



# CCC planning and licensing policy

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## About this policy

This document sets out the policy Cumbrae Community Council (CCC) intends to adopt for considering and responding to planning and licensing applications that might affect the Cumbrae community. It will be reviewed annually at the CCC AGM and amended as required.

This policy was adopted at a meeting of Cumbrae Community Council on 30 June 2022.

Planning applications made to North Ayrshire Council (NAC) can be viewed at:

<https://www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/>

Licensing applications can be found at: <https://www.north-ayrshire.gov.uk/business/licences-and-permits/current-applications/current-applications.aspx>

## When will CCC respond to an application?

CCC will consider responding to an application, if any of the following apply:

- CCC receives 5 or more comments from the community.
- The application represents a departure from NAC's Local Development Plan (see appendix).
- The application raises one or more important matters of principle for the island.



## Cumbrae Community Council

- The application might reasonably be predicted to have a significant impact on the Cumbrae community.
- The application impacts a listed building, conservation area or other designated site.

### How will CCC respond?

- NAC's weekly list of valid planning applications is sent to CCC as a statutory consultee. CCC also receives notification of licensing applications from NAC. A designated member(s) of CCC will be responsible for monitoring this list and any correspondence to CCC, to identify any applications or potential applications that might fall within the scope of this policy.
- They (or any other member of CCC) will draw the matter to the attention of other members of CCC who will then decide whether it should be put on the agenda of the next CCC public meeting and whether additional information is required or a meeting with NAC is necessary.
- CCC councillors should make a declaration of interest if they have a financial or personal interest in the application. The Chair, or other councillor acting in that role, will then decide whether that councillor has to recuse themselves from the discussion.
- Depending on the timing of the next CCC public meeting, it may be necessary to send a request for an extension of the consultation period to NAC. If CCC is in recess, a special public meeting may be called to discuss the application in order to meet the consultation deadline.
- The application will then be debated at the public meeting, having been advertised on the agenda.
- If time permits, and the matter is considered important enough, details of the application will be posted on the [CCC website](#) and notification sent to subscribers to the [CCC mailing list](#). If there is insufficient time, or if the matter is a minor one, it will be posted on the [CCC Facebook page](#).
- The response of CCC may be to take no action, to seek further information, or to write a letter of support, comment, concern or objection to NAC. Comments may reflect a nuanced view if there is a spread of opinion in the community.
- Individual community councillors may responsibly respond to applications in a personal capacity, even if their views are contrary to those agreed by CCC.

## Appendix

### The role of community councils

North Ayrshire Council states:

*Community Councils are the most local tier of statutory representation in Scotland ( i.e. their purpose is set out in law) . They bridge the gap between local authorities and communities. They help to make public bodies, such as the Council, aware of the opinions and needs of the communities they represent. Their main purpose is to be representative of their local community, gather community opinion, and share the views of the community with the local authority and other public bodies.*



Ref <http://northayrshire.community/your-community/north-coast-cumbrae/community-council/>

### Guidance about community councils' role in the planning process

Guidance about community councils' role in the planning process is available on the community councils website and is summarised below:

*Community councils have a statutory right to be consulted on applications for planning permission and the community council has a special role, representing a broader yet still local view which can be set alongside the comments of those with a more individual interest.*

*Each community council should appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover, and inform the authority accordingly... A regular contact person in the authority's planning service should also be clearly identified for each community council. This will usually be the case officer for the area concerned.*

*Article 25(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 states that where a community council is being consulted, it must be given 14 days to make its comments on an application. The 14 days begins on the issuing date of details of the application.*

*Most cases should be handled within the timescale set out here. But the 14 day period is a minimum and it is open to a community council, like any other statutory consultee, to ask the authority to use its discretion to allow a reasonable extension in special cases: for example those which are unusually complex or controversial.*

*In some cases community councils may find it helpful to discuss applications with the planning authority. Authorities should respond constructively to requests for more information or discussion of particular proposals. **Discussions on the planning merits of cases between applicants and community councils after a planning application has been submitted are strongly discouraged.** It is for the planning authority to discuss issues with various parties if they think it necessary before coming to a decision.*

Ref <https://www.communitycouncils.scot/what-is-a-community-council/consultation-on-planning>

### Guidance about how to comment on a planning application

Guidance about how to comment on a planning application and the material considerations that a comment can raise are available at: <https://www.north-ayrshire.gov.uk/planning-and-building-standards/comment-on-a-planning-application.aspx>

### NAC Local Development Plan

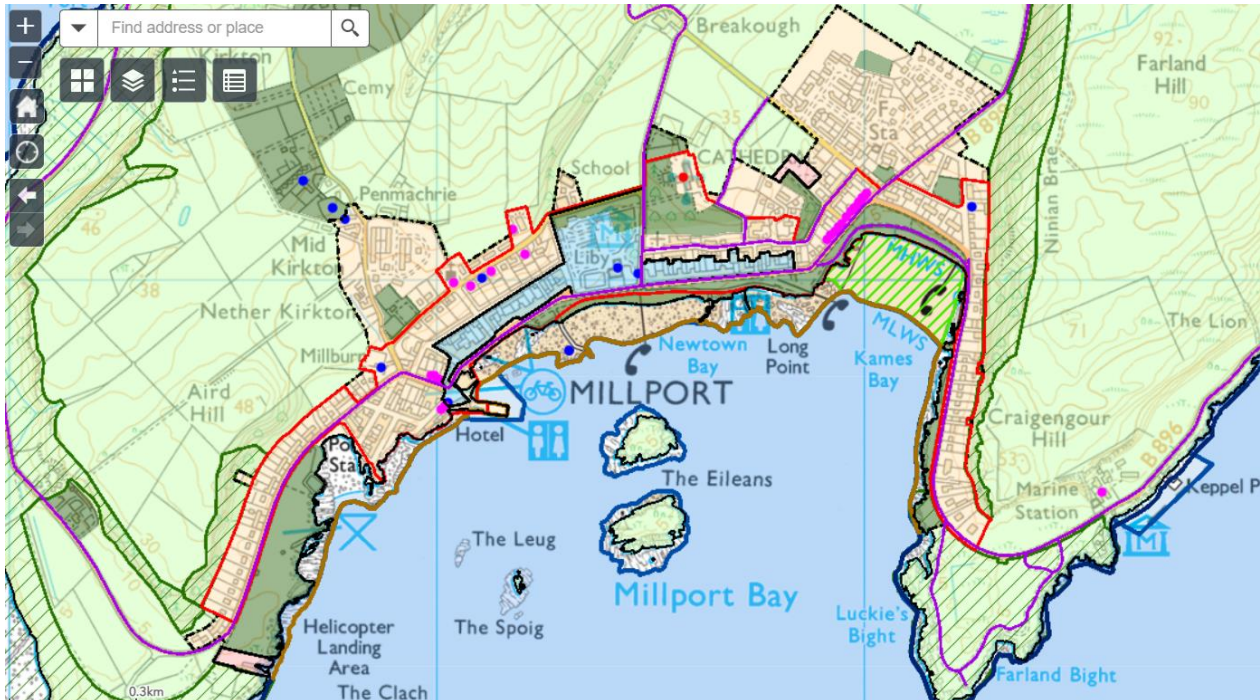
Local Development Plans (LDP) are prepared for each council area across Scotland. They allocate sites, either for new development, such as housing, or sites to be protected. They guide decisions on all planning applications. Ref <https://www.gov.scot/policies/planning-architecture/development-plans/>



## Cumbrae Community Council

NAC's current Local Development Plan (LDP2) was adopted on 28 November 2019. It sets out how NAC aim to guide development in the area over the next 20 years. It is available at: <https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/LocalDevelopmentPlan/ldp2.pdf>

A map of LDP2 can be viewed at: <https://www.maps.north-ayrshire.gov.uk/sites/ldp/>



Additional guidance is available at: <https://www.north-ayrshire.gov.uk/planning-and-building-standards/ldp/other-planning-guidance.aspx>

NB In September 2021, the NAC planning committee adopted the latest Development Plan Scheme. This sets out a programme for preparing the next Local Development Plan (LDP3).

The Development Plan Scheme is available at: <https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/LocalDevelopmentPlan/dps.pdf>

### Guidance about community councils' role in the licensing process

Community councils have the right to be kept informed about licensing applications.

The Licensing (Scotland) Act 2005 requires that:

- Licensing Boards notify the Community Council of any new premises licence application or application to substantially vary how a premises operates;
- Local Authorities employ a Licensing Standards Officer whose duties include mediating with licensed premises to try and solve problems including those raised by Community Councils; and
- Licensing Boards involve people resident in the locality in consultation on a Board's Licensing Policy Statement or overprovision assessment, which could include reference to how it intends to involve Community Councils in Licensing Board matters.



## **Cumbrae Community Council**

Community Councils are able to object or offer representations to an application and to request that Licensing Boards hold a hearing to review a licence if it is operating outwith the premises licensing conditions or the licensing objectives.

Ref: [Good practice guidance for local authorities and community councils.](#)