

**FALKIRK COUNCIL**

**Subject:** THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURES) (SCOTLAND) REGULATIONS 2013 - NEIGHBOUR NOTIFICATION PROCEDURES FOR WIND TURBINE PROPOSALS

**Meeting:** PLANNING COMMITTEE

**Date:** 27 November 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Case Officer:** Bernard Whittle (Development Management Co-ordinator), Ext. 4875

**1. INTRODUCTION**

1.1 At a previous meeting of the Planning Committee officers were asked to write to Scottish Government regarding the neighbour notification procedures set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and proposed amendments to the Regulations that were due to come into force on 30 June 2013. The purpose of this report is to advise Members of the response received from Scottish Government.

**2. BACKGROUND**

2.1 A letter was sent on 5 June 2013 to the Scottish Government Directorate for Local Government and Communities advising of concerns expressed by the Planning Committee that wind turbine developments have potential impacts on residents within a wide area but often there are no neighbours with a notifiable interest under the above mentioned Regulations. A response was received on 18 October 2013 and is appended for information (appendix 1).

2.2 In summary the response from Scottish Government is that they have no immediate plans to make changes to neighbour notification procedures. The intention with the existing Regulations is that those adjoining an application site are notified by letter, not everyone who may have a potential interest in a proposal. There are additional publicity requirements in place, including newspaper notices, sending weekly lists to Community Councils and information on planning authority websites which seek to inform the public of what is proposed in their area. Scottish Government also advises that the Public Petitions Committee of the Scottish Parliament has a petition before it on this issue (Scottish Government reference PE 1469). The Directorate for Local Government and Communities will be responding the Public Petitions Committee later this year on this issue and will provide Falkirk Council with a copy of this response.

**3. CONCLUSION**

3.1 The Scottish Government Directorate for Local Government and Communities advise that they have no immediate plans to make changes to neighbour notification procedures. However, these procedures are to be considered by the Public Petitions Committee of the Scottish Parliament later this year.

**4. RECOMMENDATION**

4.1 **It is recommended that Members note the content of this report.**

**LIST OF BACKGROUND PAPERS**

1. Letter to Alan Cameron, Scottish Government Directorate for Local Government and Communities on 5 June 2013

**Pp .....**  
**Director of Development Services**

**Date: 19 November 2013**

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle, Development Management Co-ordinator.

Directorate for Local Government and  
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Mr Bernard Whittle  
Development Management  
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Your ref: P/12/0208/FUL/ONLINE/BW/AD  
Our ref: A6127353  
18 October 2013

Dear Mr Whittle

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND) REGULATIONS – NEIGHBOUR NOTIFICATION  
PROCEDURES AND WIND TURBINES**

Thank you for your letter of 5 June 2013 about the above.

I apologise for the delay in replying formally following our discussion in August.

The position remains that we have no plans at present to make changes to neighbour notification requirements. The intention with existing neighbour notification requirements is to notify those next to the proposal site, not everyone who may have a potential interest in the proposal. As your letter acknowledges, there are additional publicity requirements for applications in place, including newspaper notices, sending weekly lists to community councils and information on planning authority web sites. In setting the regulatory requirements we aim to balance the need for appropriate opportunities to comment and the burdens on planning authorities and applicants.

The Public Petitions Committee of the Scottish Parliament has a petition before it on this issue PE 1469 – link below – and we are considering the issues it raises. We will be responding further to the Committee later this year, and I will send you a copy of our reply. <http://www.scottish.parliament.uk/GettingInvolved/Petitions/turbineneighbournotification>

Yours sincerely  
**Alan Cameron**  
**ALAN CAMERON**