



Public Participation and Applications for Planning Permission

Guidance Leaflet

Revised February 2019



Introduction

The City Council values the involvement of Community Councils, other Neighbourhood Representative Structures, tenants groups and individual members of the public in all aspects of the planning functions it performs. This provides an important measure of local opinion on planning matters and helps the Council to reach a balanced view on all planning proposals.

This booklet will help to assist both those making a planning application and those who may be affected by a planning application to make objections / representations / statements of support; and to better understand how the Council makes decisions on planning applications.

In What Ways Are Communities Involved in Major Proposals Before an Application is Submitted?

Applications for national or major development must have complied with the Pre application Consultation (PAC) process. This means that for such applications developers must:

- submit a Proposal of Application Notice to the planning authority and relevant Community Council(s) at least 12 weeks prior to the application being submitted;
- hold at least one public event, which must be advertised in the local newspaper at least 7 days prior to the event taking place;
- following consultation, submit a report to the Planning Authority with the planning application;

Making A Planning Application: Who Needs To Be Notified?

Planning applications to the Council can be submitted on-line through the [Scottish Government](#) website.

Informing Owners: Planning law requires that an applicant for planning permission and listed building consent must complete accurately, sign and date a declaration on the application form that they are either

- I. the owner of all the land/buildings which are the subject of the application; or
- II. have served a formal notice on all those who were owners of land/buildings which are the subject of the application 21 days prior to the date of the submission of the application.

If an applicant is uncertain if they own all of the application site or are unsure who to notify they should obtain legal advice as it is a criminal offence to knowingly or recklessly provide false information.

As part of this process the applicant must certify that they have taken reasonable specified steps to ascertain the names and addresses of those to whom they were unable to give Notice. If this occurs the Council will publish the notification in a local newspaper and the current charge for this is £100.

Notifying Neighbours: Planning law provides that for most categories of planning application but not applications for listed building consent, conservation area consent (demolition of non listed buildings in conservation areas) and advertisement consent owners and occupiers (including those with leases) and agricultural tenants of land and/or buildings neighbouring the application site must be served with a formal Neighbour Notification Notice by the Council.

The process is as follows. When the Council receives a valid application in respect of which neighbour notification must be made it will:

- identify those with an interest in neighbouring land (ie land which is conterminous with or within 20 metres of the boundary of the application site;
- issue a single notice by first class post to the postal address of properties on neighbouring land. This will be done as soon as possible after a valid application is received;
- send with the notice the following information:
 - a. date of the notice;
 - b. the name of the applicant/name and address of the agent;
 - c. the application reference number;
 - d. the address or description of the location of the application site;
 - e. details of how the plans, drawing etc may be inspected;

- f. how and when representations may be made (within 21 days of the date on which the notice was sent);
 - g. a location plan; and
 - h. a statement of how more information can be obtained on planning application procedures.
- publish a notice in a local newspaper if the Council is unable to carry out a neighbour notification because there are no premises to which the notice can be sent. Where this is necessary, the legislation indicates that the cost of this publicity must be PAID BY THE APPLICANT (the Council has decided that this charge will be £100. Applicants will be provided with further information if the need for this process arises).

Can An Application Be Changed Once It is Submitted And Will Neighbours Be Re-notified About The Changes?

When an applicant formally submits a change to an application which the Council considers would result in a substantial change to the description of the development it will not agree to it and the Council will ask for the applicant to withdraw the original application and submit a new application. Minor changes may be accepted which do not materially change the nature or scale of the proposals and which do not adversely impact on neighbours' amenity. The Council reserves the right to undertake additional neighbour notification where it is clear that all neighbours were not originally notified.

How Are Planning Applications Publicised?

Applications for Listed Building Consent, Conservation Area Consent, applications likely to affect a Conservation Area, Bad Neighbour developments (£100 charge payable), applications involving a departure from the Development Plan (£100 charge payable), applications accompanied by a formal Environmental Impact Statement and applications for Hazardous Substances Consent are all formally advertised. As the need arises where owners and neighbours cannot be identified the applications concerned will also be advertised (see above). Advertisements will appear in a composite format with details of when representations should be made and where further information may be obtained. Objection periods are extended as specified in the advertisement. Advertisements normally appear in the Classified Advertisements section of the Dundee Evening Telegraph weekly, normally on a Friday, although this cannot be guaranteed.

The Council is not obliged to advertise in the local press the details of every application received. However the Courier normally publishes a list of applications received during the previous week.

The Council publishes on its website a [Weekly List](#) of new applications, normally every Friday afternoon. The applications which appear in this list are those applications received by the Council which had been checked and validated by the previous Thursday.

Links from this list to the details of each application are provided. These are contained within the [Public Access](#) application search facility.

A paper or electronic copy may also be viewed at the City Development Department Reception, Dundee House, where all applications submitted but not yet determined may be consulted.

All Dundee's Community Councils are statutory consultees and either consult the Weekly List on the Website or are issued with a paper or electronic copy. The Council has decided that for this

purpose all Neighbourhood Representative Structures should have this status and are invited to participate in this process.

THE DETAILS PROVIDED ON THE WEEKLY LIST IS EXTRACTED FROM INFORMATION PROVIDED BY APPLICANTS AND SHOULD BE USED BY THIRD PARTIES SOLELY FOR PURPOSES RELATING TO THE FUNCTIONS OF THE COUNCIL AS LOCAL PLANNING AUHTORITY.

How Will The Council Use the Personal Data Provided To Them By The Applicant?

Data Protection Act 1998: Your Personal Data

Dundee City Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

The personal data you provide in making an application under the Planning Acts and related legislation will be used for the following purposes:

to enable the Council to undertake its statutory planning responsibilities under the above legislation

Your data may be disclosed to the following parties in connection with the aforesaid purposes:

Parts I and II of the Statutory Planning Register - the entire application in paper form will be made available to all members of the public in order that:

officers and Members of the Council can discharge their statutory responsibilities; and

consultees and the general public may provide an input to the planning process.

The Council's Website - Personal data in the form of e-mail addresses, phone numbers and signatures contained within the application form, related correspondence and reports will not be uploaded to the Council's website.

Dundee City Council is the registered data controller. Any queries regarding the processing of your personal data by Dundee City Council should be directed to the Legal Manager and Data Protection Officer, Mr Roger Mennie on telephone number 01382 434577. A copy of the Council's [Data Protection Policy](#) can be obtained from our website or by writing to the Legal Manager and Data Protection Officer, 21 City Square, Dundee, DD1 3BY.

What Are The Councils Rules And Procedures Relating To Objections And Representations?

The Council will operate a strict code in respect of the validation of objections and representations. Receipt of the objections/representations will be acknowledged and in due course those making valid objections/representations will be notified of the decision.

On What Grounds Can Objections Or Representations Be Made?

For the objection or representation to be **valid** it must be made for legitimate planning reasons. Examples of the most common valid grounds of objection are listed below:

Examples Of Valid Planning Grounds

- Contrary to Development Plan (Structure Plan and Local Plans in force)
- Contrary to a draft Local Plan or Structure Plan Review
- Contrary to the provisions of Scottish Government planning policy
- Contrary to the provisions of an approved planning brief and other non statutory statement of Council planning policy
- Appearance (layout, design, materials etc)
- Traffic, parking or access problems
- Residential amenity (overshadowing, overlooking, noise, odour, etc)
- Infrastructure issues
- Effect on setting of Listed Building or character of Conservation Area
- Loss of trees and landscaping issues

The above is not a definitive list. Further information and advice is available from the Case Officer.

Under the terms of the Council's scheme of Delegation the following rules apply:

LETTERS OF OBJECTION/SUPPORT/REPRESENTATION MUST

- be in the form of a signed and dated letter or statement or an e-mail indicating the name and postal address of the sender **specifically indicating where an objection is being made to the application concerned**. The letter/statement shall bear a legible name of the signatory and the signatory's address. E-mailed objections or representations should be made through the facility available on the [Public Access](#) page of the Council's website.
- the objection/representation must be received by the Council no later than **21 calendar days** from the date on which the application was declared as valid by the Council no later than 21 calendar days of any subsequent Neighbour Notification, or in the case of applications which are the subject of a statutory advertisement, no later than the timescale specified in the advertisement;
- where more than one letter/statement of objection or representation per household is received, this shall be defined as the Council having received one letter/statement;
- to be valid a representation must contain matters which relate to the application involved and raise matters material in planning terms to the application concerned;
- the content of invalid letters/statements will not be referred to in the Committee reports and similarly non material matters referred to in valid letters of representation will not be referred to or taken into account in the determination of the application;
- the Executive Director of City Development shall in cases of doubt, determine whether an objection or other representation is valid or timeous

PETITIONS OF OBJECTION/SUPPORT/REPRESENTATION

Under the terms of the Councils Scheme of Delegation Petitions of Objection or Support may be submitted to the Executive Director of City Development and will be considered provided that:

1. it is clear that the Petition relates to a specific planning application and the comments relate to planning matters (please contact the Case Officer if you are unsure if your comments are relevant)
2. each page of the petition is headed with the aim of the petition (Pages attached to a petition which are not clearly headed with the aim of the petition will not be counted)
3. the petition promoter is clearly identified and their name and address are provided. This will allow the Council to acknowledge the petition and advise on the decision on the application (no one else will be notified). It would be helpful if an email address was provided as well.
4. each signatory must provide their name and valid postal address in a clearly readable manner and each signatory must sign in their own hand (If a petition includes names or addresses which are not valid or cannot be read and if any entries are not individually signed then these will not be counted).
5. the petition must be submitted within the statutory timescale (Please contact the case officer for information on the deadline for submitting the petition).

GENERAL

Pre printed letters or cards which are not provided with individual names and addresses and are not individually signed will not be considered.

The contents of invalid letters or petitions or invalid matters referred to in valid submissions will not be taken into account in determining applications.

The Executive Director of City Development shall, in cases of doubt, determine whether a petition is valid or timeous.

Although the Council reserves the right to publish letters or petitions of objection or representation no personal data contained in letters or petitions of objection or representation will be made public on the Council's website.

Who Makes The Decision?

In the case of most householder type applications and less complex large scale applications, the Council has delegated these decisions to the Executive Director of City Development. More complex applications, or those which significantly depart from the Development Plan are referred to the **Planning Committee** which meets in the City Chambers in accordance with this [timetable](#).

Among the provisions of the approved Scheme of Delegation the following categories of application **MUST** be decided by Committee rather than by delegation to officers:

- all "national" and "major" category developments;
- any application where 6 or more valid material objections are received and the application is recommended for approval;
- any application attracting an objection from a statutory consultee and the application is recommended for approval;

- any application which is a “significant departure” from the development plan;
- any application which an elected member has within one month of the publication of the appropriate weekly list formally requested in writing be submitted to Committee for a decision;
- any application subject of an Environmental Impact Statement;
- any application considered by the Executive Director of City Development to merit referral to Committee on valid planning grounds.

The Council has also adopted a parallel discretionary Scheme of Delegation dealing with a wide range of development management responsibilities. Full details of both schemes may be viewed on the [Council’s website](#).

The Committee comprises all Council Members and receives detailed written reports with recommendations from the Executive Director of City Development.

The Committee is not obliged to accept the recommendations of the Executive Director of City Development.

The planning legislation provides that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

As soon as possible following a decision being taken, the applicant and agent acting for them will receive a copy of the Decision. As soon as possible thereafter, objectors and those making representations will also receive an explanatory letter and a copy of the Decision Notice. Decision Notices (for approvals as well as refusals) will contain an outline of the reasons for the decision. For certain categories of national scale or complex major applications the final decision must be taken by the Full Council (as opposed to a Committee) following a mandatory hearing of presentations by the applicant and those making representations.

When Can An Officer's Report On An Application Be Viewed By A Member Of The Public?

In respect of applications falling to be considered by Committee, three full working days before the Committee. All Officer reports on applications and other reports on the agenda are available for public consultation at:

- a. on the [Support Services Department](#) website or;
- b. the office of Support Services, 21 City Square, Dundee or;
- c. the reception at Dundee House, Dundee

Copies will also be available at Committee meetings.

In the case of applications delegated to officers for decision, these reports are available to view via the [Public Access](#) pages of the Council's website or by request to the application case officer or via City Development Reception, Dundee House.

THOSE CONCERNED WITH THE PROGRESS OF AN APPLICATION ARE ASKED TO PERIODICALLY CONTACT THE CASE OFFICER ASSIGNED TO THE APPLICATION TO CHECK ON THE STATUS OF THE APPLICATION.

Can Objectors Discuss their Objections with Elected Members?

If approached (eg at surgeries), elected Members may be prepared to listen to the comments of their constituents but their Code of Conduct prevents them from expressing any opinion on the application concerned or how they might intend to vote prior to the application being determined, if the application comes before Committee. If Members express an opinion they will be required to declare an interest in the application if it comes before the Committee. This may exclude a Member from taking part in the debate and from voting.

Can Applicants Or Objectors Speak At The Committee?

It is the Council's policy to entertain requests from the applicants or their agents, supporters or objectors who wish to make verbal presentations to the Committee. The following procedures apply:

- requests to be heard will only be related to those applications which fall for determination by the Committee, as opposed to the officers under delegated powers;
- applicants and those who have made valid and timeous objections and representations will be informed in writing when the application has been placed on a committee agenda;
- requests to be heard **must** be made in writing or by e-mail (signed, addressed and dated) to arrive in the office of the Committee Services Officer, Dundee City Council, 21 City Square, Dundee DD1 3BS **at least five clear working days** prior to the day of the Committee (note: this does not include the day of the meeting). No later requests for deputations will be considered or reported;
- requests to be heard must either be from an applicant or their agent or relate to a competently written objection or letter of support which has been **lodged with the council at least 14 days prior to the meeting of the Committee which is to consider the application**;
- those who have made a request to be heard verbally or in writing previously for applications which fall to be determined by Committee should confirm this in writing again as outlined above. The Council will notify applicants, objectors and those who have submitted supporting statements when it is in a position to place the item on the agenda of the Committee. This will normally be 10 days prior to the date of the meeting;
- dates of all [Committee Meetings](#) are available in all public libraries or at the City Chambers or at Reception, Dundee House and on the Council's website.

- letters or e-mails to the Council making requests for deputations to be heard should clearly specify:
 - i. the unique application reference number;
 - ii. description of the proposal address;
 - iii. the proposed development;
 - iv. name and address of the person is making the request to address the Committee and on whose behalf;
 - v. a daytime contact telephone number and reserve number if possible; and
 - vi. date and signature.
- the order of deputation requests will be outlined on the formal agenda for the meeting;
- the Committee Services Officer will make contact during the week prior to Committee to advise on the following procedures which will be followed at Committee;
- there is not an automatic right to be heard. This will be decided by the Committee;
- those proposing to address Committee should present themselves at the City Chambers no later than 5.45pm on the evening of Committee, or as otherwise advised by the Committee Services Officer, and make themselves known to the Council Officer or Committee Services Officer; and
- the Committee Services Officer will then welcome you and remind you of the following procedures:
- when called to speak by the Convener, a maximum time of 7 minutes is permitted for a deputation to put its case on the basis of valid planning matters only. Shared deputations are allocated the same maximum time period;

- where there is more than one speaker comprising a deputation, then they must share the maximum period of 7 minutes available to the deputation;
- supporting papers, reports or photographs cannot be circulated to Members as part of the presentation unless with the prior agreement in writing of the Convener;
- members will normally ask questions. (No questions may be asked of Members by the deputations);
- deputations may stay to hear the debate and listen to the decision;
- members will then ask questions of City Development;
- members will then proceed to determine the application immediately after the above process has been completed in respect of the application concerned; and
- no Member shall express an opinion upon, nor shall the Committee discuss the subject on which the deputations has been heard, until the deputation has withdrawn.

Can an Objector Appeal Against the Approval of an Application to Which They Have Objected?

No. This right is only available to applicants in receipt of a refusal or an approval which contains conditions to which they object. Applicants can also appeal where the Council is taking longer than the statutory period allowed for reaching a decision (normally 2 months).

Where, under the approved Scheme of Delegation an application has been decided by officers, the applicant may ask the Council's [Local Review Body](#) (LRB) to review this decision. The LRB is comprised of a small committee of councillors which will meet frequently to discuss and decide on submitted review cases. For further details of the role, composition and work of the LRB please follow the [weblink](#).

How To Obtain Further Information

An officer is allocated to each planning application and should be your first point of contact with any query. Their names and contact telephone numbers appear on each Weekly List of new applications or on the PublicAccess pages of the Council's Website. Our Administration Team will be happy to help with all queries relating to the lodging and registration of applications, the issuing of Decision Notices and questions about previous decisions.

Although no appointments are necessary in respect of general planning enquiries at Main Reception, Dundee House, it is advisable to make a prior appointment for a meeting with a case officer by telephone or e-mail in respect of a live application or pre-application enquiry. Due to the nature of their work, Planning Officers are often at meetings or on site visits.

The Planning Service is a service provided by the City Development Department and is located at:

Floor 6, Dundee House

50 North Lindsay Street, Dundee DD1 1LS

Telephone: 01382 434000, Fax: 01382 433013

Web Site: www.dundee.gov.uk/services/planning-building

All callers please report to Main Reception, Dundee House
Normal opening hours are 8.30am - 5.00pm Monday, Tuesday,
Thursday, Friday, 9.30am – 5.00pm Wednesday

All general enquiries relating to the Development Management function should be addressed to:

The Planning Team at the above address.

Telephone: 01382 433105

email: planning@dundee.gov.uk

Planning Officers are happy to help with your queries. The Case Officers are supported by Enforcement Officers, and an Administration Team.

THE INFORMATION AND ADVICE CONTAINED IN THIS GUIDE SHOULD NOT BE TAKEN TO BE AN AUTHORITATIVE INTERPRETATION OF THE LAW. IF IN DOUBT, INDEPENDENT PROFESSIONAL ADVICE SHOULD BE OBTAINED.

Contacts

Planning General Information
Duty Planning Officer

01382 434000
01382 433105

USEFUL WEBLINKS

Legislation

- [The Town and Country Planning \(Scotland\) Act 1997](#)
- [The Planning Etc \(Scotland\) Act 2006](#)
- [The Town and Country Planning \(Hierarchy of Developments\) \(Scotland\) Regulations 2009](#)
- [The Town and Country Planning \(Schemes of Delegation and Local Review Procedure\) \(Scotland\) Regulations 2008](#)
- [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#)

Circular Advice from Scottish Ministers

- [Circular 5/2009 Hierarchy Regulations](#)
- [Circular 5/2013 Schemes of Delegation and Local Review Procedure Regulations](#)
- [Circular 3/2013 Development Management Procedures](#)
- [Circular 4/2013 Planning Appeals](#)

Selected Dundee City Council Web pages

- [Weekly List of New Applications](#)
- [Planning Register/PublicAccess](#)
- [Schemes of Delegation](#)
- [Local Review Body](#)

