

East Lothian Council

THE PLANNING SYSTEM IN SCOTLAND

AN INTRODUCTION AND GUIDE FOR COMMUNITY COUNCILS



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INTRODUCTION

The planning system is concerned with the future development and use of land and buildings. It is about where development should happen, where it should not and how it interacts with its surroundings. The system has recently undergone a process of review to strengthen its capacity to nurture our places, our environment and our communities and guide future change so that it benefits everyone.

Community Councils have an important role in the planning system and many 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.

It is good practice for each community council to appoint one person as their point of contact for the planning authority on all matters. The community council should advise the planning authority of the contact details for their planning liaison officer. This guide aims to help you understand what the planning system seeks to achieve and introduces the processes involved in decision-making. It is not intended to turn you into a planning expert, but rather to provide information that will help you deal with planning matters and see the planning system's contribution to delivering great places and in achieving council policy goals.

The guide also provides you with links to other sources of information on the planning system. These should give you greater insights into aspects of planning that may be of particular interest to you.



PLANNING - PURPOSE AND SIGNIFICANCE

The planning system is established through legislation, which sets out certain actions and activities that planning authorities in Scotland are responsible for. The legislation gives the context for delivering new development in the right places.

As such, the planning system is designed to shape the future of places and communities. It can be central to the delivery of great places and homes, can enable economic growth, and can be a force for positive change in achieving better outcomes for the health and wellbeing of our communities.

It is through the planning system that decisions are made, on how best to meet the needs and requirements for housing, offices and other business premises, retail and leisure opportunities, education and other social facilities and transportation. The aim is to achieve the right development in the right place, protecting valued urban and rural areas and the environment from inappropriate forms of development or use of land.

The changes proposed confirm the unique contribution

The planning process is set out in law. A new Planning Act has recently been approved by parliament and is beginning to be implemented.

[The Planning \(Scotland\) Act 2019](#) introduces wide-reaching and substantial changes to Scotland's planning system. The detail of how the new Act's provisions will work in practice will be contained within secondary legislation and guidance, which are now in the process of being developed and implemented (for more information please visit [Legislation | Transforming Planning](#)).

Under the new Planning Act 2019, planning policy is set out in the Development Plan, which is made up of the National Planning Framework and the Local Development Plan. These documents will contain the strategy and policy that are used to determine whether planning applications should be approved or not. All Planning decisions are made using the context of the development plan and these are the documents which whose policy must be referenced when planners make decisions on planning applications, applicants submit their development proposals and community groups or members of the public comment on applications.

The National Planning Framework sets out policy for the whole of Scotland. It is prepared by the Scottish Government and the latest version and the first to have the status of Development Plan, National Planning Framework 4, is expected to come into effect in 2022. The draft is available for consultation until 31st March 2022.

East Lothian has a Local Development Plan which was adopted in 2018. This was prepared by East Lothian Council within the context of national and regional policy. Once the National Planning Framework 4 is approved by the Scottish Ministers, the Council will begin a review of the Local Development Plan.

The Council will keep Community Councils informed of the opportunities to get involved in the development of these Plans. Community councils have a key role in responding to the consultations on these documents and encouraging their residents to also get involved.

Local Place Plans

The 2019 Planning Act also introduces the concept of Local Place Plans. Local Place Plans offer communities the opportunity to develop proposals for their local area, expressing their aspirations and ambitions for future change. Legislation on the preparation, submission and registration of Local Place Plans came into force on 22 January 2022. The Scottish Government has prepared a Circular to accompany the legislation:

Planning circular 1/2022: Local Place Plans - gov.scot (www.gov.scot).

Local Place Plans can be produced by community groups and if prepared in the manner set out in the circular, then the planning authority has to have regard to their content when preparing the Local Development Plan.

The Council will be advertising to communities the opportunity for them to prepare a Local Place Plan and where they can get help to assist them should they wish to pursue this approach.



THE PLANNING PROCESS – SUMMARY

Public perception of planning is often based on contact with the system through a planning application but the scope of the planning system is much wider. To understand the various individual components it helps to appreciate how those relate to each other.

The two major elements of the planning process in Scotland are development plans and development management.

The law requires that decisions on planning applications are made in accordance with the development plan unless material considerations indicate otherwise. This means that decisions should be made in line with the development plan, but if there are material considerations (considerations which are related to planning and relevant to the application) a different decision may be appropriate. This emphasises the importance of the development plan and for the need to keep it up to date.

Development management is the process of deciding planning applications and various other applications.

For the purposes of planning applications, development in Scotland is put into one of three categories – local, major or national. The different categories mean that applications are treated in a way which is suited to the size and complexity of the proposed development and the issues they are likely to raise.

Most applications will be for local developments. Major developments include applications for 50 or more homes, certain waste, water, transport and energy- related developments, and larger retail developments. National developments are specific projects which have

been identified in the National Planning Framework because of their national importance.

Planning authorities have many statutory powers and other responsibilities linked to the planning system covering diverse topics such as enforcement of planning controls.

The work of the council's planning service also contributes to community planning and regeneration initiatives, and can promote improvements to the local environment and encourage more environmentally sustainable forms of development. Council services such as corporate policy, legal, financial, education, housing, transport, environmental and economic development all have important interactions with planning.



Role of Scottish Government

The Scottish Government maintains the legislative framework of the system, sets out the strategy for Scotland's future development and policies on key planning issues, and promotes good practice across the planning system.

Public bodies and agencies

A wide range of other public bodies and agencies participate in the planning process and decision making. These organisations often have statutory responsibilities for specific topic areas, with implications for planning decisions. They offer specialist advice to the planning authorities.

Such bodies include:

- NatureScot (previously Scottish Natural Heritage) – www.nature.scot
NatureScot is responsible for the conservation and enhancement of natural heritage - the wildlife, the habitats and the landscapes.
- Historic Environment Scotland – www.historicenvironment.scot
Historic Environment Scotland safeguards the historic environment and promotes its understanding and enjoyment.
- Scottish Environment Protection Agency (SEPA) – www.sepa.org.uk
SEPA is Scotland's environmental regulator and adviser. In addition to its role in controlling pollution, it works with others to protect and improve our environment.
- Health and Safety Executive (HSE) – www.hse.gov.uk

HSE protects people's health and safety by ensuring that risks in the workplace are properly controlled and controls substances that are hazardous to health.

- Scottish Water – www.scottishwater.co.uk
Scottish Water provides water and waste water services throughout Scotland.
- Transport Scotland – www.transportscotland.gov.uk
Transport Scotland is responsible for delivering the Scottish Government's transport capital investment programme and overseeing the safe and efficient operation of trunk roads and rail networks.

A number of voluntary or private organisations, which are often national campaigning bodies, regularly interact with planning authorities.

Examples of these include:

- The Royal Society for the Protection of Birds (RSPB) (www.rspb.org.uk)
- Friends of the Earth (www.foe.co.uk)
- The Architectural Heritage Society of Scotland (www.ahss.org.uk)
- Local branches of the Scottish Civic Trust (www.scottishcivictrust.org.uk)
- Homes for Scotland (www.homesforscotland.com)

Planning Aid for Scotland (PAS)

PAS is a voluntary organisation at which 20% of planning professionals in Scotland volunteer. It offers an independent, free and professional advice service on planning applications and the planning process. It also runs training and education programmes designed to raise awareness and

capacity on planning matters with elected members, community groups, seldom heard groups, children and young people (www.pas.org.uk).

Agency involvement

Certain public bodies are designated as key agencies in planning legislation. These bodies include Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), Scottish Water, Scottish Enterprise, Highlands and Islands Enterprise, Regional Transport Partnerships, Crofters Commission and local Health Boards.

The agencies are also involved in the development management process when they are consulted by the planning authority on relevant applications.



DEVELOPMENT MANAGEMENT

As a Community Councillor development management is the part of the planning system that you are likely to encounter most regularly.

There are three main elements to a planning authority's development management responsibilities:

- applications for planning permission and other related consents;
- appeals and reviews;
- enforcement.



When is planning permission needed?

Planning legislation defines what development activities require planning permission. Development is defined in the legislation 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 any buildings or other land”. This means that anyone wanting to carry out an activity which is covered by the definition will need to obtain planning permission prior to work beginning.

It is important to note that in addition to the more obvious requirement to obtain planning permission for the construction of new buildings such as houses, shops, offices and similar, the second half of the definition refers to changes of use which may not involve physical building work. The major exception to this is that ‘permitted development rights’ have been created to remove the need to apply for planning permission for certain developments.

As stated before, where an application for planning permission is required, legislation divides development into three categories. This is known as the hierarchy of development. The three categories are national, major and local. There are different procedures in place for determining applications for the different categories of development.

National developments are large scale developments which are identified in the National Planning Framework. Whilst national development status establishes the need for a project, it does not grant development consent.

Major developments are defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. There are nine

classes of major development including developments of 50 or more houses, business space over 10,000m² and wind farms with a generating capacity of more than 50MW.

Local developments are all types of development which do not fall into the national or major categories.



Different types of consent

There are two types of planning permission – planning permission in principle and full planning permission. There are also other types of consent related to development including listed building consent, conservation area consent, advertisement consent and hazardous substances consent.

Planning permission in principle (PPP) establishes the acceptability of a particular type of development on a site without requiring a significant level of detail about the proposed development. This is usually used where the likelihood of planning permission being granted is uncertain or in the case of major development proposals to avoid the initial high costs of detailed design work. Planning permission in principle will have conditions attached which require the submission of further details of the proposal to the planning authority for their approval. This type of application is referred to as an application for approval of matters specified in conditions (AMSC).

Applications for full planning permission relate to the full details of the proposed development. Planning permission can be granted, granted subject to conditions or refused.

Planning applications

The majority of planning applications are now made through the edevelopment portal.

The applicant has a statutory requirement to make communities aware of and have an opportunity to comment on major or national development proposals. In such cases the prospective applicant must consult every

community council any part of whose area is within or adjoins the land on which the proposed development is situated. The prospective applicant must serve on these community councils a Proposal of Application Notice, which must include a description in general terms of the development to be carried out, and an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take. The Proposal of Application Notice must be submitted at least 12 weeks prior to the submission of any planning application. The submitted application must be accompanied by a report of what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation.

Most major and national development applications must also be accompanied by a design and access statement (where required) setting out information about the design of the proposal and how the needs of disabled people have been considered. In addition, applications for national and major development proposals may also be accompanied by more extensive documentation including Planning Statements, Environmental Statements, Retail Impact Assessments for large retail projects, Transport Impact Assessments and, increasingly, Education Impact Assessments.

These all provide additional information to facilitate better informed decision-making. Certain European obligations, for example a requirement to undertake an Environmental Impact Assessment or Habitats Regulations Appraisal, may also apply to individual applications. These are legal requirements and may apply to local, major or national applications depending on the likely environmental impact of the proposed development.

The decision-making process

The way in which a decision is made depends on the type of application.

All authorities have a Scheme of Delegation in place which determines the decision route for the application whether it will be determined by officers or by elected members. The Scheme of Delegation differs between authorities.

The statutory period for deciding valid planning applications is two months for local developments and four months for national and major developments unless the applicant agrees to an extension of that time. An application will only be considered valid if it is accompanied by all the legally required documents and the fee charged for that category of development.



At the time of registration, the application will appear on the council website. For certain types of development notices are displayed close to the site and through public notices published in local newspapers and neighbours are notified directly by the council about applications adjacent to their property.

Information on planning applications is available from the council and all key documents and plans or drawings are available online.

Members of the public may make written representations to the planning authority outlining their views on proposed developments. Normally these should be made within 21 days (28 days for EIA developments) of an application being registered by the council. In the case of objections,

the reasons for objection must be clearly stated. Anonymous letters of objections or support will not be taken into account.

The planning authority undertakes consultations on planning applications with other departments of the council and external bodies known as statutory consultees. The range of bodies consulted varies according to the nature of the development proposals. The statutory consultees are primarily those bodies listed within the planning process section above.

Consultations with other departments of the council can include Transportation, Building Standards, Environmental Health, Housing, Education, Flood Risk Management, and Development Plans depending on the nature of the development proposed.

After studying the weekly list, community councils may wish to view, and provide a consultation response on a particular planning application. It is important that consultation does not cause delay in the processing of planning applications. Community councils should therefore ensure that their method of working allows them to respond within the consultation period. It may not be possible for a Planning Authority to accept a consultation response after the period for consultation has ended. For national developments and for major developments which are 'significantly contrary to the development plan', the applicant and people who have made comments must get the opportunity to attend a hearing before a decision is made by the relevant Committee.

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land; and

- it should fairly and reasonably relate to the particular application.

Generally a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment.



Material considerations

In many respects it is easier to identify what is not a material consideration or is not relevant to planning, and therefore what should not form the basis of a decision on a planning application. The matters below are not considered to be material considerations:

- the protection of private interests, e.g. loss of private views or competition between businesses;
- the personal circumstances of the applicant;
- moral considerations, e.g. sex shops, betting offices or religious objections to licensed premises;
- political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- the cost of the development;
- the applicant's lack of ownership of the site (note that planning permission relates to the land and not to the person seeking planning permission);
- issues covered by other legislation, e.g. building safety which is the responsibility of building standards.

Valid planning matters that should be taken into account include:

- the Development Plan;
- emerging policies in a development plan that is not yet approved or adopted;
- the planning history of the site, particularly any recent appeal decisions relating to the same land;
- the suitability of the site for the proposed development;
- the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;

- design issues including the use of materials, the height, scale, bulk and layout of the development;
- potential loss of privacy or overshadowing of adjoining properties;
- the potential adverse impacts on adjoining property from noise, odours, fumes, etc;
- the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- meeting identified local needs such as affordable housing, or the creation of leisure facilities;
- the adequacy of the service infrastructure to accommodate the development, including the access arrangements to the site and level of parking provision;
- the impact of the development on the built or natural heritage of an area;
- the creation of a precedent, which might make it difficult to resist similar proposals elsewhere.

This list is not exhaustive but it does represent the considerations taken into account in most planning decisions. The relative weighting given to these various considerations is a matter for judgement in each case.

Conditions

Many applications are granted permission subject to conditions. Conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable and meet the terms of

the use of Conditions Circular. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise;
- reasonable in all other respects.

Application of these criteria creates an effective basis for the control and regulation of development, which does not place unreasonable or unjustified burdens on applicants and the current or future owners of application sites. The sensitive use of conditions can also improve the effectiveness of development management and enhance public confidence in the planning system. Planning officers and your council's legal advisors will assist you in the effective use of planning conditions.

Further information can be found in Circular 4/1998 The Use of Conditions in Planning Permissions on the Scottish Government website ([www.scotland.gov.uk/ Publications/1998/02/circular-4-1998/circular-4-1998-](http://www.scotland.gov.uk/Publications/1998/02/circular-4-1998/circular-4-1998-)).

Developer obligations

Developer obligations are, on some occasions, important within the decision-making process. The rationale for seeking such contributions from developers is that they should contribute to mitigating the impacts

of their development on infrastructure and other public services (schools, for example).

Contributions are usually secured through legal mechanisms such as a legally binding agreement (Section 75 agreement) between the developer and the planning authority or Section 69 agreement. There is a formal process whereby a party to a planning agreement can seek to have it modified or discharged should it not meet the relevant criteria and be reasonable and proportionate to the development. There is an associated right of appeal to Scottish Ministers.

Further information can be found in Circular 3/2012 Planning Obligations and Good Neighbour Agreements on the Scottish Government website (www.gov.scot/publications/circular-3-2012-planning-obligations-goodneighbour-agreements/)



APPEALS AND REVIEWS



There are two routes for appealing a planning application.

Where a planning application is decided at the planning committee or by the full council, applicants have the right to appeal against a refusal or conditions attached to a planning consent. These appeals are made to the Scottish Government and dealt with by the Directorate for Planning and Environmental Appeals (DPEA). This route of appeal also applies where an authority has not made a decision on a planning application within the statutory period or if a Local Review Body fails to give a decision on a review against the non-determination of a planning application by officers.

Where a planning application for a local development is decided by officers under delegated powers, applicants have the right to have the decision to refuse permission or impose conditions on a consent reviewed by the Local Review Body or where the application is not determined within the statutory time period.



Local Review Bodies

Key features of Local Review Bodies are:

- It will consist of at least three elected council members. There will also be a planning advisor (either internal or external) and the LRB may request advice from experts on particular subjects when and if needed.
- Meetings must be in public.
- Method of determination (i.e. written submissions or hearing) is at the discretion of the LRB.
- There is no automatic right for the applicant or others to be make oral representation.
- The process must be fair and transparent.

- Where an application has not been determined within two months and a 'Notice of Review' is served by the applicant, but the review is not carried out within two months, the applicant may then appeal to the Scottish Ministers.
- If the applicant wishes to question the validity of the decision, an application may be made to the Court of Session within six weeks.



Appeals to Scottish Ministers

The Directorate for Planning and Environmental Appeals (DPEA) handles all planning appeals that are submitted to Scottish Ministers. Appeals must be submitted within three months of the planning authority's decision or, in the case of non-determination, within three months of the date by which the decision should have been made under the statutory timescales.

The decisions on most appeals are made by a Reporter from the DPEA. In a small number of cases Scottish Ministers make the final decision following the submission of the report and recommendation from a Reporter. The decision by the Reporter or Scottish Ministers is final, subject only to challenge in the Court of Session by an aggrieved party.

Detailed provisions are made in the legislation in relation to how the different types of appeal processes are to be conducted. The decision on the format of the appeal is made by the Reporter. Appeals can be determined using one of three main types of procedure:

- **Written representations** - in which the arguments of all parties are submitted to the DPEA in writing and the decision is made by the Reporter solely on the basis of these submissions. This is the most commonly used method.
- **Hearing** – This combines many of the advantages such as speed and relative informality of written representations but with the benefit of a hearing conducted by the reporter prior to any decision being taken. This provides an opportunity for the appellant, the council and objectors to discuss the issues raised in the appeal in more detail than will be the case with written submissions. It takes the form of a meeting chaired by the Reporter.

- **Public inquiry** – This is the most formal method of determining an appeal and is normally used for complex or relatively large scale developments as it is expensive for both the appellant and the planning authority. The format of a public inquiry allows each party to present evidence using witnesses with cross-examination of those witnesses' evidence by other parties. Solicitors or barristers often represent appellants and councils at public inquiries.



Awards of expenses

Normally all parties meet their own costs. Expenses can sometimes be awarded against a party taking part in the appeal if they have behaved unreasonably, and this unreasonable behaviour has resulted in

unnecessary expenditure. Expenses are not awarded simply because an appeal has been 'won' or 'lost'. If another party has behaved unreasonably, be it the applicant or the council, a claim can be made against them for certain expenses. You can find further guidance on this in SEDD Circular 6/1990.



ENFORCEMENT

Planning authorities have an extensive range of discretionary powers to deal with circumstances where planning regulations have not been followed, planning conditions have not been fulfilled or where there is a suspicion that this may have occurred.

Members of the public may often bring breaches of planning control to the attention of councillors or the planning service. However, it is important to appreciate that many such cases are not straightforward and are often based on genuine misunderstandings, particularly relating to conditions attached to planning permissions.

In considering whether to take enforcement action the council has to decide if a breach of planning control would have an unacceptable impact on public amenity. Enforcement is intended to achieve acceptable development and not as a punishment for the person responsible for the breach. Given that it is not always apparent if a breach of planning control has been deliberate or based on a misunderstanding, the use of enforcement powers is regarded as a last resort. An owner/developer may be given the opportunity to rectify the breach through “retrospective” application for planning permission. If a “retrospective” application is made, it will then be decided in the same way as all other planning applications. If the council grants planning permission, there may be conditions attached.

Councils also have powers to serve notices asking for more information about an alleged unauthorised development. They can stop development that does not have permission or where the development does not follow the conditions attached to the permission which was granted.

The council can issue a fixed penalty or prosecute the responsible people if the development continues. The council may also be able to take direct action to remedy the breach of planning control and to recover the cost of this from the developer.



All councils publish a planning enforcement charter setting out how the enforcement system works, the council’s role in enforcement and the standards it has set itself and this is updated every two years.

Further information can be found in Circular 10/2009 Planning Enforcement on the Scottish Government website (www.scotland.gov.uk/Publications/2009/09/16092848/0).

There are some rights of appeal to Scottish Ministers against an enforcement notice served by a planning authority. An appeal can be made where the notice is incorrectly served or where the action required by the notice is considered excessive in relation to the breach. Appeals must be submitted before the date on which the notice takes effect.

In common with many local government services, the overall performance of each planning authority is monitored annually by Audit Scotland. Quarterly performance statistics are provided to the Scottish Government. In addition, it is each planning authorities' responsibility to improve their own performance and this is evidenced in their annual Planning Performance Framework. Scottish Government continues to pursue an improved planning service particularly to accompany proposals to increase planning fees.

GLOSSARY

Adoption

Bringing a Local Development Plan into force.

Appeals and local reviews

Where applications for major or national development are determined and the planning authority refuses consent or grants consent subject to conditions, the applicant has the right of appeal to the Scottish Ministers. Where applications for local development are determined by council members rather than delegated for decision to officers, the applicant will have a similar right of appeal. Where applications for local development are delegated for decision to an appointed officer, and he or she refuses or grants consent subject to conditions, the applicant has the right to require a local review of the decision by a local review body made up of council members.

Environmental Impact Assessment (EIA)

An important statutory 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.

Local Review Body

Made up of local councillors, a Local Review Body determines reviews of applications for local developments refused or approved subject to conditions under delegated authority by a planning officer. Reviews are requested by the applicant, and should be determined within two months. A review can also be requested where officers have not determined an application for local development within the statutory time period.

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 retail unit of over 10,000m², a business park or a large scale housing development of 50 or more dwellings.

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. Details of what constitutes a material consideration can be found in Appendix A of Circular 4/2009 Development Management Procedures.

National Park Authority

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

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 by the planning authority 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.

Representations

A comment made on a planning issue by a member of the public, statutory consultee or other stakeholder. Representations include objections and letters of support.

Scottish Government Directorate of Planning and Environmental Appeals (DPEA)

A department of the Scottish Government, whose reporters will assess objections to development plans and take decisions on most planning appeals on behalf of Scottish Ministers.

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.

SOURCES OF INFORMATION

PAS (Planning Aid Scotland)

www.pas.org.uk PAS is a national charity that delivers free and independent advice, information, support and training on planning and environmental matters to members of the general public and community organisations. Advice and training is given through qualified and experienced town planners and trainers.

Scottish Government

www.scotland.gov.uk/topics/built-environment/planning

The Scottish Government has overall responsibility for the law on planning. It provides advice and establishes national planning policy and advice on best practice.

Town and Country Planning Act 1997

<https://www.legislation.gov.uk/ukpga/1997/8/contents>

Town and Country Planning Act 2006

<https://www.legislation.gov.uk/asp/2006/17/contents>

Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

https://www.legislation.gov.uk/sdsi/2009/9780111001714/pdfs/sdsi_9780_111001714_en.pdf

Planning (Scotland) Act 2019

<https://www.legislation.gov.uk/asp/2019/13/contents/enacted>

Planning Circular 3/2013: Development Management Procedures

<https://www.gov.scot/publications/planning-series-circular-3-2013-development-management-procedures/>

Planning Advice Note 47: Community Councils and Planning

<https://www.gov.scot/publications/community-councils-planning-review-town-country-planning-system-scotland-planning/>

East Lothian Council Planning and Building Standards Website

[Planning and building standards | East Lothian Council](#)

[Standing Orders of East Lothian Council | East Lothian Council](#)

(see Scheme of Delegation for Planning Applications page 90-91)

Planning Appeals

Local Review Body

[Local Review Body \(Planning\) | East Lothian Council](#)

Scottish Ministers

<https://www.dpea.scotland.gov.uk/>

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