

AGREED Outline Framework for Cove and Kilcreggan Community Council Approach to the management of planning applications

This was agreed at the Community Council Meeting of 12th December 2023. As this is a 'working document' the CC will use this approach and review / adapt to meet its operational needs through an annual review process.

For those unfamiliar with Argyll & Bute Planning and Building Standards please see: <https://www.argyll-bute.gov.uk/planning-and-building> . This site will also enable an individual to view any current and past planning applications <https://www.argyll-bute.gov.uk/planning-and-building/planning-applications>

There are effectively three (3) different sections regarding what is colloquially termed 'planning':

- **Development Planning Management – deals with planning applications and planning enforcement**
<https://www.argyll-bute.gov.uk/planning-and-building/planning-applications/unauthorised-development>
- **Development Policy – Local Development Plans and issues of growth and development in A&B Council area e.g. housing emergency**
- **Building Standards (<https://www.argyll-bute.gov.uk/planning-and-building/building-standards>)**

This approach is rooted in the following:

- It is focused on the **current regulations**. The CC can only, as a Statutory Consultee on planning operate within the current regulatory framework.
- The approach is linked to our wider constitution, standing orders, operational procedures (agree in 2023) and is designed to ensure we achieve an effective balance of representing the community in a transparent manner in planning matters which can often be complex, complicated and timebound.
- It is recommended that applications are considered on a 'site by site' basis which is the approach of Argyll & Bute Council under the current planning regulations.
- **That the CC develops effective working relations with the relevant departments** in Argyll & Bute Council, the elected Local Councilors and the MSP / MP as appropriate and with other regulatory authorities such as Historic Environment Scotland, SEPA, NatureScot etc. All meetings will be clearly reported back to the CC in writing so that any issues raised can be fully considered. **(Community Council will need to develop a list and the person who is the 'contact' for each individual body.)**
- That the response of the CC to a planning application is transparent with reasons given for the response (in support, objection or submission of concerns raised by members or members of the community). **It is also noted that the Community Council has a number of options**

in response to a planning application e.g. neutrality (especially if major differences within the community); support, objection or a ‘watching brief’ on the process (especially for larger applications).

- That we use our website to present **factual information for residents which can enable them to make effective objections (or supporting comments) regarding planning applications.**
- **That when we are looking to comment on a planning application outside Cove and Kilcreggan that we first approach the relevant Community Council(s) to understand their position on the application.** This would be in the spirit of collaboration and that we accept that other Community Councils do have a strong knowledge of their community and how an application for development (housing, industry, marine, transport, energy etc) may be received.
- The approach does not address the issue of aesthetics. This is a complex and, often, highly personal view. One persons ‘carbuncle’ is another person’s ‘exciting’ building. It is also forward looking and does not seek to re-open issues of previously approved applications. The enforcement of planning application requirements is a matter for Argyll and Bute Council.
- A **five-tier** approach that is **reviewed on an annual basis** e.g. at the meeting associated with the AGM. Lessons from the previous years operation to be detailed and any adjustments can then be made.

Proposed approach – with revisions for agreement

Tier	Coverage	Approach	Actions to implement
1	Cove & Kilcreggan: Domestic & small-scale	<ul style="list-style-type: none"> • Following changes to the operation of the Weekly List the Secretary will circulate weekly the validated planning applications and decisions to CC members. • Should any member of the Community Council wish to raise an objection or ask for notice to be given to A&B Council that an objection is likely then they can indicate this in an email and the appropriate notice will be sent. • The normal presumption would apply that small domestic planning applications would not be objected to. For listed buildings / conservation area the responsibility to ensure compliance rests with Historic Environment Scotland. • CC Planning item on the agenda for each meeting. 	<ul style="list-style-type: none"> • That the Secretary uploads verified planning applications to the website on a weekly basis when circulated to the CC Members. • That the website should have a planning page which also contains factual information about how to respond, as an individual or group, to a planning application . • Explore the most effective way for the public to provide their views on any planning matters relevant to the CC mandate.
2	Cove and Kilcreggan: Large	<ul style="list-style-type: none"> • These are also included in the weekly planning list but there may be opportunities to engage in pre-planning discussions – process for circulation as above would apply. 	<ul style="list-style-type: none"> • What is the role of the elected councillors in ‘flagging’ opportunities for the CC to be involved in pre-planning discussions? • Development of relevant ‘firewalls’ if an organization linked to the CC to the CC has

Tier	Coverage	Approach	Actions to implement
	(housing, industry, infrastructure...)	<ul style="list-style-type: none"> Consideration by the CC members to request extension to the standard 21 day rule for comments for the larger applications. 	<p>flagged an interest in a site so that the CC remains as a Statutory Consultee e.g. clear declarations of interest and individuals may need to leave the room for the discussions.</p>
3	Peninsula & adjacent CCs	<ul style="list-style-type: none"> If a planning application outwith the C&K area is seen to have implications for this area then any consideration of our response to a (probably large) application in another area would be that it would materially affect C&K residents and that there is evidence to support that claim. If an issue beyond C&K is seen as an area for support, objection or where we have questions then the CC member and / or member of the community should prepare a short written note to this affect. C&K Community Council would, in the first instance, discuss the issue (Convenor / Secretary or other designated person) with the CC in whose area the development is foreseen. All meetings are to be formally minuted through an email as a minimum (for the record). 	<ul style="list-style-type: none"> This would primarily be Rosneath and Clydner but may include areas such as Garelochhead (access roads). As well as Ardentinnay and areas within the LLTNP near-by C&K. We could prepare a short form (for website) for residents to use to submit any issues on a particular development. As the website is reformulated the CC will consider the most appropriate way to manage public comments on planning – especially if there is an ‘active’ issue. Agreement of Process: It is vital that whoever (may be more than one person i.e. a team of 2-4 people) is nominated to ‘co-ordinate’ the response to a large development beyond our boundaries keep the CC fully informed through use of email updates, draft documentation for comment and clarity on who partners are, as well as what the C&K residents hope to achieve through the, often very time heavy, inputs on their behalf. Where an issue is ‘flagged’ between CC meetings this process would be undertaken on line. CC agreement (could be online) for the submission of any documentation that names the Cove and Kilcreggan Community Council or where a CC member is to speak on behalf of the CC..
4	Large development outside the Peninsula and	<ul style="list-style-type: none"> Similar approach to Tier 3 but this would <u>be much rarer.</u> 	<ul style="list-style-type: none"> Agreement of Process: It is vital that whoever (may be more than one person) is nominated to ‘co-ordinate’ the response to a large development beyond our boundaries keep the CC fully informed

Tier	Coverage	Approach	Actions to implement
	<u>adjacent areas that materially affects C&K residents</u>	<ul style="list-style-type: none"> • If there is proven demand from the C&K Community (beyond Council Members) then the CC could consider establishing a process to engage. • The CC to nominate a person (or small team 2-4 people) to ‘co-ordinate’ the response who ensures that the CC is kept up to date on the issues, any partnerships with relevant Community Councils. • The CC first step would be to engage with other CCs who either are directly involved or adjacent to the proposed development to ascertain their views on the proposal. 	<p>through use of email updates, draft documentation for comment and clarity on who partners are, as well as what the C&K residents hope to achieve through the, often very time heavy, inputs on their behalf. Where an issue is ‘flagged’ between CC meetings this process would be undertaken on line.</p> <ul style="list-style-type: none"> • The C&K CC must agree (and have this fully minuted by email as a minimum) any documentation that it is planned to have the C&K CC name attached to it, or where a member of the CC is listed as ‘speaking’ on behalf of the CC. A full email record should be kept to enable traceability.
5	Future work on Local Development Plans etc	<ul style="list-style-type: none"> • To be discussed when this becomes relevant e.g. the consultations for LDP3 are planned (possible in 2024?) 	<ul style="list-style-type: none"> • Members of the CC should avail themselves of what training is available from A&B Council (or read any associated PowerPoint slides). •