

Scottish Planning Policy

2. Development Management Procedures – an outline guide

See: Reference Document: Scot Gov Planning Circular 3/2022: development management procedures.

[Annex C - Planning circular 3/2022: development management procedures - gov.scot \(www.gov.scot\)](https://www.gov.scot/annex-c-planning-circular-3/2022-development-management-procedures)

What's the purpose of this outline guide on planning issues?

This is a primer for community councillors; for new ones joining upon the 2024 elections and for others who want to remind themselves of some of the legislative detail. Planning matters (in their immediate locality and beyond) are a central responsibility of community councils. This responsibility sits within the general purpose of community councils to act as voices for their local areas, to articulate local views and concerns on a wide range of issues of public concern.

Development Management is a highly-detailed, very tricky area, one where community councils, mostly lightly-resourced in planning experience and expertise, come up against professional developers and planning officer arbiters. 'Artful practice' may feature. It is a real challenge for volunteer groups to 'get on the case' and to stay the course. This guide covers the main issues, highlighting key extracts ("...") from the Scot Gov Planning Circular 3/2022 on Development Management Procedures (the Reference Document highlighted above, with the link).

The Reference Document

The Reference Document is a Scot Gov Planning Circular, one of a long series which contains government policy on implementation of planning legislation or procedures.

[Planning circulars: index - gov.scot \(www.gov.scot\)](https://www.gov.scot/planning-circulars-index)

"Development management is the term used for the process of deciding whether to grant or refuse planning permission."

Section 1.3 "This circular follows the various stages of processing: the pre-application phase; content of applications; validation and acknowledgement; processing by the authority; and decision and post-application requirements. The circular also describes the differing requirements for applications in each of the categories of development in the planning hierarchy, namely national, major and local developments."

1.7 "Chapter 2 of the circular promotes early and open negotiations between prospective applicants, planning authorities and other parties, such as statutory consultees, in advance of the formal application for national and major developments, and local developments where warranted. It also sets out the requirements for statutory pre-application consultation (PAC) with communities for national and major developments."

Pre-Application Phase

2.2 “Both pre-application consultations with the community and pre-application discussions with the planning authority and statutory consultees are intended to add value at the start of the development management process.... For proposed major and national developments, there are statutory requirements for consultation with communities before a planning application can be made.”

2.3 “The Scottish Government strongly encourages constructive pre-application discussions between the prospective applicants and the relevant planning authority, agencies and other bodies which will have to be consulted on any subsequent planning application. Such discussions are a separate activity from the statutory pre-application consultation (PAC) with communities required by legislation.”

Statutory Pre-Application Consultation (PAC) between Prospective Applicants and Communities

2.7 “The objective of PAC is to provide a process which enables communities to:

- be better informed about major and national development proposals; and
- have an opportunity to contribute their views to prospective applicants before a formal planning application is submitted to the planning authority.”

2.9 “The Scottish Government also encourages pre-application engagement with communities in cases where statutory PAC requirements do not apply.”

Section 2.10 sets out an overview of the PAC process, detailing requirements on advance notification, including giving a Proposal of Application Notice (PoAN) to the planning authority as well as consulting relevant community councils.

2.11 “PAC does not take away the need for, and right of, individuals and communities to express formal views to the planning authority during the planning application process itself. This should be emphasised by the prospective applicant during PAC. While engagement should be meaningful, the prospective applicant is not obliged to take on board community views, or directly reflect them in any subsequent application. As with any application for planning permission, the applicant has the right to choose what they wish to apply for. It is important, therefore, for communities and others to follow their interest in a proposal through to the planning application stage, when views can be made to the planning authority before it determines the application.”

The PAC is an obligation of the Prospective Applicant in respect of communities, with regard to proposed major and national developments. It is a ‘courtesy’ of good practice in respect of local developments. The Prospective Applicant isn’t obliged to heed community views at that stage. Community views become instrumental at the planning application stage.

2.15 “Prospective applicants should have meaningful and proportionate engagement with those who represent the views of potentially affected communities, guided by [PAN 3/2010: Community Engagement](#), the [National Standards for Community Engagement](#) or other locally agreed or adapted framework or set of principles.”

This links us back to the related EACC guidance paper, “Land use planning matters, community engagement and community councils – an outline guide”.

2.17 “Information issued as part of PAC should be factually accurate, easy to understand, jargon free, accessible and relevant. It should be made available in appropriate formats and provided in good time to enable people to take part and discuss their views with others. In doing so, prospective applicants should consider the needs of different groups in the local population, such as people with disabilities, age or language related issues.”

Remember: Applications for planning permission for major and national developments require a PAC (though there are some exemptions).

2.19 “Unless an exemption applies, all applications for planning permission for major and national development require PAC between prospective applicants and communities.”

2.22 “Where PAC is required, the prospective applicant must provide to the planning authority a 'proposal of application notice' (PoAN) at least 12 weeks prior to the submission of an application for planning permission. That (PoAN) notice must include the following information: i) a description in general terms of the development to be carried out; ...”

There is the expectation that the description will “accurately and adequately convey to the layperson what the development involves”. The PoAN should be a frank statement, not a screen for a planning application different in intent, scope or scale.

2.25 “While there is scope for proposals to alter between PAC and an application being submitted, any subsequent application needs to be recognisably linked to what was described in the proposal of application notice. A very detailed or narrow descriptive content in the PoAN means that relatively minor changes could trigger the need to repeat PAC. A balance, therefore, has to be struck between including enough information so that members of the public can reasonably identify the proposal and raise issues (in light of the information provided, or potential issues where detail may follow in an application), without the basic proposal at PAC being so detailed it changes out of recognition when the application is made.”

2.28 “The planning authority has 21 days from when the PoAN is given to respond regarding any additional PAC requirements ...”

2.29 *et seq.* “The statutory PAC process starts when the prospective applicant gives the PoAN to the planning authority and a number of time limits are measured from that point.”

There are requirements in respect of newspaper notices and public events (at least two), with scope for information takeaway and public response, and feedback from the prospective applicant.

2.45 “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. This may include community councils in a neighbouring planning authority. The prospective applicant must also serve on these community councils the PoAN.”

2.46 “Each local authority has at least one Community Council Liaison Officer who should be able to provide contact details for Chairs and Secretaries of community councils. Neighbouring authorities should be able to assist when adjoining community councils are beyond the boundary of the planning authority in whose area the proposal is located.”

2.47 “When planning their PAC, it is suggested that prospective applicants contact relevant community councils as regards when and how best to seek their views.”

2.51 “Planning authorities, in considering any additional consultation requirements, may want to seek the views of others, for example, the relevant community councils.”

2.53 “The applicant must prepare a report of what has been done during the pre-application phase to comply with the statutory requirements for PAC and any requirements set out in the planning authority's response to the PoAN.”

2.57 “Another purpose for the PAC report is a transparency measure: to help those who engaged in PAC, and anyone else, see how that process shaped the eventual proposal. The explanation of how the prospective applicant took into account the views raised should seek to explain what changes were taken on board, and address any views which could not be accommodated.”

2.61 “Where parties are concerned that their views on the proposal have not been taken on board as a result of the PAC, it is important that they make representations on the proposal in the planning application to the planning authority at the planning application stage. The planning authority can then give due consideration to these views before a decision is reached on whether to grant the proposal planning permission.”

This is the crux of the challenge for community councils. To press their community views home, they really need a core commitment to planning (three to four people for coverage and backup) and to be able to work to planning process timelines, with the facility to ask the right questions in pursuit of the right information and then to push representations when needed.

Planning Circular 3/2022: development management procedures:

This document continues with:

Section 3: Making a Planning Application

Section 4: Processing Planning Applications

Section 5: Post Decision Provision

Section 6: Processing Agreements

Section 7: Enquiries

A series of technical annexes.

END

Planning is a highly-detailed, complex field, arrayed with a large amount of written material which can be over-whelming, even for those who know their way around. This briefing note is a short, manageable primer, serving only as a pointer to where to look next. But that in itself is helpful and time-saving.

Keep in touch with the [CEC Planning and Building Standards](#) site for revisions and updates: [Planning and Building Standards – The City of Edinburgh Council](#).

The **Planning Guidance** PDFs (e.g. ‘For Householders’ and ‘Listed Buildings and Conservation Areas’) together with the **Planning Quick Guide** PDFs are very good reference documents.

You can also examine the Scot Gov coverage of the planning system at: [Planning and architecture - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/Planning-and-architecture-2019-06-17.pdf).

Use the great library of free resources, guides and toolkits at Planning Aid Scotland (PAS), particularly the project management aids for building community-led Local Place Plans, which are to sit at the heart of Edinburgh's next local development plan, City Plan 2040. Go to: [Who We Are - Planning Aid Scotland \(pas.org.uk\)](https://www.pas.org.uk/who-we-are)

Prepared by Ken Robertson, EACC Secretary, July 2024