



ABERDEEN
CITY COUNCIL

Development Management Charter

a guide to the
planning system

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www.aberdeencity.gov.uk

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1 The Planning System

Why do we have a Planning System?

The planning system exists to allow us to make decisions about future development and the use of land in our towns, cities and countryside. It decides where development should happen, where it should not, and how development will affect its surroundings by granting or refusing planning permission. Decisions about planning applications in Aberdeen are based on the Development Plan which consists of the Structure Plan (the strategic plan for Aberdeen and Aberdeenshire) and the more detailed Aberdeen Local Development Plan, which has been prepared by Aberdeen City Council.

The effect of these decisions should be to help increase sustainable economic growth, which is the main aim of the Scottish Government. This means that the planning system should help us to build a growing economy, but at the same time protect our environment for future generations and make sure that communities can enjoy a better quality of life. It should also ensure that you have the opportunity to have a say in the future development of your area and how it will affect the quality of your environment.

The aim of this Charter is to make sure that our procedures are fair and reasonable. It explains:

- The role of Aberdeen City Council (ACC);
- The service we provide;
- The standards we aim to meet; and
- What happens at each stage of the planning process.

We hope you will find this Charter useful. Please let us know if you think we could improve our service, using the contact details in Section 10.

You can get further copies of this Charter on our website and by visiting our office at Marischal College, Broad Street, Aberdeen.

What are the main processes of the Planning System?

There are three main parts to the planning system:

- 1 Development Plans:** set out how places should change and also set out the policies used to help make decisions about planning applications.
- 2 Development Management:** the process for making decisions about planning applications.
- 3 Planning Enforcement:** a process to ensure development is carried out correctly. It allows us to take action if development happens without permission, or when conditions have not been followed.

What is a Development Plan?

A development plan is a document that sets out how places should change, what they could be like in the future, what type of development should take place and where, and which areas should not be developed. It identifies the proposed locations for new homes and businesses and protects places of value to people or wildlife. Planning legislation requires Councils to prepare a development plan for their area at least every five years and that planning applications should generally be decided in accordance with the policies that are contained within the plan.

4 development management charter

In Aberdeen the development plan consists of:

- The Aberdeen City and Shire Structure Plan which sets a clear strategic direction (vision, aims and objectives) for the future development of the North East as a whole; and
- The Aberdeen Local Development Plan which gives detailed policies and proposals on the future development of land in the City and interprets the vision of the Structure Plan at the local level.

What is Development Management?

Development management is the term used for the process of deciding whether to grant or refuse planning permission, and therefore manage the development and use of land. It involves making decisions on applications including planning, listed building, conservation area and advertisement consent applications. It also involves taking enforcement action, and providing helpful information and advice about the system in general.

A framework for development is set out in Scottish Government guidance and in more detail in the Structure and Local Plans. These are supplemented by ACC's own Guidance Notes. Planning applications are considered against this framework along with any other material considerations on a day-to-day basis within ACC. Our aim is to make the quickest possible decision about each application, whilst ensuring that the correct procedures have been followed and that the development is of a satisfactory nature. This means we will take into account a proposal's impact upon the environment, the needs of the applicant, the interests of the community, and the effect it might have on neighbours and other people living nearby as well as its contribution to economic development.

What is Planning Enforcement?

Sometimes someone may carry out work without planning permission, or they do not keep to the permission they have been given. Like all Councils in Scotland, ACC has legal powers to enforce planning controls. We do this where we believe that it is in the public interest to do so. A dedicated Planning Enforcement Team exists within the service, and a Planning Enforcement Charter has been produced by ACC to set out the role of ACC, the standards we aim to meet, and the processes involved. The enforcement team monitor development that has been given permission, to make sure that it is in line with the approved plans and any conditions that may have been issued with them, within staff resource limitations. The public also has a role to play in informing us where development may be proceeding in breach of planning control.

Aberdeen City Council Service Standard:

By publishing our standards and targets, we aim to improve our Development Management service so that we can respond to the needs of the public. We will monitor the contents of this charter to ensure that we are meeting our standards and targets.

We also have a Customer Charter that sets out our general performance targets, including for responding to correspondence. These are summarised below in Section 9.

2 Planning Permission

Do I need Planning Permission?

In Scotland, you need planning permission for most development, with the exception of some minor works, known as permitted development. The legal definition of 'development' includes any building, engineering, mining or other operations in, on, over or under land. It also includes changes in the use of buildings and land. Planning permission is not needed for work that only affects the inside of a building, however if it is a listed building, you may need listed building consent to make internal changes. You may also require planning permission if you wish to change the use of a building.

What are the different types of development?

1 Permitted development: some smaller development, for example certain sizes of house extensions, are classed as permitted development and do not need permission from the council. To avoid confusion however, you should always check with us about whether you need to apply for planning permission for any building work.

Planning legislation then places the remaining non-permitted development into three distinct application categories:

2 Local developments: changes to individual houses and, for example, smaller developments for new housing, retail and industry. The majority of planning applications received by ACC are for local developments.

3 Major developments: These include, for instance, developments of 50 or more homes, developments of sites of more than 2 hectares, certain waste, water, transport and energy-related developments, and larger retail developments.

4 National developments: mainly large public works (for example, the replacement Forth crossing) which are identified in a document called the National Planning Framework.

These categories allow us to treat developments in a way which is suited to their size, complexity and the issues they are likely to raise, and we can give you more information about them.

3 Pre-Application Discussions

Discussing your plans with us before you make an application will be helpful, and can save you time. We welcome pre-application discussions to encourage high quality applications which fit well with the development framework. This helps us to deal with applications as efficiently and quickly as possible.

Aberdeen City Council Service Standard:

Whenever possible we will freely give accurate and objective advice, however it will be without prejudice to the formal consideration of an application. Advice on submitting an application is available from our Planning Officers, and is also included within the application forms. Further advice and guidance is available from our website.

Aberdeen City Council Service Standard:

In response to a pre-application enquiry you will receive a formal response within the timescales set out in the Customer Charter (see section 9 below), these are 10 days for emails and 15 days for letters. This will advise you of the relevant policies and guidance and will include contact details for the officer dealing with your enquiry.

Why is it helpful to have Pre-Application Discussions?

We will give you informal advice as to whether or not planning permission is required for your proposal. We can also give you an indication as to whether your proposal might be favourably considered based on policies and guidance, and can assist you with the submission of your application and explain the process to you in more detail. Our planning officers are available during office hours at Marishcal College (8.30 am to 5 pm), although we recommend that an appointment be made for all discussions.

What do I need to provide?

To help us to help you, we recommend you provide as much information as possible, including details of the existing situation, plans of your proposal, as many dimensions and specifications as possible, and photographs of the site. The more information you provide us with, the more comprehensive our response will be.

Am I required to carry out Pre-Application Consultations?

A very small percentage of applications are of national and major significance (e.g. 50 dwellings or more, large supermarket, large wind farm etc.) and in these cases the applicant is required to enter into pre-application consultation with the community. If the proposal you are interested in falls within this category we will provide detailed advice upon request as to the procedures that should be followed.

4 Submitting a Planning Application

It is the responsibility of yourself or your agent, to make sure that the application is submitted correctly. Unless you have plan drafting skills and are knowledgeable about the process it is recommended that you employ an agent (e.g. building consultant, architect) to draft and submit your plans. The application form must be completed, signed and accompanied by the required certificates, and the appropriate fee fully paid. The required fee will depend on the type of development you want to carry out. Advice on how to submit a planning application is provided on the rear of the application forms and further guidance is available on our website. You may also submit applications on-line via the e-planning website. If you are submitting the application yourself, without the help of an agent, we are happy to provide advice and guidance.

What should my Planning Application include?

You should include all relevant information when applying for planning permission. All applications should contain the following:

- A description of your plans;
- An address or location;
- Details of who is applying for the planning permission;
- Appropriate drawings and plans (including existing location plan and site plan, proposed plans and elevations);
- Appropriate certificates; and
- The correct fee.

Can I submit my Application online?

ACC, along with all other Scottish Councils, has introduced facilities to allow you to submit, view and track planning applications online through the e-planning website. Please note that there may be a few days delay from our receiving an application or information and it being made available online.

You can use the online facilities to:

- Submit planning applications and appeals online;
- Buy an online location plan;
- Use the checklist to provide all the necessary information;
- Attach plans, drawings and other documents to support your application;
- Use a fee calculator to work out the correct fee and pay online;
- Create an account so you can make more applications;
- View any responses to your application from consultees such as ACC's Roads Engineer; and
- Share the information with neighbours, clients or colleagues.

What happens when I submit my Application?

When you submit a planning application we will:

- Register all valid applications within five working days of receipt;
 - Acknowledge and tell you the name and telephone number of the Planning Officer handling your application;
 - Notify you within five working days if your application is invalid and explain what information is required before it can be registered as valid;
 - Notify you as soon as possible if we need further information in order to deal with your application (see next section).
 - Consult necessary third parties including neighbours;
 - Inform you on request of the progress of your application at any stage;
 - Inform you of any amendments that are required before the application can be recommended for approval;
 - Issue the decision notice within three working days of the date of the decision.
-
- For applications that are subject of a Section 75 Agreement (a form of legal agreement) we will issue the decision notice within 3 working days of confirmation of registration of the agreement in the Register of Sasines.
 - For listed building applications that require the approval of Historic Scotland we will issue the decision notice within 3 working days of the date of their confirmation.

All our performance targets are summarised in Section 9, near to the end of this document.

What additional information would be required for my application?

For some applications you may need to provide extra information.

For example;

- If your proposal is for a local development in a conservation area, then you may need to provide a Design Statement setting out how the design of the proposal has been considered in the context of its location.
- If your proposal is for a major or national development you will need to carry out pre-application consultation with the community and prepare a design and access statement setting out information about the design of the proposal.
- Some developments need a specialist report, for example on retail, transport or noise. Whether a specialist assessment is needed will depend on the type of development and its location. A small number of applications may also need an Environmental Impact Assessment or Appropriate Assessment, where there is likely to be a significant effect on the environment.

If you think your application may be affected, we will be happy to provide further detailed advice upon request.

5 Public Involvement

Involving people is a fundamental part of the planning system and everyone has the right to make comments.

How do I find out about planning applications in my area?

When we receive an application for planning permission, we will tell all neighbours within 20 metres of the application site what is proposed by sending them a neighbour notification notice. This notice tells them about the development and how, and by when, to make comments. Some types of application are also advertised in local newspapers, including when we are unable to send a notice to neighbours.

Can I make a comment on someone else's Planning Application?

Anyone can comment on an application for planning permission. This not only means neighbours and people who are most directly affected by a proposal, but also the wider community and even those who may not be directly affected but have views on a proposal which might constitute a material consideration. You can make comments by writing to us or submitting your comments online. A minimum period of at least 21 days from date of receipt of a valid application is provided for anyone to make representations on an application. This period will be extended if the application requires to be advertised in the press.

Aberdeen City Council Service Standard:

We provide a register which lists all current planning applications, enforcement notices and past decisions. This is available for inspection by the public during office hours (8.30 am to 5pm). Information on all current and recent planning applications (including a weekly list) can also be found on ACC's website:

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

6 The Decision Making Process

Who makes the decision on my planning applications?

The way in which we deal with your application will depend on the type and size of the proposed development. Applications for smaller developments will normally be decided by the planning officer. More complex or controversial proposals are likely to be decided by councillors at a local committee meeting. The schemes of delegation set out who is responsible for deciding different type of planning applications. In all cases ACC must make decisions in line with the development plan unless 'material considerations' justify going against the plan.

What is a Material Consideration?

A material consideration is a planning issue which is relevant to the application and can include national policy, road safety, the impact on the amenity of neighbours (see definition in section 12), design, the effect on the environment, comments by consultees such as Scottish Natural Heritage and the weight of public objection based on relevant planning reasons. You should be aware that some matters are not material considerations and cannot be taken into account.

Examples of Material Considerations

- Local and National Policy and Guidance, such as:
 - The Development Plan
 - The adopted Aberdeen Local Plan,
 - Aberdeen City Council Supplementary Guidance,
 - The National Planning Framework;
 - Government Policy in the form of Scottish Planning Policy;
 - Government Policy Guidance in the form of Planning Advice Notes (PANs).

- Compatibility with neighbouring properties, for example in terms of:
 - Massing Scale Height Design Materials;
 - Layout Overlooking/loss of privacy Proximity;
 - Overshadowing/Loss of daylight;
 - Access/road safety/pedestrian safety;
 - Parking.
- Depending on the proposed use, other impacts on adjoining property such as:
 - Noise;
 - Fumes/odours;
 - Late night activity;
 - Litter.
- Further considerations such as:
 - Suitability of the site for accommodating the proposed development (for example in terms of size, gradients, drainage etc);
 - Visual Impact on Local Townscape;
 - Effects on Conservation Area or Listed Building;
 - Planning History of the Site;
 - Landscape Impact;
 - Flooding;
 - Affect on trees;
 - Sustainability;
 - Impact on Natural Heritage (for example, wildlife);
 - Effect on Local and Wider Road Network;
 - Economic Benefits for the wider City and Regional economy;
 - Meeting Identified Local Needs such as affordable housing, or the creation of leisure facilities.

What is a Non-Material Consideration?

As noted above, there are some matters that would not be considered material considerations and cannot be taken into account in the decision making process.

Examples of Non-Material Considerations

- The obstruction of a view;
- The effect of a development on property values;
- Personal attributes/behaviour/identity of the applicant;
- Previous breaches of planning control by the applicant on other sites;
- Breaches of planning control on other sites;
- Land ownership disputes.

The council must decide how important material considerations are, and whether or not they hold enough weight to influence the decision made on the application. With so many relevant, unique matters to consider, there is no guarantee that development plan policies will be the deciding factor in every case. In most cases an application will be approved where it is considered to be in line with the development plan.

How long does the Decision Making Process take?

The time period for deciding an application begins from the date when all the information needed by planning law to validate an application is received. The statutory requirement for local authorities is to determine planning applications for local developments within 2 months and major developments within 4 months. Every effort will be made to determine an application within the relevant period, it is important that the quality of decision making and information availability is improved.

What does a Decision Notice include?

Once we have reached a decision and the planning application is determined, we will issue a decision notice and inform anyone who has made a comment on an application what the decision is. The applicant or agent submitting the application will also receive a copy of the planning officer's report of handling and a copy of that report will be publicly available online and for inspection at the planning office.

When issuing a decision notice for an application, we can:

- Grant planning permission without conditions;
- Grant planning permission with conditions; or
- Refuse planning permission.

Conditions may be attached to the granting of permission. These conditions are part of the approval, and must be complied with in order for the development to be considered lawful. Monitoring these conditions is undertaken by the Enforcement Section of our Development Management Team, although the scale of the task means that this Section relies heavily on members of the public to report breaches of planning control (see section 7).

In cases where we refuse an application or impose conditions on an approval, we will advise you of your appeal rights.

Individuals should be always be aware that application information and all comments received in respect of a planning application and most other planning matters will be made available in the public domain.

7 Planning Enforcement

Effective enforcement is an essential element underpinning the planning system, complementing and supporting the Development Management Process. ACC has produced a separate Charter which sets down the procedures, standards and contact details for Planning Enforcement. This is available to view on the website and at the planning office at Marischal College.

What is Planning Enforcement?

ACC has powers to investigate breaches of planning control. These can include:

- Work being carried out without planning permission or other consent (this includes conservation area consent, listed building consent or advertisement consent);
- An unauthorised change of use of land or buildings;
- Carrying out work which is not in line with the approved plans or consent;
- Carrying out work which is not in line with conditions attached to a permission or consent; or
- Carrying out work to trees that are protected by a planning condition or a Tree Preservation Order.

The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. We will decide if it is in the public interest to take action, however we are not obliged to take any, and in some cases we may decide that no action is necessary.

How can I be involved in Planning Enforcement?

As a member of the public, you can play a vital role in reporting breaches of planning control to ACC. Priority will be given to significant breaches of planning control including:

- Significant negative effects on amenity;
- Breaches of condition for major development;
- Damage to listed buildings; and
- Unauthorised felling of trees and matters affecting trees protected by Tree Protection Orders.

What action will the Council take?

We will take action by negotiating a solution, asking for a retrospective planning application to be made, or by taking more formal action such as the issue of an enforcement notice. Such a notice would include:

- A description of the breach of control that has taken place;
- The steps that should be taken to remedy the breach;
- The timescale for taking these steps;
- The consequences of failure to comply with the notice; and
- Where appropriate, any rights of appeal and how to lodge an appeal.

Failure to comply with a notice may result in the planning authority taking further action. This can include a range of possible options including:

- Referring the case to the Procurator Fiscal for possible prosecution;
- Carrying out work and charging the person for the costs involved;
- Seeking a Court interdict to stop or prevent a breach of planning controls.

Aberdeen City Council Service Standard:

By publishing our standards and targets, we aim to improve our Enforcement service so that we can respond to the needs of the public. We will monitor the contents of the Planning Enforcement Charter to ensure that we are meeting our standards and targets.

8 Planning Appeals

When can I make an appeal?

If you are unhappy with the outcome of a planning application that you have made or a formal enforcement procedure, the Planning Regulations allow you to make an appeal or request a review. There is no right of appeal or review for third parties (including objectors to the application). If your application was decided by a Planning Officer on behalf of ACC, you can require the decision to be reviewed by the Local Review Body, which is a group of Aberdeen City councillors. If the decision on your application was made by councillors, you can appeal to Scottish Ministers. You have 3 months from the date of the decision to ask for a local review or to make an appeal to Ministers. You can get a form from either ACC or from the Directorate for Planning and Environmental Appeals (DPEA), who deal with appeals to Ministers.

Aberdeen City Council Service Standard:

If you are involved in an appeal, you are entitled to expect those dealing with it to provide an efficient service, to be fair, and to help you. At each stage of the appeal, the case will receive prompt and careful attention from the relevant officer, and all casework will be dealt with in an open, fair, and impartial manner.

The determination of appeal cases will be based on the planning merits of the proposed developments, having regard to the Development Plan, relevant published government guidance, the written submissions of third parties, and/or evidence led at a public inquiry.

How long will it take?

Local reviews: Dealt with by ACC's own Local Review Body: A request for a review of a planning decision taken by officers under delegated powers ('Notice of Review') may be served on the planning authority within 3 months of the decision notice. A period of 14 days is then provided for the acknowledgment of the notice and submission of representations by interested parties. The Local Review Body may then determine the review without further procedure, or withhold the review until such times that further representations have been made, or further information has been provided, to enable a thorough determination.

Planning appeals: Dealt with by the Scottish Ministers through the DPEA: Most cases are determined by the exchange of written submissions and a site visit by a DPEA Reporter and a decision should be issued within 20 weeks of receipt of appeal. A few more controversial and significant cases are determined by public local inquiry and in these cases a decision should be issued within 38 weeks of receipt of appeal.

Enforcement notice appeals: Dealt with by the Scottish Ministers through the DPEA: Cases determined by the written submissions procedure should be issued within 24 weeks of receipt of appeal. Cases determined following public local inquiry should be issued within 38 weeks of receipt of appeal.

Advertisement consent appeals: Dealt with by the Scottish Ministers through the DPEA: Cases determined by the written submissions procedure should be issued within 17 weeks of receipt of appeal.

9 Development Management Charter Performance Indicators

Performance Indicator	Target
Validate or inform why invalid within 5 working days of receipt of application; (in the case of application being invalid, we would explain what information is required before validation)	85%
Issue the decision notice within 3 working days of the date of decision at Committee or sign off of the report of handling relevant to the application. <ul style="list-style-type: none"> For applications that are subject of a Section 75 Agreement (a form of legal agreement) we will issue the decision notice within 3 working days of confirmation of registration of the agreement in the Register of Sasines. For listed building applications that require the approval of Historic Scotland we will issue the decision notice within 3 working days of the date of receiving their confirmation. 	85%

Performance Targets from our Customer Charter

Performance Indicator	Target
Telephone calls answered within 6 rings	85%
Telephone messages returned by the end of the next working day	85%
Response to postal correspondence received within 15 working days	90%
Response to formal e-mails within 10 working days	90%
Visitors to reception with an appointment seen by an officer within 5 minutes of their appointment time	90%
Visitors to reception without an appointment seen by an officer within 10 minutes	85%

10 Making a suggestion or complaint to us

What do I do if I am not happy with the service provided?

We will consider all complaints made about the way a planning enquiry was dealt with. Some people may disagree with the outcome of a decision or investigation. However, that in itself is not grounds for complaint.

If you would like to make a complaint about how we have followed our procedures and/or failed to comply with the levels of service set out in this Charter, the following course of action is recommended:

Please contact the officer dealing with the application, masterplan or enforcement to discuss your complaint in the first instance

If you need to find out who to contact please telephone our general enquiries number below or email the address shown below and your complaint will be directed to the appropriate person.

If you are not satisfied with the response to the complaint please contact the officer's line manager.

If you are still not satisfied your complaint will be dealt with in accordance with ACC's Corporate Complaints Procedure (see page 17). This is also available on paper at Marischal College.

How can we improve?

ACC hopes the public will be satisfied with the Development Management Service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We want to continually improve our customer care and increase our customers' satisfaction. We are committed to improving our service and dealing promptly with any failures. If you have any comments about how we can improve our service to you, please contact us directly.

You may complete a comments card at our Marischal College reception, or email us on pi@aberdeencity.gov.uk

11 Council Contacts

Who should I contact and why?

General Enquiries:

We, as a Council, should be the starting point for all your planning enquiries. We can:

- Tell you whether you need planning permission and how to apply;
- Answer questions about how we deal with individual planning applications;
- Advice about enforcement and local review procedures; and
- Give you information about the contents of local development plans, strategic development plans and supplementary guidance.

For all of the above, please contact:

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

T: 01224 523470

E: pi@aberdeencity.gov.uk

W: www.aberdeencity.gov.uk/Planning

Opening Hours:

Monday – Friday 8.30 am – 5.00pm except for public holidays

Enquiries related to specific planning applications:

For information on any specific application that you have submitted or that is subject to enforcement procedures your first point of contact should be officer who has been allocated the case. The contact details of that case officer will be given on the letter acknowledging receipt of the valid application or correspondence sent to you in relation to any enforcement related matter.

Other Contact details

Chief Officer: **Gale Beattie**

Development Management Manager: **Daniel Lewis**

Where can I get further assistance?

- **Planning Aid for Scotland:** an independent charity which provides free, impartial advice on planning for individuals and community groups.

11a South Charlotte Street
Edinburgh
EH2 4AS

T: 0845 603 7602

E: office@planningaidscotland.org.uk

W: www.planningaidscotland.org.uk

ACC website for information relating to planning:

<https://www.aberdeencity.gov.uk/services/planning-and-building>

ACC Corporate Complaints procedure:

<https://www.aberdeencity.gov.uk/services/have-your-say-make-complaint>

E-planning for on-line applications:

<https://www.eplanning.scot/ePlanningClient/default.aspx>

Scottish Government Planning for legislation:

<https://beta.gov.scot/policies/planning-architecture/>

Historic Environment Scotland for advice on listed buildings and conservation areas:

www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/

Scottish Public Services Ombudsman: www.spsso.org.uk

This Charter does not compromise an authoritative interpretation of the Planning Acts. Planning legislation is complex and therefore if you are in receipt of any formal notice from the Council you are advised to seek legal or independent professional planning advice.

12 Planning Jargon Buster

In this section we have provided a list of planning terms, and their meanings, in alphabetical order. This will hopefully provide a helpful and simple explanation of terms and phrases used within this Charter and the Planning System in general. It is not a legal, nor a technically complete, definition of the terms used. If you have any further queries please contact us directly.

Guide to Terms and Words Used in the Planning System

AMENITY: The qualities and facilities which make an area a pleasant and convenient place to live.

ARTICLE 4 DIRECTION ORDER: An order approved by the First Minister under Article 4 of the Town and Country Planning (General Permitted Development- Scotland) Order 1992. This requires that works that are normally exempt from the need to obtain planning permission should obtain formal consent.

BROWNFIELD SITE: A site normally within urban areas which has previously been developed or used for some purpose which has ceased.

CONSERVATION AREA: An area designated under the Town and Country Planning (Scotland) Act 1997 as being of special architectural or historic interest, the character and interest of which it is desirable to preserve and enhance.

COUNTRYSIDE: Land outwith the built up area and a defined town or village boundary; it may be covered by policies relating to Greenbelt, Rural Protection Area or Rural Diversification Area.

CURTILAGE: A planning term for the area of land that generally is around a building. For example with a dwelling house it is seen to be the garden ground that is formally set out or enclosed with a wall. The curtilage may include other ancillary buildings like a wash house, garage or stable.

DELEGATED POWERS: Delegated powers are given to the Council officers to determine planning applications without the requirement for the application to be decided by Councillors at Committee

DESIGN BRIEF: A site specific statement prepared in order to guide the design and layout of a site for development. This brief would have particular regard to architecture design and siting.

DESIGN STATEMENT: A statement that would come in with a planning application that would detail why the final design and layout has been selected by the applicant. The statement would discuss the processes that the designers and architectures would have gone through to the end design, including alternative options and reasons why they were discounted.

DEVELOPMENT: The carrying out of building, mining, engineering or other operations in, on, over or under the land or the making of any material change of use in the use of any buildings or land.

DEVELOPMENT BRIEF: Site specific statement prepared in order to guide development, and which highlight any physical, technical and other design constraints and considerations, together with an indication of preferred land use types and layouts.

DEVELOPMENT MANAGEMENT: The planning function within a local authority that processes and makes decisions on planning applications. This was formally known as Development Control.

DEVELOPMENT PLAN: The Development Plan for an area comprises the approved Structure Plan and adopted Local Development Plan.

ENFORCEMENT: Responsibility of the Planning Authority, where necessary and appropriate in the public's interest, for taking enforcement action when breaches in planning law have taken place. The carrying out of development without planning permission or the failure to comply with the conditions attached to a planning permission is a breach in planning law.

ENVIRONMENTAL IMPACT ASSESSMENT: A process which identifies the environmental effects (both negative and positive) of development proposal. It aims to prevent, reduce and offset any adverse impacts on the environment.

GENERAL PERMITTED DEVELOPMENT ORDER (GPDO): A statutory instrument, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 which outlines the circumstances where certain classes of development are permitted without the requirement to gain planning permission.

GREEN BELT: An area defined in the Development Plan where there is strict restriction on urban growth, often to prevent the loss of a town's identity, protect the landscape setting or ensure adequate availability of recreational facilities.

GREENFIELD SITE: A site of development, usually in agricultural use, located outwith the existing built-up area.

HISTORIC SCOTLAND (HS): A Scottish Government agency that lists buildings for their architectural and historical importance and looks after Scheduled Ancient Monuments for Scotland.

INFILL DEVELOPMENT (OR SITE): A development or site located within the built up area and involving redevelopment, conversion, sub-division or the development of undeveloped land.

INFRASTRUCTURE: Roads, sewers, schools and supplies of gas, water, electricity and other services which are needed to allow a development to take place.

LANDFILL: Method of disposing of domestic waste below ground level. (Often land fill will change the land contours above original ground, usually through recontouring during restoration).

LIGHT INDUSTRY: An industry which could operate in a residential area without causing a nuisance by noise, vibration, smell, fumes, soot, ash, dust or grit. (see Class 4/Business Class)

LISTED BUILDING: A building included on Historic Scotland's list of buildings of special architectural or historic interest which is afforded statutory protection.

LOCAL PLAN: Is part of the development plan and contains site-specific policies and detailed guidance for the assessment of planning applications. (See Development Plan)

LOCAL DEVELOPMENT: All development other than national and major development. This category may encompass a sub-set of minor developments which have permitted development rights and do not require a formal planning application.

LOCAL DEVELOPMENT PLAN (LDP): The strategic land use document that is as part of the wider modernisation of planning. It sets out strategic spatial priorities and policies for Aberdeen City and secures land zoning for specified uses (e.g. land for housing/industry etc.) to provide increased certainty for development.

LOCAL REVIEW BODY (LRB): Appeals against local developments decided under delegated powers are considered by the LRB, comprising Aberdeen City Councillors. Appeals against Major development will be heard by Scottish Ministers.

MAJOR DEVELOPMENT: Developments not considered to be of national strategic importance but nonetheless are of a size and scale to be considered of major importance. Examples might be a shopping centre, a business park or a large scale housing development. Defined by regulations available at http://www.oqps.gov.uk/legislation/ssi/ssi2009/plain/ssi_20090051_en

MASTERPLAN: A document which details the development of a large area, such as a town, village or district. It contains information on building styles, road layouts and specific land uses.

MATERIAL CONSIDERATIONS: The issues that are relevant planning matters to be taken into account in a planning decision. There are a wide range of factors and whether or not something is 'material' is usually stated to be a matter of fact and degree depending upon the circumstances of the individual case. In other words, there is no hard or fast rule and each case has to be considered on its own particular merit.

MITIGATING MEASURES: Measures taken to lessen the impact of a development on the environment and community e.g. planting of trees and bushes to lessen the impact of a development on the landscape.

NATIONAL DEVELOPMENT: Defined in the National Planning Framework as those developments which are designated at the discretion of Scottish Ministers, and cannot be challenged by objectors on the basis that they are not needed as they are considered, by Ministers, to be essential for the development of Scotland.

NATIONAL PLANNING FRAMEWORK (NPF): A document published by the Scottish Government setting out in broad terms how Scottish Ministers consider that the development and use of land could and should occur in the long-term.

NEIGHBOUR NOTIFICATION: A process for notifying those people living next to a proposed development that a planning application has been submitted, allowing them to comment on the application if they wish.

OPEN SPACE: Amenity Open Space, parcels of land and landscaped areas the principle function of which is to enhance the appearance of an area.

PERMITTED DEVELOPMENT RIGHTS (PDR): The planning term that details what different land users can do to their buildings and or land without the requirement for planning permission (See General Permitted Development Order).

PLANNING ADVICE NOTES (PANS): Issued by the Scottish Government to provide advice on good practice and other relevant information.

PLANNING APPEALS: The process whereby a planning applicant can challenge an adverse decision, including a refusal of permission. Appeals can also be made against the failure of the planning authority to issue a decision within a given time, against conditions attached to permission, against the issue of an enforcement notice and against refusals of listed building and conservation area consent.

PLANNING APPLICATION: An application made to the local planning authority, seeking planning consent for development.

PLANNING BRIEF: A document which briefly sets out the local planning authority's guidelines and requirements for the development of a site.

PLANNING CONDITION: A condition that is attached to a grant of planning permission that will detail extra information that is needed before development commences or extra work that will be required to be done. It will relate to the planning permission and generally be on the site.

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PLANNING CONSENT/PERMISSION: Formal permission granted by a planning authority or the Scottish Government for development of land or buildings. Permission can be granted in principle or in detail.

PLANNING GAIN: That part of a development proposal secured by the local authority for the benefit of the local community. (See Section 75 agreement)

PLANNING IN PRINCIPLE (PIP): The purpose of such an application is to establish whether the principle of developing a piece of land is acceptable without preparing detailed plans. Planning permission in principle alone does not give you a right to go ahead with the proposal as conditions will be attached setting out what further details require to be approved by way of a further application before work can start (approval of matters specified in conditions). If the proposal is sensitive it is possible that details will be required before a decision is reached.

POLICIES: Statements by planning authorities or Scottish Ministers of their attitudes or intentions towards existing or future situations which require action. Land use planning policies relate solely to physical land use development, for example, the location of housing or the improvement of the environment. They are limited to those which can be applied by the planning authority itself, or by other public bodies after full consultation and agreement.

PRE-APPLICATION CONSULTATION (PAC): Required for all national and major developments. A developer or their agent must undertake pre-application consultation with the community prior to submitting a planning application.

PROPOSAL: A development or action which a local authority, other agency or private individual intends to implement.

PROPOSAL OF APPLICATION NOTICE: Form a developer of a national or major development requires to fill out and submit to Local Authority and Community Council highlighting their proposals and pre-application consultations. This must be submitted a minimum of 12 weeks in advance of submitting a planning application.

SECTION 75 AGREEMENTS: Legal Agreements made under Section 75 of the Town and Country Planning (Scotland) Act 1997 and regulating the future use of the land. Such agreements are registered in the Land Register and legally binding on future owners of the land.

SETTLEMENT: Defined town or village with a range of facilities and/or infrastructure.

SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA): The agency responsible for protecting the environmental quality such as water, waste treatment, quarries and waste disposal (including amenity sites).

SCOTTISH MINISTERS: The group of Ministers that collectively comprise the Scottish government. While the general term Scottish Ministers is used, decisions on strategic development plans and on a limited number of planning applications which raise national issues are taken by an individual Minister.

SCOTTISH PLANNING POLICIES (SPPs): Provide statements of Scottish Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.

STRUCTURE PLAN: Is part of the Development Plan and contains strategic broad-brush policies. Provides a framework for Local Plans.

SUI GENERIS: Term used to describe an activity/use of land or buildings which is not specifically included in the Use Class Order (Scotland) 1997.

SUPPLEMENTARY PLANNING GUIDANCE (SPG): Planning policy which supplements the guidance given in the local development plan, covering an area of particular importance in greater depth.

SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS): This describes a range of techniques for managing the flow of water run off from a site by treating it on site and so reducing the load on conventional piped drainage systems.

SUSTAINABLE DEVELOPMENT: Development which aims to minimise the impact of human activity on the environment as a whole, while supporting economic and social progress.

TREE PRESERVATION ORDER (TPO): An order preventing the cutting down, topping, lopping, uprooting or wilful damage to a tree/group of trees. The order is made under Section 160 of the Town and Country Planning (Scotland) Act 1997.

USE CLASSES ORDER (UCO): The Statutory Instrument termed The Town and Country Planning (Use Classes)(Scotland) Order 1997 which sets out various classes of uses for the purpose of clarifying when a change of use requires planning permission.

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