

Commenting on a planning application

NOTES FOR GUIDANCE



West Lothian
Council

Planning Services Development Management

Introduction

This guidance note explains the procedures for commenting on major and local planning applications. The note contains practical information to help you make the most of your opportunity to comment and tells you how we will deal with your comments.

Who can comment?

When a planning application is made to the council, the applicant must notify the owners of the land or building which is the subject of the proposal. The council will notify all those whose land adjoins the application site or lies across the road from it or will otherwise advertise to press advertisement. However, no matter how you learn about a proposal and regardless of where you live, anyone can comment on a planning application.

Where can I view the plans?

Before making any comment you should see the plans which have been submitted in connection with the application. These can be viewed at the Development Management office at County Buildings, High Street, Linlithgow. The office is open from 8.30am until 5.00pm from Monday to Thursday and from 8.30am to 4.00pm on Fridays. It stays open during lunchtime and a member of staff is always available to help explain the plans for you. You can also view the application online at www.westlothian.gov.uk by following the planning link on the home page. You can contact officers by telephone on **01506 775365** or by fax on **01506 775255**. The e-mail address is planning@westlothian.gov.uk

We appreciate that County Buildings is not the most accessible for some people, particularly the elderly and those with mobility difficulties and that our opening hours are not always convenient. If you are unable to visit our office or do not have access to the internet we can make plans available for inspection at other council offices or libraries nearer to you, or in some circumstances, we can send you copies.

How do I make my views known?

Comments on applications must be submitted in writing, which can include e-mails, and should specify the application reference number (if known), the proposal, the site address, the name and address of the sender and a daytime contact telephone number. Letters should be signed and dated.

Alternatively, you can comment on current planning applications online. This can be done by clicking on the *comment on application* link on the *case file* page.

Whether you are writing to the council to either object or support an application, it is best to try to keep your letter short and concise and to summarise the particular points which you wish the council to consider. Pre-printed circular letters of objection will be accepted provided that they are individually signed and dated.

Where the representation is in the form of a petition, the petition must contain the name and address of the organiser. Each page must be numbered and headed with the aim of the petition.

The names and address of those signing the petition must be readable and representation(s) must be valid and clearly stated. An acknowledgement letter will only be sent to the petition organiser, who must be clearly identified, and not each signatory.

Anonymous letters commenting on an application will not be considered and letters which contain racist remarks will be returned.

Letters which are received cannot be treated as confidential. It may be necessary to make them available to the applicant/agent to seek resolution of concerns. Any material which forms part of an application and on which the final decision is based must also be available for inspection by any interested member of the public. This will include an online case file.

How long do I have to comment?

From the date the application is either registered, or has been advertised in the local newspaper, you will have 14, 21 or 28 days to comment, depending on the nature of the proposals. You are advised to check with development management staff if in any doubt.

It is important that your comments on an application are received within the relevant time period. The council, as planning authority, has a duty to determine applications promptly and if you delay in submitting your comments and they are received *out of time*, the council will regrettably not be able to have regard to them.

What can I comment on?

For your objection to be **material**, it must be made for legitimate planning reasons. Examples of **material** grounds of objection are listed below, but the list is not exhaustive:

- European policy;
- Scottish Government policy and UK government policy;
- the National Planning Framework, Scottish Planning Policies;
- planning advice notes and circulars;
- the development plan;
- a draft local development plan or strategic development plan;
- contrary to the provisions of an approved planning brief and other non statutory statement of council planning policy including supplementary planning guide;
- planning history;
- provision of infrastructure;
- views of statutory and other consultees;
- appearance (layout, design, materials etc);
- traffic, parking or road safety;
- loss of trees and landscaping issues;
- effect on setting of listed building or the character of a conservation area;
- loss of amenity (overshadowing, overlooking, loss of sunlight / daylight, noise, odour etc);
- the National Waste Management Plan.

Objections that are not considered valid cannot be taken into account and examples of these are:

- issues covered by other legislation such as building standards and licensing;
- private property rights (eg boundary or access disputes);
- devaluation of property;
- loss of view;
- possible fire hazard;
- commercial competition between businesses;
- the developers' motives or morals or track record with other developments.

Planning permission does not of course override any civil/property rights you may have over the land affected. You should consult a solicitor or other legal professional on such matters.

Who should I write to?

All correspondence on planning applications should be sent to:

The **Development Management Manager, West Lothian Council, County Buildings, High Street, Linlithgow, EH49 7EZ** or by email to **planning@westlothian.gov.uk** or online at **www.westlothian.gov.uk** as previously described.

Receipt of a representation will initially be acknowledged within five days of you writing to the council. The procedure for dealing with representations is determined by their content, the issues which are raised and the number received in relation to a particular application. We will send you a guidance note explaining this when we acknowledge your representation. Once the period for the receipt of representations has expired and the proposals have been appraised, you will either receive a letter confirming that the application has been granted or refused under delegated powers by the Development Management Manager or a letter advising that the application is to be reported to the council's Development Management Committee for determination. You will be given the opportunity to address the committee.

Will an application be refused if I object?

Your comments are important and where valid will be taken into consideration in the determination of the planning application. However, you should be aware that opposition in itself is not a reason for refusing planning permission. Objections are only a part of the process of considering and determining a planning application. The planning officer dealing with the application is required to form a professional opinion on the acceptability or otherwise of the proposal, based on the development plan, other council and government policies and the views of a wide variety of bodies. A balanced judgement is therefore required to be made and this may or may not accord with your own personal views.

Customers with special requirements

Information is available in Braille, tape, large print and community languages. Please contact the interpretation and translation service on 01506 775000

هذه المعلومات متوفرة بلغة بريل وعلى شريط وبخط كبير وبلغات الجالية.
الرجاء الإتصال بخدمة الترجمة على الهاتف 01506 775000

এই তথ্য আপনি ব্রেইল, টেপ, বড় অক্ষরে এবং কমিউনিটির বিভিন্ন ভাষায় পড়তে পারবেন। অনুগ্রহ করে ইন্টারপ্রেটেশন অ্যান্ড ট্রান্সলেশন সার্ভিসের সঙ্গে যোগাযোগ করুন। টেলি: 01506 775000

這份資料是可以凸字、錄音帶、大字印刷及社區語言的式本提供。請聯絡傳譯及翻譯服務部，電話：01506 775000

ਇਹ ਜਾਣਕਾਰੀ (ਬ੍ਰੇਲ) ਨੈਬਰੀਨ ਦੇ ਪੜ੍ਹਣ ਵਾਲੀ ਲਿਖੀ, ਟੇਪ, ਵੱਡੇ ਫਿੰਟ ਅਤੇ ਸਮਾਜ ਦੀਆਂ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ। ਫ਼ੋਨਾ ਵਰਕੇ ਇੰਟਰਪ੍ਰੀਟੇਸ਼ਨ ਅਤੇ ਟਰਾਂਸਲੇਸ਼ਨ ਸਰਵਿਸ ਨੂੰ ਇਸ ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰੋ: 01506 775000

یہ معلومات بریل (اندھوں کے رسم الخط)، ٹیپ، بڑے حروف کی مطبعت اور کمیونٹی میں ہونے والی زبانوں میں دستیاب ہے۔
براہ مہربانی انٹرنیٹ پر پبلنگ آئیڈنٹیفیکیشن سروس سے ٹیلیفون نمبر 01506 775000 پر رابطہ قائم کریں۔

Informacje te mogą być przekazane na język Braille'a, dostępne na taśmie magnetofonowej lub wydane dużym drukiem oraz przetłumaczone na języki mniejszości narodowych.
Prosimy o kontakt z Usługami Tłumaczeniowymi pod numerem 01506 775000

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is 18001 01506 464427. A loop system is also available in all offices.

Disabled access: County Buildings is fully accessible to people with mobility difficulties.

Development Management, West Lothian Council,
County Buildings, High Street, Linlithgow, West Lothian EH49 7EZ.

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