

NOTES FOR GUIDANCE

Applications for Planning Permission

Shetland Islands Council
Planning
Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 0N

Telephone: 01595 744800

e-mail: planningcontrol@shetland.gov.uk

Visit: www.shetland.gov.uk

These notes have been prepared to help you fill in the planning application form, but are not necessarily exhaustive. Reference should always be made to the relevant legislative provision, as appropriate. If you need any help or are unsure if planning permission is required, please contact the Council's Planning staff, or alternatively seek guidance from a planning advisor. Please note that you need separate forms for House Alterations and Extensions, Listed Building Consent, Conservation Area Consent, Advertisement Consent and other categories of application.

(Note: Incomplete or incorrect applications cannot be validated. Planning applications that require pre-application consultation and are not accompanied by a corresponding report will be returned.)

1 Type Of Application If unsure which type is appropriate then please contact the Development Management Section of the Planning Service.

Full (FPP) - needed for change of use of land or buildings, or for detailed proposals to carry out building, engineering or other works.

Planning permission in principle (PPP) - to establish the acceptability of a proposal in principle without having to develop the detailed proposals. You should provide as much detailed information as possible, and an application for PPP should provide details of access to the development. Not applicable for Change of Use applications.

Approval of matters specified in conditions (AMC) - submission of the details following consent for planning permission in principle. As this application relates to a previous planning consent, it is important to state the date and reference.

2 Hierarchy of Development

There are three classes of development. Section 20 of these notes explains the hierarchy of development.

3 Applicant's Name only

You should provide only your full name here.

4 Address or Location of Proposed Development

You should clearly state the full address of the application site, including the postcode and an Ordnance Survey grid reference in the case of a rural location. If the site has no address, please give a written description, which will allow people to identify it.

You should also clearly outline the land to which the application relates in RED on a location plan (preferably Ordnance Survey based) and outline any adjoining land you own in BLUE.

5 Existing Use of Land and/or Buildings

Describe the existing use of the buildings or land. If used for more than one purpose, please give details. If unused, please say so and state last known use and, if known, the date on which this use ceased. Plans should clearly indicate existing buildings. Reference should not be given to the Use Classes Order number only.

6 Description of Proposed Development

You should clearly state the proposed use(s) and/or work to be carried out, "see plans" is not sufficient. Where a change of use is involved, the present and proposed use must be included in the description. The description should fully and accurately reflect the nature of the development, and failure to do so may make your application invalid and result in your proposal being delayed. You should also submit a supporting statement, giving details of the proposals. Reference should not be given to the Use Classes Order number only.

7 Residential Development

Where a residential development is proposed, this section must be completed, "see plans" is not sufficient.

The site area must be given in hectares as the total area of the application site. Failure to do so may result in your proposal being delayed.

8**Commercial/Industrial Development**

Where a commercial/industrial development is proposed, this section must be completed, “see plans” is not sufficient.

You should calculate the floor space based on the external dimensions of the building.

Please give all measurements in square metres as appropriate, except for site area, which should be in hectares. Failure to do so may result in your proposal being delayed.

It is essential that you state both the existing and proposed hours of operation, vehicle movements and staff numbers.

9**Proposed Access Arrangements**

Where you intend to alter or form a new pedestrian/vehicular access to the site, one or more of these boxes must be ticked.

Details must be included with the submission. This information is required even if it is a PPP application.

10**Parking**

Please indicate the existing number of parking spaces on site (if any), and the number of additional spaces proposed for the development.

11**Proposed Drainage Connections - This section must be completed even if your application is a PPP application**

Please tick the relevant boxes to indicate how you intend to dispose of foul and surface water from the proposed development.

If septic tanks are involved, please contact the Development Management Service within the Planning Service for advice on requirements.

It should be noted that the disposal of surface water direct to a watercourse will only be acceptable if it can be demonstrated that there will be no increase in either the amount and rate of water run-off or pollutants entering the watercourse.

The drawings and plans submitted should show connection a sewer, or your sustainable drainage proposals.

12**Proposed External Materials**

If you are constructing a building or other structure, it is important that you describe as fully as possible which materials you intend to use on the external surfaces. For example, colour and type of material. Please note that although plans and drawings submitted should in themselves accurately describe the proposals and tie in with the written description of the proposed development, “see plans” is not sufficient

13 Hazardous Materials

If the proposal involves the use, storage or manufacture of any “hazardous materials” (such as liquefied Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter. If you are in doubt please contact the Development Management Service within the Planning Service.

14 Any Other Particulars

Use this box to draw attention to any other information.

15 Land Ownership

Please note that you are legally required to complete parts A and B of the Land Ownership Certificates and submit it as part of your application for planning permission. If you do not, your application will not be processed.

A - Ownership. You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. But, if you do not own the land to which the application relates, you are legally required to give notice of the making of the planning application to the owner and to any agricultural tenant of the land.

For the purposes of making a planning application, a person is regarded as the owner if, 21 days before the date of the planning application, he is an owner or is the tenant under a lease which still has at least 7 years to run.

If you do own all the land to which the application relates, then you should tick box 1.

If you are not the owner of all the land to which the application relates you are legally required to notify the other owner(s), by serving them:

A completed copy of the NOTICE TO OWNERS/TENANTS OF AGRICULTURAL HOLDINGS form provided in this application pack.

Once you have served this notice you should tick box 2 and list the names and addresses of the owner(s) notified, together with the date on which the notice was served.

B - Agricultural Holdings. Part B relates to agricultural holdings.

1) If none of the land to which the application relates forms part of an agricultural holding then you should tick box 1.

2) If, 21 days before the date of the application, all or part of the land to which the application relates forms part of an agricultural holding, then you are legally required to notify any agricultural tenants of that land. You should notify them by serving:

A completed copy of the NOTICE TO OWNERS/TENANTS OF AGRICULTURAL HOLDINGS form provided in the application pack.

Once you have served this notice you should tick box 2 and list the names and addresses of the tenant(s) notified, together with the date on which the notice was served.

Recorded delivery is the preferred method of sending out notices since receipt provides proof of delivery in the event of dispute. Registered post or hand deliveries are also acceptable.

Ownership or Agricultural Tenancy Unknown

If you do not know who owns the land, or who are the agricultural tenants, then you will be required to place a notice in the local newspaper. Should this be the case, please contact the Development Management Service within the Planning Service for further advice. The contact details are at the front of these notes.

IMPORTANT

If you require to use an additional sheet(s) to complete the list of owners, required by the Certificates, please ensure that you clearly follow the format in the Certificate provided, and sign each and every sheet at the bottom, confirming that it is continuation of the relevant Certificate

In all cases the Certificates must be signed and dated. If you do not, your application cannot be validated.

16 CHECKLIST

Forms

Four sets of the planning application form are required. The same number of land ownership certificates must also be submitted. Guidance on their completion is contained in section 16.

It is the responsibility of the Council to notify those with an interest in neighbouring land of the submission of a valid planning application. Neighbouring land is that which is within 20 metres of the boundary of the application site. There will be a period of 21 days from the date of the Council's notice to make formal representations.

Plans

All planning applications must be accompanied by 4 copies of a location plan at a scale of 1:1250 for built up areas such as Lerwick or Scalloway and for rural areas either 1:2500 or 1:5000 - whichever scale most effectively identifies your site location (e.g. shows recognisable features/roads/landmarks which enable the location to be identified in relation to neighbouring land). Maps must include a North point. The location plan should show:

- The application site outlined in red; and
- Other adjoining land owned by the applicant outlined in blue.

Location Plans can be purchased from the Planning Service at the address provided at the end of these notes.

4 copies of a site plan at 1:500, including a North point, and identifying the application site outlined in red should also be submitted. Depending on the type of application, other plans will be required to accurately describe the proposals, for example, to show elevations/materials and floor plans for all applications for full planning permission. In all cases these must be to scale and include a North point.

If the plan has been obtained from the Ordnance Survey, an agent of the Ordnance Survey, or has been prepared on an Ordnance Survey base, you will declare this on the plan. Alternatively you have to state the source of the plan. If it has been prepared using your own measurements, this must be stated. Failure to do either will prevent validation of the application.

All plans and drawings should be given a unique reference number.

PLEASE NOTE THAT FOR COPYRIGHT REASONS ALL DRAWINGS SHOULD INDICATE THE NAME AND ADDRESS OF THE PERSON WHO PREPARED THEM.

Pre-application Consultation Report

All planning applications that are categorised as national or major (see section 20) must have been subject to pre-application consultation with the local community. A report detailing this consultation must then be submitted with the application. Further guidance is available from the Development Management Service within the Planning Service.

Design and Access Statement

Design and access statements are required to be submitted for most applications that are either classed as national or major under the hierarchy of development (see section 20). They are not required for engineering or mining operations, marine fish farming, a change of use proposal or applications for planning permission in principle (PPP).

16 CHECKLIST CONTINUED

Further guidance on Design Statements and Design and Access Statements, including their content, is available from the Council's Planning Service.

Application Fee

The fee list explains what, if any, fee you must pay when submitting your application. Certain classes of development require publicity in a local newspaper and the payment of an additional fee is necessary. These types of development are listed in section 19. Fourteen days are given from the date of the publication of the notice for formal representations to be submitted. Cheques should be made payable to "Shetland Islands Council".

PLEASE NOTE: UNTIL ALL THIS INFORMATION IS RECEIVED, YOUR APPLICATION CANNOT BE REGISTERED AND WILL BE DEEMED INVALID.

17 Applicant's Name and Address

Please give your full name and address, including your postcode.

18 Agent's Name and Address

You may decide to employ an agent, such as an architect, surveyor, builder, or a planning consultant to prepare the drawings and complete these forms for you. This is preferable, especially for the more complex applications. If this is the case, all correspondence from the Planning Service will be sent to the agent.

Please give the name and address of the firm or company, and the individual dealing with this application.

19 Contact Details

Please identify the person to whom Planning should forward all correspondence. Please give full name and address details and, if possible, a daytime telephone number. You may also give other contact details such as e-mail. If you have an agent, this should be their details.

20 Declaration

Please remember to sign and date your application - failure to do so, will render your application invalid.

Hierarchy of Development

National developments are the top tier of the new hierarchy of developments introduced by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Below national development are major and local developments.

Whether a proposal is a major or a local development is dependant upon thresholds and criteria contained within the hierarchy. There are nine categories of major development, the threshold and criterion for each are:

- All development under Schedule 1 of the EIA (Scotland) Regulations 1999.
- Housing proposals of 50 dwellings or more, or housing sites exceeding 2 hectares in area.
- Business & general industrial, storage and distribution with a gross floorspace of 10,000 sqm or a site exceeding 2 hectares in area.
- Electricity generation where capacity is or exceeds 20 megawatts.
- Waste management facilities where the capacity of the station is or exceeds 25,000 tonnes per annum, or for sludge treatment facilities where capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.
- Transport and infrastructure projects where the road, railway, tramway, waterway, aquaduct or pipeline exceeds 8 km in length.
- Fish farming where the surface area of water covered exceeds 2 hectares.
- Mineral extraction where the site area is or exceeds 2 hectares.
- Other development not falling wholly within one of the above categories where the gross floor space created is or exceeds 5000 sqm or a site area exceeding 2ha.

All other developments are local.

Additional Publicity

If your application falls within any of the following categories, an additional fee for the advertising of your application is required.

- 1 the construction or installation of buildings for use as a public convenience;
- 2 the construction of buildings or other operations, or use of land -
 - a) for the disposal of refuse or waste materials, or for the storage or recovery of reusable metal;
 - b) for the retention, treatment or disposal of sewage, trade-waste, or effluent other than
 - (i) the construction of pumphouses in a line of sewers;
 - (ii) the construction of septic tanks and cesspools serving single dwelling-houses, or single caravans, or single buildings in which not more than 10 people will normally reside, work or congregate;
 - (iii) the laying of sewers; or
 - (iv) works ancillary to those described in sub-paragraphs (i) to (iii);
 - c) as a scrap yard or coal yard; or
 - d) for the winning or working of minerals;
- 3 the construction of buildings or use of land or buildings for the purpose of slaughtering animals (including fish and poultry) or the processing of animal carcasses for final disposal or as part of the production of other goods;
- 4 the construction or use of buildings for any of the following purposes -

building for indoor games	cinema
dancing	fun fair
hot food shop	gymnasium (not forming part of a school, college or university)
licensed premises	music hall
skating rink	swimming pool or theatre;
- 5 the construction of buildings for or the use of buildings or land as -a) a crematorium or a cemetery b) a zoo, or wildlife park, or for the business of boarding or breeding animals;
- 6 the construction of buildings and use of buildings or land for motor racing;
- 7 the construction of a building to a height exceeding 20 metres;
- 8 the construction of buildings, operations and use of buildings or land which will -
 - a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
 - b) alter the character of an area of established amenity;
 - c) bring crowds into a generally quiet area;
 - d) cause activity and noise between the hours of 8pm and 8am; or
 - e) introduce significant change into a homogeneous area

In addition, if we have to advertise the proposal as there are no premises on neighbouring land, we will ask you to reimburse the cost.

General Information

You should submit the completed application form, together with the necessary plans (4 copies), drawings (4 copies) and fee to:

Shetland Islands Council
Planning
Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 0NT

Cheques should be made payable to "Shetland Islands Council".

It is advisable to make copies of your application for your own information.

Other Permissions, Building Warrants or Licences and Works Licences may be required for certain types of proposals.

Further Guidance

The Planning Service produces leaflets and guidance on various aspects of planning. Copies can be obtained from the planning office at Grantfield or downloaded from the Council's website.

NOTICE

Data Protection Act 1998

The information on the completed application form, certification and associated plans/statements will be held in the Planning Register to which public access is required. The data will also be made available to members of the public on the internet via the Council's Website and the Weekly List of planning applications.

The information contained in the applications for planning permission and other applications under Planning and related legislation (including the name and address of the applicant) is held in the Planning Register. This is required to be available to the public under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and the Town and Country Planning (Scotland) Act 1997. Information will be disclosed only in accordance with these requirements or otherwise as required by law, including to other agencies for the purposes of determining the application.

The Council also publishes a Weekly List of planning and other related applications and decisions, which contain details of the applicant. This information may be made available to the public in the list of planning applications available on the Council's Website.

WHERE SHOULD I SUBMIT MY APPLICATION?

You should submit the completed application form, together with the necessary plans (4 copies), drawings (4 copies) and fee to:

Infrastructure Services Department
Planning Service
Shetland Islands Council
Grantfield
Lerwick
Shetland
ZE1 0NT

Cheques should be made payable to "Shetland Islands Council". It is advisable to make copies of your application for your own information.

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WHAT HAPPENS NEXT?

Once the Development Management Service receive your application, it will be checked to ensure that the forms have been completed correctly; that there are the correct number of plans and that the correct fee has been paid.

If for some reason the application is not complete, it cannot be processed and we will write to tell you what you must do.

If your application is complete you will receive an acknowledgement letter. This will tell you the name of the officer dealing with your application and a reference number which you should quote in all future correspondence with the Development Management Service.

The public have a statutory right to examine and comment on your plans. Any objections made must be taken into account by the Development Management Section when making a recommendation to the Planning Board.

You should expect a decision within 2 months from the date the last piece of information required for your application to be valid is received. You can call the Development Management Service if you wish to know the progress of your application. Four weeks is usually sufficient time to undertake an initial assessment of straightforward applications.

THE DECISION

Once a decision has been reached by the Council, you will be sent a DECISION NOTICE. This will inform you whether your application has been:

Granted

Granted with Conditions or

Refused

YOUR STATUTORY RIGHTS

If your application was refused, or if you feel any of the conditions imposed are unreasonable, you may appeal.

In the case of a decision relating to a local development where the decision was delegated in accordance with a scheme of delegation approved by the Scottish Ministers this will take the form of a local review to the Local Review Body. This must be done within 3 months from the date of the decision notice. Where an application for a local development is not determined within the relevant period you have 3 months from the end of that period within which you may seek a local review on the grounds of non-determination of the application. If the Local Review Body does not conduct the review within 2 months from the date you seek the review, there is a right of appeal to the Scottish Ministers. In local review cases your right to seek a review on the grounds of non-determination will in effect lapse after 3 months running from the end of the 2 month period for determining the application. You will however remain able to seek a review of the decision on the application once it is issued should you choose to.

In the case of a decision where the application was for a local development that was not delegated, or was for a national development or a major development, you may appeal against the decision of the Council on the application, but instead this will be to the Scottish Ministers. Such an appeal must be made within 3 months of the date of the decision notice. Where such an application is not determined within the appropriate 2 month or 4 month time period, you may appeal to the Ministers within 3 months from the end of the period, and you have not agreed to an extension of time within which notice of a decision can be given. In the absence of a decision after the agreed extension you will again have 3 months in which to appeal on the grounds of non-determination, or, again, could wait the final decision.

In the case of an appeal to take the form of a local review this should be made to the Planning Service who will administer the process, and provide you with guidance on the process and any necessary forms.

In the case of an appeal to the Scottish Ministers you should initially contact the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR. They will provide you with the necessary forms, or alternatively they can be found on the Scottish Government's website, www.scotland.gov.uk

The Scottish Public Services Ombudsman If you feel that the Council has failed to follow the correct procedures and that you have suffered an injustice, after you have gone through the Council's complaints process, if you are still not happy, you have the right to take your complaint to the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS. Phone 0800 3777330 or Fax 0800 3777331. Web: <http://www.spsso.org.uk>. Generally, if you want to do this, you must contact the Ombudsman within one year. If you have any questions, you can phone or e-mail: ask@spsso.org.uk.

SCALE OF FEES – WITH EFFECT FROM 1 APRIL 2010

Category of Development	Fee Payable
<u>Outline Applications</u>	
a. One dwellinghouse	£319
b. More than one dwellinghouse	£319 per 0.1ha of the site (or part thereof). Maximum £7,975
<u>Full (Detailed) Applications</u>	
Erection of dwellings	£319 per dwellinghouse created. Maximum £15,950
Approval of reserved matters (Following outline permission)	£319 per dwellinghouse
Alterations to an existing dwelling (e.g. extensions, fences, dormers, driveways)	£160 per dwellinghouse or £319 where the application relates to two or more dwellinghouses
Erection of buildings other than dwellings, plant and machinery	Works not creating more than 40 sq m of additional floor space - £160
<i>(Please Note: Floor space is an external wall measurement of any new areas created. Floor space does not include areas which are not readily usable by humans e.g. lift shafts, loft spaces etc)</i>	Works creating more than 40 sq m but not more than 75 sq m of additional floor space - £160
	Where the works exceed 75 sq m each additional 75 sq m (or part thereof) – £319 Maximum £15,950
Other operations on land	£160 per 0.1 ha (or part thereof). Maximum of £1,595 for sites of 1ha and over
Change of use to and subdivision of dwellings	£319 for each additional dwellinghouse to be created. Maximum of £15,950
Advertisements	£160
Agricultural Prior Notification	£61
Agricultural Buildings	Where the gross floor space to be created does not exceed 465 sq m – NIL Where the gross floor space exceeds 465 sq m but does not exceed 540 sq m - £319 Where it exceeds 540 sq m, £319 for the first 540 sq m and £319 for each 75 sq m in excess of that figure. Maximum of £15,950
Other changes of use (except waste or minerals).	£319
Renewal of temporary consent for buildings and structures.	£160 (if not exempt as a revision)

Winning, working or storage of minerals etc (other than peat) and waste disposal	£160 per 0.1ha (or part thereof) of site area. Maximum of £23,925
Winning and working of peat	£160 per hectare of site area. Maximum of £2,393
Car parks, service roads or accesses	£160 (To serve existing uses only)
Erection, alteration or replacement of plant and machinery	£319 per 0.1ha (or part thereof) of site area. Maximum of £15,950
Vary or remove a condition on an existing permission	£160
<u>Concessionary Fees and Exemptions</u>	
Works to improve a disabled persons access to a public building, or improve his/her access, safety, health or comfort at his/her dwellinghouse <i>(Please Note: Fee exemption does not apply to new dwellinghouses or where there is a statutory obligation to provide access to such buildings)</i>	No fee
Applications (including advertisements) by Community Councils	Half the normal fee
Applications required because of the removal of permitted development rights by a condition or by an Article 4 Direction (e.g. Conservation Areas)	No fee
Applications required because of the removal of a condition of a right to make a change of use within the Use Classes Order or General Permitted Development Order	No fee
Playing fields (for sports clubs etc)	£319
Revised or fresh applications for development of the same character or description within the original site – submitted within 12 months of receiving original permission.	No fee

All fees should be paid either by cheque (made payable to the Shetland Islands Council), by debit/credit card or by the exact amount in cash.

An additional fee of £100 shall be charged should the application require a statutory advertisement.

If you need assistance calculating your fee – please feel free to contact the duty Planning Officer on 01595 744800.