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## 7. How do I get involved in Planning Applications?

This information sheet provides details on how you can become involved and obtain more information on planning applications. See also our separate information sheet: How do I get involved in Development Plans?

### How do I find out about planning applications in my area?

You can find out about a planning application in the following ways:

1. **Neighbour Notification** - when a planning application is made, the planning authority (your local Council or National Park Authority) must notify you if your property is within 20 meters of the application site. If you are notified, you have a period of 21 days to make comments.
2. **Advertisements** (in a local newspaper) – these are placed by the planning authority for certain types of planning applications. They are also used when neighbour notification is not possible i.e. when there is no property on the land to notify, or the land owner is unknown. If a planning application is advertised you have a minimum period of 14 days to make comments.
3. **Weekly lists** – planning authorities are required to produce a weekly list which covers the planning applications that have been received in the past week. The list must also describe how to obtain more information. Weekly lists are sent to public libraries and are available to view online.
4. **The Planning Register** - every planning authority is required to maintain a register of planning applications for public inspection. The register includes information on applications which are still to be determined and applications which have been determined.
5. **Online** – planning authorities in Scotland are working towards a system of “e-planning” (i.e. electronic planning) which enables people to view, comment on and track applications on-line (including drawings, design statements etc.). As many areas already have this in place, you should check the planning section of their website to see if this function is available.
6. **Pre-Application Consultation** – certain planning applications require the applicant to undertake pre-application consultation. Details of pre-application consultation events must be advertised in a local newspaper and a minimum of one public event must be held for people to make comments, although applicants are free to do more if they wish. For more information on the types of application that require pre-application consultation, refer to our information sheet on Development Management.

## **Where can I view a planning application that is still to be determined?**

You will be able to view the application by arranging a visit to the planning authority and inspecting the Planning Register. If you need to discuss a particular application in more detail, you can arrange an appointment with the planning officer who is dealing with the application, or a duty officer who answers queries from members of the public. You can also view applications on-line, provided this facility is available.

## **Where can I view a planning application that has been determined?**

There may be situations where you need to view information on a planning application, such as planning permissions, decisions or consultation responses. The availability of information will depend upon when the application was determined. You should therefore contact the planning authority to see what is available to you and whether this is available on the planning register, online via, and whether there will be a fee for a search.

## **What other planning information is open to me?**

Your planning authority will also be able to tell you whether a building or property is “listed” (as being of special architectural or historic interest) or whether it is affected by any other planning regulations, e.g. Conservation Areas or Tree Preservation Orders.

Planning authorities also keep a record of planning appeals and decisions. Planning appeals made since September 2002 are available to view online at the [Directorate for Planning and Environmental Appeals](#) (DPEA).

## **Obtaining details from a planning authority - what about Freedom of Information?**

Under the Freedom of Information Act 2000, all public bodies (including local Councils and National Park Authorities) must produce a “Publication Scheme” and make it available to the public. A publication scheme details the type of information that can be provided to the public as a matter of course, i.e. without the need for a Freedom of Information request. If you require a copy of the scheme, you should contact your local Council, or National Park Authority. It should also be made available to view on their website.

## **How do I comment on a planning application?**

Anybody can make comments (called “making a representation”) on a planning application. This must be done in writing to the planning authority or online, provided this facility is available. Be aware that there will be a prescribed time period for you to make representations, so it is vital to get them in on time or they may not be considered.

## **The application will be determined by councillors at a committee – can I attend?**

By law, you can attend most official meetings of your council and its committees, to see how decisions are made. You should contact your council to see if members of the public are able to

attend committee meetings. Where a meeting is closed to the public, you may be able to see a summary of the proceedings.

If you are the applicant, or if you commented on a planning application which is subject to a Pre-Determination Hearing, the planning authority must provide you with the opportunity to be heard by the committee.

Hearings may also be held for other types of planning applications. You should therefore contact your planning authority to obtain more information on their pre-determination hearing and hearing procedures.

### **How do I obtain more information on committee meetings?**

You can inspect copies of the agenda, committee reports and background papers at least three clear working days before the date of the meeting. These are usually made available on the council's website too. The minutes of these meetings (along with agendas, reports and background papers) must remain open for public inspection for six years after the date of the meeting. Be aware that you may have to pay a fee to inspect background papers, but the inspection of minutes, reports and agendas is free. Photocopies of these documents may be requested from the council, although a fee may be charged.

### **Once a decision is made how do I find the outcome?**

If you want to find out about a decision you should contact the planning authority. Planning authorities are required to provide reasons for approving and refusing planning applications. If you commented on a planning application, the planning authority must notify you of the decision and provide information on where the decision notice can be viewed.

### **Can I appeal against a planning decision or request a Local Review?**

Only the applicant can appeal against a planning decision or request a Local Review, as there are no third party rights of appeal". For more information refer to our information sheet on Appeals and Local Reviews.

### **What is a Judicial Review?**

If it is felt that a decision and the action leading to a decision is unlawful, applicants and third parties can pursue the process of judicial review through the Court of Session. Judicial review is used to challenge how a decision by a public body (such as your local Council or National Park Authority) has been made, rather than challenge the rights or wrongs of a decision. This means that the Court of Session will examine whether the public body has acted lawfully and within its powers when coming to a decision.

It is important to be aware that the Court of Session won't be able to change a decision that has already been made by a public body, but it can force it to look at its procedures again and make sure it's acting within the law. So, the end result of a judicial review could be that the public body is

made to take the decision again and may reach the same decision, this time following the correct procedures.

As judicial review is a specialised procedure, which can be costly and time consuming, it is rarely used. However, there may be cases where it is felt to be appropriate, so if you are considering a judicial review you should seek specialist legal advice.

### **What if I'm unhappy with the conduct of my planning authority?**

If you feel that you have suffered injustice or hardship as a result of maladministration by a public body (such as your local council or national park authority) you can complain to the [Scottish Public Services Ombudsman](#) (SPSO). The SPSO is an independent, impartial and free service which will look into how the public body has carried out their administrative functions. Before complaining to the SPSO, you must first go through the formal complaints process of the relevant body.

The SPSO provides planning leaflets for applicants and objectors setting out the areas they can and cannot look into. These can be [downloaded](#) from their website.

### **How do I obtain more information on my community council?**

Community councils represent people in their local area and are they are consulted on planning applications. In addition to this, all community councils in Scotland receive a weekly list of planning applications.

If you intend to comment on a planning application you may also wish to contact your community council or attend their meetings to make them aware of your views. If you need more information on a community council you should contact your local Council's Community Council Liaison Officer. Many community councils have websites, which contain details of meetings, events and in some cases relevant planning applications.

### **How do I obtain more information on my local councillor?**

Your council will be able to supply you with a register of names and addresses of councillors, their surgeries and the committees which they attend. You should also be able to obtain this information from their website.

### **Where can I obtain more information and advice?**

Your planning authority office should be your first stop if you have any planning queries or need to obtain information on planning application procedures.

Also:

- The Scottish Government's [planning website](#) - of particular relevance are the links to the publications library which contains Scottish Planning Policy, Planning Advice Notes, Circulars and legislation.

- Scottish Government – [A Guide to the Planning System in Scotland](#).
- [Directorate for Planning and Environmental Appeals](#) (DPEA) – information about planning appeals.
- [The Association of Community Councils](#) - the national representative body of Scotland's community councils
- [Scottish Public Services Ombudsman](#) (SPSO) – the final stage for complaints about organisations providing public services in Scotland.
- [www.writetothem.com](http://www.writetothem.com) - a useful website which enables you to find out who your local councillors and members of parliament are.

### **How can Planning Aid for Scotland help?**

If you are still unsure or need independent advice, then Planning Aid for Scotland may be able to help. Contact our **Advice Service**, which is **free of charge** to individuals and community groups, on **0845 603 7602**, or refer to our information leaflet which is available on our website at [www.planningaidscotland.org.uk](http://www.planningaidscotland.org.uk)