

## DEVELOPMENT MANAGEMENT CHARTER

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### INTRODUCTION

Planning permission, with the exception of some minor works, is required for most development that takes place in Scotland. This Charter explains how the application process works in Inverclyde and the service standards that the Council sets. The Charter also explains what happens at each stage.

The aim of the Charter is to ensure that our adopted procedures are fair and reasonable and that interested parties are kept informed and are made aware of what is required. The Council hopes you will find this useful and that you will let us know if you think we could improve the service further. A separate Charter on Planning Enforcement is also available at <https://www.inverclyde.gov.uk/planning-and-the-environment/planning-enforcement>. Paper copies can be supplied on request.

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### GENERAL OVERVIEW OF DEVELOPMENT MANAGEMENT

#### WHAT PERMISSIONS ARE REQUIRED?

- Planning Permission – where it is proposed to change the use of a building or land, to extend or alter the external appearance of buildings, to erect new buildings, and to erect certain structures including walls and fences.
- Planning Permission in Principle - where the principle of undertaking development without seeking approval for the design and layout details is sought. Conditions attached to Planning Permission in Principle will require the follow up submission of an application for Approval of Matters Specified by Conditions.
- Advertisement Consent – where it is proposed to display signs.
- Listed Building Consent – where it is proposed to alter or extend a listed building, including internal works.
- Conservation Area Consent – where it is proposed to demolish a building in a conservation area.
- Certificates of Lawful Use or Development – where written confirmation that works, either existing or proposed, do not require planning permission or are exempt from planning enforcement.

Not all works require permission; some house extensions, minor works and signs are “permitted development”.

#### IS THE PROCEDURE THE SAME, NO MATTER WHAT THE SIZE OF THE PROPOSAL?

If applying for Planning Permission or Planning Permission in Principle, three scales of development apply: National, Major and Local.

- There are no National Developments in Inverclyde.
- Examples of Major Developments include:
  - Housing – construction of buildings for use as residential accommodation comprising 50 or more dwellings or a site which is or exceeds 2 hectares.
  - Businesses and General Industry, Storage and Distribution – the gross floor area of buildings is or exceeds 10,000 square metres or the site area is or exceeds 2 hectares.

The full list of Major Developments is available at:

[http://www.legislation.gov.uk/ssi/2009/51/pdfs/ssi\\_20090051\\_en.pdf](http://www.legislation.gov.uk/ssi/2009/51/pdfs/ssi_20090051_en.pdf) .

- Local Developments are proposals smaller than the thresholds set for Major Developments.

National and Major Developments require pre-application consultation with the public and consultees and will be determined by the Council's Planning Board. If the application is refused the applicant may appeal the decision to the Scottish Ministers. Most Local Developments are determined by officers. Applicants have the right to have these decisions reviewed by a Local Review Body consisting of councillors.

## **MAJOR DEVELOPMENTS – WHAT IS PRE-APPLICATION CONSULTATION?**

Applicants must give the Council at least 12 weeks' notice of the intention to submit a National or Major Application. Following set procedures, all affected community councils must be consulted and the applicant must hold at least one public event for members of the public to receive comments on the proposals. Public events must be advertised at least 7 days in advance; in Inverclyde all planning notices are placed in the Greenock Telegraph.

After consultation, the applicant requires to produce a pre-application consultation report. It should set out how the applicant has responded to the comments made, including the extent to which the proposals have changed, if at all, as a result of pre-application consultation. The report is then submitted with the planning application.

## **I WISH TO MAKE A PLANNING APPLICATION OR APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR A MAJOR DEVELOPMENT. WHAT DO I REQUIRE TO SUBMIT?**

Before starting pre-application consultation our officers will be pleased provide advice on issues that the Council will take into account in determining the planning application. The Council also encourages applicants to enter into a processing agreement; this will provide a commitment from both the applicant and the Council aimed at meeting timescales and giving the applicant assurances as to when a planning decision will be reached.

When the pre-application consultation stage is concluded, the planning application may be submitted. Every major application requires the following minimum information:

- The application form.
- The notice to owners and agricultural tenants.
- Full plans.
- Application fee, including advertisement cost (if required).
- Pre application consultation report.
- Design and access statement.

Neighbour notification will be undertaken by the Council.

It may be necessary to provide additional information, for example an Environmental Impact Assessment, however early consultation at the pre-application stage and the processing agreement will identify what is required. The Council is aware that the provision of additional information can be costly and as a consequence it will only be requested when essential to enable the application to be determined.

Examples of information that may be requested include:

**Traffic Impact / Transport Assessment:** This will only be required if there is likely to be a significant impact on traffic movement because of traffic generated, and then only at the request of either Transport Scotland or the Council's Head of Service – Roads and Transportation. This is most likely to apply to large housing developments, large business premises, shopping developments and to tourist and leisure developments. If it is part of a larger development for which a Traffic Impact / Transport Assessment has already been submitted and approved, then unless there has been a significant change in circumstances a new assessment will not be required.

**Travel Plan:** Once again, this will only be required at the request of either Transport Scotland or the Council's Head of Service – Roads and Transportation. It applies to any development that will employ large numbers of staff; the plan will examine accessibility for those wishing to cycle, walk or take public transport to their place of work and identify how this is best achieved. If it is part of a larger development for which a Travel Plan has already been submitted a new assessment will not be required.

**Flood Risk Assessment:** This will only be required at the request of either the Scottish Environment Protection Agency or the Council's Head of Service – Roads and Transportation. Typically, it will be required for any major development in close proximity to a watercourse, including culverts, in an area identified as flooding, or on a site that contributes to a flood plain. If it is part of a larger development for which a Flood Risk Assessment has already been submitted and approved then unless there has been a significant change in circumstances a new assessment will not be required. More guidance on Council requirements in respect of flood risk can be found here:

<https://www.inverclyde.gov.uk/environment/roads-lighting/flood-prevention>

**Drainage Impact Statement:** Again, this will only be required at the request of either the Scottish Environment Protection Agency or the Council's Head of Service – Roads and Transportation. It will be required for a major development requiring waste or surface water to be drained. If it is part of a larger development for which a Drainage Impact Statement has already been submitted and approved then unless there has been a significant change in circumstances a new assessment will not be required. The above link for flood risk guidance also applies to guidance on drainage.

**Ground Contamination Report:** The requirement is determined by previous uses of the site and the current condition, and if the site was previously used for industrial purposes is likely to be required. The need for such a report will be determined following consultation with the Council's Head of Public Protection and Covid Recovery. If it is part of a larger development for which a Ground Contamination Report has already been submitted and approved then unless there has been a significant change in circumstances a new assessment will not be required.

**Noise Assessment:** If a proposal has the potential to either generate noise to the disturbance of nearby housing, or proposes housing in close proximity to an established noise generating industrial, business or leisure facility, then the Council's Head of Public Protection and Covid Recovery may require a Noise Assessment.

**Bat Survey:** Bats are protected species and the Council may not approve a development that has not considered the presence of bat roost and put in place a management plan. Proposals in the vicinity of trees and woods and that impact on roof and attic spaces, particularly in disused buildings, present potential roosts. The Planning case officer, in conjunction with NatureScot where appropriate, will offer guidance.

**Other Wildlife/Ecology Surveys:** Wildlife/Ecology surveys may be requested for major developments that impact on woodland, countryside or areas around watercourse as guided by NatureScot.

## **I WISH TO MAKE A PLANNING APPLICATION OR APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR A LOCAL DEVELOPMENT. WHAT DO I REQUIRE TO SUBMIT?**

Before submitting an application our officers will be pleased to assist, helping you to appreciate issues that the Council will take into account in reaching a decision. Every application requires the following minimum information:

- The application form,
- The notice to owners and agricultural tenants,
- Full plans; and
- Application fee, including advertisement cost (if required).

Neighbour notification will be undertaken by the Council.

It may be necessary to provide additional information. If pre-application advice is sought then it is most likely that any requirements will be identified at this stage, although on occasion consultations with other Council services and outside agencies may identify additional issues. The Council is aware that the provision of additional information can be costly and as a consequence it will only be requested when it is essential to enable the application to be determined. There is no requirement to submit any of the following unless specifically requested to do so. Examples of information that may be requested include:

- **A design statement:** If a unique design solution is proposed and it will have a significant impact on the streetscape then design and reasons for it must be explained. A design statement is always required for a new house in a conservation area. There is no need to provide a statement for a house extension or alteration, or for any proposal that is not clearly visible from the street.
- **Traffic Impact / Transport Assessment:** This will only be required if a proposal will have a significant impact on

traffic movement because of traffic generated, and then only at the request of either Transport Scotland or the Council's Head of Service – Roads and Transportation. This is most likely to apply to large housing developments, large business premises, shopping developments and to tourist and leisure developments. If it is part of a larger development for which a Traffic Impact / Transport Assessment has already been submitted and approved, then unless there has been a significant change in circumstances a new assessment will not be required.

- **Travel Plan:** Once again, this will only be required at the request of either Transport Scotland or the Council's Head of Service – Roads and Transportation. It applies to a new development that will employ large numbers of staff; the plan will examine accessibility for those wishing to cycle, walk or take public transport to their place of work and identify how this is best achieved. If it is part of a larger development for which a Travel Plan has already been submitted a new assessment will not be required.
- **Flood Risk Assessment:** This will only be required at the request of either the Scottish Environment Protection Agency or the Council's Head of Service – Roads and Transportation. Typically, it will be required for development in close proximity to a watercourse, including culverts, in an area identified as flooding, or on a site that contributes to a flood plain. If it is part of a larger development for which a Flood Risk Assessment has already been submitted and approved then unless there has been a significant change in circumstances a new assessment will not be required. More guidance on Council requirements in respect of flood risk can be found here:

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- **Drainage Impact Statement:** Again, this will only be required at the request of either the Scottish Environment Protection Agency or the Council's Head of Service – Roads and Transportation, and typically will only be required for a large development requiring waste or surface water to be drained. If it is part of a larger development for which a Drainage Impact Statement has already been submitted and approved then unless there has been a significant change in circumstances a new assessment will not be required. The above link for flood risk guidance also applies to guidance on drainage.
- **Noise Assessment:** If the proposal has the potential to either generate noise to the disturbance of nearby housing, or proposes housing in close proximity to an established noise generating industrial, business or leisure facility, then the Council's Head of Public Protection and Covid Recovery may require a Noise Assessment.
- **Bat Survey:** Bats are protected species and the Council may not approve a development that has not considered the presence of bat roost and put in place a management plan. Proposals in the vicinity of trees and woods and that impact on roof and attic spaces, particularly in disused buildings, present potential roosts. The Planning case officer, in conjunction with NatureScot where appropriate, will offer guidance.
- **Other Wildlife/Ecology Surveys:** Wildlife/Ecology surveys may be requested for developments that impact on woodland, countryside or areas around watercourse as guided by NatureScot. This will not apply to small scale developments, including extensions and alterations to houses and other existing buildings.

## **I WISH TO MAKE AN APPLICATION FOR ADVERTISEMENT CONSENT. WHAT DO I REQUIRE TO SUBMIT?**

Before submitting an application our officers will be pleased to assist, helping you to appreciate issues that the Council will take into account in reaching a decision. Every application requires the following minimum information:

- The application form,
- Full plans; and
- Application fee.

It may be necessary to provide additional information. If pre-application advice is sought then it is most likely that any requirements will be identified at this stage, although on occasion consultations with other Council services and outside agencies may identify additional issues. The Council is aware that the provision of additional information can be costly and as a consequence it will only be requested when it is essential to enable the application to be determined.

## **I WISH TO MAKE AN APPLICATION FOR LISTED BUILDING CONSENT. WHAT DO I REQUIRE TO SUBMIT?**

Before submitting an application our officers will be pleased to assist, helping you to appreciate issues that the Council will take into account in reaching a decision. Every application requires the following minimum information:

- The application form; and
- Full plans.

It may be necessary to provide additional information. If pre-application advice is sought then it is most likely that any requirements will be identified at this stage, although on occasion consultations with Historic Environment Scotland may identify additional issues. The Council is aware that the provision of additional information can be costly and as a consequence it will only be requested when it is essential to enable the application to be determined.

## **I WISH TO MAKE AN APPLICATION FOR A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT. WHAT DO I REQUIRE TO SUBMIT?**

Before submitting an application our officers will be pleased to assist, helping you to appreciate issues that the Council will take into account in reaching a decision.

If you are seeking confirmation that either proposed works do not require planning permission or that existing works did not require planning permission then the application requires the following minimum information:

- The application form,
- Full plans; and
- Application fee.

If you are seeking confirmation that existing development is exempt from enforcement action because of the length of time since implementation, then the application requires the following minimum information:

- The application form,
- Full plans or photographs,
- Evidence that the development is exempt from enforcement; and
- Application fee.

## **MAJOR AND LOCAL DEVELOPMENTS – ARE THERE ANY DEVELOPER CONTRIBUTIONS REQUIRED?**

Work is under way to produce a new Inverclyde Local Development Plan. The matter of developer contributions will be addressed under this Local Development Plan.

## **HOW DO I APPLY?**

All application types may be submitted online. This removes delivery delays and costs and savings can be made on printing, using the link: <http://eplanning.scotland.gov.uk>

Alternatively, application forms are available from Inverclyde Council, Municipal Buildings, Clyde Square, Greenock PA15 1LY, online at:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-applications/applying-for-planning-permission>

or by telephone at 01475 712418. Completed applications may then be either posted or hand delivered to the Municipal Buildings at the above address. If hand delivering to the Council's Customer Contact Centre please ask to speak to a member of the Development Management team who will collect your application and give it an initial check to ensure sufficient information has been included.

## **HOW IS THE PUBLIC NOTIFIED OF APPLICATIONS?**

Inverclyde Council will send notification, addressed to "the owner, lessee or occupier" to all addresses sited within 20 metres of the boundary of sites for applications for planning permission and planning permission in principle. If the owner and/or lessee are different from the occupier, it is the duty of the occupier to inform them of the notice. Representations may be submitted within 21 days of the notice being sent. When it is not possible to serve a notice because there is no building on neighbouring land a notice will be posted in the Greenock Telegraph.

There is no need to own a site or occupy it to submit an application; in these circumstances the applicant must serve, as applicable, notice on any owner or agricultural tenant. When it is not possible to serve a notice on owners and tenant farmers a notice will also be posted in the Greenock Telegraph.

Newspaper notices will also appear for developments which are controversial and or of wider public interest, where a



proposal is contrary to the Development Plan, if the development affects a listed building or if it is in a conservation area. Notices are typically posted each Friday in the Greenock Telegraph.

Except for listed buildings and conservation areas, the cost of the notice is charged to the applicant, and the Council will not determine the application until such time as this is received. The cost is calculated on a pro rata basis. For example, if the notice includes only one proposal, then the full cost will be met by the applicant. If there are two developments posted on the same notice, the total cost would be halved. This method of charging is established by legislation, and the Council will endeavour to keep costs down by sharing advert costs amongst applicants where possible.

## **HOW DO I INSPECT PLANS AND KEEP IN TOUCH WITH THE PROGRESS OF AN APPLICATION?**

Neighbour notification and newspaper notices will not be issued until a valid application has been registered. Inverclyde Council will make the application forms, all submitted plans and all documentation submitted by the applicant in support of the application available to the public for the time period between registration of the application and the decision being issued. This information will be available to view at the Municipal Buildings, Clyde Square, Greenock, and online at <https://planning.inverclyde.gov.uk/Online/>

All public libraries provide free access to the internet for viewing applications. If you wish to have to plans explained or to discuss the application please contact the case officer for either a telephone discussion or a meeting. Please note that officers are frequently out visiting application sites, so if you wish to visit the office and speak to the case officer an appointment is advised.

At <https://www.inverclyde.gov.uk/planning-and-the-environment/planning-applications/how-to-view-planning-applications> the Council also publishes a weekly list of applications received, a list of all undetermined applications, and a list of all determined applications.

Once a decision has been made the application form and plans will be withdrawn from view on <https://planning.inverclyde.gov.uk/Online/> for legislative reasons. On issuing a decision, an application report explaining the decision is produced. This will be viewable on <https://planning.inverclyde.gov.uk/Online/>. Application forms and plans remain at all times part of the Planning Register. These may be viewed at the Municipal Buildings, Clyde Square, Greenock.

## **HOW DO I MAKE COMMENTS ON AN APPLICATION?**

Comments must be put in writing and include the name and address of the writer. Correspondence received without this information will not be considered or acknowledged. Representations may be delivered by post or hand to the Head of Regeneration and Planning at the Municipal Buildings, Clyde Square, Greenock, by e-mail to [dmplanning@inverclyde.gov.uk](mailto:dmplanning@inverclyde.gov.uk) or via <https://planning.inverclyde.gov.uk/Online/>.

Comments should be submitted within the time period specified in the neighbour notification form or in press or site notices to ensure that they are considered, because after this date the application may be determined. Clearly some applications take longer to deal with and others will require to be determined by the Planning Board. In the case of the latter, letters will only be considered if they are received 14 clear days in advance of the Board's first meeting to consider the application.

In the first instance, all letters of representation on a planning application are not made available for public inspection or published online. However, representations cannot be treated as confidential and may become available for public inspection or be published online or require to be made available or published online (1) under the Freedom of Information legislation; (2) if an appeal is submitted to the Directorate for Planning and Environmental Appeals; or (3) if an application for review is submitted to the Local Review Body. In order to comply with the Data Protection Act 1998, we will remove personal email addresses, personal telephone numbers and signatures from any representations submitted to us. We will also do our utmost to ensure the removal of sensitive personal information (for example, relating to criminal history or health) where such information is provided as part of any representation.

## **HOW LONG WILL IT TAKE BEFORE A DECISION ON AN APPLICATION IS REACHED?**

If an application is likely to take longer than specified time limits, then the Council can ask the applicant for an extension. If this is not acceptable to the applicant, there is a right to seek determination of the application by either

the Scottish Ministers or the Local Review Body, subject to the type of application. The time limit for National and Major applications and for applications that include an Environmental Assessment is 4 months, with 2 months applying in all other cases.

## **WHAT TYPE OF LOCAL APPLICATIONS WILL BE DETERMINED BY OFFICERS?**

All applications for Advertisement Consent, Listed Building Consent and Local Development Planning Applications and Planning Application in Principle will be determined by officers except:

- The approval of an application contrary to the approved Development Plan.
- The approval of an application subject of letters of objection from 6 or more individuals and/or 2 community groups (including Community Councils) which are formally constituted and comprise at least 10 members.
- Applications made by Councillors.
- Applications made by Planning staff.

These applications are determined by the Planning Board, which is timetabled to meet on the first Wednesday of each month, except July. The Board consists of 11 councillors and considers written reports by the Head of Regeneration and Planning before deciding whether or not to grant planning permission. Appeals against decisions of the Planning Board are to the Scottish Ministers, and may only be lodged by the applicant.

All applications for Certificates of Lawful Use or Development are determined by officers.

## **WHAT HAPPENS IF I AM UNHAPPY WITH THE OFFICER'S DECISION?**

Applicants for Local Development Planning Applications and Planning Permission in Principle applications have the right to request that the Local Review Body consider the application. The Local Review Body consists of a minimum of three councillors and meets monthly if required. It reviews the decision with reference to any combination of written submissions, a site visit, expert evidence and/or oral evidence. In the case of oral evidence, this is at the discretion of the Local Review Body.

Except on points of procedure, where there is a right of appeal to the Court of Session, the decision of the Local Review Body is final.

Appeals against all other officer decisions are to the Scottish Ministers, and may only be lodged by the applicant.

Objectors and other interested parties have no right of appeal against either the officer or Local Review Body decision.

## **HOW ARE MAJOR APPLICATIONS DETERMINED?**

Major Development Planning Applications and Planning Permission in Principle applications are typically determined by the Council's Planning Board. The Board will consider a written report by the Head of Regeneration and Planning.

All Major Applications which are significantly contrary to the Development Plan require to be considered by a Pre-Determination Hearing in front of the Planning Board before referral to the Full Council for decision. The hearing will take evidence from both applicant and objectors.

Appeals against decisions on Major Applications are to the Scottish Ministers, and may only be lodged by the applicant.

## **WHAT HAPPENS WHEN I GET PLANNING PERMISSION?**

Permissions will be issued with a 'notification of commencement' form and a 'notification of completion' form, both of which must be submitted to the Council at the appropriate time.

If the permission is for a Major Application or is an application deemed likely to have a significant local impact, then the applicant will also require to display a notice on site describing the development for the period of construction.

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## SERVICE STANDARDS

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By publishing this Charter, the Council aims to improve the planning application service and make it responsive to the reasonable needs of customers. The Council will monitor the contents of the Charter to ensure the standards and targets are met.

### ADVICE ON PLANNING APPLICATIONS

General advice is available over the telephone and at our reception on Monday to Thursday between 8.45am and 4.30pm and on Friday between 8.45am and 3.45pm. If you wish to discuss a specific application, you may make an appointment with the case officer or telephone to discuss the matter.

You may also write to us at Municipal Buildings, Greenock PA15 1LY, and e-mail to: [dmplanning@inverclyde.gov.uk](mailto:dmplanning@inverclyde.gov.uk) .

### OUR TARGETS

- We aim to decide 90% of all householder planning applications in under 2 months.
- We aim to decide 80% of all planning applications in under 2 months.
- We aim to respond to all letter and e-mail inquiries within 10 working days.

We are conscious of our commitment to the wider community. In addition to the above, we will fast track applications related to the needs of disabled persons and works related to the regeneration and economic growth of Inverclyde.

### HELP US TO HELP YOU

We appreciate that if dealing with Planning for the first time, you cannot be expected to know how the system operates. The submission of properly completed applications and full information will reduce the need for us to seeking clarification and additional information and helps the Council to determine applications more quickly. A range of Planning Application Advice Notes are available covering a range of typical developments including house extensions. Applications that follow the guidance should expect to receive planning permission. These are viewable at <https://www.inverclyde.gov.uk/planning-and-the-environment/planning-applications/applying-for-planning-permission>

### PROCEDURE FOR MAKING A SUGGESTION OR COMPLAINT

The Council hopes the public will be satisfied with the planning application service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

We will consider all complaints made about the way a planning application was dealt with. Some people may disagree with the outcome of an application but, of itself, that is not grounds for complaint.

In the first instance, complaints should be discussed with the member of staff involved. If you are still dissatisfied, talk to the Development Management Team Leader (telephone 01475 712416). If he is unable to help, you will be given the name of a more senior officer who will investigate the matter.

If you remain dissatisfied, the Council has a complaints procedure that you may follow. Details may be obtained directly from Municipal Buildings, Greenock or online at <https://www.inverclyde.gov.uk/council-and-government/contact-us>

If, having followed the Council's complaints procedure you remain unhappy then you may take your complaint to the Scottish Public Services Ombudsman. Please note that the Ombudsman does not normally entertain complaints that have not been the subject of the Council's own complaints procedure in the first instance. The Ombudsman may be contacted as follows:



In Person:	SPSO Bridgeside House 99 McDonald Road Edinburgh EH7 4NS
By Post:	Freepost SPSO
Freephone:	0800 3777330
Online contact:	<a href="http://www.spsso.org.uk/contact-us">www.spsso.org.uk/contact-us</a>
Website:	<a href="http://www.spsso.org.uk">www.spsso.org.uk</a>
Mobile site:	<a href="http://m.spsso.org.uk">http://m.spsso.org.uk</a>

Generally, you must contact the Ombudsman within 12 months.

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