

Deciding major planning applications

NOTES FOR GUIDANCE



Planning Services Development Management

Introduction

Changes to the way planning applications are decided were introduced across Scotland in August 2009. Planning applications submitted to the council are now termed either **major applications** or **local applications**.

This guidance note explains the procedures that the council has adopted for determining **major** planning applications. A separate guidance note sets out the procedure for determining **local** applications.

There are different ways in which major and local applications are determined by West Lothian Council. Whether you are an applicant or a person who has commented on an application it is important that you are aware of the category of application in which you are interested. A member of the council's Development Management staff can advise you of this.

The determination process for major planning applications

When a major planning application is received the council will check to ensure it contains all the necessary information needed to decide on the proposal.

The applicant may be asked by the council to provide additional information.

A major application must be accompanied by a *Pre-application Consultation Report* that describes the extent of the applicants discussions with the local community in the 12 week period leading up to the submission of the application. The council cannot accept a major application without this report.

Even though an applicant may have received a representation in that twelve-week period, further representations can be made to the council once the application has been received.

Similarly a major application must include a design and access statement.

The council's Development Management staff will publicise the application, either by writing to the occupiers, owners and lessees of premises within 20m of the site and/or by advertising the proposal. The council will then consult certain key organisations.

In deciding the major application professional planners from the council will visit the site and will determine the proposal in accordance with the development plan unless there are over riding reasons not to do so. Once the merits of the application have been assessed and all the consultation responses and representations have been closely examined, a recommendation on the major application will be made by the council's Development Management Manager. Even if objections to an application are received, planning permission may still be granted.

Before the decision is issued other procedures have to be followed.

The council has up to four months to determine a major application unless it agrees a longer period with the applicant. If the council has not made a decision within that period, and the applicant has not agreed to an extended period, the applicant can appeal to Scottish Ministers on the grounds of non-determination. To do so, the applicant should contact **Scottish Government, Directorate of Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR** or alternatively, telephone **01324 696400** or log onto the web site at **dpea@scotland.gsi.gov.uk**.

Procedures that we follow

The council has what is termed ***schemes of delegation*** that set out the determination process for local and major planning applications. Copies of the schemes of delegation are on the council's website or available from Development Management at County Buildings, Linlithgow.

The schemes of delegation mean that there are several ways in which a major application can be decided.

1. A major application with no objections and that is in accordance with the development plan can be approved by the Development Management Manager unless a member of the council has asked it to be referred to the Development Management Committee.
2. Certain major applications, such as those made by the council itself, or those with more than five objections which are recommended to be approved must be considered by the Development Management Committee. The case officer will advise if this applies to the application in which you are interested.
3. Decisions to approve or refuse all other major applications are placed on a weekly list and the councillors for that ward and the chairman of the Development Management Committee have seven days during which they can refer the major planning application to the Development Management Committee.
4. If the major application which is to be refused or has attracted less than five objections and is not referred to the Development Management Committee, the decision is taken by the Development Management Manager.
5. In some circumstances, where the proposal is considered to be significantly contrary to the council's development plan, a hearing will be heard in front of the Development Management Committee but the decision on the planning application will be taken by the full council.

It is important that you keep in contact with the planning officer who is responsible for your application. The case officer will be able to advise you of the determination method for your planning application and the key dates in this procedure.

Details of the committee dates and the councillors who make up the committee can be obtained from **www.westlothian.gov.uk**

Decisions by the Development Management Manager

The council's Development Management Manager can approve or refuse certain major planning applications without them being considered by the Development Management Committee. The Development Management Manager and his staff are based at County Buildings in Linlithgow and are professionally qualified planners. After assessing the major application the council's planners will prepare a *handling report* setting out the reasons for the decision and this will be available from Development Management, County Buildings in Linlithgow and on the council's website.

If the major application is refused or it contains conditions unacceptable to the applicant, the applicant can seek an appeal against the decision from Scottish Ministers within 3 months of the decision. Details of how to appeal will be included with the council's decision notice.

Decisions by the Development Management Committee

If a major application is referred to the Development Management Committee for determination it will be placed on the agenda of the next appropriate monthly meeting. The applicant and those making representations on the application will be informed of the meeting and will be invited to make a five minute presentation to councillors before the application is finally decided.

Copies of the Development Management Manager's report will be made available on request before the meeting.

The Development Management Committee can decide to approve or refuse the planning application. If the local application is refused planning permission by the committee or it contains conditions that the applicant finds unacceptable, the applicant can appeal to Scottish Ministers within three months of the decision. Details of the means of appealing will accompany the council's decision notice. The committee is not obliged to accept the recommendations of the Development Management Manager.

What is the Development Management Committee?

The Development Management Committee comprises of nine councillors. The committee meets at the council's main offices in Livingston. Members of the committee receive reports on each application in advance of its monthly meetings. All valid representations that have been received are circulated to members of the committee for their information and consideration and the specific points that have been raised by objectors will have been assessed and evaluated by professional planning officers. The report concludes by making a recommendation to the committee.

Details of the committee dates and the councillors who make up the committee can be obtained from www.westlothian.gov.uk

Do the members of the committee visit application sites?

The Development Management Manager will prepare a list of sites that require to be visited before the committee and the Local Review Body meet and site visits are normally held on the Monday before each committee or Local Review Body meeting. All members of the committee and the Local Review Body are invited to attend the organised visits. Members of the Development Management Committee may choose to visit the sites in their own time however

Applicants and objectors are not invited to attend the site meetings. The purpose of the site visit is to allow councillors to familiarise themselves with the characteristics of the site and its surroundings.

Members or officers will not discuss the merits of the case with anyone present at the site during the visit.

If an application is referred to the Development Management Committee can I speak at the committee meeting?

An applicant, an objector or a supporter, or their professional agents can attend the meeting and may also address councillors for a period not exceeding five minutes if notified in advance.

A letter or e-mail will be sent to the applicant and those who have made a representation to ask whether they wish to make a representation, once it has been established that the application will be considered by the Development Management Committee. If a number of objectors wish to speak on a particular application it would be preferable if a single spokesperson represents them.

In any event you must return the form by 12 noon on the Monday before the committee meeting. If you do not and we have no record of a response then you may lose the opportunity to address the committee.

Unfortunately we may only give you a few days notice of the meeting and you are strongly advised to keep in contact with the case officer who can tell you of the progress of the application.

In the event of the application being withdrawn from the agenda, as can sometimes happen, we will try and contact applicants and objectors to let them know and avoid a wasted journey. It is therefore important that you provide a daytime telephone number or e mail address on your correspondence.

It should be noted that you may only speak if the planning application is being dealt with by the Development Management Committee. There is no provision for speaking if applications are decided by the Development Management Manager under delegated powers.

How can I obtain a copy of the report on an application which is to be considered by the committee?

When an application is to be determined by the Development Management Committee, the agenda and reports can be obtained five working days before the meeting and are available from County Buildings, High Street, Linlithgow, or the council's Committee Services staff at the Civic Centre, Livingston.

Copies can also be downloaded from www.westlothian.gov.uk

The information contained in this note is for your guidance only. If you are in any doubt about any of the procedures you should contact staff at Development Management, County Buildings, Linlithgow.

هذه المعلومات متوفرة بلغة بريل وعلى شريط وبخط كبير وبلغات الجالية.
الرجاء الإتصال بخدمة الترجمة على الهاتف 01506 280000

এই তথ্য আপনি ব্রেল, টেপ, বড় অক্ষরে এবং কমিউনিটির বিভিন্ন ভাষাগুলিতেও পাবেন। অনুগ্রহ করে ইন্টারপ্রেটেশন অ্যান্ড ট্রান্সলেশন সার্ভিসের সঙ্গে যোগাযোগ করুন। টেলি: 01506 280000

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ਇਹ ਜਾਣਕਾਰੀ (ਬ੍ਰੇਲ) ਨੇੜਲੀਨ ਟੇਪ ਤੇ ਵੱਡੇ ਫੋਂਟ ਅਤੇ ਸਮਾਜ ਦੀਆਂ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿੱਚ ਉਪਲਬਧ ਹੈ। ਸਿੱਖਾ ਵਰਕੇ ਇੰਟਰਪ੍ਰੀਟੇਸ਼ਨ ਅਤੇ ਟਰਾਂਸਲੇਸ਼ਨ ਸਰਵਿਸ ਨੂੰ ਇਸ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ : 01506 280000

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براؤمر یا انٹرنیٹ پر سٹیٹنگ اینڈ ٹرانسلیٹنگ سروس سے ٹیلیفون نمبر 01506 280000 پر رابطہ قائم کریں۔

Informacje te mogą być przełożone na język Braille'a, dostępne na taśmie magnetofonowej lub wydane dużym drukiem oraz przetłumaczone na języki mniejszości narodowych.
Prosimy o kontakt z Usługami Tłumaczeniowymi pod numerem 01506 280000.

Information is available in Braille, tape, large print and community languages.

Please contact the interpretation and translation service on **01506 280000**.

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **18001 01506 464427**. A loop system is also available in all offices.

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