

Andrew Howlett

Assistant Clerk to the Public Petitions Committee

T3.40

Scottish Parliament

Edinburgh

EH99 1SP

Dear Mr Howlett

CONSIDERATION OF PUBLIC PETITION PE1518

I refer to your letter of 24 June seeking a response from Heads of Planning Scotland (HOPS) on the following points:

- What are your views on what the petition seeks and the discussions that took place at the meeting on 17 June 2014?
- Has a review or research been carried out into the availability and accessibility of the information on local authority websites that relates to planning applications? Will you undertake such a review?

Having considered the points raised and read with interest the transcript of the meeting I am pleased to provide the following responses.

I am clear that planning authorities can only implement the Regulations as currently in force. Section 26A(2) of the Town & Country Planning (Scotland) Act 1997 prescribes that it is Scottish Ministers who are to describe the classes of major and local development. In this respect there is no scope for local interpretation on what constitutes a major or local development.

The petitioner would appear to be suggesting that planning officers in some local authorities collude with developers to manipulate The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 in order to prevent some applications being treated as major developments. In relation to the content of the petition, HOPS has no locus to comment on the specific examples the petitioner has used to illustrate his concerns.

I will comment that HOPS is clear that it is the responsibility of the applicant, or professional agent, to assess the scale of their proposed developments and comply with the Regulations when preparing an application for planning permission. It is the responsibility of the planning authority to ensure an application is then processed in accordance with the Regulations. By definition, the scale of some proposed developments means that they will always be close to the threshold that would classify them as major developments but it is not the role of the planning authority or individual planning officers to suggest circumvention.

In relation to comments made during the discussion, that planners could be accused of potentially bypassing the public consultation commitments under the 2009 Regulations, I

would comment as follows. Applications classified as major development are subject to a pre-application consultation by the developer, including a public event, in order to help inform the content of a subsequent planning application. However, following submission, all planning applications are the subject of neighbour notification and a 21 day period of public consultation. It is incorrect of the petitioner to interpret that in an instance where an application is not treated as a major development, “no public or community council consultation was ever subsequently carried out”.

In respect of the second point to which you are seeking a response, all local authorities maintain a website which contains information on the planning system – including an explanation of the hierarchy of developments. All planning authorities utilise an online e-planning system which allows the public to access applications and supporting documentation and to make representations. Additionally, Planning Performance Frameworks are submitted annually to the Scottish Government and each planning authority is required to evidence continuous improvement in Communications, Engagement and Customer Service. Furthermore, following a survey of all planning authorities, the Scottish Government produced [guidance](#) in 2013 on how to publish planning applications online. Therefore, I can confirm that it is not the intention of HOPS to undertake a specific review of availability and accessibility of website information. I will, however, circulate this response to all Heads of Planning.

I trust this response will provide the Petitions Committee with the additional information it seeks in considering the petition.

Yours sincerely

David Littlejohn

Chair, Heads of Planning Scotland