

# Development Management Service Customer Guidance Note April 2018

Dumfries and Galloway Council  
Planning and Building Standards Service  
English Street, Dumfries  
DG1 2HS



The Development Management Service Customer Charter sets out the core visions and values of the service. It provides details of the services we offer, the standards we adhere to, and our measurable performance targets.

This Customer Guidance Note supplements the Charter. It provides more detailed guidance on what level of service you can expect to receive as an applicant or agent and as a third party.

## ADVICE FOR APPLICANTS AND AGENTS

One of the core principles of the Development Management Service is to proactively attract and facilitate investment through promoting an 'open for business' culture. We strive for excellence and continuous improvement and always put the customer first.

We also recognise that successful operation of the planning system will only be achieved if all those involved commit themselves to engaging as constructively as possible.

### Pre-application advice:

General advice on planning applications and processes (such as how to complete a form, what needs planning permission, how to read a submitted drawing, etc) will be provided by the duty planning officer in the Dumfries and Stranraer offices, as set out on [here](#). The duty officer is not able to provide site specific pre-application advice - all such enquiries must be made through pre-application enquiry process to enable proper assessment. General advice on planning applications and processes can also be obtained on the webpage above which provides answers to common planning questions.

Pre-application enquiries are encouraged in order to achieve high quality developments and to ensure that applications can be dealt with as efficiently as possible. We will provide a positive, proactive and proportionate service for pre-application enquiries.

Two different pre-application enquiry services are offered:-

Major, EIA & complex local developments – this service is intended for more complex proposals (e.g. residential developments of more than 10 units, large industrial ) where detailed discussion with a planning officer and consultees is required. We will provide you with dates for a monthly pre-application meeting where you can present details of your proposal and we will provide comprehensive and thorough pre-application advice within 20 working days, including where possible an indication whether your proposal is likely to be acceptable or not.

Householder & local development:- this service is intended for more straightforward proposals and we will provide you with detailed desktop advice within 20 working days of receipt, including where possible an indication whether your proposal is likely to be acceptable or not. Limited consultations will be undertaken where appropriate, and you can also request a meeting with, or a site visit by, a planning officer.

Full details of both services and how to apply are available [online](#). A [fee](#) will be payable for both services.

### Submitting an application:

The applicant or agent is responsible for the submission of a correct and complete planning application. You are advised to employ a professional agent to assist you in submitting your application. The Council uses the Heads of Planning Scotland (HOPS) national guidance note for registering applications. Further information is provided [here](#). If you have a specific additional enquiry about the process, then the duty planning officer or member of the Planning Registration Team should be able to provide assistance.

You are encouraged to submit your application electronically through the [ePlanning Scotland website](#). Such applications will be automatically downloaded to the planning authority and all further correspondence will be electronic. Alternatively, you can submit a hard copy application directly to the Dumfries office.

Once submitted, the application will be assessed to ensure that we have enough information to register the application. If the application is complete, we will send an acknowledgement, normally within 5 working days of receipt. If further information is required, this will be requested in writing, also normally within 5 working days of receipt.

We will notify neighbours of your planning application, and in many cases we will also need to advertise it in the press. Where an advertisement is required, the cost of these will be charged to you and must be paid before the application is made valid.

### Assessing the application:

Following registration, the application will be assigned to an appropriate officer.

Where an agent is employed, the officer will correspond directly with the agent.

The progress of an application can be tracked online. This will show all relevant documents associated with the application, including drawings, consultation responses, third party letters of support or objection, requests for amendments or additional information, a report on handling summarising the assessment, and the decision notice.

If further information is required, or if amendments are required, we will make contact as soon as possible to advise what is required and when it is required by.

This will normally be done approximately 4 weeks following registration, when all consultations and representations should have been received.

If the proposal is fundamentally unacceptable then we will contact you as soon as possible to offer the opportunity to withdraw the application before it is refused. Where negative pre-application advice had already been given, the application will normally be refused without prior notice.

### **Deciding the application:**

Householder applications are generally decided in around 6 – 8 weeks. Larger / more complicated applications will take longer to determine. For Major applications and large Local applications, we will seek to enter into a processing agreement.

Around 95% of planning applications are decided by planning officers under delegated powers and do not need to go to Committee for a decision. A similar percentage of applications are approved by Dumfries & Galloway Council.

Some applications have to be referred to the Planning Applications Committee or Full Council for a decision. The Council has a Scheme of Delegation that decides which applications will be referred to Committee depending, for example, on the type or size of the proposal or the number of objections received. We will publish the Committee report online and notify interested parties of the Committee date 5 working days in advance. In the case of applications with objections which need to go before the Committee, an opportunity is given to applicants and objectors to speak at the Committee meeting before a decision is made. You will be advised of the details of this in your notification letter. We will normally issue decision notices within 5 working days of a Committee decision.

The decision notice will list the relevant drawing numbers for your approved / refused development, and all these drawings will be available for inspection online. Hard copies of drawings will not normally be returned.

### **After the decision:**

Sometimes a planning permission will come with conditions that require the submission of further information for approval before any work can take place (these are known as 'suspensive conditions'). The condition will state how this should be done and the timescale for submission. Please submit all of the details for all suspensive conditions at the same time. We normally respond to discharge of conditions within 20 working days of receipt of the full information for all conditions; where consultation is required, a response will be provided within 2 months.

## Rights of appeal / review:

If your planning application has been refused or not determined within the specified statutory time period, or you consider that conditions attached to your planning permission are unreasonable, you can submit an appeal to the Scottish Ministers or seek a review by the Council's Local Review Body, depending on the type of application.

There are strict timescales for the period in which an appeal / review request may be submitted. Further information will be provided with your decision notice, and is also available [here](#).

## Making changes to your plans:

Sometimes, it may become necessary to make amendments to your planning permission. Where these are minor changes that do not significantly alter the development as a whole, they may be classed as 'non-material variations' i.e. a further planning application is not required. Where any more significant changes are proposed that materially alter a development, a new application would be required. The [non-material variation form](#) should be used to make an application for a non-material variation to an existing planning permission, and you should read the accompanying [guidance notes](#) before applying. We will acknowledge your application within 5 days and provide a full response within 20 working days.

A [fee](#) will be payable for the service where the application is more than one year from the date of the decision.

## Communicating with planning officers:

General, non-site specific advice on the planning system and processes will be provided by the duty planning officer at the Dumfries and Stranraer offices, as detailed above.

Where an applicant or their agent wishes to discuss a current application, the case officer will normally return calls within 2 working days or arrange a meeting where appropriate within 5 working days.

Officers will always try to be helpful, courteous and polite, but they are not expected to tolerate abusive language or behaviour.

## ADVICE FOR THIRD PARTIES\*

The planning system operates in a manner to engage all interests as early and as fully as possible to inform decisions and allow relevant issues of contention and controversy to be identified and taken into account in the assessment of development proposals.

*[\* 'Third parties' means people or groups other than the applicant or the Council.]*

### Publicity and community involvement:

To ensure that the community is aware of planning applications we will:-

- Notify neighbours within 20 metres of a planning application site, following receipt of a planning application, as required by planning legislation and, in many cases, we will also advertise the proposal in the press. The notification and advertisement will provide details of how to make a comment on a proposal and give you a date when this must be done by.
- Ensure that applicants for what are classified as 'Major' developments undertake local consultation, as required by legislation, before a planning application is submitted.
- Maintain a planning register of all current planning applications, past decisions and enforcement notices. It will be available for public inspection during normal office hours at the Dumfries and Stranraer offices and online.
- Publish a weekly list of registered planning applications online.
- Ensure that information on all planning applications from 2010 can be viewed online, including the progress of current applications. This will include (as a minimum) application forms, drawings and supporting documents, the report on handling, and the decision notice.
- Ensure that information on all planning applications preceding 2010 are available for inspection during normal office hours at the relevant Dumfries and Stranraer offices, subject to 24 hours' notice to enable us to retrieve the file.
- Consult on request with the relevant Community Council as a statutory consultee (a copy of the weekly list is also sent out each week to all active Community Councils)
- Engage with the community by periodically holding training events for community councils and community groups to advise on how we operate, to update any forthcoming changes to processes or procedures, and to listen to views on how we are performing.

## Objections and representations:

Any individual, group or organisation can make comments of objection or support for a planning application, on material planning grounds, by letter or email. Further information on what constitutes a material planning objection is available [here](#). It should be noted that comments or objections which are not material to planning matters will not be taken into account in assessing applications.

Petitions will be considered provided that each page of the petition is headed with the aim of the petition, the names and addresses of those signing are provided and are legible, and the comments are material in planning terms and clearly stated.

We will:-

- Allow 21 days for the submission of third party representations to the first set of submitted valid plans.
- Re-advertise and re-notify on receipt of any significant amended proposals, and allow a further 7 days for further comments to be made by representors on the amendment.
- Publish copies of representations online within 5 working days of receipt. Some personal details (names, home and mobile phone numbers, home email addresses and signatures) will be removed (redacted) in order to comply with data protection legislation.
- Consider and summarise all material representations in all delegated and Committee reports.
- Disregard any anonymous or unidentifiable letters.
- Disregard representations that contain content that we consider to be abusive, racist, libellous or inflammatory. (Such comments will either be redacted or not displayed at all online.)
- In the case of applications which are referred to the Planning Applications Committee for determination, allow third parties and applicants to speak at the Committee meeting in applicable cases before a decision is made. Guidance notes on the procedures for public speaking at Committee will be sent out 5 working days before the meeting date.

## Determination of applications:

The decision taken on a planning application will be made available to the public through the Council's website. To find out the outcome of an application, the details of the address or application number can be entered into the e-planning system.

The decision of the planning authority is final, subject to appeal to Scottish Ministers by the applicant or legal challenge in the Courts. There is no third party / equal right of appeal on planning decisions within the Scottish planning system presently.

## Communicating with planning officers:

Where a third party wishes to raise specific issues about an application, then this should be done in writing as part of the letter of representation. Representations can also be made online through the e-planning system. Planning officers will consider representations fully in their assessment of the proposal, but they will not normally be available to discuss proposals in detail, nor will they be able to enter into correspondence with third parties. It is important therefore that any representation submitted is clear and concise, stating the grounds on which you wish to object to / support an application. The duty officer will be able to offer assistance on general procedures and in understanding drawings and other supporting documents.

Officers will always try to be helpful, courteous and polite, but they are not expected to tolerate abusive language or behaviour.

## Planning Compliance:

Sometimes it is necessary for the Council to take enforcement action to regularise breaches of planning control. The Council's Planning Enforcement Charter is available online [here](#).

In summary, we will:-

- Acknowledge written / email complaints about alleged breaches of planning control within 10 working days.
- Investigate the concern and provide a formal response to complainants based on the timescales for the different categories of priority set out in the Planning Enforcement Charter.



## HOW TO CONTACT US

We can be contacted at:-

### **Dumfries office**

Kirkbank House, English Street,  
Dumfries, DG1 2HS.  
Tel: 01387 260199

### **Stranraer office**

Ashwood House, Sun Street,  
Stranraer, DG9 7JJ  
Tel: 01776 888468

Both offices are open from 9am to 5pm Monday to Friday.

General planning enquiries can be emailed to: [planning@dumgal.gov.uk](mailto:planning@dumgal.gov.uk)

Representations to planning applications can be emailed to  
[planningrepresentations@dumgal.gov.uk](mailto:planningrepresentations@dumgal.gov.uk)

You can contact the Council in an emergency 24 hours a day 365 day of the year on the main Council Number 030 3333 3000.

If you would like information in an alternative format or language, please speak to a member of staff. You may also telephone your local planning office as detailed above or ask someone to call on your behalf.

Please speak to a member of staff if you would like help understanding our information or completing a form.

### **Information:**

Additional information on our services can be found at  
<http://www.dumgal.gov.uk/planning>