and the Western Isles Local Plan (adopted June 2008).

These documents provide a framework for sustaining and developing communities throughout the Western Isles. They consist of Policies, Proposals and allocations of land for a range of uses including housing and industrial activities. The Development Plan is prepared after consultation with agencies and the public.

In future, the statutory development plan for the Outer Hebrides will comprise a single Local Development Plan (LDP), which will include a strategic vision and spatial strategy for the area.

A Proposed Local Development Plan is currently being prepared. Once complete the LDP will replace the Comhairle's existing Development Plan (i.e. Structure Plan and Local Plan). Preparation of the LDP relies heavily on early and continuing engagement with all interested parties. How this is to be achieved and the timetable for doing so is set out in the annual Development Plan Scheme. The 2011 second review of the Development Plan Scheme has just been published.

It should be noted that the Western Isles Structure Plan and Local Plan will remain in force as the area's statutory development plan until the new Local Development Plan is adopted.

Copies of the above Plans and the Development Plan Scheme are available at the Council Offices in Stornoway, Tarbert, Balivanich and Castlebay or on the Comhairle's website at:

<http://www.cne-siar.gov.uk/planningservice/localdevplan.asp>

SERVICE STANDARD

We will aim to meet the Local Development Plan preparation programme as set out in the Development Plan Scheme.

We would welcome your views on your experiences of engaging with the Local Development Plan process.

2.2 Development Management

Central to the planning system is the requirement to obtain Planning Permission for development of land, unless consent is deemed to be granted by a planning regulation or order. Development is defined as *'the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of buildings or other land or the operation of a marine fish farm ...'*

The Development Management section undertakes the pre-application stage and the planning application and decision making processes, as detailed from sections 3.0 to 6.0 of this Charter. The policies and proposals contained within the Development Plan form the basis of decision making in the Development Management process.

2.3 Enforcement

Planning permission is required for most development that takes place with the exception of some minor works. Sometimes, however, developers or householders undertake work without planning permission or fail to keep in line with the permission they have been given.

In such instances planning enforcement action may be necessary in order to remedy the breach. More information on our enforcement policy can be found in the Comhairle's Planning Enforcement Charter, revised in April 2010 at:

<http://www.cne-siar.gov.uk/planningservice/development.asp>

SERVICE STANDARD

Complaints are recorded and registered on receipt and a written or e-mail acknowledgement will be sent to the person who made the complaint within 5 working days.

Priority will be given to significant breaches of planning control including:

- o **breaches of condition for large scale development;**
- o **irreversible damage to listed buildings;**
- o **unauthorised felling of trees and matters affecting trees protected by Tree Protection Orders.**

3.0 PRE-APPLICATION STAGE

Pre-application discussions are strongly encouraged and mutually benefit the applicant and the delivery of an efficient planning service. By engaging in pre-application discussion, the developer is able to ascertain what planning constraints may impact on their development (e.g. natural heritage designations, airport safe-guarding, flood risk etc) and the policies that the planning service will require to consider in the assessment of their planning application. It also provides an early opportunity to discuss the planning process that is applicable to the particular application and reduces the incidence of delay when the application is submitted. In terms of buildings, a key aim of the pre-application discussion stage is to raise awareness of good design principles and encourage applicants to give serious consideration to their design with a view to achieving better quality, attractive buildings on the ground for their own benefit and to improve the amenity of our island communities over the long-term.

Pre-application discussions will help clarify the extent and standard of information that requires to be contained within your application to ensure it can be registered and determined in the shortest possible time. The officer may be able to make suggestions that could turn a potential recommendation for refusal into one for approval.

Pre-application discussion enquiries should be directed to **planning@cne-siar.gov.uk**. Please remember, however, that pre-application advice is given on the basis of the information known at the time and is always without prejudice to formal assessment, statutory consultation and relevant public input to the planning application process. Proposals which are *national* or *major* developments (larger scale) follow different processes from *local* (the majority of) developments. There is mandatory pre-application consultation for all national and major developments. This allows local communities to be better informed and to have an opportunity to contribute their views to the developer prior to submission of a planning application.

A minimum of 12 weeks prior to submission of a national or major application, a proposal of application notice (PAN) should be submitted to the planning authority by the applicant. The notice must provide details of the pre-application consultation to be carried out.

The Comhairle encourages local communities to get involved at the pre-application stage and make constructive comments on planning proposals to the developer.

The Comhairle encourages developers to use the guidance and advice available from the Comhairle before making any application.

SERVICE STANDARD

We will offer the opportunity to discuss your proposals with you and offer professional advice before you submit a planning application.

4.0 APPLICATION SUBMISSION AND PROCESSING

Full or detailed planning permission

This type of application allows you to submit full details of the proposal in one stage. The plans require to be sufficient to show full details of the development clearly and accurately. Change of use is required when you wish to change the use of a house, building or land from its existing use.

Planning permission in principle (formerly outline planning permission)

The purpose of such an application is to establish whether the principle of developing a piece of land is acceptable. Further application(s) for the approval of matters specified in conditions is then required to confirm the final detail of the development.

It is the responsibility of the applicant to ensure that their application is submitted correctly. The Comhairle website provides downloadable forms with notes for guidance: forms are also available from the four main Comhairle offices.

If an agent is used to complete and submit a planning application, the Comhairle will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to the process.

On-line submission of applications

Making an application using the online method saves time and costs for the applicant and helps to avoid many of the reasons for applications being invalid on receipt. Information on how to do this can be found at:

<https://eplanning.scotland.gov.uk>

Validation and Acknowledgement

Applications will be checked for validation within 5 working days and we will notify you to either acknowledge the application or advise you of any problems after this check.

Applications for planning permission for national and major developments must be accompanied by a pre-application consultation report. It is also necessary to provide a design and access statement, which explains the design principles and concepts used in the proposal, and how issues relating to access, including that for disabled people have been dealt with.

Certain applications for local development within areas of sensitivity such as conservation areas and National Scenic Areas will require a design statement unless they consist of development relating to an existing dwelling house, a material change of use or engineering and mining operations. The Development Plan sets out the standards for design against which applications will be assessed. The LDP may also detail when a Design Statement will be required.

Neighbour Notification

Once the application is valid, the Comhairle will carry out neighbour notification. Notification will be sent to all properties within 20 metres of the application site.

With regard to the actual neighbouring land, the premises on neighbouring land to which neighbour notification should be sent do not have to be within 20 metres of the boundary of the land for which development is proposed. Such premises can be elsewhere on the area or plot of land which, or part of which, is conterminous or within 20 metres of said boundary. In using the term 'area or plot', the aim is to identify this as some discrete piece of land. Where such neighbouring land consists of open fields or open countryside or a forest with no obvious premises on it, then an advert in the local press would be necessary.

As far as is possible, comments from notified neighbours should be made to the planning authority within 21 days from the date of the notification letter and should bear in mind that the Comhairle can only consider material planning issues, of which there is further information at Section 5.0 of this charter - Making your comments or representations.

Advertising and Site Notices

Most applications are advertised in the press or a site notice is posted near the property. It is most often the case that the applicant will be charged for the advert, unless it is an application for Listed Building Consent or Conservation Area Consent.

Weekly Lists and other publicity for applications

The Weekly List of all applications for planning permission is available on the Comhairle's website at:

<http://www.cne-siar.gov.uk/planningservice/development.asp>

Scheme of Delegation

The Planning etc. (Scotland) Act 2006 introduced a number of important changes to the planning appeal system in Scotland. At the centre of these are the provisions covering new schemes of delegation for local developments and the opportunity for the applicant to seek a review of a decision by the planning authority in certain circumstances, where an appeal to Scottish Ministers is no longer be available.

A decision is taken by an Officer of the Comhairle under powers delegated to him. The decision is taken as being a decision by the Planning Authority and the Officer is simply acting in the role of a person appointed by the planning authority to issue a decision.

SERVICE STANDARD

We will aim to issue a decision on *local* planning applications within eight weeks of receipt of a valid application.

We will inform you if an application is going to exceed the eight-week period.

We will inform you if an application requires to be considered by the Comhairle and when it will be considered

SERVICE STANDARD

We will make copies of current planning applications available for interested parties to view at the Council Offices in Stornoway and Balivanich or on the web at: <http://planning.cne-siar.gov.uk/PublicAccess/default.aspx>

We will make available on the Comhairle's internet site a weekly list of valid planning applications received.

5.0 MAKING YOUR COMMENTS OR REPRESENTATIONS

You may wish to support, make comments on or object to either elements of the Development Plan or a planning application.

In considering a planning application, the Comhairle can only consider material planning issues, including, for example, issues of amenity, noise, traffic implications, design and development plan policies. The Comhairle cannot consider issues such as the loss of a view; the perceived health effects of telecommunications masts; or the effects on individual property values.

Anyone can comment (make representation) on an application. You should however note that any comment you make cannot be treated as confidential and it is emphasised that all letters of representation, including all address details, will be treated as public documents and will be displayed for public inspection on the application that you have commented on. We do not accept anonymous submissions, but you are not required to supply your signature.

It may also be necessary to make your comments/representations on planning applications available to the applicant/agent to seek resolution of concerns. Material which forms part of an application and on which the final decision is based must also be available for public inspection.

Representation on a planning application may be made in a number of ways:

- a) you can make a 'comment' using our on-line planning information service (go to our on-line planning information page):
http://planning.cne-siar.gov.uk/PublicAccess/tdc/DcApplication/weeklylist_searchform.aspx
- b) you can e-mail directly to planning@cne-siar.gov.uk; or
- c) you may write to the Planning Service at the Council Offices in Stornoway or Balivanich.

Providing that your comments have been received in time, they will be taken into account when the decision is being made. Once made, you will be informed of what the decision is. If the application needs the Comhairle to consider it you will be informed of the date that it will be considered by the Comhairle.

SERVICE STANDARD

We will acknowledge all letters of representation relating to current planning applications and inform you if it is to be considered by the Comhairle and when.

We will advise you of the outcome of the application as soon as it is determined.

6.0 REVIEWING OR APPEALING THE DECISION

Local Applications

If you feel aggrieved by the decision of the Planning Service following determination of your planning application to **(i)** refuse permission for the proposed development **(ii)** to refuse approval required by a condition in respect of the proposed development or **(iii)** to grant permission or approval subject to certain conditions, you may require the Comhairle Local Review Body to review the case within three months from the date of the decision notice.

The Notice of Review can be submitted by email or by post to the Comhairle. Only delegated decisions on local developments will be subject to the Local Review Body procedures.

The Notice of review form can be found at:

<http://www.cne-siar.gov.uk/planningservice/forms/Notice%20of%20Review%20Form.pdf>

Appeals to Scottish Ministers

Not all cases can be decided by a Local Review Body. For those that cannot the applicant has the right of appeal to Scottish Ministers. Appeals must be made within 3 months of the date of the decision notice unless it relates to listed building consent, conservation area consent, advert consent or hazardous substances consent, where the period remains at 6 months. Details on how to appeal to Ministers can be found at:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals>

7.0 HOW TO MAKE A SUGGESTION OR COMPLAINT ABOUT THE PLANNING SERVICE - THE COMHAIRLE'S COMPLAINTS PROCEDURE

The Comhairle is committed to delivering high quality best value services for the people of the Outer Hebrides. We would also be pleased to hear from you when you have received good service or have constructive suggestions on how the Planning Service could be improved. However, even in the best-run organisations things sometimes go wrong. The Comhairle's Complaints Procedure provides a framework through which your grievances or criticisms can be resolved and your views on our services can be taken into account.

There are two types of complaint:

- An informal or minor issue where you request an improvement in the way a service is delivered and the Comhairle responds to address your request;
- A formal complaint, where you have either asked for an improvement and are not satisfied with the Comhairle's response or wish to register a serious complaint.

You can make a formal complaint at any time.

Please let us know if:

- you think that we have done something wrong;
- You think that we have not done something we should have done;
- you think that you have been treated unfairly.

We would like to know, because:

- if we have been at fault, we would like to put things right and make sure it does not happen again;
- if we have not been at fault, we will make sure you get a full explanation.

To make a formal complaint, you can do so in person at any of the four main Council offices, by phoning us, by sending us an e-mail or by completing the form on our web site. We will acknowledge your complaint within 3 working days.

The Comhairle hopes the public will be satisfied with the Planning Service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

The Comhairle's adopted procedure will be followed in a case where a member of the public wishes to submit a formal complaint about the planning service. This complaints procedure can be found at:

<http://www.cne-siar.gov.uk/complaints.asp>

8.0 HOW TO CONTACT US

The Planning Service

Development Department
Comhairle nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW

Tel: 01851 822690

Fax: 01851 705349

e-mail: planning@cne-siar.gov.uk

The Planning Service

Development Department
Comhairle nan Eilean Siar
Balivanich
Isle of Benbecula
HS7 5LA

Tel: 01870 604990

Fax : 01870 602332

e-mail: planning@cne-siar.gov.uk

Mr Keith Bray

Head of Development Services

Development Department
Comhairle nan Eilean Siar
Sandwick Road,
Stornoway
Isle of Lewis
HS1 2BW

Tel: 01851 822690

Fax: 01851 705349

e-mail: kbray@cne-siar.gov.uk

9.0 USEFUL CONTACTS

Scottish Government Planning Division

Area 2H
Victoria Quay
Edinburgh EH6 6QQ
Telephone: 08457 741741 (Planning Helpline)

Planning Aid for Scotland (PAS)

11a South Charlotte Street
Edinburgh, EH2 4AS
Telephone: 0131 220 9730
Free planning advice: 0845 603 7602
www.planningaidscotland.org.uk

Directorate for Planning and Environmental Appeals

4 The Courtyard
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR
Telephone: 01324 696 400
e-mail: DPEA@scotland.gsi.gov.uk

Advertising Standards Authority

Mid City Place
71 High Holborn
London WC1V 6QT
Telephone: 020 7492 2222
Text phone: 020 7242 8159
Fax: 020 7242 3696
e-mail: enquiries@asa.org.uk

Scottish Public Services Ombudsman

4 Melville Street
Edinburgh
EH3 7NS
Telephone: 08003777330
e-mail: ask@spsso.org.uk

Applications for Approval of Matters specified in Conditions - relate to conditions attached to planning permission in principle requiring the further approval, consent or agreement of the planning authority for any detailed aspect of the development. All such conditions require to be the subject of a formal application.

Development Plan - collective name for structure and local plans (to be replaced by local development plans in new planning system and in certain cases also with a strategic development plan).

Local Development - defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as all development which is neither national nor major.

Local Plan - prepared by local authority, sets out detailed policies and specific proposals for the development and use of land that should guide day-to-day planning decisions. These will be replaced by Local Development Plans in the new planning system.

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.

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.

Proposal of Application Notice (PAN) - For National and major proposals, the notice must detail the consultation proposed by the developer including when, how and with whom. It must be submitted at least 12 weeks prior to the submission of the application.

Planning Permission in Principle - Applications for Planning Permission in Principle (PPP) were introduced by the Planning etc (Scotland) 2006 Act to replace applications for outline planning permission. PPP should be used to establish the suitability of a proposal in principle.

Structure Plan sets out strategic planning policies and forms the basis for detailed policies in Local Plans.