



COMHAIRLE NAN EILEAN SIAR

PLANNING SERVICE

Guidance Notes

PLANNING APPLICATION FORM

Before completing the Planning Application Form it is advisable to discuss your proposals with a Planning Officer in the Comhairle's Planning Service.

Council Offices
Sandwick Road
Stornoway
Isle of Lewis HS1 2BW
Tel 01851 822690
Fax 01851 705349

Email
planning@cne-siar.gov.uk

Website

www.cne-siar.gov.uk/planningservice

or

Council Offices
Balivanich
Isle of Benbecula
HS7 5LA
Tel 01870 604990
Fax 01870 602332

Email
planning@cne-siar.gov.uk

Website

www.cne-siar.gov.uk/planningservice

GUIDANCE NOTES APPLICATIONS FOR PLANNING PERMISSION

These notes are to help you fill in the Planning Application form. If you need any more help or are unsure if planning permission is required, please contact us. Please note that you require a separate application form for Building Warrant, Listed Building Consent, Conservation Area Consent and Advertisement Consent.

It would be advisable to discuss your proposals with us before you submit your application. Please telephone or email us to make an appointment. Normal office hours are 9.00am to 5.00pm Monday to Friday.

Incomplete/incorrect applications cannot be accepted for registration, thus delaying your proposals.

The Comhairle's Planning Service has a statutory requirement to maintain a public register of planning applications. Valid planning applications received by Comhairle nan Eilean Siar will be scanned and made available on-line for public viewing at www.cne-siar.gov.uk (Planning Service > Online Planning Information). The publication of planning information on-line makes the planning process more transparent, efficient, inclusive and accessible.

1 TYPE OF APPLICATION

Full Planning Permission (PP) – for detailed proposals which involve building, engineering, or other works or operations in, on, under or over land or the making of a material change of use of land or buildings.

Planning Permission in Principle (PPP) – to establish the acceptability of a proposal in principle without having to develop detailed proposals. An application for PPP should provide details of the vehicular access to the development. (Formerly called Outline Planning Permission).

Approval of Matters Specified in Conditions (AMSC) - relate to conditions attached to Planning Permission in Principle (PPP) or Outline Planning Permission requiring the further approval, consent or agreement of the planning authority for any detailed aspect of the development. You need to only complete the following sections if applying for AMSC: 1-6, 9, 19 (if applicable), and 21(a). Neighbour Notification is still required for AMSC applications.

Modification of planning conditions – removal or amendment of planning conditions attached to an existing planning consent. Please provide date and reference number of previous permission.

Renewal of Temporary Permission – where a temporary permission is due to lapse, for the purposes of renewing a temporary permission (e.g. a portacabin). Please provide date and reference number of previous permission.

2 ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

You should clearly state the full address of the application site, including the postcode. If the site has no address, please give a written description which will allow the Comhairle to identify it.

You should also clearly outline the land to which the application relates (normally the plot or feu) in **RED** on a location plan (which should be Ordnance Survey based) and outline any adjoining land you own or control in **BLUE**. If your proposal involves installing a septic tank, you should include the site of the septic tank and associated works in the area outlined in red. Vehicular access should be included (where appropriate) in your application site as well. Please provide the Northing/Easting coordinates (if known) to help us to identify the site.

3 DESCRIPTION OF THE PROPOSED DEVELOPMENT

You should clearly state the work to be carried out. When a Change of Use is involved, the present and proposed use must be included in the description e.g. *'Change of Use from retail shop to estate agent's office'*. The description should accurately reflect the nature of the development as failure to do so may result in your application being delayed.

Please indicate whether you are seeking temporary consent (e.g. for a siting of a portacabin).

Please indicate whether or not work has started/has been completed.

For AMSC applications (relating to conditions of a PPP or Outline consent) – please indicate if you wish to discharge all conditions with this application. If not, please state which conditions (by number) you wish to discharge. If you need a copy of your Outline or PPP conditions, please contact us.

4 APPLICANT

Please give your full name and address, including your postcode. Personal information, such as

home/mobile telephone numbers, fax numbers, and personal e-mail addresses, is helpful to us in making early contact with you, but is held as sensitive data in terms of the Data Protection Act.

5 AGENT

You may decide to employ an agent, such as an architect, surveyor, planning consultant, or other person to act on your behalf. If this is the case, all correspondence relating to your application will be sent to the person named as your agent. Please give the name, address and phone number, fax number, and e-mail address of the agent.

6 PRE-APPLICATION ADVICE

The Comhairle's Planning Service promotes early discussions before an applicant/agent submits a Planning Application. Pre-application discussions allow for more efficiency in the processing and assessment of proposals once submitted.

7 ELECTED MEMBER INTEREST

The Comhairle delegates to an Appointed Officer the power to make certain planning decisions. Section 7 allows the Planning Service to assess the need to refer certain applications to the relevant Committee in order to allow for impartiality. Completing this section will not prejudice the assessment and determination of your application.

8 PROPOSED EXTERNAL FINISHES

If you are constructing a building or other structure, it is important that you describe as fully as possible which materials you intend to use on the external surfaces. For example, 'grey roof tiles' (with manufacturer's details) and 'white wet dash render'. Please note that "See plans" is **not** sufficient.

9 SITE AREA

Please specify the site area in hectares and/or square metres.

10 PROPOSED ACCESS ARRANGEMENTS

Where you intend to alter or form a new pedestrian/vehicular access to the site, details must be included with the submission. **The information is required even if it is a PPP application.** Please indicate any impact of access/parking/turning provision on any public rights of way (e.g. footpaths).

11 PARKING

Please indicate the existing number of parking spaces on site (if any), and the number of additional spaces proposed for the development. The parking and turning areas should be clearly drawn on the submitted site plan. If your current parking/turning arrangements do not comply with Comhairle standards, you may be required to increase/improve the parking/turning provision on site.

12 WATER SUPPLY AND DRAINAGE ARRANGEMENTS

If your development includes a requirement for water and drainage infrastructure, **this section must be completed - even if your application is for Planning Permission in Principle only.** New buildings should be connected to the public sewer. However, in un-sewered areas private foul water drainage arrangements are likely to be necessary. Please tick the relevant boxes to indicate how you intend to dispose of foul and surface water from the proposed development. If you are using anything other than a public sewer, **you must** refer to and answer the requirements on the form entitled 'DRAINAGE ARRANGEMENTS'. Failure to do so is likely to mean that we will not be able to accept your application.

13 ASSESSMENT OF FLOOD RISK

Please provide any site-specific information on flood risk. Your proposal may require a Flood Risk Assessment (FRA) if the site is in or near an area of flood risk, as indicated by the SEPA Indicative River & Coastal Flood Map (Scotland). The map shows those areas estimated to have a 0.5% or greater chance of flooding in any year. Any further information you include can assist us in processing and assessing your application.

14 RESIDENTIAL UNITS INCLUDING CONVERSION

Where a residential development is proposed, this section must be completed; 'See plans' is **not** sufficient. Please provide details of the number and type of units (e.g. flats or houses) in this section and detail this information on the site plan.

15 COMMERCIAL/INDUSTRIAL DEVELOPMENT

Where a commercial/industrial development is proposed, this section must be completed; 'See plans' is **not** sufficient. Please give all measurements in square metres as appropriate. It is essential that you state the intended hours of operation and proposed number of employees.

16 HAZARDOUS MATERIALS & CONTAMINATED LAND

If the proposal includes the storage, movement, or production of 'hazardous materials', i.e. explosive materials, then you must detail this information in Section 18, SUPPORTING INFORMATION. If any part of the development site occurs on contaminated land, please include details in Section 18. Please include any correspondence with SEPA to support your application.

17 OVERHEAD LINES

If the site area of the proposed development is crossed by electricity lines, these may have to be moved or placed underground to allow for the development to proceed. Early identification of overhead lines can assist in our consultation process.

18 EXISTING USE (OF LAND AND/OR BUILDINGS)

Describe the existing use of the buildings or land or most recent use. If used for more than one purpose, please give details. If unused, please say so and, if known, the date on which this use ceased.

19 SUPPORTING INFORMATION

Use this box to draw attention to any other information in support of your application.

20 LAND OWNERSHIP CERTIFICATE

You are legally required to complete parts A and B of the Land Ownership Certificate as part of your application for planning permission. If you do not, your application can not be processed.

You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. But, **if you do not own the land to which this application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land. Recorded Delivery is the preferred method of sending out notices since the receipt provides proof of delivery in the event of a dispute.**

A. LAND OWNERSHIP

For the purposes of making a planning application, a person is regarded as an owner if, 21 days before the date of the planning application he is a free or feu-held owner or is the tenant under a lease which still has at least seven years to run. If you own **all** the land to which this application relates, then you should tick Box 1.

If you are not owner (or only owner) of the land to which the application relates, you are legally required to notify the owner(s) by serving them a completed copy of the **NOTICE TO OWNERS OR TENANTS OF AGRICULTURAL HOLDINGS** form. Once you have served this notice you should tick Box 2 and list the names and addresses of the owner(s) notified, and the date on which the notice was served.

B. AGRICULTURAL HOLDINGS

You need to let us know if the site (or any part of it) is part of an agricultural holding. Agricultural holdings are defined by the Agricultural Holdings (Scotland) Act 1949, as land used for the purposes of agriculture as a trade or business. Consequently, crofts, apportionments and common grazings will all usually be agricultural holdings.

If you are not the tenant of all the land to which the application relates, you are legally required to notify the tenant(s) by serving them a completed copy of the **NOTICE TO OWNERS OR TENANTS OF AGRICULTURAL HOLDINGS** form provided in this application pack. Once you

have served this notice, you should tick Box 3 and list the names and addresses of the tenant(s) notified, and the date on which the notice was served. In the case of common grazings, send the notice to the Clerk of the Grazings Committee.

C. OWNERSHIP OR AGRICULTURAL TENANCY UNKNOWN

If you cannot identify the tenant(s) of an agricultural holding on the land to which the application relates, please complete Part C stating the steps taken to identify the tenant(s): If this is the case, the application will need to be advertised.

If you do not know who the owner(s)/tenant(s) are, the Planning Service will be required to place a notice in the local newspaper with the cost of advertisement charged to the applicant. Please contact the Planning Service if this is the case.

21(a) DECLARATION 1 – PLANNING APPLICATION FORM

You should check that you have completed questions 1-18 correctly.

You should then sign and date the application form, and send or deliver it, with all the necessary plans, drawings and fee to us.

IMPORTANT

ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF UP TO £2,000.

(This figure may have been increased since the preparation of these forms).

21(b) DECLARATION 2 - LAND OWNERSHIP CERTIFICATE

You should check that you have completed the Land Ownership Certificate correctly.

You should then sign and date the application form, and send or deliver it, with all the necessary plans, drawings and fee to us.

IMPORTANT

ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF UP TO £2,000.

(This figure may have been increased since the preparation of these forms).

22 CHECKLIST

- 1) If the application form is not completed, we will be unable to register your application.
- 2) **Location Plan** - 3 copies should be submitted. The plan should preferably be Ordnance Survey based at a scale of 1:2500. The application site is the plot or feu of land (including any access works) on which the development is proposed; the site should be edged in **RED** and any other adjoining land you own or control in **BLUE**. The location plan should include a map scale and the direction North. The plan must identify the land to which the proposal relates and its situation in relation to the locality - in particular in relation to neighbouring land (land which, or part of which, is conterminous with or is within 20 metres of the boundary of the land for which development is proposed).
- 3) **Land Ownership Certificate** should be completed, see guidance note 20.
- 4) **Declaration 21(a) and 21(b)** signed and dated.
- 5) **Application Fee** - You will usually be required to pay a fee when submitting your application. The fee varies according to the type and size of the application. Refer to the current list of fees enclosed with this application pack. If you are not sure what fee to pay, check with us. From time to time, the Scottish Government increase the fees, so it is important to make sure that the fee is correct if you have had the forms and scale of fees for some time. Cheques for the total amount (Application Fee and Neighbour Advert Fee) should be made payable to *Comhairle nan*

- 6) **Neighbour Advertisement fee** is £50.00, payable on application (£20 if the development is in Barra). The Comhairle's Planning Service requires to notify those with an interest in 'neighbouring land' of a planning application. Neighbouring land is defined as an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed. In the event that neighbouring land has no premises to which a postal notice can be sent, then the proposal requires to be advertised in a local newspaper. The Planning Service will refund the advert fee whenever the proposal does not require to be advertised.

REQUIREMENT TO SUBMIT THE FOLLOWING WHEN NECESSARY

- 7) **Site Plan** - 3 copies should be submitted. The site plan should preferably be Ordnance Survey based at a scale of 1:500. The plan should show the site outlined in **RED**. A site plan will be required for most applications in order to sufficiently describe the proposal in relation to neighbouring land and should ideally include the following:

- The direction of North;
- General access arrangements, landscaping, car parking and open areas around buildings;
- The footprint of the proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
- For new buildings, details of existing and/or proposed site levels referenced to an identified fixed datum point on site or nearby. On sloping or uneven topography this is an essential requirement. (such information will be sought for building warrant applications also). Levels will not generally be required for extensions or alterations.
- Where possible, buildings, roads and footpaths on land adjoining the site, including access arrangements;
- The extent and type of any existing or proposed hard-surfacing;
- The extent of any decking, balconies or similar structure proposed;
- The position and treatment of all proposed surface and foul water drainage systems;
- Boundary treatment including walls or fencing where this is proposed.

- 8) **Elevations and Floorplans** - 3 copies should be submitted. These drawings should adequately describe the development through detailed building construction drawings, preferably to a scale of 1:50 or 1:100. Elevations and Floorplans are required for most developments in order to sufficiently describe the proposals (e.g. erection of a dwellinghouse). The elevations should also show details of any railings, decking or raised features included in the proposal, and provide details of their materials and finishes.

Drawings should show both existing and finished floor ground levels, including details of foundations, eaves and finished floor levels. In applications for new development, information to demonstrate how proposed buildings will relate to existing site levels and any neighbouring development will be required (unless, in the case of development of an existing house, the levels are evident from floor plans and elevations).

- 9) **Cross Sections** – may be required for certain sites to illustrate how proposals fit in the landscape and in relation to any existing neighbouring buildings. If this information is not submitted when requested, it may delay the decision on the application.

- 10) **Design Statement** - will be required for certain development proposals in the following areas:
- Conservation Areas (i.e. in part of central Stornoway; Howmore; Ruisgarry and Gearranan),
 - The South Lewis, Harris, and North Uist National Scenic Area,
 - The South Uist Machair National Scenic Area
 - St Kilda National Scenic Area;
 - Within the boundary of a Listed Building;
 - Developments classed as 'Major' by the planning hierarchy of development;
 - Designed Landscapes (i.e. Lews Castle Grounds).

Design Statements **are not required** for a Change of Use application, development to an existing dwelling house, the alteration or extension of an existing building, applications for Planning Permission in Principle (PPP) or Approval of Matters Specified in Conditions (AMSC), unless the requirement of a Statement forms part of a planning condition from a previous permission. Further guidance on Design Statements, including their content, is available on the Comhairle's website: www.cne-siar.gov.uk/planningservice.

- 11) **Design and Access Statement** - is required for applications that are classed as either national or major under the hierarchy of development. They **are not required** for engineering or mining operations, a Change of Use proposal, applications for Planning Permission in Principle (PPP) or Approval of Matters Specified in Conditions (AMSC), unless where the requirement of a Statement forms part of a planning condition from a previous permission. Further guidance on Design and Access Statements, including their content, is available on the Comhairle's website: www.cne-siar.gov.uk/planningservice.
- 12) **Pre-Application Consultation Report** – is only required with major or national developments. If you are unsure whether the proposed development is classed as major, please consult our Pre-Application Consultation Guidance Notes at www.cne-siar.gov.uk/planningservice/planningmodernisation.asp or contact us.
- 13) **ICNIRP Certificate** - are only required for telecommunications applications.

All plan measurements must be shown in metric. Applications in imperial measurements without metric equivalent will be returned.

DECLARATIONS, PERSONAL INFORMATION AND ON-LINE PLANNING

PROTECTING YOUR PERSONAL INFORMATION

The Comhairle has a statutory requirement to publish specified planning information in the public planning register. The Comhairle has a parallel duty to protect personal data (e.g. e-mail address, telephone number and signatures), held by it in connection with the exercise of its statutory functions (Data Protection Act 1998). Personal information submitted on this application form will be held as sensitive data and will not be displayed on-line. If you have concerns over the display of your personal data on documents to be displayed on-line, then please contact the Planning Service on planning@cne-siar.gov.uk or at the telephone numbers at the start of the guidance notes.

Applicants who wish to ensure that their e-mail addresses are protected should ensure that when communicating with the Planning Service through e-mail that they send any information by a dated letter attachment to the e-mail to avoid a situation where their e-mail address is disclosed by virtue of it appearing on scanned e-mail correspondence.

PLANNING INFORMATION DISPLAYED ON-LINE

To aid public involvement and ease of access, Planning documents are displayed on on-line. Following registration of an application the documents displayed will include the planning application form, all plans, land ownership certificate and other supporting documentation necessary to allow the public to appreciate the scope and nature of the development proposal and if they wish submit any comment. Following determination of the application, the decision notice and approved plans will also be displayed. Where it is in the public interest to do so the Comhairle may also publish documents such as consultation responses; representations and correspondence.

Documents are published having regard to the requirements of the Data Protection Acts.

In addition to the above documents, data relating to your planning application will be entered into a casework database system and will also form part of the planning register available for public viewing online. This data is considered to be non-personal data and will typically include the following:

Application number; Application type; Case status; Case Site Address & Postcode; Development description; Applicant name; Applicant address; Agent name; Agent address; Agent telephone number; Date received; Date consultation period expires; Decision level (Committee or Delegated); Decision taken and Decision Date; Ward and/or Parish.

WHERE SHOULD I SUBMIT MY APPLICATION?

For sites in Lewis and Harris:

The Planning Service
Development Department
Council Offices
Sandwick Road
Stornoway
Isle of Lewis HS1 2BW
planning@cne-siar.gov.uk

For sites in Uist and Barra:

The Planning Service
Development Department
Council Offices
Balivanich
Isle of Benbecula
HS7 5LA
planning@cne-siar.gov.uk

WHAT HAPPENS NEXT?

- Once we receive your application, it will be checked to ensure that the forms have been completed correctly, the correct number of plans has been submitted and the correct fee has been paid.
- If, for some reason, the application is not complete and cannot be processed, we shall write to tell you what you must do.
- If your application is complete, you will receive an acknowledgement letter. This will tell you the name of the officer dealing with your application, and a reference number which you should quote in all future correspondence with us.
- Your application will be placed in a public register at www.cne-siar.gov.uk (Planning Service > Online Planning Information).
- Your application will be determined in line with the Comhairle Scheme of Delegation, available on-line at www.cne-siar.gov.uk/planningservice/planningmodernisation.asp

THE DECISION

Once a decision has been reached by the Comhairle, you shall be sent a DECISION NOTICE. This will inform you whether your application has been: Granted, Granted with Conditions, or Refused.

The reason for the decision will also be given where your application has been granted with conditions or refused. **Please read the planning conditions attached to a consent**

NOTICE OF INITIATION AND COMPLETION OF DEVELOPMENT

Once a decision has been granted, you will receive details regarding the requirement to notify the Comhairle's Planning Service once development has commenced and is completed on site.

- The Notice of Initiation of Development (NID) will form part of your decision notice defining your planning permission. Submitting the NID is a statutory requirement, and failure to do so is a breach of planning control, which could invalidate your planning permission.
- Please ensure that you return the Notice prior to the start of site works, stating the date on which works will commence.

If you have any questions or have lost your Notice, please contact the relevant Planning Service office.

YOUR STATUTORY RIGHTS

- 1) For local developments, you should be given a decision on your application within two months. If a decision has not been made within two months and you have not agreed to an extension of time, you can appeal to the Comhairle's Local Review Body (see contact details below). This can lengthen the process, and you may prefer to agree an extension of time with us.
- 2) For developments classed as 'local' as defined by the planning hierarchy of development, if your application was refused or you feel any conditions imposed are unreasonable, you can request a review of the decision through completing an appeal form, available on-line at www.cne-siar.gov.uk/planningservice/forms.asp or request a hardcopy via the Comhairle's Local Review Body, Chief Executive, Council Offices, Sandwick Road, Stornoway, Isle of Lewis, HS1 2BW. The request for a review must be made within three months of the date on the decision notice.
- 3) For major, national, or non-delegated decisions (i.e. by Elected Members), you can appeal to Scottish Ministers in the event of refusal, non-determination, or if you feel that any conditions imposed are unreasonable. Appeal forms are available on on-line at www.cne-siar.gov.uk/planningservice/forms.asp or from The Directorate for Planning and Environmental Appeals, Scottish Government, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.