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CONSULTATION ON AND NOTIFICATION OF PLANNING
APPLICATIONS FOR OUTDOOR SPORTS FACILITIES
AND OPEN SPACE

■ circular

Scottish Planning Series

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**Consultation on
and Notification of
Planning Applications for
Outdoor Sports Facilities
and Open Space**

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- **Scottish Planning Policies (SPPs)** provide statements of The Scottish Government's policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
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Statements of The Scottish Government's policy contained in SPPs and Circulars are material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of The Scottish Government's location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision-making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programme of The Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, SPPs do NOT repeat policy across thematic boundaries. Each SPP takes as read the general policy in SPP1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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INTRODUCTION

1. This Circular and the enclosed Directions to planning authorities give effect to the policy changes announced in Scottish Planning Policy 11: Open Space and Physical Activity (SPP 11) in respect of consultation and notification requirements for applications for planning permission on land identified in the development plan as open space and applications affecting certain outdoor sports facilities.

OPEN SPACE

2. SPP 11 announces new procedures relating to the control of development on open space. As a result, planning authorities are now required to notify Scottish Ministers when they intend to approve an application for planning permission for development which would result in the loss, in whole or in part, of an area identified in the development plan as open space.

PLAYING FIELDS AND OTHER OUTDOOR SPORTS FACILITIES

3. SPP 11 also announces new procedures relating to the control of development affecting outdoor sports facilities. As a result, planning authorities are now required to consult **sportscotland** on any application for planning permission for development which is likely to lead to the loss, or prejudice the use, of certain outdoor sports facilities (either in current use or last used for that purpose). Planning authorities will, in addition, now be required to notify Scottish Ministers when they intend to approve an application for such a development to which **sportscotland** has objected or has recommended conditions which the planning authority does not intend to impose. The types of outdoor sports facilities to which these consultation and notification requirements apply are:
 - playing fields of 0.2ha or greater used for any sport played on a pitch;
 - athletics tracks;
 - golf courses;
 - tennis courts, other than those within a private dwelling, hotel or other tourist accommodation; and
 - bowling greens.



CONSULTATION ON PLANNING APPLICATIONS

4. This Circular explains additional requirements to those set out in the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (the GDPO) relating to consultation on planning applications. It incorporates, in Annex I, the Town and Country Planning (Consultation on Applications) (Scotland) Direction 2007, which gives force to the additional requirements and is issued to coincide with the publication of SPP 11. These new arrangements incorporate all existing requirements to consult **sportscotland** under the GDPO, and paragraphs 3 and 4 of Circular 5/1997 no longer apply. The new arrangements will be incorporated into the GDPO at the next appropriate opportunity.

NOTIFICATION OF PLANNING APPLICATIONS

5. This Circular amends requirements set out in The Scottish Executive Development Department Circular No 5/2007 relating to the notification of planning applications. It incorporates, in Annex II, the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2007, which gives force to the amended requirements and is issued to coincide with the publication of SPP 11. With this change in notification requirements, the text of Circular 43/1997 is no longer relevant and it is hereby revoked.

EFFECTIVE DATE

6. The Directions which give statutory effect to these changes, the Town and Country Planning (Consultation on Applications) (Scotland) Direction 2007 and the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2007, are incorporated within, and shall have effect from 1 January 2008.

ENQUIRIES

7. Enquiries about the content of this Circular should be addressed to David Liddell (0131-244-7549). This and other Planning Circulars may be downloaded from The Scottish Government website at <http://www.scotland.gov.uk/Topics/Planning>.

ANNEX I

THE TOWN AND COUNTRY PLANNING (CONSULTATION ON APPLICATIONS) (SCOTLAND) DIRECTION 2007

The Scottish Ministers make and give the following Direction in exercise of the powers conferred on them by Articles 15(2), 17, 22(3) and 32(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Direction may be cited as the Town and Country Planning (Consultation on Applications) (Scotland) Direction 2007 and shall come into force on 1 January 2008.

(2) In this Direction

“outdoor sports facility” means land used as –

- (a) outdoor playing fields extending to not less than 0.2ha used for any sport played on a pitch;
- (b) outdoor athletics tracks;
- (c) golf courses;
- (d) outdoor tennis courts, other than those within a private dwelling, hotel or other tourist accommodation; and
- (e) outdoor bowling greens.

Consultation with sportscotland

2.— (1) A planning authority, before granting an application for planning permission for development likely to –

- (a) result in the loss of an outdoor sports facility;
- (b) prejudice the use of an existing outdoor sports facility for that purpose; or
- (c) prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose,

shall consult **sportscotland**.

(2) The planning authority when consulting in accordance with paragraph (1) is to give not less than 14 days notice to **sportscotland** that such application is to be taken into consideration and shall not determine the application until after the expiration of the period of such notice.

(3) For the purpose of consultation under this Direction the planning authority shall give **sportscotland** such information as is necessary to enable them to consider the application.



David Ferguson
Head of Planning Decisions
The Scottish Government Planning Directorate
Victoria Quay
EDINBURGH
EH6 6QQ
15 November 2007

ANNEX II

THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS) (SCOTLAND) AMENDMENT DIRECTION 2007

The Scottish Ministers make and give the following Direction in exercise of the powers conferred on them by Articles 17, 19 and 22(3) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and all other powers enabling them to do so.

Citation and commencement

1. This Direction may be cited as the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2007 and shall come into force on 1 January 2008.

Amendment of Town and Country Planning (Notification of Applications) (Scotland) Direction 2007

2. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2007 shall be amended as follows–

(a) For paragraph 14 of the Schedule substitute–

“14. Development which is likely to

- (a) result in the loss of an outdoor sports facility;
- (b) prejudice the use of an existing outdoor sports facility for that purpose; or
- (c) prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose,

to which **sport**scotland has objected or has recommended conditions which the planning authority does not intend to attach to the planning permission. For the purposes of this paragraph “outdoor sports facility” means land used as –

- (a) outdoor playing fields extending to not less than 0.2ha used for any sport played on a pitch;
- (b) outdoor athletics tracks;
- (c) golf courses;

(d) outdoor tennis courts, other than those within a private dwelling, hotel or other tourist accommodation; and

(e) outdoor bowling greens.”

(b) After paragraph 18 of the Schedule insert–

“DEVELOPMENT ON OPEN SPACE

19. Development which would result in the loss, in whole or in part, of an area identified in the development plan as open space.”



David Ferguson
Head of Planning Decisions
Scottish Government Planning Directorate
Victoria Quay
EDINBURGH
EH6 6QQ
15 November 2007

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