



ABERDEEN
CITY COUNCIL



Guide to commenting on planning applications

Development Management

June 2010

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

www.aberdeencity.gov.uk

INTRODUCTION

Aberdeen City Council encourages the community to participate in the planning process which helps to shape and form the environment in which we all live, work and enjoy our leisure time.

The involvement of the general public is valued, as it enables Planning Officials to reach a balanced view when deciding upon planning applications.

Every member of the community has the right to comment on any planning application, and the purpose of this guide is to assist how best you might make your views known.

HOW WILL YOU KNOW IF A PLANNING APPLICATION HAS BEEN SUBMITTED?

There are 2 main ways that you might discover that a planning application has been submitted to the Council;

1. Neighbour Notification: The Council must serve a neighbour notification notice on certain neighbouring property owners and occupiers (see Planning Application Guidance and Information for more detailed information about who should be notified and what information is required to be served);
2. Local Press: Following submission of certain applications, the Council may decide, because of the nature of the proposal, that the application should be advertised in the local press. This allows a wider section of the community to be aware of the proposal.

The council also maintains a register of all planning applications which are submitted. This is open to inspection by the public during normal office hours (Monday to Friday - 8.30 to 5pm) at:

Planning reception
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen AB10 1AB

and online at:

www.aberdeencity.gov.uk/planning/pla/pla_planningapps.asp

HOW DO YOU COMMENT ON A PLANNING APPLICATION?

The first step is for you to find out as much as you can about the details of the application. This can be achieved either by discussing the proposal with the applicant, or by inspecting the application at the Planning reception. It is advisable to contact the Application Support Team on 01224 523470 to check that the application has in fact been received and is available to view.

If you decide to express your views, these should be made in writing to the above address or email:

pi@aberdeencity.gov.uk

IS THERE A TIME PERIOD FOR MAKING REPRESENTATION?

It is important to be aware that there are time limits within which you must submit your written comments to the Council.

- If you are responding to a neighbour notification notice or are aware of the application by some other means, you have 21 days from the date of receipt of the notice to submit your written comments. In most cases, the application will be validated on the same date as the notice is served, however, on occasion, this may not be the case. It is always advisable to contact the us to check on the neighbour notification period. It is normal practice for us to allow an extra 3 days for receipt of written comments.
- Where an application has been advertised in the local press by the Council, you will have either 14 or 21 days from the date of the advert to submit your written comments. Please check the specific advert for which time period applies.

WHAT DETAILS SHOULD YOU INCLUDE IN YOUR REPRESENTATION?

Whether you are writing to the Council to object or support an application, you should clearly identify the planning application you are referring to and the particular points which you wish the Council to consider.

The Council, when assessing a planning application, must have regard to the Development Plan **unless material planning considerations indicate otherwise**. The Development Plan comprises the Aberdeen City and Shire Structure Plan and the Aberdeen Local Plan.

When dealing with planning applications, the following matters are considered material planning considerations and **may be relevant**.

- Written representations from members of the public;
- Views of statutory and other consultees (e.g. Environmental Health Section, Roads Section, Transport Scotland, Historic Scotland);
- Government Policy and Guidance (e.g. Scottish Planning Policies or Planning Advice Notes);
- Local Policy and Guidance (e.g. the Aberdeen Local Plan or Supplementary Planning Guidance);
- Planning site history (may include appeals to a previous decision);
- Impact on amenity (e.g. noise, odour, overlooking/loss of privacy, daylight issues);
- Impact on access, parking or road safety;
- Design (e.g. height, fenestration, materials);
- Compatibility with other uses in the area;
- Affect on a Listed Building or Conservation Area;
- Affect on Tree Preservation Order; and
- Precedent.

Certain matters are not normally material planning considerations and will not be taken into account by us when we decide on a planning application. These include:

- Devaluation of property;
- Loss of a view;
- Hours of construction;
- Commercial/Business competition;
- Moral and religious issues;
- Matters which relate to other regulatory regimes such as Building Standards or Health and Safety;
- Matters which relate to safety or disruption during construction;
- Civil matters (such as property disputes); and
- Perceived Health and Safety risks (e.g. telecommunications applications that are supported by the appropriate ICNIRP compliance declaration).

NOTE: These lists are not exhaustive.

WHAT HAPPENS NEXT?

After you have submitted your written comments, you will receive a letter or email acknowledging receipt of your comments. Please note that a petition with more than one name on it will be counted as one representation. If your comments have been received outwith the relevant time period, you will be notified separately.

The Council have delegated powers to the Head of Planning and Sustainable Development, which are a wide range of powers to determine many planning applications without the need to report to the Planning Committee (please contact us for information on our most up-to-date Scheme of Delegation). Where representations are received within the agreed time periods, these will be taken into account (where material considerations are raised) in the determination of the application. You should note that all representations received will be available for public scrutiny. Depending on the number of objections, the application may be dealt with under delegated powers or by the Planning Committee.

The Enterprise, Planning and Infrastructure Planning Committee meets roughly once a month in the Town House on Broad Street. Should you wish to find out if the application would be dealt with by the Planning Committee you should contact the case officer. Planning staff can give more information on committee dates or you can check the Council's web-site at:

www.aberdeencity.gov.uk/Councillors/Rm/cde_committee__pla.asp

Where an application is determined by the Planning Committee, a report will be prepared by Planning and Sustainable Development regarding the proposal, and will refer to the letters received, summarising the points raised and include an evaluation of the issues. The report concludes by making a recommendation to the Committee as to how the application should be determined.

Copies of the letters received will either be circulated to members of the Committee or made available for inspection on the day of the meeting. Copies of the Committee agenda and the papers circulated will be available for public inspection three working days in advance of the Committee meeting. It is the Committees practice not to allow members of the public, who have submitted a letter regarding an application to speak at the Committee meetings. The same policy applies to the applicant. All meetings are however held in public, and you may attend to listen to the debate.

The only exception is where the application is considered to be a Departure from the Development Plan and the Committee have decided to hold a hearing into the application before reaching a decision. In this instance you will be contacted and advised of the date and time of the hearing, and the opportunity to address the Committee. You may attend the meeting and listen to the debate if you do not want to actually speak.

Following a decision by the Committee, each person who has submitted a letter regarding an application will be advised in writing of the decision.

There is no right of appeal by objector's against the decision of the planning authority regarding a planning application. An applicant may submit within three months of a decision to refuse their application, an appeal to the Directorate for Planning and Environmental Appeals. When this occurs, you will as an objector be notified and given the opportunity to express your views to an independent Reporter from the Scottish Government.

For decisions made at a local level through delegated powers, any appeal would be to the Local Review Body. More information on appeals can be found on the Council's web site at:

www.aberdeencity.gov.uk/Planning/pla/pla_planning_appeals.asp

LOCAL GOVERNMENT OMBUDSMAN

Should you consider that the council has not followed the correct procedures in dealing with the planning application then you might want to contact the Ombudsman. The Ombudsman is not able to change the decision, but can investigate whether the way in which the council has taken the decision, complies with legal and statutory requirements. The Ombudsman is appointed as an independent adjudicator and can investigate where there appears to have been a Maladministration by the local authority. If you consider that you have suffered an injustice as a result of maladministration on the part of the Council, then you can ask the Ombudsman to investigate.

WHAT ELSE CAN YOU DO?

You could discuss your comments with your local Councillor who might be able to represent your views at the Planning Committee. Alternatively, you could contact your Community Council, if there is one in existence, who are a statutory consultee in the planning process and frequently submit views to represent the local community.

NEED MORE HELP ?

If you require any further help please contact:

**Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB**

Telephone: 01224 523470

Fax: 01224 523180

E-Mail: pi@aberdeencity.gov.uk

Data Protection information

Aberdeen City Council (ACC) will process this information fairly and lawfully and in accordance with the principles of the Data Protection Act 1998.

For the purposes of processing the personal information, ACC is the Data Controller. The nominated representative of the Data Controller is the City Solicitor. Applicants and agents have a right to obtain details of the personal information which ACC subject to the payment of a small fee. Such a request is known as a "subject access request".

Subject access requests to obtain information/data held by ACC should be made in writing to:

**Data Protection Liaison Officer
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB**

Disclosure information

The Planning Application and supporting documents may be viewed by members of the public at ACC offices, and details of the application may require to be advertised within local newspapers, as required in terms of the Planning Acts. The information which has been provided on the Planning Application Form and the supporting documents will be published on the ACC web-site:

www.aberdeencity.gov.uk/planning

for the purpose of advertising weekly planning lists and in order to facilitate public consultation on the application.

Directorate for Planning and Environmental Appeals

4 The Courtyard
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

Telephone: 01324 696 400
Fax: 01324 696 444
E-mail: dpea@scotland.gsi.gov.uk

Office Hours:

8.30 am - 5.00 pm Monday to Thursday
8.30 am - 4.30 pm Friday

Scottish Public Services Ombudsman

4 Melville Street
EDINBURGH EH3 7NS

Telephone: 0800 377 7330
Text: 0790 049 4372
Fax: 0800 377 7331
Email: ask@spsso.org.uk
www.spsso.org.uk