



UNDERSTANDING THE SCOTTISH PLANNING SYSTEM

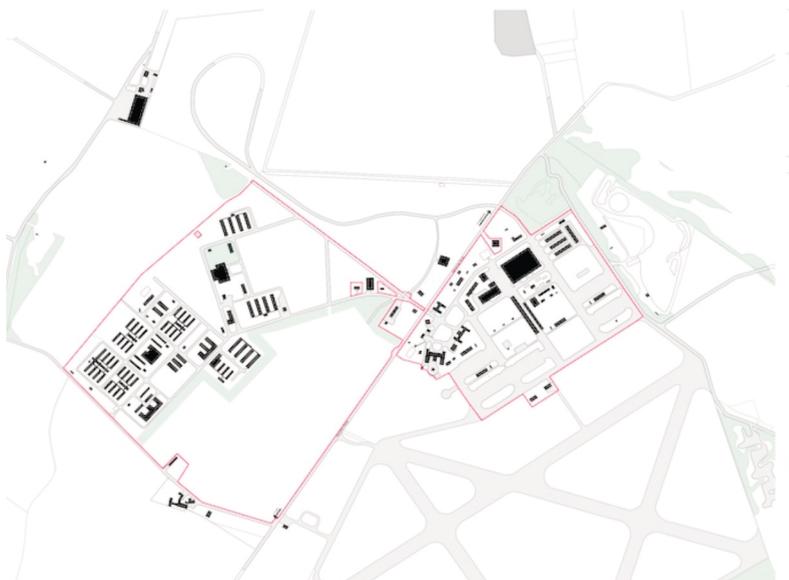
A GUIDE FOR COMMUNITIES

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Understanding the Scottish Planning System



In Scotland most large developments require **planning permission** from the local planning authority (usually Fife Council for Crail). This is the formal legal process used to regulate how land and buildings are developed and used. Decisions are made on the basis of planning law, local development plans (currently FifePLAN 2017) and national planning policy (e.g. National Planning Framework 4). There are *tiers* of decision-making that depend on the scale of the development: small local proposals, larger or *major developments*, and national developments.

For *major developments* — typically those with significant environmental, economic or social impacts (for example large housing estates, energy infrastructure, industrial sites, or large retail/leisure schemes) — the planning process includes additional consultation requirements before an application can even be submitted (Pre-Application Consultation), and more extensive environmental assessments may be required under the Environmental Impact Assessment (EIA) Regulations.

Importantly, Scotland’s planning regime is **plan-led** — decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. “Material considerations” are planning-relevant factors such as Economic Development, design, amenity, traffic, ecology, landscape impact and compliance with statutory policy.



Fife Council is currently reviewing the local development plan which will be known as Fife’s Place Plan. Crail has its own Local Place Plan and we should keep an eye on the Fife’s Place Plan to ensure it correctly migrates important local policies from either the existing FifePLAN or Crail Local Place Plan to the new Fife’s Place Plan.

The Core Role of Objections in the Planning Process

Who Can Object

Anyone can object to a planning application — you **do not need to live nearby** or own property, though views from local residents and property owners often carry more weight because they are more directly affected. Members of the public, local residents, community organisations and interest groups can all submit objections or representations.

When to Object

Objections must be submitted **during the consultation period** that follows public notification and neighbour consultation. Councils typically advertise planning applications on their website and notify nearby properties, and the public has a statutory window (often around three weeks) within which to submit comments before a decision is made.

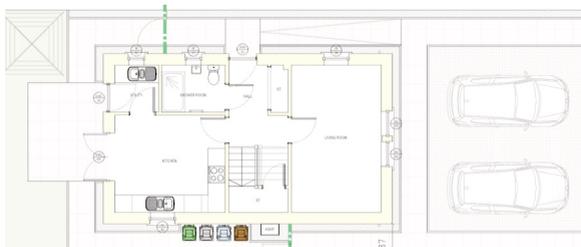
What an Objection Does

An objection becomes part of the *formal planning record*. The number of objections submitted on any particular proposal can dictate if the application is required to be presented to the relevant Planning Committee. Thereafter, Planning officers and elected

members (if the decision goes to committee) must consider all valid objections as part of the assessment of the application. Objections do **not directly veto** a proposal, but they ensure that the council must take the Planning issues raised into account before making a decision.

It needs to be remembered that, “The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.”

Planning Circular 3/2022; development management procedures



How to Make Effective Objections

a. Focus on Material Planning Considerations

For objections to be meaningful, they should be based on “Material Planning Considerations” which are defined in Planning Circular 3/2022; development management procedures, Annex A: as

“The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:

- *Scottish Government policy and UK Government policy on reserved matters;*
- *Scottish Government circulars, planning advice notes and chief planner letters;*
- *Local Place Plans;*
- *Planning policies which do not form part of the statutory development plan;*
- *National Park Plans;*
- *Draft policies which are proposed to form part of the statutory development plan;*
- *Environmental impacts of the proposed development;*
- *Design of the proposed development and its relationship to its surroundings;*
- *Infrastructure impacts of the proposed development;*
- *Planning history of the site;*
- *Views of statutory and other consultees; and*
- *Legitimate public concern or support expressed on relevant planning matters.”*

Non-planning concerns (e.g., “I simply don’t like it”) are not material and carry no weight in decision-making.

b. Be Clear, Specific and Supported by Evidence

The most effective objections:

- quote relevant local or national policy
- explain why the proposal conflicts with these policies
- include factual evidence such as maps, photos, measurements or expert input
- are written in a structured, clear way so planners can readily understand the issues raised.



c. Submit Before Deadline

Deadlines matter — late comments may not be considered. If you *just* miss the deadline, you can still try to email the case officer and copy local councillors, but timeliness is critical.

d. How to access and comment on planning applications in Fife

In order to look at the details of a planning application in Fife, you need access to the Fife Council website. Just search for “Fife Council Planning applications” in your search engine and select “Fife Council – Planning applications. View, track and comment online”

On the next page select the “Fife Council Online Planning System” button. This will take you to the “Simple Search” page. Select “current” on the “Status” drop down list and then enter “a keyword, reference number, postcode or single line of address” in the search box and press “Search”. Select your desired application from the list by clicking on the live text for your chosen entry. This will take you to the details of the application with a number of tabs which allow you to choose from “Details”, “Comment”, “Documents”, “History” or “Map”.

Further tabs under the “Details” heading include “Important Dates” which should give you the end date for the receipt of comments. Representations received later than the closing date will not usually be considered.

The key documents for an application are the planning application form, the planning statement, and the site plan. For a more detailed application the floorplans and elevations will be informative. Otherwise you may be interested in the Transport Statement (traffic issues) and other environmental reports.

If you want to comment on an application you can do so online via the “comment” tab. It is necessary to register with Fife Council first. The buttons to register (and thereafter log in) are at the top of the search pages. Alternatively you can email your comments to development.central@fife.gov.uk but you will need to include your name and address.

Once you have made a comment you will usually be informed of the outcome of the planning application.

Participation Beyond Written Objections

a. Pre-Application Engagement

For *major* developments, developers are usually required to undertake **pre-application consultation** with local communities well before the planning application is submitted. Participating in these early events (community meetings, exhibitions, drop-ins) gives objectors a chance to influence proposals before they are fixed.

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b. Speak at Committee

If the planning application is decided by a **planning committee** of elected councillors (rather than by officers under delegated powers), councils usually allow members of the public to speak briefly at the meeting. Fife Council do not subscribe to this and you can only observe (online) or attend the planning Committee in person.

c. Engage with MSPs or Councillors

Local councillors and Scottish Parliament members (MSPs) can raise community concerns and ask questions of planning officers or ministers — particularly for major schemes that attract wider political attention. Whilst our local councillors normally attend the monthly Crail Community Council meetings and can become aware of community sentiment they cannot comment on any aspect of an application before the formal Committee meeting, as they would then be deemed to prejudice themselves and would be barred from the decision-making process.

Limitations: What Objectors *Cannot* Do Directly

a. Objectors Cannot Appeal the Decision

Unlike the developer, **local objectors do not have a right of appeal** against a planning permission decision. If permission is refused, the *applicant* can appeal to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government, but if the application is *granted*, objectors have no direct right to appeal that decision.

This disparity — where developers can appeal adverse decisions but third parties cannot appeal favourable ones — is a known point of contention, and some campaigners advocate for a “third-party right of appeal” to level the system, although a number of concerns have been raised about such an appeal process, particularly in Ireland..

b. Objections Do Not Automatically Stop Development

An objection does not automatically stop a development. If, after considering all material considerations (including objections), the council or Scottish Ministers decides the proposal is acceptable, they can grant permission.

What to Do *If* Permission Is Granted

Since you cannot appeal a planning decision as an objector, there are two main avenues:

a. Judicial Review

If you believe the planning authority **acted unlawfully** — for example by failing to follow correct procedures, ignoring material considerations, or misapplying policy — you may seek a **judicial review** in the Court of Session. This is a legal challenge, *not* a re-evaluation of planning merits; it judges whether the decision process was lawful. These cases are complex, expensive, and must be brought quickly (typically within weeks of the decision).

b. Complaints About Process

If you think the authority mishandled your objection, provided poor service or failed to follow procedure, you can raise a **complaint** with the council and, if unresolved, potentially take it to the **Scottish Public Services Ombudsman (SPSO)**. The ombudsman can assess any administrative failing, however, as the complaints procedure does not cover “complaints that are the subject of legal proceedings or statutory procedures” which includes the planning decision, the Ombudsman cannot investigate the outcome of a planning application.

Strategic and Community Action

a. Grouping and Community Council Involvement

Objectors can organise *collectively*— individual residents, community councils, local societies and environmental groups can submit coordinated objections or joint submissions, which can amplify the community voice. Some councils expect community councils submitting representations to demonstrate local consultation.



b. Campaigning and Public Engagement

In high-profile cases, local objectors may run petitions, public meetings, open letters, or media campaigns to raise awareness and political pressure on decision-makers. For example, local campaigns in Scotland have involved thousands of objections and even public inquiry processes used for large infrastructure proposals, showing how mobilised communities can shape debates.

c. Engage Early with Developers

Constructive engagement with developers can sometimes lead to design changes before submission that address key concerns (e.g., reducing height, adding screening or traffic improvements).

Summary: What Local Objectors *Can Do*

1. **Submit formal objections or representations** during the statutory consultation period.
2. **Focus objections on material planning considerations** backed by evidence and relevant policy.
3. **Participate in pre-application consultation** for major developments.
4. **Attend** planning committee hearings.
5. **Engage with elected representatives** to raise community concerns via Crail Community Council or email, but note that Local Councillors cannot make any comment on an application before the formal planning Committee takes place.
6. **Coordinate with community groups** for collective representation.
7. If permission is granted, **consider judicial review** only where legal error is suspected.
8. **Use complaints channels** for administrative issues with process.

Final Notes

While objection alone does not guarantee a change of outcome, **meaningful, well-evidenced, and policy-aligned objections are considered in planning decisions**. Scotland's planning system aims to balance public participation with efficient decision-making in the public interest. Understanding procedural rights, limitations and strategic engagement tools helps local objectors use the system most effectively.

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