



# **Fife Council - Planning Community Council Training Resource**

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# Weekly List

## Legislation

### Relevant Legislation:

[Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#)

### Relevant Section:

[Section 23. Provision of information to community councils and within public libraries](#)

## What is the Weekly List

The Weekly list is a list of all applications which have been received and validated from the previous week.

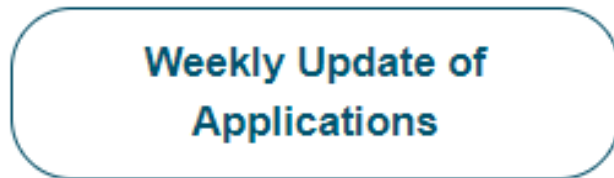
A valid application is an application which has all the required information submitted to allow us to assess it, only valid (validated) apps will appear on the weekly list.

The list must contain information on how to obtain further information relating to an application.

This list is currently emailed to Community Councils at 6pm on Sundays.

## Online Weekly List

In addition to the weekly list which is issued via email as a PDF attachment we also have an online version which can be view by clicking on the Weekly Update of Applications button on our [Fife.Gov.Uk Planning Webpage](#).



*Figure 1 Image showing the button described above.*

### **Benefits:**

- No sign in required
- Accessible
- Can be viewed on a smart phone
- List can be manipulated using filters

### **The online version of the weekly list also allows you to view the following:**

- Registered
- Decided
- Commenced
- Completed

In addition to being able to view more the online version also contains the hyperlink allow you to click through to the Online Planning System to view the application details.

## Summary

The Weekly List is currently provided to Community Councils via email

Online interactive list is available via [fife.gov.uk/planning](https://fife.gov.uk/planning)

No sign in required

Filters to see relevant applications

## Note – Issues receiving the list

If you are not receiving the weekly list this may be due to issues with your email provider.

Adding [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk) as a trusted sender will normally prevent the attachments from being deleted or in some cases preventing the email coming through.

If you are still not receiving the weekly list after following the above step, please reach out and we will investigate to ensure that your email is included within the sender list.

If you want to receive the weekly list, please email: [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk).

# Statutory Consultee Requests

## Legislation

### Relevant Legislation:

[Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#)

### Relevant Section:

[Schedule 5 – Consultation by the Planning Authority](#)

## What is a Statutory Consultee

Statutory Consultees are organisations and bodies who in some cases must be consulted or can request to be consulted as part of the Planning application process.

Community Councils have a Statutory Right to be consulted on Planning applications **(This does not include CAC, CLP, LBC or OBL application types as these are dealt with under different legislation)** and in cases of Major applications will be consulted automatically.

Please note that LBC applications can still be commented on by making a standard representation either through the Online Planning System or by emailing [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk).

If a Statutory Consultee objects to an application whereby the officer recommends approval the application must go before the Planning committee.



## How to Request to be a Statutory Consultee

Community Councils receive the Weekly List

Once the list has been received you may wish to be consulted on a specific planning application this needs to be requested within 7 working days of receipt of the weekly list by emailing the request to [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk).

Once Community Councils have confirmation that they have been added as a statutory consultee they should then insure that any responses are received within the 14-day consultation period. This date is noted on the acknowledgement letter.

It is possible for the Community Council to ask the council for an extension of time, where applications are unusually complex or controversial. This should be communicated as early as possible to the Case Officer by emailing [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk).

## Summary

Community Councils must request to be a Statutory Consultee within seven working days of receiving the weekly list.

Community Councils will be consulted on Major applications without the need to request it.

Extension for response can be granted where applications are complex and controversial.

Email to [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk) to request consultee status.

# Neighbour Notification

## Legislation

### Relevant Legislation:

[The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#)

### Relevant Section:

[18 Notification by the planning authority](#)

## What is Neighbour Notification?

Neighbour Notification is a statutory process that we have to carry out for all planning applications

This process applies to applications for planning permission, planning permission in principle, and applications for approval of matters specified in conditions

## Who Gets Notified?

The Council, as Planning Authority, must serve notification to neighbours on land that shares a common boundary with the application site, or within 20 metres of the boundary of the land of the proposed development.

## What is Included in a Notice?

**We will inform neighbours by letter after the application is validated. The notice will include:**

Date of the notice

The name of the applicant/name and address of the agent

The application reference number

The address or description of the location of the application site

Description of the development

Details of how and where the plans, drawings etc. can be inspected

How and when comments and representations may be made

A location plan showing the application site and neighbouring land

## What if there are no Properties on the Land Surrounding a Proposal Site?

Where we are unable to serve notification because there's land with no premises within the area of neighbouring land, the Council are legally required to publish a notice in the local newspaper.

A fee is charged to the applicant to cover the cost of the publication.

Only planning applications relating to non-householder applications will incur this charge. We will inform the applicant if an advertisement fee is required.

## Can I Comment on an Application if I was not Neighbour Notified?

Members of the public have the opportunity to make representations to us in support of, or against, a planning application.

Check the consultation period on any specific application by checking the Important Dates section on our Fife Council Online Planning Service.

You will need to search for the relevant application and, once you have this information, you will be able to see when the consultation period closes.

# Committee Triggers

## List of Officer Powers

The list of officer powers details how an application should be dealt with.

[Fife Councils List of Officer Powers](#)

## What is a Committee Trigger?

A committee trigger is a specific criterion that if met means that an application will have to be put before a planning committee with an officer's recommendation. The committee will then decide.

There are different triggers for the different application categories (i.e. Local, Major & Other Applications)

## Committee Triggers

There are many triggers that would require an application to go to committee. This is detailed in Fife Council List of Officer Powers Documentation. A few examples are as follows:

Applications attracting six or more separate individual representations which are contrary to the officer's recommendation.

Applications which are significantly contrary to the Development Plan, and which are recommended for approval.

Application whereby a Statutory Consultee has objected, where the officer's recommendation is for approval.

***This list is not exhaustive, full details on officers' powers can be found on the Councils website. Link within the Useful Links section and above.***

## Summary

Applications are normally determined by officers unless an application hits a committee trigger.

Fife Councils list of officer powers guidance details when an application must go to committee.

# Application Types

## Hierarchy of Development

The Planning etc. (Scotland) Act (the 2006 Act) introduced the hierarchy of development for planning in primary legislation.

This ensures that applications are dealt with in an appropriate way to their scale and complexity, allowing decisions to be taken at the most appropriate level.

Fife Council separates 'Local Developments' further, into Local and Minor. Minor developments include householder extensions and alterations.

Determination periods differ for each level of development:

National/Major – 4 months.

Local- 2 months.

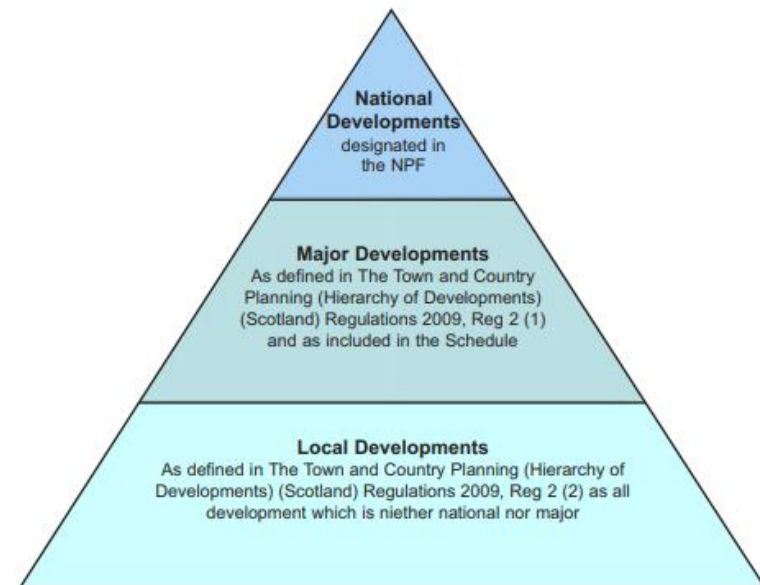


Figure 2 Hierarchy of Development

## Major Application Process



### Proposal of Application Notice (PAN)

A notice to the Council advising how the developer will engage with the community. The PAN outlines what the developer wishes to apply for planning permission for, including what Pre-Application Consultation (PAC) activities will be undertaken, which must include at least two public events. A planning application cannot be submitted until a minimum of 12 weeks has lapsed since a PAN has been submitted to the Council.

### Pre-Application Consultation (PAC)

The developer carries out the community engagement as per their PAN. The Pre-Application Consultation allows the local community to learn about the proposed development and submit any comments directly to the developer prior to the proposals being finalised and submitted. At this stage, comments should be made to the developer and not the Council. The Council can only consider comments on the proposed development once the formal planning application has been submitted following the PAC.

### PAC Report

The developer is required to summarise the comments received during the Pre-Application Consultation into a report, known as a PAC report. The PAC report must outline all consultation activities that were undertaken, comments received and how any responses have been considered in the finalisation of the proposals. The Council cannot accept a planning application for a National or Major development without a PAC report.



## Planning Application Types

### Full Planning Permission (FULL)

Most common type of application which covers Major, Local and Minor level including:

- Erection of new buildings
- Extensions/Alterations to existing buildings
- Change of Use e.g., dwellinghouse to shop

### Planning Permission in Principle (PPP) & Approval of Matters Reserved by Condition (ARC) Process



### Planning Permission in Principle (PPP)

Used to establish if the principle of development is acceptable.

If approved, application is conditioned by 'detailed matters' which may include design, layout, etc.

Often used for residential development as a starting point.

**Section continued on the next page**

### **Approval of Matters Reserved by Condition (ARC)**

Planning Permission in Principle alone is not sufficient to start works.

ARC applications are used to address the conditions set out in the PPP and complete the overall consent.

### **Listed Building Consent (LBC)**

Listed Building Consent is required for both internal and external works.

Listed Buildings are designated by Historic Environment Scotland for their historical, national, and/or architectural interest.

It is a criminal offence to demolish, materially change or extend a Listed Building without Listed Building Consent.

### **Conservation Area Consent (CAC)**

CAC required for demolition of more than 115 cubic meters in a Conservation Area (other than Listed Buildings)

This application is not required to carry out works within a Conservation Area, only where a building is being demolished as described above.

**Section continued on the next page**

## **Prior Notifications**

Submitted when the application may be deemed Permitted Development.

The Planning Service have 28 days to respond to the notification before the works can proceed.

## **Examples of Prior Notifications**

Telecommunications Prior Notification (TPN)

Forestry Prior Notification (FPN)

Agricultural Prior Notification (APN)

Electricity Prior Notification (EPN)

## **Certificate of Lawfulness (CLP or CLE)**

CLP – Proposed Works

CLE – Existing Works (Retrospective)

Can be obtained when planning permission is not required for existing/proposed works – this is referred to as Permitted Development.

Relates to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

# Material Considerations

## What is a Material Consideration

### What does the Planning Act Say

The Planning Act states that planning applications should be decided in line with the Development Plan unless material considerations indicate otherwise.

### What are some material considerations

Visual Impact

Amenity

Road Safety

Suitability of Site

Drainage/Flooding

Representations

Conservation Area/Listed Building

Economic Benefits

Natural Heritage

Consultee Comments

Existing Use of Site

Planning History

*This list is not exhaustive but gives an indication of what will be considered when assessing Planning applications.*

## Non-Material Considerations

**Considerations that are not considered to be material to the assessment of an application:**

Commercial Competition  
History of the Applicant  
Private Legal Disputes (Access rights, boundary disputes etc.)  
Personal Circumstances  
Land Ownership  
Impact on the Value of Property

## Summary

Each case is assessed on its own individual merits and each case may have different planning considerations. The case officer must, however, make sure that they consider all relevant material planning considerations.

The **weight** attached to each MPC is for the decision maker to determine, however, greater weight will usually be given to a consideration if it is supported by evidence.

**End of Training Resource. Useful Links is on the next page**

## Useful Links

### Fife.gov.uk/planning links

[Planning Guidance](#)

[Neighbour Notification](#)

[Commenting on an Application](#)

[Dealing with your Application](#)

[After we have made a Decision](#)

[Contact the Planning Team Form](#)

[Unauthorised Building Work](#)

### Other Guidance

[List of Officer Powers](#)

[Material Considerations\(further guidance\)](#)