

DUMFRIES AND
GALLOWAY COUNCIL

DEVELOPMENT MANAGEMENT CUSTOMER SERVICE CHARTER

April 2024

THE SERVICES PROVIDED

- Processing applications for planning permission, Listed Building and Conservation Area Consent, advertisement consent, works to protected trees, certificates of lawful use or development, determinations of prior approval, and other statutory applications.
- Maintaining and making publicly available a register of planning and other statutory applications.
- Offering a pre-application service to applicants and / or their agents (please note that this service is chargeable).
- Keeping customers informed when an appeal or Notice of Review against a decision is made.
- Carrying out enforcement of planning control in accordance with our Planning Enforcement Charter.
- Providing licensing consultations.
- Providing development management property enquiry information (please note that this service may be chargeable).
- Accepting and processing applications and drawings electronically.
- Providing information on the progress of applications online through our ePlanning system.
- Providing an enquiry system for historic planning permissions and other statutory applications including the production of certified copies of documents (please note that this service is chargeable).

The Council is the 'Planning Authority' for the Dumfries and Galloway Council area. The Planning Authority's main responsibilities are divided into three key areas.

Planning Policy

The preparation of development plans, development briefs, local place plans, statutory and non-statutory guidance. Further information on planning policy can be found on the Council's website at

Local Development Plan (LDP2) - Dumfries and Galloway Council (dumgal.gov.uk)

Development Management

Process applications for planning permission, Listed Building and Conservation Area Consent, advertisement consent, works to protected trees, certificates of lawful use or development, determinations of prior approval, and other statutory applications. The Planning Authority will deal with pre application and general planning enquiries, and respond to planning appeals submitted to the Scottish Ministers and Notice of Review submitted to the Local Review Body.

Planning Enforcement

The Planning Authority will investigate alleged breaches of planning control, seek resolution, and take action against breaches where appropriate. Additional information and a separate Charter relating to Planning Enforcement can be found on the Council's website at

Enforcing planning controls - Dumfries and Galloway Council (dumgal.gov.uk)

This Charter aims to:

- Tell you what we do.
- Tell you the standards we aim to meet.
- Tell you what to do in the event we do not meet these standards

By publishing our standards and targets we aim to improve our service and make it responsive to the needs of customers. We will monitor the contents of this Charter to ensure that standards and targets are being met. Please note that the timescales

indicated for various actions have been set to reflect our current level of staffing / capacity. These will be monitored and may change to reflect any changes in staffing.

OUR VALUES

We will:

- Always be courteous, polite and helpful.
- Ensure that suitably experienced / appropriately qualified staff deal with the respective types of query.
- Deal with all our customers equally and fairly regardless of race, gender, age, ability, sexuality or religion.
- Wear identification cards. The cards give the name and position of the cardholder and include a photograph. If our staff are calling at your home or place of business, you are entitled to see their identity card.
- Be open for business: we will undertake positive actions to support sustainable economic growth.
- Resolve enquiries at first point of contact, whenever possible.
- Provide effective customer service by communicating and engaging with customers for a positive customer experience.
- Create a culture of continuous improvement, by listening to customers.
- Use plain language and avoid unnecessary jargon.
- Direct you to further information online.
- Use email as our preferred method of contact. However, if this is not an option, we will aim to respond to your calls / voice messages within two working days.

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.

General advice on planning applications and processes can also be obtained on the Council's website which provides answers to common planning questions.

Planning Permission - Dumfries and Galloway Council (dumgal.gov.uk)



Dumfries and Galloway Council offers a Duty Officer Service which is available by telephone which certain times; current times can be found on the Council's website. The duty service is aimed at the general public / homeowners / occupiers; it is not a service for professional agents or developers. These parties are required to apply via the Council's pre-application chargeable service. Details on the advice can be provided by the duty officer can be found on the Council's website.

What needs planning permission - Dumfries and Galloway Council (dumgal.gov.uk).

Pre-Application Enquiries

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.

Dumfries and Galloway Council offers two different pre-application enquiry services:

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.

SERVICE STANDARD

We will aim to provide comprehensive and thorough pre-application advice within 60 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. Limited consultations will be undertaken where appropriate, and you can also request a site visit by the planning officer.

SERVICE STANDARD

We will aim provide you with detailed desktop advice within 40 working days of receipt, including where possible an indication whether your proposal is likely to be acceptable or not.

Full details of both services and how to apply are available online. A fee will be payable for both services.

Pre Application Enquiries - Dumfries and Galloway Council (dumgal.gov.uk)

The Council's pre-application enquiry service is a non-statutory service. The Planning Authority will not be able to enter into further dialogue in respect of a pre-application enquiry once a report has been issued.

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 supported by local validation checklists. Further information is provided here.

Apply for planning permission - Dumfries and Galloway Council (dumgal.gov.uk)

Applications should be submitted electronically through the ePlanning Scotland website. Such applications will be automatically downloaded to the planning authority and all further correspondence will be electronic.

eDevelopment Scotland



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 letter which will contain the reference number of your application and the contact details of the case officer who will be dealing with the application. If further information is required, this will be requested in writing and explain what information is required to make the application valid. This will normally be requested to be submitted in writing within 28 days of registration of the application.

SERVICE STANDARD

All applications aim to be checked within 5 working days of receipt.

If invalid we will endeavour to let the applicant / agent know, in writing within 5 working days, what further information is needed to make the application valid.

Valid applications will be acknowledged, in writing, within 10 working days. The name of the case officer, method of determination and timescale for decision will be provided in the acknowledgement letter.

We will notify neighbours of your planning application and, in many cases, we will also need to advertise it in the local 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 only. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.

The progress of an application can be tracked online.

Simple Search (dumgal.gov.uk)

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.

SERVICE STANDARD

Within 15 working days of a valid application being received, we aim to carry out neighbour notification and consult on the application, where it applies.

Notification involves sending a letter to all postal properties within 20 metres of the application site, giving details of the proposal and highlighting that comments must be made to the planning service within 21 days from the date of the notification letter.

SERVICE STANDARD

Within 25 working days of a valid application being received, we aim to visit the site where appropriate. The case officer will advise if minor changes are needed to make the proposals acceptable.

If we do accept amendments during the application process, we will only arrange for neighbours to be re-notified if the changes raise new planning matters. 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

At the end of the neighbour notification period and on receipt of all relevant information and consultation responses, the case officer will consider the information before making a recommendation on the application. The recommendation will be set out in a report on handling which covers all the issues raised in the context of the relevant policy framework.

SERVICE STANDARD

We aim to determine:

70% of all Local (non-householder) planning applications within 2 months

90% of all householder applications within 2 months

Around 95% of planning applications in Dumfries and Galloway are decided by planning officers under delegated powers and do not need to go to the Committee for a decision. A similar percentage of applications are approved by the Council. These figures are in line with those found in most other planning authorities across Scotland.

Some applications must be referred to the Planning Applications Committee 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.

SERVICE STANDARD

We aim to publish the Committee report online and notify interested parties of the Committee date 5 working days in advance of the meeting.

In the case of applications with objections which need to go before the Committee, an opportunity is given to applicants and interested parties who have lodged representations at the appropriate time to speak at the Committee meeting before a decision is made. Parties will be advised of the details of this in your notification letter.

SERVICE STANDARD

We aim to 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. There is a fee for this service.

Advice on how to submit a discharge of conditions application can be found on the Council's website.

Discharge of Conditions and Non-Material Variations - Dumfries and Galloway Council (dumgal.gov.uk)

SERVICE STANDARD

We aim to respond to discharge of conditions within 40 working days of receipt of the full information for all conditions.



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 on the Council website.

Planning appeals and reviews - Dumfries and Galloway Council (dumgal.gov.uk)

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. However, an application for a non-material variation request is still required. A fee is payable for these applications. Where any more significant changes are proposed which are considered to materially alter a development, a new application will be required..

Advice on how to submit a Non-Material Variation application can be found on the Council's website.

Discharge of Conditions and Non-Material Variations - Dumfries and Galloway Council (dumgal.gov.uk)

SERVICE STANDARD

We aim to respond to a Non-Material Variation within 40 working days of receipt.

Notification of Initiation and Completion

Applicants are required to submit a Notice of Initiation of Development prior to work commencing on site to make the Council aware that development is underway. Following completion of development, the applicant should also submit a Notice of Completion of Development to the Council. In certain circumstances, a site notice will also need to be posted by the applicant or developer on or in the vicinity of the site until the development is completed. Model notices are issued with each planning permission.

Communicating with planning officers

Where an applicant or their agent wishes to discuss a current application, they should contact the case officer directly, preferably by email.

SERVICE STANDARD

The case officer will aim to respond to emails within 20 working days or, where the enquiry cannot be dealt with within that timescale, provide an acknowledgement within 5 working days.

The case officer will aim to respond to letters within 30 working days or, where the enquiry cannot be dealt with within that timescale, provide an acknowledgement within 10 working days.

The case officer will aim to return calls within 2 working days or arrange a meeting where appropriate within 5 working days.

WHAT YOU CAN DO TO HELP US

- Promptly provide us with all requested information.
- Read information sent to you carefully and follow any instructions given.
- Please be patient as there are times when we are exceptionally busy / short staffed.

- Engage professional assistance when submitting your application.
- Treat our staff respectfully noting that we will not tolerate abusive or aggressive 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 local 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 on the Council’s website.
- Publish a weekly list of registered planning applications online.
- Ensure that information on all planning applications from 2010 onwards 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 from before 2010 are available for inspection on request.
- 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)

Objections and representations

Any individual, group or organisation can make comments of objection or support for a planning application, on material planning grounds electronically. Further information on what constitutes a material planning objection is available here.

Comment on a planning application - Dumfries and Galloway Council (dumgal.gov.uk)

It should be noted that representations which are not material to planning matters will not be taken into account in assessing applications.

Representations will only be accepted electronically using the online comments form or by email.

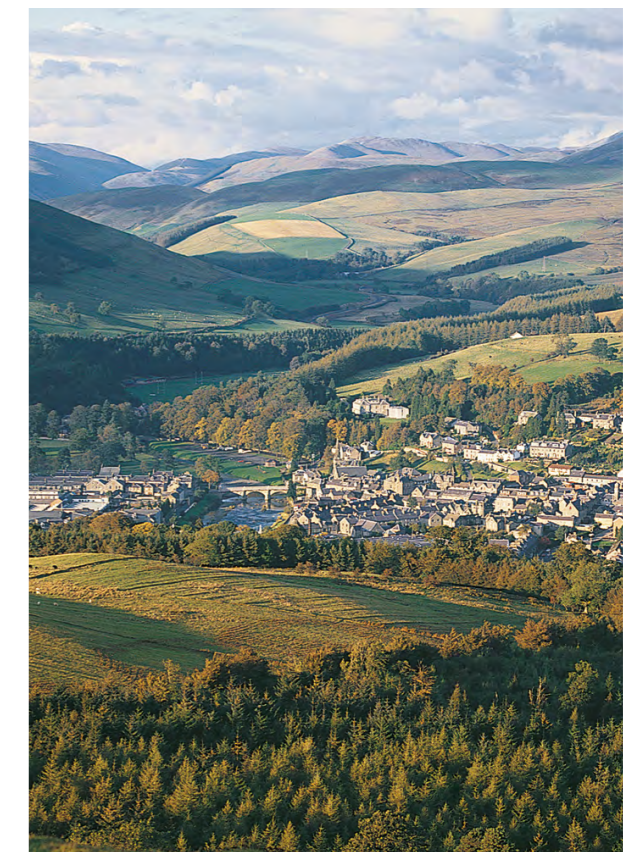
Simple Search (dumgal.gov.uk)

Any representations received in hard copy (paper format) will not be accepted unless they include a valid email address. This is because all communications from the planning service in relation to applications will only be sent by email.

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 what the planning authority consider to be any significantly 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 normally 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 or provide updates to 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.

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.

Enforcing planning controls - Dumfries and Galloway Council (dumgal.gov.uk)

COMPLAINTS, FEEDBACK & ACCOUNTABILITY

Our processes and procedures will be regularly monitored and reviewed to ensure that we offer an effective service. Comments and suggestions from customers are very important in helping us improve.

SERVICE STANDARD

We will aim to undertake an annual Planning Survey and publish the results. We aim to obtain regular feedback from users of the service.

Whilst we will always aim to deliver the best possible service at the first point of contact, we understand that we may sometimes fall short of your expectations. When this happens we promise to:

- Listen to your views
- Explain what happened and how if necessary we are going to put it right
- Put things right as quickly as possible where required / we can
- Learn from our experience
- Do all we can to prevent a similar occurrence.

If you are not satisfied with any aspect of our service, please contact us and we will try and resolve any problems quickly, and explain what we have done and why.

If you are not satisfied with the response, you can take your complaint further by using the Council's complaints procedure.

Further details on how to do this are available here.

Making a complaint - Dumfries and Galloway Council (dumgal.gov.uk)

The Head of Economy and Environment is accountable for the administration of the planning service on behalf of Dumfries and Galloway Council.

HOW TO CONTACT US

We can be contacted at:

General planning correspondence/enquiries can be emailed to: **planning@dumgal.gov.uk**

Representations to planning applications can be emailed to **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.

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

