

July 2018

Development Management Charter



Falkirk Council



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Introduction

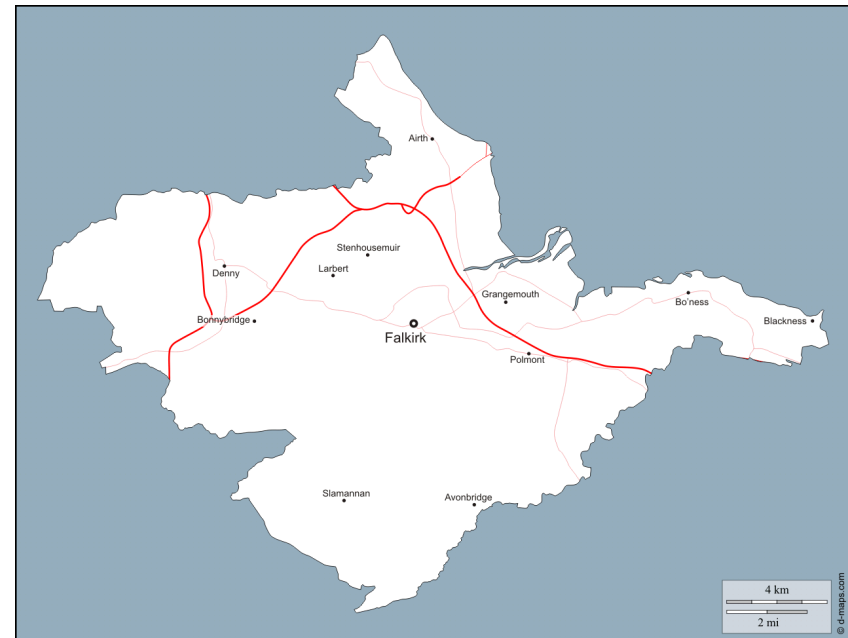
The Falkirk area is located at the heart of Central Scotland and its road and rail network. It is a compact area, with a diversity of landscapes and a proud history. Its population of 157,000 lives in a network of towns and villages. Falkirk is the principal administrative and service hub, but each community has its own distinctive identity. The area was one of the cradles of the industrial revolution and retains a strong manufacturing base, within a diversified economy.

The Council's vision for Falkirk is a dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces, and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest.

This Charter sets out the aims of the Development Management Unit and our targets for achieving the Council's vision. The document sets out what users can expect from the Development Management Unit and provides a guide to the planning process from pre-application discussions through to completion of development. We wish to treat people fairly so that everyone receives the same level of service irrespective of age, sex, gender, race, faith or sexual orientation.

The Council is dedicated to improving services and we have therefore included targets in this document. These targets are highlighted by the blue boxes which outline each target.

We recognise that people may require this document in an alternative format, if this is the case, please contact us on 01324 504748 and we will endeavour to assist.



1. The Service and what you can expect

1.1. What the Council Do

The Council is the 'Planning Authority' for the Falkirk Council Area. The Planning Authority's main responsibilities are divided into three areas;

Planning Policy

The Planning and Environment Unit prepare development plans, master plans, and development briefs, prepare statutory and non-statutory planning guidance. Further information on [planning policy](#) can be found on the Council's website.

Development Management Unit

Consider and make recommendations or decisions on applications for planning permission, listed building consent, advertisement consent and other types of applications. We also deal with pre-application and general planning enquiries, deal with planning appeals and local planning reviews. We also investigate possible breaches of planning control, seek resolution and take action against breaches where appropriate.

The Charter sets out in detail the roles of the Development Management Unit. A separate charter relating to planning enforcement is available on the Council website [Enforcement Charter](#).

1.2. How to Contact the Council

If you have a general enquiry on a planning matter you can find lots of useful information on our website under the heading, '[Planning & building standards](#)'. We also provide a duty service between the hours of 9am and 1pm, Monday to Friday, at our offices in Abbotsford House, David's Loan, Falkirk. You can contact us on **01324 504748** or by email dc@falkirk.gov.uk Enquiries can also be made in writing to

Development Management,
Abbotsford House,
David's Loan,
Falkirk, FK2 7YZ.

Unfortunately the duty service cannot provide pre-application advice for a specific site or property. This requires consideration of relevant planning policy, history and site context. Detailed questions should therefore be emailed or posted to us using the above contact details.

1.3 Service Standards

By publishing our standards and targets we aim to improve our service and make it responsive to the needs of our customers. We will monitor the contents of this Charter to ensure that standards and targets are being met.

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2. The Policy Framework

2.1. Scottish Government

The Scottish Government has overall responsibility for the land use planning system and local government planning authorities operate within this. The Scottish Government maintains and develops the legislative framework for decisions and they have produced [‘a Guide to the Planning System in Scotland’](#)

More information and guidance on the role of the Scottish Government can be found on the [Scottish Government website](#). Local Planning Authorities produce area specific policies within the context of the Scottish Government legislative framework.

2.2. Local Development Plan

The current plan for the Falkirk Council area is the Falkirk Local Development Plan (July 2015). This has been prepared to guide the future use and development of land within the Falkirk Council area over a 20 year period from 2014 to 2034. It contains policies and proposals indicating where development should or should not take place and provides guidance on a range of planning topics. The Local Development Plan is reviewed at least every 5 years.

2.3. Supplementary Guidance

Supplementary Guidance (SGs) provides more detailed guidance and expands upon existing policies and proposals

contained in the Local Development Plan. Statutory SGs are part of the development plan, giving them the same weight in decision making as the Local Development Plan. Falkirk Council has produced a [suite of SGs](#)



3. The Pre-application Stage

This section considers best practice for individuals and companies prior to submitting a planning application. Applications are divided into three different types, national developments, major developments and local developments. Detailed descriptions of the types of applications are set out in section 11, Planning Terminology.

3.1 National and Major Developments

A minimum of 12 weeks prior to the submission of a National or Major application, applicants are required to submit a proposal of application notice (PAN) to the Council. This notice should set out the details of the proposed consultation with the local community which they intend to carry out, prior to the submission of the application.

Following completion of the consultation a planning application can be submitted to the Council but must be accompanied by a detailed explanation of the consultation and findings.

3.2 General Pre-application Advice

All prospective applicants are strongly encouraged to enter into discussions with Development Management, in advance of making an application for any scale of development. The case officer appointed to deal with the pre-application discussions will often follow the application through to determination ensuring a continuity of service.

3.3 Processing Agreements

The use of Processing Agreements is encouraged for all national and major planning applications and for more complex and/or contentious local applications.

A Processing Agreement is a project management tool for a planning application. It can be used by Development Management and applicants to set out the key stages in determining an application, what information is required and from whom and set the timescales for the delivery of various stages of the process. Agreements can help to achieve clearer lines of communication between the planning authority and applicant, more effective and earlier engagement with key stakeholders and faster decision making.

Service Target – We aim to respond to general pre-application enquiries within 15 working days of receipt.

4. Application Submission and Processing

In order to establish if a proposal requires planning permission you can contact the duty planning officer between the hours of 9am and 5pm, Monday to Friday. Contact details can be found in the section 10, 'Contacts'. For householder development it is often the case that a significant level of information is required to establish if an application for planning permission would be required. We therefore request that individuals complete the ['Do I need Planning Permission?'](#) form which can be found on our website.

4.1. Validation Guidance

We have produced a guidance document - [Submitting a planning application, what do I need?](#) which sets out what information is needed in order to validate a planning application. It is the applicant's responsibility to provide all of the information required. If applicants are in any doubt as to what information is required we would recommend they contact the duty officer for an informal discussion. Failure to submit the correct information will result in the application being made 'invalid' and result in delays. Further advice on this is provided in the following sections.

4.2. Online Submissions

We strongly encourage the submission of applications using the [ePlanning Portal](#). This is an online facility which provides an easy to use method for the completion and submission of planning applications and other consents required under planning legislation. The website guides you through the

submission and helps you identify what information is required. The Scottish Government estimate that for professional users, on average, ePlanning saves applicants and agents £241 for every application submitted online.

4.3. Paper Submissions

We continue to accept paper submissions and these can be dropped in to the Council offices at Abbotsford House or posted to the Development Management Unit at the same address. The forms can be downloaded from the ePlanning portal or posted out to applicants. Please contact the duty officer for a copy of the forms.

4.4. Validation and Acknowledgement

We will endeavour to check applications within 5 working days of receiving them and applicants/agents will be contacted to advise if the application has been validly made. Where the application is valid a confirmation letter providing the case officer details will be posted to the applicant/agent.

Where the application is invalid we will set out the reasons for invalidity and explain what steps need to be taken to validate the application. There are a variety of reasons why an application may be made invalid. There are three in particular which regularly occur. These are as follows:

- No certificate of ownership submitted or certificate incorrectly completed.
- Plans do not include dimensions e.g. height to eaves and ridge.

- No plan showing ownership of neighbouring land submitted.

It is strongly recommended that applicants carefully check the guidance on the website prior to submitting a planning application.

If an agent is used to submit the planning application, we will correspond directly with the agent rather than the applicant.

4.5. Neighbour Notification

Once the application has been confirmed as validly made, we will carry out neighbour notification. Notification letters are sent to all properties with a postal address within 20m of the application site boundary. Comments from notified neighbours should be made within 21 days of the date of the notification letter.

4.6. Advertisements/Site Notices

Some applications, such as those affecting a listed building or bad neighbour developments require to be advertised in the press. In some cases a site notice will also be posted on or adjacent to the site. Where an advertisement is placed in the paper, the applicant may be required to pay that fee.

4.7. Weekly Lists and other Publicity

We also publish all applications on a [weekly list](#) which is available on the website, you are also able to [search](#) through the weekly lists using the integrated ePlanning website. This information can also be found in our offices at Abbotsford House.

The [Tellme Scotland](#) website also provides an easy to use search function which allows users to find publicised applications in the local area.

Service Targets

- **Applications will be checked within 5 working days of receipt**
- **If invalid we will endeavour to let the applicant/agent know, in writing within 5 working days, what further information is needed to make the application valid**
- **Valid applications will be acknowledged, in writing, within 10 working days. The name of the case officer, method of determination and timescale for decision will be provided in the acknowledgement letter.**

5. Making your Comments

Comments on applications can be made by anyone, whether they have been formally notified or not. However, anonymous representations will not be considered. We can only take into account representations which are made on valid planning grounds.

These are called “material considerations” and include (this list is not exhaustive) –

- contrary to Local Development Plan;
- appearance (such as design, layout and materials);
- traffic, parking or access problems;
- residential amenity (e.g. noise, overshadowing); drainage / infrastructure problems;
- impact on the natural or built environment.

Representations or comments, must be made in writing to the Development & Building Standards Manager at the address in Section 10, ‘Contacts’; or through the integrated [ePlanning page](#). You will need to register before you can make comments through the portal.

Any comments made to the applicant on a National or Major Development proposal at the pre-application stage are not carried over to the application. People should if, they so wish, make any representations or comments on the planning application to the Council at the neighbour notification stage.

We do not generally publish representations made on an application but in order to comply with the Freedom of Information Act and the Environmental Information Regulations copies of representations can be made available on request. In order to resolve some matters raised in representations it may also be necessary to discuss the substance of comments with the applicant or agent. In some instances, the nature of such discussion may also allow the applicant to identify the source of an objection.

Any representations we receive which are offensive, derogatory or racist will not be accepted and may be passed to the police for further investigation.

In time it is expected that the Council will display representations on the website and in accordance with the Data Protection Act 1998, personal details such as signatures, personal telephone numbers and personal e-mail addresses will not be published on-line.

6. Decision Making

At the end of the neighbour notification period and on receipt of all relevant information and consultation responses, the case officer will consider the information before making a recommendation on the application. The recommendation will be set out in a report on handling which covers all of the issues raised in the context of the relevant policy framework. The Director of Development Services and appointed officers have delegated powers to determine the majority of planning applications, however some applications may be determined by the Planning Committee.

If the application is to be determined under delegated powers then the recommended application is placed on a weekly recommendation list which normally runs from Friday to Friday. The applicant or agent (where one has been employed) will receive a paper copy of the decision notice shortly after the decision is issued. The decision notice and report on handling will also appear on the website. Any person making representations on an application will be notified of the decision and advised on how to view the decision details.

6.1. Delegated Powers and Committee

In 2017 - 2018 the Council dealt with 96.4% of applications under delegated powers. This has helped to ensure faster decision making. The Council have an approved scheme of delegation which sets out which applications will be determined by the Planning Committee.

The Planning Committee will determine all applications which are classed as 'national developments' and any applications for major developments which are considered 'significantly contrary to the development plan'. In addition, the Committee will also determine applications where the application has been made by a Member or an officer involved in the statutory planning process; or if the proposal is contrary to the development plan and recommended for approval; or if the recommendation on the application would result in a referral to Scottish Ministers; or if the Director of Development Services considers it inappropriate to consider the application under delegated powers. All other applications are determined under delegated powers unless Councillors decide to call the application to the Planning Committee.

A call in to Committee can be made by any Councillor, in writing within 7 days of the application appearing on the weekly recommendation list. Councillors are required to provide planning reasons for calling in applications. If the application is not called in then it will generally be determined under delegated powers.

6.2. Hearings

Some applications, particularly larger applications, can be subject to a pre-determination hearing. In such cases the applicant and those who submitted representations are given the opportunity to appear before and be heard by the Planning Committee.

Service Target – We aim to determine:

- **70% of all non-householder planning applications within 2 months.**
- **90% of all householder applications within 2 months.**

7. Post Decision

An applicant not satisfied with the decision on their application has the right of appeal or review. Details are sent out with the decision notice. If the application was determined under delegated powers and is a local development then the applicant can seek a review of the decision by the Falkirk Council Planning Review Committee. Where the application has been determined by the Planning Committee, the right of appeal is to Scottish Ministers through the Directorate for Planning and Environment Appeals (DPEA). Only applicants or their appointed agent can appeal.

7.1. Local Review Body

The Planning Review Committee consists of at least three elected Members of the Planning Committee. A request for a review must be submitted within three months of the date of the decision. The applicant will also be required to complete the relevant 'notice of review' and provide any additional information they consider to be appropriate.

The Planning Review Committee will decide the method of determination. It can be by either written submissions, by holding one or more hearing sessions or by means of an inspection of the land to which the review relates (or any combination).

7.2. Appeals to Scottish Ministers

On applications which are determined by the Planning Committee, appeals are submitted to the DPEA. With these

appeals a Reporter appointed by Scottish Ministers will determine the appeal. The appellant would need to submit the appeal and any accompanying information to the DPEA.

The appeal will need to be made within three months of the date of the decision and will be determined by one of three methods; written representations; a hearing or a public inquiry. The method of determination will be decided by the DPEA.

7.3. Conditions

Permissions are often granted subject to conditions. These conditions may specify that information be submitted to the planning authority for further approval prior to work commencing on site or may regulate how a planning permission is implemented or how a development can subsequently be used. Applicants are advised to read through the conditions carefully and ensure that conditions are dealt with in good time, prior to work starting. Failure to comply with the requirements of conditions can result in enforcement action being taken against the owner of the land and anyone else with an interest.

7.4. Notification of Initiation and Completion

Applicants are required to submit a Notice of Initiation of Development prior to work commencing on site to make the Council aware that development is underway. Following completion of development the applicant should also submit a Notice of Completion of Development to the Council. In certain circumstances a site notice will also need to be posted by the applicant or developer on or in the vicinity of the site until the

development is completed. Model notices are issued with each planning permission.

8. Customer Care

Falkirk Council produced a customer service charter which sets out how the Council will provide high quality services which are accessible, accountable, and responsive and provide value for money. Development Management are committed to following the customer service charter and suggestions on how to improve the service or examples of where we are doing well are welcomed. [Customer surveys](#) can be completed online.

9. Complaints

The Council is committed to providing high-quality customer services and hope users will be satisfied with the service provided. If however something goes wrong or you are dissatisfied with the service, please tell us. This allows the Council to make improvements to the service. You can complain in person at any office, by phone, in writing, email or via our complaints form. If you have any suggestions, concerns or difficulties please contact us. We are committed to improving our services and dealing promptly with any issues raised.

The Council have a two stage complaints process:
Stage One: Frontline Resolution
Stage Two: Investigation

Further information can be found on the [Council Website](#) including a link to making an online complaint.

If, having followed the Council's Complaints Procedure you remain dissatisfied, you can ask the Scottish Public Services Ombudsman (SPSO) to look into your complaint. You can contact the SPSO:

In Person
SPSO
4 Melville Street
Edinburgh
EH3 7NS

By Post
SPSO
Freepost EH641
Edinburgh
EH3 0BR
(no stamp needed)

Freephone
e-mail
Web

0800 377 7330
ask@sps.gov.scot
<https://www.sps.gov.uk/>

Service Targets – We will:

- **Respond to a Stage One complaint within 5 working days unless there are exceptional circumstances.**
- **Acknowledge a Stage Two complaint within 3 working days.**
- **Make a decision on a Stage Two complaint within 20 working days. If our investigation will take longer we will tell you and agree a revised timescale.**

10. Contacts

Planning Duty Service (first point of contact)

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In Person/By Post	By Phone	By email
Falkirk Council Abbotsford House David's Loan Falkirk FK2 7YZ	01324 504748 (Office Hours, 9am to 5pm, Monday to Friday)	dc@falkirk.gov.uk

Development Management Team

Development & Building Standards Manager	Ian Dryden t:01324 504756 e: ian.dryden@falkirk.gov.uk
Outer Team Co-ordinator	Bernard Whittle t:01324 504875 e: bernard.whittle@falkirk.gov.uk
Inner Team Co-ordinator	Donald Campbell t:01324 504707 e: donald.campbell@falkirk.gov.uk
Enforcement	t:01324 504748 e: dc@falkirk.gov.uk

Planning and Environment Unit

Planning and Environment Manager	Richard Broadley t: 01324 504710 e: richard.broadley@falkirk.gov.uk
Projects and Development Co-ordinator	Ian Edwards t: 01324 504714 e: ian.edwards@falkirk.gov.uk
Environment Co-ordinator	Danny Thallon t: 01324 504927 e: danny.thallon@falkirk.gov.uk
Development Plan Co-ordinator	Alistair Shaw t: 01324 504739 e: alistair.shaw@falkirk.gov.uk
Other Useful Contacts	
Building Standards	t: 01324 504985 e: buildingstandards@falkirk.gov.uk
Scottish Government Planning Service	t: 0131 244 7888 e: https://beta.gov.scot/policies/planning-architecture/ w: https://beta.gov.scot/
Scottish Public Service Ombudsman	t: 0800 377 7330 e: ask@spsso.gov.scot w: spsso
Planning Aid for Scotland	t: 0300 323 7602 e: office@pas.org.uk

w: <https://www.pas.org.uk/>

11. Planning Terminology

Development Types (as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009

National Developments

National Developments are designated in National Planning Framework 3 as developments of national importance and include such developments as the Replacement Forth Crossing, the Grangemouth Investment Zone and the Central Scotland Green Network. These applications will need to be accompanied by a design and access statement and pre-application consultation will need to have been carried out with the local community.

Major Developments

These are defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. These applications include such developments as, sites with over 50 dwellings, sites in excess of 2 hectares and buildings with a floor area in excess of 10,000 sq metres. These applications generally need to be accompanied by a design and access statement and pre-application consultation will need to have been carried out with the local community.

Local Developments

These include all developments which are neither national nor major in scale. In certain circumstances the proposals may need to be accompanied by a design statement.

Policy Framework

Falkirk Local Development Plan (July 2015)

This is the development plan. It guides the future use and development of land within the Falkirk Council area. It provides a broad vision and strategy for the area for the 20 year period from 2014 to 2034, with a focus on specific proposals within the initial 10 year period to 2024.

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications shall be made in accordance with the development plan unless material considerations indicate otherwise.

Supplementary Guidance (SG)

Provides more detail about the interpretation and implementation of certain policies in the Local Development Plan. This guidance has a statutory basis and forms part of the development plan.

National Planning Framework 3 (NPF3)

The strategy for the long term development of Scotland's towns, cities and countryside which includes the identification of key National Developments

Scottish Planning Policy (SPP)

The document which sets out the Scottish Government's policy on nationally important land use matters.

Application Types

Planning Permission in Principle (PPP)

Applications for planning permission in principle are submitted when an applicant wishes to establish the acceptability of a proposal in principle without having to develop the detailed proposals. Application forms and fees should be accompanied by a location plan and a description of the location of the access points to the development from a road. Additional information may be required during consideration of the application. Where permission is granted this is likely to be subject to a number of conditions which must be dealt with in an application for matters specified in conditions.

Matters Specified in Conditions (MSC)

Applications for matters specified in conditions are submitted following the grant of planning permission in principle (PPP). These applications consider the detailed aspect of the development not considered at the PPP stage. MSC applications need to be accompanied by sufficient information to consider the proposals in full.

Full Planning Permission

All planning applications which are not planning permission in principle or matters specified in conditions are dealt with by an application for full planning permission. There are two main types of application forms, householder and non-householder.

Advertisement Consent

Certain types of advertisement require the benefit of express consent or advertisement consent. The advertisement regulations are complicated and it is therefore recommended that owners contact the Council prior to erecting signage at a property.

Listed Building Consent

Owners must obtain listed building consent prior to carrying out work to a listed building. It is a criminal offence to carry out work to a listed building without first having the necessary consents in place. Listed building consent is the mechanism by which the Council ensure any changes are appropriate and sympathetic to their character.

Conservation Area Consent

Conservation Area Consent will normally be required where there are proposals to demolish a building or wall in a conservation area. The application will need to be accompanied by plans and in some cases details of the structural condition of the building.

Proposal of Application Notice

Where a pre-application consultation is required, for example all major and national developments, an applicant must provide the Council with a proposal of application notice at least 12 weeks prior to the submission of an application for planning permission. This notice will need to include details of the consultation the applicant proposes to carry out. This

should include details of at least one public event and consultation with Community Councils.

Hazardous Substances Consent

A planning consent is required to hold certain quantities of hazardous substances at or above defined limits. This requirement generally applies to quantities of substances that are stored or used for commercial use. Owing to the industrial nature of certain parts of the Falkirk Council area the need to obtain hazardous substances consent is more common than in other parts of Scotland. Please contact us for further advice.

Tree Preservation Order (TPO)

An order preventing the cutting down, topping, lopping, uprooting or wilful damage to a tree/group of trees. The Order is made under Section 160 of the Town and Country Planning (Scotland) Act 1997, as amended.

Other Terminology

Pre-Application Consultation (PAC)

Some major and national categories of development require applicants to carry out consultation with the local community prior to submitting a planning application. This is in the form of a pre-application consultation which takes place 12 weeks prior to the submission of the planning application.

Processing Agreements

A processing agreement is a project management tool for major planning applications. The Council use them to set out the key processes involved in determining a planning application, identifying what information is required, and from whom, and setting timescales for the delivery of various stages of the process.

Material Consideration

A material consideration is a planning issue which is relevant to the application and can include national policy, comments by the public and by organisations the Council has consulted, the design of the proposed development, and the effect of the proposals on the environment. (See Section 5)

Design and Design and Access Statement

A statement explaining; the design principles and concepts that have been applied; and how issues relating to access for disabled people to the development have been dealt with.

Purification of Conditions

Planning permission is often granted subject to a number of conditions. These conditions can require that additional works be carried out before development commences and often need to be signed off by the Planning Authority.

Development Management

Previously referred to as development control, development management is the term used for the process of deciding whether to grant or refuse planning permission and other related consents/permissions.

Scheme of Delegation

Most planning applications are decided under delegated powers authorised by the Council. Other applications are decided by the Planning Committee. The Scheme of Delegation sets out which applications can be determined

under delegated powers and which are determined by Committee.

Permitted Development

All development requires planning permission but, some forms of development can be carried out without the need for an application. These developments are classed as permitted development. We can give advice on whether a development requires an application or is permitted development.

having been on the weekly list. |

12. Measurable Service Standards

Activity	Customer Service Standard
Acknowledgements	We aim to acknowledge all valid applications within 3 working days of receipt.
Validation	We aim to check all applications for sufficient information within 5 working days of receipt and either: <ul style="list-style-type: none">• Request further information to validate the application.• Write to confirm the application is valid.
Site Visits	We aim to do a site visit within 21 days of receiving a valid planning application.
Decision Timeframes	We aim to determine 90% of householder applications within 2 months and 70% of all non-householder applications within 2 months.
Delegated Decisions	We aim to issue delegated decisions within 5 working days of the application

Activity	Customer Service Standard
Pre-application Enquiries	We aim to respond to pre-application enquiries within 15 working days.
Notification of Review	We will notify interested parties of a valid Notice of Review within 14 working days.
Publishing Reviews	We will make the Notice of Review and associated information available on our website within 7 working days of the receipt of a valid Review. (subject to copyright and data protection laws).
Approval of Details Post Decision	We aim to respond to information submitted to meet conditions on planning permissions within 20 working days.
Non-Material Variations	We aim to determine a written request for a Non-Material Variation to a planning permission within 20 working days.
Acknowledgements	We aim to acknowledge written correspondence with 5 working days.

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