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The Planning (Scotland) Bill: Understanding planning jargon

Alan Rehfisch

The terminology used in planning legislation, policy, guidance and advice can be confusing for people unfamiliar with the planning system. This briefing provides a quick guide to commonly used planning terms and abbreviations.



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Contents

Introduction	3
Commonly used planning jargon and abbreviations	4

Introduction

This briefing provides short definitions of commonly used planning terms and abbreviations. It is worth noting that these definitions provide a brief summary of what are often complex matters, many of which have very exact legal meanings. In addition, some planning authorities may define many of these terms in a specific way in relation to their own policies. Care should therefore be taken in applying the following definitions.

Commonly used planning jargon and abbreviations

Affordable Housing: Housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

Agent: A person or business, often an architect or planning consultant, appointed to make a planning application or Development Plan representation on behalf of another person or organisation.

Agent of Change principle: Under the provisions of the Environmental Protection Act 1990 responsibility for managing and mitigating the impact of noise on neighbouring residents and businesses lies with the business or activity making the noise, regardless of how long the noise-generating business or activity has been operating in the area. In some cases, this has led to newly-arrived residents complaining about noise from existing businesses, sometimes forcing the businesses to close.

The Agent of Change principle places the responsibility for mitigating the impact of noise firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, applicants will need to design them in a more sensitive way to protect the new occupiers. This could include paying for soundproofing for the existing noise-generating uses, such as an existing music venue.

Applicant: A person, business or organisation making an application for planning permission.

Area of Great Landscape Value: An area designated in the Development Plan for its local landscape significance which is subject to policies aimed at protecting its character

Article 4 Direction: A Direction issued by a planning authority or Scottish Ministers removing specified Permitted Development rights from a defined area.

Brownfield Land: Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within a settlement boundary where further intensification of use is considered acceptable.

Call-in: Scottish Ministers have the power to "call in" any application for planning permission for their own decision. Scottish Ministers normally only intervene in exceptional circumstances and generally only become involved in cases that raise issues of national as opposed to local significance.

Circular: A Scottish Government planning document setting out its policy on the implementation of planning legislation or procedures.

Community Council: Community Councils are the most local tier of statutory representation in Scotland. Their primary purpose is to ascertain and express the views of the community to the local authority and other public bodies. Community Councils have a statutory right to be consulted on applications for planning permission within their area.

Community Planning: A statutory process that sets out how public bodies should work together and with local communities to design and deliver better services and improve local outcomes.

Compulsory Purchase: Planning legislation gives planning authorities the power to compulsorily purchase land required to secure the carrying out of development, redevelopment or improvement or for a purpose which is necessary to achieve in the proper planning of its area.

Conservation Area: Areas of special architectural or historic interest, with a character or appearance worth preserving or enhancing. All planning authorities are required from time to time to determine which areas meet this definition and to designate them as conservation areas.

Completion Notice: A notice that must be submitted to a planning authority, as soon as reasonably practicable after completion of a development granted planning permission, confirming the development is complete.

Cumulative Impact: The impact of a proposed development considered in combination with that of other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not yet been determined.

Cumulative effects (transport): The combined effect of a number of developments on the operational performance of transport networks. The consideration of cumulative impacts ensures that any mitigation measures deal with the effects of all developments, rather than attempting to mitigate impacts from individual developments.

Departure (from Development Plan): A planning application that does not meet with Development Plan policy. This term is normally used in relation to applications which depart from the development plan but, due to exceptional circumstances, the planning authority intends to approve.

Designated Landscape: Gardens and grounds laid out for artistic effect that are listed in the [Inventory of Gardens and Designated Landscapes](#) maintained by Historic Environment Scotland.

Development: Planning legislation defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the operation of a marine fish farm in specified circumstances.

Development Plan: A generic term for the Strategic Development Plan and/or Local Development Plan.

Development Plan Scheme: An annual document produced by every planning authority, setting out its timetable for the preparation and review of its Development Plan. The scheme must also include a **participation statement**, outlining when, how and with whom consultation on the Development Plan will take place.

Effective Housing Land Supply: Local authorities are required to maintain a generous supply of land for house building, with enough effective land for at least five years worth of predicted house building. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints relating to ownership, physical factors,

contamination, deficit funding, marketability, infrastructure provision and land use policy, and can be developed for housing.

Enterprise Zone: Enterprise Zones were introduced in the UK in the 1980s as a means to revive urban areas which were experiencing economic decline. Developers were offered 100% allowances for corporation and income tax purposes for capital expenditure on industrial and commercial buildings and exemption from Development Land Tax. 38 Enterprise Zones were designated between 1981 and 1996. In Scotland the Zones were; Clydebank, Invergordon, Tayside, Inverclyde and Lanarkshire. In Budget 2011, the UK Government outlined plans for new Enterprise Zones in England.

Enterprise Areas: The Scottish Government established four Enterprise Areas to help create supportive business environments for life sciences, manufacturing, and low carbon/renewable industries – at 16 strategic sites across Scotland. Each Enterprise Area site offers a range of incentives tailored to fit the individual characteristics of that site, including a streamlined planning process, high-speed broadband, international promotion and marketing provided by Scottish Development International (SDI) and skills and training support provided by Skills Development Scotland.

Environmental Impact Assessment (EIA): Environmental Impact Assessment is a process to draw together, in a systematic way, an assessment of the likely significant environmental effects of a proposed development. Applications for planning permission for certain categories of development must be accompanied by an Environmental Statement, which reports the results of an EIA.

Evidence report: The Planning (Scotland) Bill would require a planning authority to produce an evidence report, which sets out the evidence to be used in drafting the local development plan. The evidence report would be considered by an independent Reporter in the **gatecheck** exercise.

Flood plain: Areas of land where water flows in times of flood which should not be subject to (further) development due to their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year.

Gatecheck: The Planning (Scotland) Bill proposes that the **evidence report** will be the subject of a "gatecheck" by an independent planning reporter appointed by Ministers. The Reporter may decide the evidence base is sufficient or that further evidence needs to be gathered. If further evidence is needed, then the authority will be required to gather and re-submit the evidence report to Ministers for further consideration

Good Neighbour Agreement: A Good Neighbour Agreement is a legal agreement between a landowner or developer and a community body, governing operations or activities relating to the development or use of land, either permanently or during such period as may be specified in the agreement.

Green Belt: An area designated in a Development Plan where there is strong presumption against development, generally used to contain urban sprawl.

Green Infrastructure: Includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected.

Green features include parks, woodlands, trees, play spaces, allotments, outdoor sports facilities, hedges, verges and gardens.

Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches.

Green Networks: Connected areas of green infrastructure and open space that form a network.

Greenfield Site: : Land which has not been developed, in either urban or rural areas.

Hierarchy of Development: All proposed developments fall within one of the three categories of the hierarchy of developments, which can be described as follows:

1. **National developments:** Developments designated as of national significance in the National Planning Framework for Scotland
2. **Major developments:** Nine classes of large scale development are defined as major developments in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
3. **Local Developments:** Any development which is not a national or major development is automatically categorised as a local development.

Where an application sits within the hierarchy will influence how it is processed.

Housing Need and Demand Assessment (HNDA): A HNDA estimates the number of additional homes required to meet existing and future housing need and demand. It also captures information on the operation of the housing system to assist local authorities to develop policies on new housing supply, management of existing stock and the provision of housing-related services. Its purpose is to provide a robust, shared and agreed evidence-base for housing policy and land use planning.

Housing Supply Target: Target number of new homes used in Development Plans, identified by the HNDA.

Listed Building: A building of special architectural or historic interest included in the list of such buildings maintained by Historic Environment Scotland. Owners of listed buildings may need to apply for listed building consent, possibly in addition to planning permission, to make changes to their listed property.

Local Plan: Predecessor of the Local Development Plan.

Local Development Plan (LDP): Part of the Development Plan - a statutory document prepared by all planning authorities in Scotland. The LDP is the basis for making planning decisions in an area. It must contain a spatial strategy and a vision statement, planning policies and maps. In the four city-regions, the LDP will be supplemented with a Strategic Development Plan; elsewhere the Development Plan will comprise only the Local Development Plan.

Local Place Plan: The Planning (Scotland) Bill proposes the introduction of local place plans, which would be a plan produced by a community body for its area. The plan must have regard to the National Planning Framework and appropriate Local Development Plan (LDP). The planning authority would have to "have regard" to a local place plan when developing or revising the appropriate LDP.

Local Review: If a planning application for a local development is determined by an appointed person (usually a planning officer), i.e. refused or granted subject to conditions, or where no decision is made within the specified time limit, then the applicant can require that the decision be reviewed by a local review body.

Local Review Body: A local review body, which reviews decisions made by appointed people subject to appeal by the applicant, is made up of at least three Councillors who were not involved in the original decision.

Main Issues Report: A main issues report sets out a planning authority's general proposals for development of its area and particular proposals as to where development should and should not occur. A main issues report must also contain one or more reasonable alternative sets of proposals. Finally, it must draw attention to the ways in which the favoured and alternative proposals differ from the spatial strategy of the existing adopted local development plan (if any). The main issues report is then subject to a period of public consultation.

Masterplan: A comprehensive long-term strategy for the (re)development or improvement of a defined geographic area.

Material Consideration: A decision to grant or refuse an application for planning permission must be made in accordance with the development plan, unless material considerations indicate otherwise. What constitutes a material consideration is a matter for the decision maker, considering the details of the application, but must be related to the development and use of land. More information on material considerations can be found in Annex A of [Planning Circular 3/2013: Development Management Procedures](#).

National Nature Reserve (NNR): National Nature Reserves are areas of land and water of national significance that are managed primarily for the long-term benefit of nature. National Nature Reserves are ran by a range of public, private, community and voluntary organisations. Scotland has 43 NNRs that cover less than 1.5% of Scotland's land area.

National Park: An area of land or sea designated by Scottish Ministers as being of the very highest value to the nation due to its scenery and wildlife, and often for its cultural heritage value. Scotland has two National Parks – Loch Lomond and The Trossachs and the Cairngorms.

National Planning Framework (NPF - not to be confused with National Performance Framework): NPF3 sets out the Scottish Government's strategy for Scotland's spatial development for a period of 20 to 30 years. It also designates 14 national developments. Planning authorities are required to take account of NPF3 policies when drafting development plans and making development management decisions.

National Scenic Area (NSA): NSAs are designated under Section 263A of the Town and Country Planning (Scotland) Act 1997, and are defined as "of outstanding scenic value in a national context." There are 40 NSAs in Scotland, mainly in more remote and mountainous areas.

Neighbour Notification: A planning authority must notify those with an interest in "neighbouring land" about nearby planning applications. The term "neighbouring land" is defined as "an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed." A period of at least 21 day (from the date the notification is issued) must be allowed for representations to be made to the local authority.

Non-determination: If a planning authority fails to make a decision on an application for planning permission after:

- two months, for local developments; or
- four months, for national and major developments,

Then the applicant can lodge an appeal with Scottish Ministers or request a review by a Local Review Body - depending on whether the application would have been decided by Councillors or a planning officer.

Open Space: Space within and on the edge of settlements, including parks, sports pitches, play areas, squares, market places and other paved or hard landscaped areas with a civic function.

Outdoor sports facilities: A planning authority must consult with sportscotland if a proposed development affects land used as:

- an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;
- an outdoor athletics track
- a golf course
- an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation
- an outdoor bowling green

Participation Statement: A planning authority document outlining when, how and with whom consultation on a Development Plan will take place

Permitted Development: Anything falling within the statutory definition of development requires planning permission. However, certain forms of development benefit from a general planning permission known as 'permitted development'.

The types of development defined as permitted development in Scotland, and the qualifying criteria, are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, usually referred to as the 'GPDO'. Where a development qualifies as permitted development, there is no need for the developer to apply for planning permission or undertake any public consultation prior to beginning work. Certain types of permitted development require the developer to notify the planning authority of their intentions before beginning work (known as "prior notification") and may require the planning authority's prior approval of some aspect(s) of the development.

Planning Advice Note (PAN - not to be confused with Proposal of Application Notice): Planning Advice Notes (PANs) are produced by the Scottish Government and provide advice and information on technical planning matters, they are principally aimed at local authority planners.

Planning Application: An application to a planning authority seeking planning permission for development.

Planning Obligations: Planning obligations can be used to overcome obstacles to the granting of planning permission (see also **Section 75 agreement**).

A planning obligation is a contract between the planning authority and the landowner (and possibly future landowners, depending on the terms of the agreement) which restricts or regulates the use of land, for example through requiring developers to mitigate against any potential negative impacts of the development through means set out in the agreement. This can include making a payment to the planning authority towards the development of associated infrastructure, e.g. expanding a school or improving a road. The issues covered by a planning obligation are such that they could not normally be enforced through a condition attached to planning permission. The Scottish Government sets out its policy on the use of planning obligations in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning Gain: Another name for a **planning obligation**.

Pre-application Consultation: (PAC) Planning applications for national and major developments require pre-application consultation to be carried out by developers. Where a pre-application consultation is required, the developer must submit a proposal of application notice to us at least 12 weeks before the application for planning permission is submitted. This will need to set out the extent of consultation that will be carried out, and must be agreed by the planning authority before consultation begins. Once complete, the developer must produce a report setting out the results of the consultation that must be submitted alongside the application for planning permission.

Pre-determination Hearing: Applications for all national and major developments significantly contrary to the Development Plan must be subject to a Pre-Determination Hearing, if one is requested. This must take place before a committee of the council and be determined by the full council, and enables those who made representations to have the opportunity to be heard.

Prime Agricultural land: Agricultural land in Scotland is categorised using a seven point scale, based on the types of crops that can be grown on that land. Prime Quality Agricultural land is that which falls into the two highest categories, meaning it is capable of supporting the production of the widest range of crops.

Processing Agreement: A planning processing agreement is a project management tool that sets out the key processes involved in determining a planning application. It will identify what information is required from all stakeholders' involved in the application and set timescales for the delivery of various stages of the process. Processing agreements set out a route to a decision on an application, and do not guarantee approval.

Proposal of Application Notice (PAN - also Planning Advice Note): . A Proposal of Application Notice sets out how an applicant intends to carry out pre-application consultation with the community surrounding a major development. A developer must submit a PAN to the planning authority at least 12 weeks prior to the submission of an application for planning permission.

Planning Agreement: Another name for a **planning obligation**.

Ramsar site: The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and use of wetlands and their resources. Ramsar Sites

are wetlands designated because they meet the Criteria for identifying Wetlands of International Importance.

Scheduled Monument: A scheduled monument is a monument of national importance that Scottish Ministers have given legal protection under the Ancient Monuments and Archaeological Areas Act 1979. Examples of such monuments include prehistoric burial mounds, Roman camps, medieval castles and World War II defensive sites.

Scheme of Delegation: Every planning authority is required to produce a “scheme of delegation” which sets out a list of local developments that can be determined by an appointed person, normally a planning officer, rather than Councillors at a committee.

Scottish Planning Policy (SPP): The Scottish Planning Policy sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and the development and use of land.

Section 75 agreement: Section 75 of the Town and Country (Planning) Scotland Act 1997, as amended, provides the statutory basis for the majority of **planning obligations**.

Sensitive receptor: An aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the interrelationship between these factors.

Simplified Development Zone (SDZ): The Planning (Scotland) Bill proposes the creation of Simplified Development Zones (SDZs), which would extend the types of permission automatically deemed to have been granted in a Simplified Planning Zone, for developments that comply with the SDZ scheme, to include:

- Road construction consent (needed to create new roads within a development)
- Listed building consent (needed to alter a listed building)
- Conservation area consent (needed for demolition of buildings within conservation areas)

Planning legislation currently prevents Simplified Planning Zones from being designated on land:

- in a conservation area
- in a National Scenic Area
- forming part of a green belt
- in a site of special scientific interest in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 has been made

These restrictions would be removed for an SDZ.

Simplified Planning Zone (SPZ): A simplified planning zone (SPZ) is an area where the need to apply for planning permission is removed for certain types of development. A SPZ requires the the planning authority to prepare a SPZ Scheme, which details the types of development and nature of uses that are permitted together with any limitations, conditions

and guidelines that a development proposal must comply with. Should a development proposal comply with the SPZ Scheme applications for planning permission are not required. The Planning (Scotland) Bill would prevent any new SPZs from being created.

Site of Special Scientific Interest (SSSI, pronounced triple S, I): SSSIs are notified by Scottish Natural Heritage (SNH) under the Nature Conservation (Scotland) Act 2004. SSSIs form a network of the best examples of species, habitats and rock and landform features throughout Scotland, and support a wider network across Great Britain and the European Union.

Statutory Consultee: Statutory consultees are those organisations and bodies, defined by law, which planning authorities are required to consult before reaching a decision on a relevant planning applications, e.g. SEPA, Marine Scotland Science, SNH and District Salmon Fisheries Boards must be consulted for any proposed fish farm development.

Strategic Development Plan (SDP): Strategic Development Plans (SDPs) set out a vision for the long term development of Scotland's four main city regions (these are regions centred on Aberdeen, Dundee, Edinburgh and Glasgow), focusing on issues such as land for housing, major business and retail developments, infrastructure provision and green belts/networks. SDPs are drafted by Strategic Development Planning Authorities (SDPAs), the membership of which is defined in statutory designation orders.

Strategic Environmental Assessment (SEA): All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This process is known as Strategic Environmental Assessment (SEA).

Strategic Flood Risk Assessment (SFRA): A Strategic Flood Risk Assessment (SFRA) allows planning authorities to ensure development plans do not increase overall flood risk, by ensuring development is directed towards areas not liable to flood risk. The SFRA involves an overview of flood risk across a development plan area.

Strategic Transport Network: A collective name for the trunk road and national rail networks.

Supplementary Guidance: Planning authorities can prepare supplementary guidance in connection with strategic or local development plans. Statutory supplementary guidance has the same weight as the development plan in decisions on applications for planning permission. Supplementary guidance generally includes the following:

- Development briefs or master plans
- Strategies or frameworks on specific issues
- Detailed policies

Sustainable Development: Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

Tree Preservation Order (TPO): TPOs are a means of protecting individual trees, groups of trees or woodlands whose removal would have a significant impact on the public amenity of an area. It is an offence to cut down, top, lop, uproot, willfully damage or

willfully destroy a tree with a TPO without a planning authority's permission. TPOs are made under Section 160 of the Town and Country Planning (Scotland) Act 1997.

Use Classes Order (UCO): The Town and Country Planning (Use Classes) (Scotland) Order 1997, sets out 11 broad use classes (e.g. shops, food and drink and business). Generally, any building or land that is being used for a purpose that falls within a use class can be used for any other purpose within that class without the need for planning permission, e.g. under the use class “shops” a travel agent can be turned into a hairdresser without the need for planning permission.

Windfall Site: Sites which become available for development unexpectedly and are therefore not included as allocated land in a development plan. For example, an industrial site become vacant which may provide a suitable location for housing.

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