Falkirk Council

Development Management Charter

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**Introduction**

The Falkirk Council area is located at the heart of Central Scotland and is well served by 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. It details what customers 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 and identity. .

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 via email to dc@falkirk.gov.uk and we will try to assist.



1. **The Service and what you can expect**
	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 Greenspace 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 at

<https://www.falkirk.gov.uk/services/planning-building/planning-policy/>

**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.

**Planning Enforcement**

We investigate possible breaches of planning control, seek resolution and take action against breaches where appropriate. Additional information and a separate Charter relating to planning enforcement is available on the Council website at

<https://www.falkirk.gov.uk/services/planning-building/development-management/planning-enforcement.aspx>

* 1. **How to Contact the Council**

If you have a general enquiry on a planning matter you can find lots of useful information in the Planning and Building Standards section of our website at

<https://www.falkirk.gov.uk/services/planning-building/>

You can contact us by email at dc@falkirk.gov.uk It is recommended that the postal service is not used as delivery to the appropriate officer cannot be guaranteed.

It is possible to obtain pre-application advice on 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 email address.

**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.

1. **The Policy Framework**
	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” which is available at

<https://www.gov.scot/publications/guide-planning-system-scotland/>

More information and guidance on the role of the Scottish Government can be found on the Scottish Government website

 <https://www.gov.scot/>

Local Planning Authorities produce area specific policies within the context of the Scottish Government legislative framework.

* 1. **Local Development Plan**

The current plan for the Falkirk Council area is the Falkirk Local Development Plan 2 (August 2020). This has been prepared to guide the future use and development of land within the Falkirk Council area over a 20-year period from 2020 to 2040. 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 National Planning Framework 4 (NPF4)**

NPF4 was approved by Scottish Government in February 2023. The document sets out the Governments long term spatial strategy with a comprehensive set of national planning policies that form part of the Council’s statutory development plan.

* 1. **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 which can be viewed on the Council website at

<https://www.falkirk.gov.uk/services/planning-building/planning-policy/supplementary-guidance/>

**3.** **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.

* 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.

* 1. **General Pre-application Advice**

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

* 1. **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 will acknowledge general pre-application enquiries within 15 working days of receipt.

1. **Application Submission and Processing**

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. A link to the form can be found on our Planning permission page

<https://www.falkirk.gov.uk/services/planning-building/development-management/planning-permission.aspx>

Our officers are available via email and telephone. In the first instance please contact us via email to dc@falkirk.gov.uk and the allocated officer will contact you. Please provide as much information as you can in your email, including the location and details of your proposals.

* 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 the information required. If applicants are in any doubt as to what information is required, we would recommend they contact us for an informal discussion. Failure to submit the correct information will result in the application being considered ‘invalid’ and will result in delays. Further advice on this is provided in the following sections. A link to the guide can be found on our Planning permission page at

<https://www.falkirk.gov.uk/services/planning-building/development-management/planning-permission.aspx>

* 1. **Online Submissions**

We strongly encourage the submission of applications using the Scottish Government ePlanning Portal at <https://www.eplanning.scot/ePlanningClient/default.aspx>

This is an online facility which provides an easy-to-use method for the completion and submission of applications for planning permission 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.

* 1. **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 issued 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, three of 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.

* 1. **Discretionary Charges**

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 came into force on 1 April 2022. They replace the 2004 Regulations and include provisions that enable planning authorities to charge discretionary fees for services subject to Council approval. Falkirk Council’s Executive Committee approved the use of a suite of discretionary charging powers on 06th December 2022. The first of these discretionary charges to come into effect is an application fee surcharge of 25% to be imposed on all retrospective planning applications. This retrospective application surcharge will come into effect from 31 March 2023.

* 1. **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.

* 1. **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.

* 1. **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 Public Access 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. It can be found at

<https://www.tellmescotland.gov.uk/>

**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.

1. **Making your Comments**

**5.1. Planning Applications**

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 our Public Access portal. You will need to register before you can make comments through the portal at

<http://edevelopment.falkirk.gov.uk/online/>

National and major planning applications are subject to a formal pre-application process which involves consultation with the public and Community Councils in the locale of the development proposed. 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.

**5.2. Telecommunications Prior Notifications**

Telecommunications notifications have the suffix TEL in the reference number and must be dealt with in a certain way. These notifications are made by telecommunications operators who apply to us to confirm whether ‘prior approval’ is required for masts and other equipment. Firstly, we must decide whether ‘prior approval’ of the Planning Authority is required and then, whether we will give that ‘prior approval’. We have up to 56 days to complete the assessment and make a decision. We can only assess the proposals in relation to two matters, the siting and appearance. Those making representations should bear this in mind. If we do not make a decision within the time period, the company can proceed with installation even if we do not consider the proposal to be acceptable.

**5.3 Privacy**

We do not generally publish representations made on an application or notification 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 its website. 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.

Our full privacy statement can be viewed on the Council website following the link below

<https://www.falkirk.gov.uk/privacy/planning-building-standards/development-management.aspx>

1. **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 the issues raised in the context of the relevant policy framework.

The Director of Place Services and appointed officers have delegated powers to determine most 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.

* 1. **Delegated Powers and Committee**

The Council deal with most applications under delegated powers ensuring faster decision times. The approved scheme of delegation sets out which applications will be determined by the Planning Committee. These are -

* all applications which are classed as “national developments” and any applications for major developments which are considered significantly contrary to the development plan;
* any application made by a Member or by an officer involved in the statutory planning process;
* applications recommended for approval where the proposal is contrary to the development plan;
* where the recommendation on the application would result in a referral to Scottish Ministers; or
* where the Director of Place 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.

* 1. **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 Targets**

# 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.

1. **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. Please send any comments or suggestions to dc@falkirk.gov.uk

1. **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 your local Advice and Support Hub, 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 on making a complaint can be found on the Council Website at

<http://www.falkirk.gov.uk/contact-us/complaints/>

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

Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Tel. 0800 377 7330 or 0131 225 5300 email ask@spso.gov.scot

**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.

1. **Contacts**

**Planning Duty Service** (first point of contact)

To initiate a conversation with us, please email dc@falkirk.gov.uk with your contact details and the reason for your enquiry. It will be allocated to an officer who will contact you.

**Development Management Unit**

**Development,Building Standards & Climate Change 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**

e: dc@falkirk.gov.uk

**Planning and Greenspace Unit**

**Planning and Greenspace Manager**

Richard Broadley

t: 01324 504710

e: richard.broadley@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 7528

e: chief.planner@gov.scot

w: <https://www.gov.scot/policies/planning-architecture/>

**Scottish Public Service Ombudsman**

t: 0800 377 7330

e: ask@spso.gov.scot

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

**Planning Aid for Scotland**

t: 0300 323 7602

e: office@pas.org.uk

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

**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 square 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 2 (August 2020) & National Planning Framework 4**

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 2020 to 2040. LDP2 contains a vision for the area, an overall strategy, and detailed policies and proposals indicating where development should, or should not take place. It provides criteria which the Council uses in assessing planning applications. NPF4 sets out Scottish Governments long term spatial strategy with a comprehensive set of national policies.

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.

**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 several 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.