



Aberdeen Local Development
Plan

Pre-Application Advice Procedure

January 2019

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03000 200292



Pre-Application Advice Procedure

Aberdeen City Council's primary planning objective is to ensure that all proposals for development are of a high quality, are directed by the policies and proposals in the Aberdeen Local Development Plan and are progressed and determined in an efficient manner.

As Aberdeen has experienced an unparalleled period of growth over the previous decades, and evolves to accommodate ever changing development needs, Council Officers use pre-application advice to front-load advice on detailed planning matters at an early stage in the development process.

In order to continue to be proactive we advocate the value of pre-application advice in the following managed procedure.

What is pre-application advice?

Pre-application advice is a non-statutory procedure provided by Aberdeen City Council Strategic Place Planning .

It can be a good idea to liaise with the Planning Service before you submit a planning application for determination. The need for pre-application advice will not be necessary in every instance and we will take a proportionate approach based upon the nature and scope of the proposal.

Pre-application advice enables prospective proposals to be tabled in complete confidence^{*2}. They ensure an initial assessment can be made by officers in order to share known perspectives and objectives before costly commitments in terms of time, resources and assets are made.

To be productive pre-application advice needs commitment from all parties with the understanding that all our resources are finite.

**1 - 'Development' as generally defined by the Town and Country Planning (Scotland) Act 1997 'is the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

**2 - Pre-application advice may be subject to third party requests made under the Freedom of Information (Scotland) Act 2002.*

When should pre-application advice take place?

Pre-application advice should take place when you have developed and evaluated your proposals in accordance with the [Development Plan](#) and designed them to a stage that you are content with but would like planning advice in order to inform your proposals further prior to submitting a planning application [Figure 1].

Why is pre-application advice important?

- In order to be beneficial pre-application advice requires a commitment from all involved to positively engage in the process and for a degree of investment to be made in terms of time and resources. Pre-application advice is given without prejudice and on the basis of the information provided to the planning authority for evaluation.
- The pre-application advice should be of considerable benefit before key investment or funding decisions are taken and where planning officers can co-ordinate early engagement with other Council sections to scope out likely events and measures that must be taken in the assessment of a forthcoming planning application.
- Early engagement with the Planning Service should inform your proposals and if the advice is followed should lead to high quality development being granted timely approval because the parameters, and likely issues, will be scoped out before the application is made.
- Any pre-application advice given by the Planning Service cannot be a guarantee of granting consent. Statutory consultations require to be carried out to inform the evaluation process prior to determination.

The Council's elected members do not take part in the pre-application advice procedure but there is the opportunity for applicants with major applications to present to the Pre-application Forum of the Planning Development Management Committee (Appendix 4) in advance of submitting a planning application.

Engaging and consulting with communities

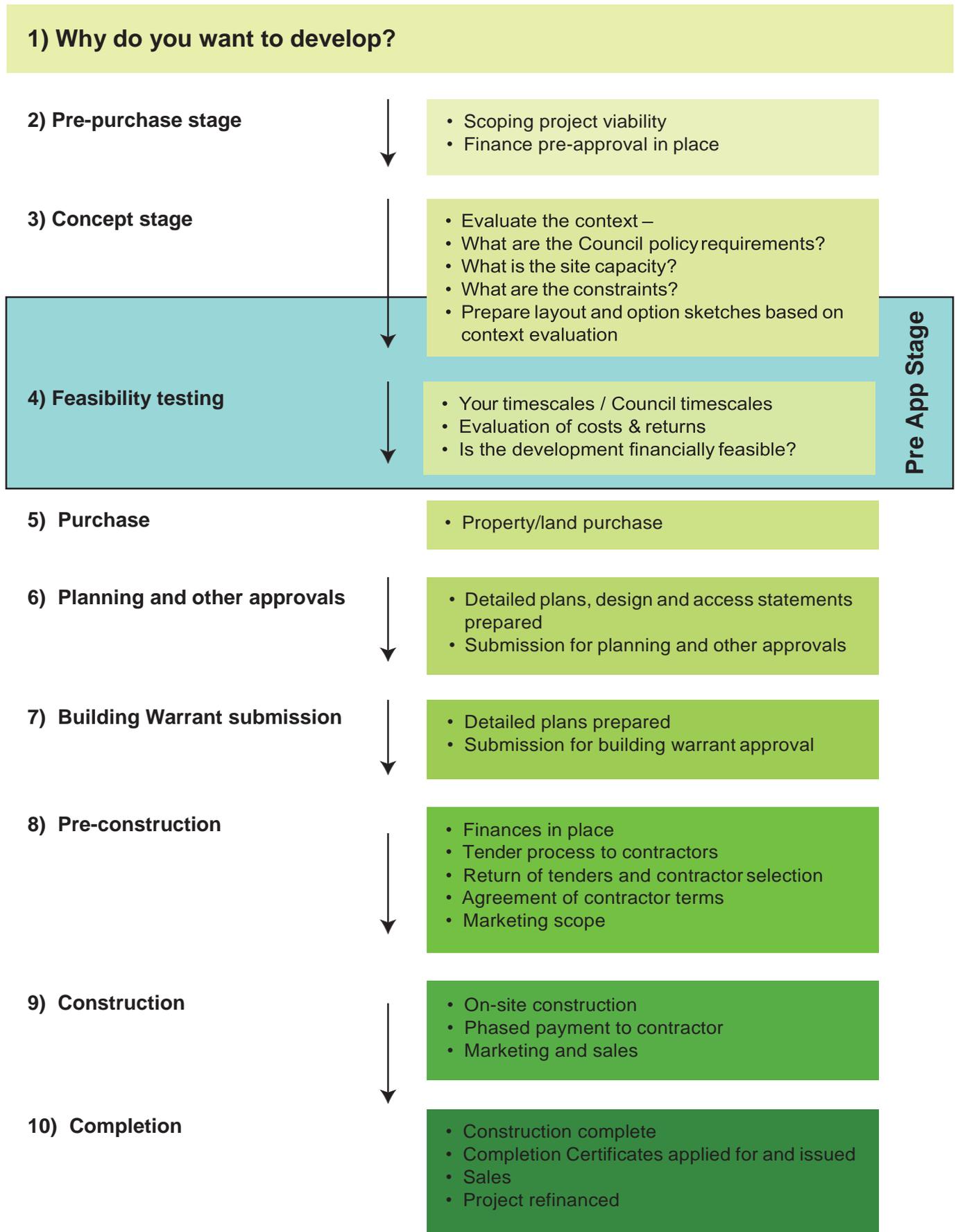
Pre-application advice with the Planning Service can take place before, during and after engagement with communities, formally constituted groups and interested parties.

The formal procedures of a Proposal of Application Notice (POAN) (Appendix 5) for all Major and National planning applications (Appendix 3) requires the developer/agent to be able to conduct engagement and pre-application consultation with local communities in order to hear opinions on development proposals. The POAN process requires applicants to consult with local community councils and interested parties at least 12 weeks before a planning application is submitted in order that local knowledge and opinions shape proposals.

The Planning Service can advise on the appropriate methods and scope of community engagement, but it does not take part in any POAN engagements undertaken. This [link](#) provides a list of constituted community groups in Aberdeen.

**3 - Planning applications will be determined by one of three routes, 1) delegated powers, 2) by the Planning Development Management Committee which comprises elected members, or 3) full Council (all elected members) depending upon the application. (See Appendix 3 for Aberdeen City Council Schemes of Delegation).*

Figure 1 - Property Development Process



How to arrange pre-application advice

In order to formally manage the process in terms of staff time, skills, experience and achieve a managed and consistent approach we have provided the following procedure.

What you should do:

Step 1 The statutory determination of a planning application is made by an evaluation of the development proposal in accordance with policies of the [Development Plan](#) and its [supplementary guidance and technical advice notes](#). The formal planning background provided by these documents is sufficient to allow proposals to be developed to a stage where we can have constructive pre-application discussion on site specific proposals.

All prospective applicants are expected to have knowledge of the Development Plan documents which will be used in assessing development proposals.

Please Note:

- *All requests for pre-application advice must be made by completing the Request Form.*
- *The Request Form will include a written description statement of your proposal including a location plan, a scaled layout plan (using typically 1:500/1:200/1:100) and noting particular areas of interest, as well as the proposed uses, access, indication of massing, building forms, materials etc.*
- *File size is restricted to 5mb.*

In addition you may be required to:

- *Enable site access / site visit*
- *Advise on discussion with neighbours or other parties.*
- *Provide additional information requested in the response.*
- *Plan for an adequate period of time within your development programme to allow pre-application written response to be issued and/or meetings to take place.*

What we will do:

Step 1 Acknowledgement of receipt of the completed Request Form will be given by a nominated Lead Planning Officer within 5 working days, and this will confirm the route (written statement and/or pre-application meetings) that the pre-application advice will take.

Step 2 The Lead Planning Officer will provide you with a unique reference number that will be recorded against the address of the proposal and also will suggest dates for pre-application meeting(s) if necessary.

Step 3 The Lead Planning Officer will, for the comprehensive evaluation of a proposal, co-ordinate relevant Council staff, review relevant planning history, where necessary compile a list of relevant interest groups that you may wish to engage with, identify information required to support a planning application and provide guidance on routes for determination, committee timetables etc. The written statement will be provided within 20 working days, however, where a longer period for response is required we will inform you why there is to be a delay and when you can expect the written statement.

Step 4 We will ensure that pre-application discussions remain confidential and will not be shared outwith the relevant services within Aberdeen City Council. However, pre-application advice records may be subject to the Freedom of Information (Scotland) Act 2002 (FOI) request from a third party.

Please note:

- *No pre-application advice for specific proposals will be given over the telephone.*
- *Aberdeen City Council acknowledges that there may be limitations on the pre-application advice we can offer in respect of specialised development proposals.*
- *Aberdeen City Council maintains a right not to continue pre-application advice which is not entered into cordially or objectively.*

The form of pre-application advice

The pre-application advice can take the form of either a written evaluation or a short series of meetings accompanied by a minuted statement, or a combination of both.

Written evaluation

- We anticipate that many requests for pre-application advice can be dealt with by the provision of a written evaluation. The written evaluation will not compromise any decision made by Aberdeen City Council and its Committees and the advice is not legally binding on the determination of a forthcoming planning application.
- Where the Planning Service have agreed to provide a written evaluation, which will represent a planning consensus, we will do so within 20 working days of receipt of the pre-application request. Where circumstances would dictate that a longer response period is necessary then the Lead Planning Officer will advise when a response will be issued.
- The written evaluation will be prepared by the Lead Planning Officer and reviewed by a Development Management Team Leader and Manager prior to being issued.
- The meetings will normally be held in Marischal College and will likely require a lead-in period of ten working days in order to align key officers.
- At the end of the meetings process the Lead Planning Officer will compile the written evaluation for review by a Development Management Team Leader and Manager prior to being issued.
- For sites that are considered exceptional⁷ pre-application meetings can take the form of design workshops where a strong focus will be based upon a critical review of the site evaluation, its context, the architectural vision and landscaping etc. We aim to maintain the role of being critically objective with shared reasoned justification.

Meetings

- Where a pre-application meeting is agreed to (and likely to be restricted to major apps) no more than 3 meetings should be necessary and the length of each meeting will be based on the complexity of the proposal. Officers can, and should, decline to meet thereafter unless exceptional circumstances prevail.
- For a second and any subsequent meeting a written request (via email)⁶ must be made stating the reasons for second meeting. The Lead Planning Officer will decide on the need for a second and any subsequent meeting.
- In order for the process to be as efficient as possible the agent/applicant/enquirer will forward an agenda to the Lead Planning Officer to be agreed at least 3 working days in advance of the planned meeting.
- Within 5 working days following the meeting the agent/applicant/enquirer will prepare a draft note of the meeting and issue to the Lead Planning Officer for ratification prior to distribution as the formal record of the meeting.

⁶ - Contact details: email pi@aberdeencity.gov.uk or tel 03000 200292 or 01224 523470

⁷ - Exceptional sites are likely to be larger scale, have a townscape prominence or a strong urban design potential and have the possibility to impact on the surrounding communities and civic image of Aberdeen.

Appendices

Appendix 1 : Pre-Application Advice Request Form

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

Tel 01224 523470
Fax 01224 523180
Minicom 01224 522381
www.aberdeencity.gov.uk



Pre-Application Advice Request Form

Please familiarise yourself with the Aberdeen City Council [pre-application protocol](#) prior to completing this form. If you have a query relating to your pre-application enquiry please contact us at the above e-mail address or by telephone on 01224 523470.

Please return by email to pi@aberdeencity.gov.uk or by post to the above address.

1 Your details

Applicant /
Agent name:

Are you an applicant or an
agent?

Address:

Contact Tel
No:

Email:

2 Location of proposed development *(Please provide the address of the development site or building. If there is no known address, please identify/describe the location of the development site)*

3 The existing (or last known) use *(Please confirm the existing or last known use of the site)*

4 Description of proposal *(Please provide an accurate, detailed written description statement of the proposed development)*

5 The sought form of pre-application advice *(Please confirm how you wish to receive your pre-application advice. Please complete section 7 if you are requesting a meeting)*

A Written Statement via Email A Written Statement via Post Via Meeting(s)

6 Plans and supporting information checklist *(Please confirm which of the following information has been submitted with this pre-application request. At a minimum, a location plan, scaled layout plan (using typically 1:500/1:200/1:100) are required. Please see the pre-application protocol for further details)*

Location plan	<input type="checkbox"/>
Scaled layout plan (using typically 1:500/1:200/1:100)	<input type="checkbox"/>
Elevation drawings	<input type="checkbox"/>
Sketches of the proposal	<input type="checkbox"/>
Trees on the site	<input type="checkbox"/>
Existing and proposed parking on site	<input type="checkbox"/>
Draft design statement	<input type="checkbox"/>
Photographs	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

7 Other information

Please provide any other information that you would like us to take into account when considering your proposal/request for advice. Please highlight here if any information should be exempt from a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002.

Print Name

Date:

Appendix 2 : Pre-Application Written Response Template

Our Ref:
Your Ref
Contact
Email
Direct Dial



ABERDEEN
CITY COUNCIL

[DATE]

[APPLICANT NAME]
[ADDRESS]
[POSTCODE]

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

Tel 01224 523470
Fax 01224 523180
Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear [APPLICANT],

Pre-Application Written Response

[REF NO.]:
[Proposal], [Address]

This is a formal evaluation by the allocated case officer. It does not compromise any decision made by Aberdeen City Council and its committees and is not legally binding on the determination of any forthcoming planning application.

It may be subjected to a freedom of information request under the Freedom of Information (Scotland) Act 2002. Aberdeen City Council will determine what, if any, information will be exempt from such a request, in accordance with this legislation.

In order for us to improve the service, we would appreciate feedback of your experience of this service by completing our short survey:

<https://www.surveymonkey.co.uk/r/PlanningDM>

Yours faithfully

[OFFICER]
[POSITION]

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Allocated officer:	
---------------------------	--

Site Description

Community Council	
Ward	

Relevant Planning History

Description of Proposal

Relevant Planning Policies

Appraisal of Proposal
<p><u>The Principle of the Proposal</u></p> <p><u>Design and Scale</u></p> <p><u>Matters relating to Conservation</u></p> <p><u>Other Technical Issues (Consultees etc)</u></p> <p><u>Conclusion</u></p>

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Disclaimer

This written evaluation provides a written response to the above pre-application enquiry by the allocated case officer. It does not compromise any decision made by Aberdeen City Council and its Committees and the advice is not legally binding on the determination of a forthcoming planning application.

The information provided in this response may be subjected to a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002. It will be for Aberdeen City Council to determine what, if any, information will be or not be exempt from such a request, in accordance with this legislation.

Further Information Required to assess a planning application of this proposal

Document/Plan	Reason information is required

Internal Consultees Required to assess this Proposal

Consultee	Reason Consultee is required

Further Comments

It is recommended that consultees and the local Community Council are engaged prior to the submission of an application. This will assist in identifying technical issues and encourage improved trust and more open, positive working relationships between interested parties from the earliest stages of the planning process. It will also provide, where possible, an early opportunity for community views to be reflected. This is intended to improve the quality of the proposal and allow applicants the opportunity to amend their emerging proposals to accommodate community and relevant consultee opinion.

The planning authority encourage the following consultees to be engaged with prior to the submission of an application: **[TEXT WILL BE DELETED IF NECESSARY]**

[FOLLOWING TEXT WILL BE DELETED FOR ENQUIRIES WHERE NO MEETING HAS TAKEN PLACE]

Meeting	
Date of Meeting	
Time of Meeting	
Attendees	
Name	Name of organisation

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Points discussed at meeting	
Is the principle of development acceptable?	<input type="checkbox"/>
Is the proposal a major/national development?	<input type="checkbox"/>
Design considerations	
Impact on the character and appearance of the surrounding area	<input type="checkbox"/>
Impact on listed buildings/ conservation area	
Roads concerns	<input type="checkbox"/>
Environmental health considerations	
Flooding considerations	<input type="checkbox"/>
Contaminated Land Considerations	
Developer obligations	<input type="checkbox"/>
Affordable Housing	
Trees, Protected Species, and Natural Heritage	<input type="checkbox"/>
[OTHER CONSIDERATIONS TO BE ADDED]	

Summary of Issues Discussed at Meeting

[FOLLOWING TEXT WILL BE DELETED FOR ENQUIRIES WHERE NO MEETING HAS TAKEN PLACE]

Subsequent Meeting	
Date of Meeting	
Time of Meeting	
Attendees	
Name	Name of organisation

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Appendix 3

1.1 Local Development

1.1.1 Definition of Local Development

All development as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, Regulation 2 (2) as all development which is neither national nor major.

1.1.2 Scheme of Delegation for dealing with planning applications for Local Developments [Town and Country Planning (Scotland) Act 1997]

The Chief Officer (Strategic Place Planning) of or an officer of the Council appointed by him/her (referred to as the "Appointed Officer") - currently the Development Management Manager - has the power –

1. To determine applications for –
 - a) planning permission (including planning permission in principle) and
 - b) applications for the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission or planning permission in principle except where that application –
 - i. has been made by or on behalf of;
 - o an elected member of the Council or a member of staff employed within the Strategic Place Planning function of the planning authority; or
 - o the Chief Executive or any other member of the Corporate Management Team of the planning authority, all as determined from the contents of the application form;
 - ii. requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (or any other Scottish Government Direction);
 - iii. is an Environmental Impact Assessment (EIA) application for which a validated EIA has been submitted;
 - iv. is being recommended for approval and has been the subject of formal timeous

objection by the local Community Council within whose area the application site falls;

v. is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal;

vi. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service; vii. is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy.

vii. is being recommended for approval and has been the subject of formal objection from the Roads Authority or the Council's Environmental Health service;

2. Under the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) and section 69 of the Local Government (Scotland) Act 1973, and following consultation with the Chief Officer (Governance)-

a) in relation to applications for major and local developments as defined by the Hierarchy of Development (Scotland) Regulations 2009 to –

i. negotiate and conclude legal agreements related to planning and other related applications decided by the Appointed Officer;

ii. negotiate and conclude legal agreements related to planning and other related applications decided by Full Council, committee or Scottish Ministers provided the Appointed Officer considers such agreements to be in accordance with the original decision on the application;

iii. determine applications for Modifications or Discharge of Planning Obligations under section 75A in relation to planning applications determined by the Appointed Officer.

b) in relation to applications for local developments as defined by the Hierarchy of Development (Scotland) Regulations 2009 to determine applications for modifications or discharge of legal agreements under section 75A in relation to planning applications determined by Full Council, Committee or Scottish Ministers as applicable, provided the Appointed Officer considers the modification or discharge to be in accordance with the original

decision on the application;

c) to participate in the promotion and development of Good Neighbour Agreements under section 75D.

3. To determine, following consultation with the Chief Officer (Governance), the Convener of the Planning Development Management Committee and the Business Manager, whether to appeal a decision of the Scottish Ministers which overturned or modified a decision of the committee or Full Council and thereafter, if applicable, to instruct the making of such an appeal.
4. To determine planning and other applications given a willingness to approve at the Planning Development Management Committee and for which Section 75 Agreements are not completed or developer obligations are not paid within 6 months of the date on which the committee agreed a willingness to approve.
5. To determine applications for Listed Building consent and Conservation Area consent subject to any of the applicable exceptions contained in paragraph 1 above and provided that the Scottish Ministers, if notified, have either made no observations or where observations have been made which can competently be made the subject of appropriate planning conditions, to determine these applications with those conditions attached.
6. To determine Hazardous Substance Consent applications under the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.
7. To determine whether planning or other applications that have been lodged or pre-application proposals require planning or other consent.
8. To determine requests for non-material variation of major and national planning applications in terms of section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).
9. To issue planning consents where Full Council or any relevant committee of the Council are minded to grant a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene, or the period for so indicating has expired.
10. To deal with Proposal of Application Notices in terms of section 35B of the Town and Country Planning (Scotland) Act 1997 (as amended) and Pre-Application Screening Notices in terms of section 35A(3) of that Act.
11. To determine applications for advertisement consent.
12. To determine, in accordance with the applicable Environmental Impact Assessment Regulations, whether or not a particular planning application requires to be supported by an Environmental Statement (Screening Opinion) and the scope of any such Statement (Scoping Opinion).
13. To determine applications related to Prior Notification or Prior Approval made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1 for the following –
 - a) Part 1A - Class 6G: Free standing wind turbine within the residential curtilage;
 - b) Part 1B - Class 6K and 6L: Biomass facilities on agricultural or forestry land;
 - c) Part 6 - Class 18: Agricultural buildings;
 - d) Part 7 - Class 22: Forestry buildings and operations;
 - e) Part 13 - Class 39 and 40: Public gas transporters and electricity undertakings;
 - f) Part 20 - Class 67: Development by electronic communications code operators;
 - g) Part 23 - Class 70: Demolition of buildings;
 - h) Part 24 - Class 71: Toll road facilities;
 - i) Any other types of prior notification or prior approval that might come forward in future amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 Schedule 1.
14. To determine Certificates of Lawfulness under the Town and Country Planning (Scotland) Act 1997 (as amended) where, in the opinion of the Appointed Officer, there is no reasonable doubt that the use or development is or would be:-
 - a) lawful without further planning approval; or
 - b) unlawful
15. To give, serve, issue and sign the following notices, all under the Town and Country Planning (Scotland) Act 1997 (as amended), following consultation with the Chief Officer - Governance:
 - a) Notices under section 33A requiring an Application for Planning Permission for a Development already carried out;
 - b) Planning Contravention Notices under section 125;

- c) Stop Notices under section 140;
- d) Temporary Stop Notices under section 144A;
- e) Breach of Condition Notices under section 145;
- f) Fixed Penalty Notices under section 136A;
- g) Completion Notices under section 61;
- h) Notices in terms of Land Adversely Affecting the Amenity of Neighbourhood under section 179

24.To make observations on behalf of the planning authority on consultation requests from Marine Scotland in respect of development applications.

16. To instruct applications for interdict in terms of section 146 of the Town and Country Planning (Scotland) Act 1997 (as amended) in order to restrain breaches of planning control.

17. To develop and maintain a Development Management Charter and Enforcement Charter under section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended).

18. To take, following consultation with the Chief Officer - Governance, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.

19. To make an order to revoke or modify planning permission where any owner, lessee or occupier of land affected, or such other person who in the opinion of the Appointed Person will be affected by the order, have notified the planning authority in writing that they do not object to the order under sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 (as amended).

20. To determine all applications for Certificates of Appropriate Alternative Development under section 25 of the Land Compensation (Scotland) Act 1963.

21. To issue a deemed refusal under section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended) where, in the opinion of the Appointed Officer, a similar application has been refused within the previous 2 years and there has been no significant change in the relevant parts of the development plan or other material considerations since the last decision.

22. To make observations on behalf of the planning authority on routine proposals by statutory undertakers.

23. To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.

1.2 Major Development

1.2.1 Definition of Major Development (2009 update)

Major development is defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (link) as:

- any Schedule 1 development as defined in Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2011 (other than exempt development within the meaning of those regulations);
- housing development where the number of units is or exceeds 50 or the site area is or exceeds 2 hectares.;
- business (office; research and development; industrial processes; or storage and distribution) development where the follow area is or exceeds 10,000 square metres or the site area is or exceeds 2 hectares;
- electricity generation stations where the capacity of the generating station is or exceeds 20 megawatts;
- waste management facilities where the capacity of the facility is or exceeds 25,000 tonnes per annum or sludge treatment facilities with a capacity to treat more than 50 tonnes (wet weight) of residual sludge;
- road, railway, tramway, waterway, aqueduct or pipeline development exceeding 8 kilometres;
- mineral extraction where the area of the site is or exceeds 2 hectares; or
- any other development not falling wholly within any single class of development above where the gross floor area is or exceeds 5,000 square metres or the site area is or exceeds 2 hectares.

1.3 National Development

1.3.1 Definition of National Development

Any development designated in the National Planning Framework.

1.3.2 Determination of National Development

National apps must be determined by full council under section 14 of the Planning etc. (Scotland) Act 2006, which amends both the Local

Appendix 4

Aberdeen City Council Pre-application Forum Protocol (20 October 2014)

1. Meetings of the Pre-Application Forum will be held in open public session to enable discussion of all national and major development proposals.
2. Forums will be held as soon as possible after the submission of a Proposal of Application Notice (POAN) for all national and major development proposals and, in all cases, prior to the lodging of any associated planning application (this allows a period of 12 weeks following submission of the POAN).
3. The members of the Planning Development Management Committee will constitute the members of the Pre-Application Forum.
4. Ward Members for the Ward in which a specific pre-application proposal under discussion is located will be invited to the Forum but will be allowed to participate in the Forum only in relation to the specific pre-application proposal in their ward.
5. The relevant Community Council for the prospective development proposal(s) to be discussed will be informed of the date and time of the Pre-Application Forum by Committee Services so that they have the opportunity to attend but will not be permitted to participate in the business of the Forum.
6. If a Forum is required it will take place after formal business of the Planning Development Management Committee is concluded – this will normally be 2 pm on the same day as the Planning Development Management Committee. The Forum will be separate from the Committee to emphasise the clear differences in status, process and procedure between the 2 meetings.
7. The case officer for the pre-application proposal will produce a very brief report (maximum 2-3 sides of A4 - template below) for the Forum outlining the proposal and identifying the main planning policies, material considerations and issues associated with it and the key information that will be required to accompany any application. The report will not include any evaluation of the planning merits of the proposal.
8. Agents/applicants will be contacted by the Committee Services immediately on receipt of a POAN (or before this date if notified by planning officers of the week that a forthcoming POAN is likely to be submitted) - and offered the opportunity to give a 10 minute presentation of their development proposal to the members of the Forum. There will be an opportunity for Councillors to discuss these with the agents/applicants, to ask questions and indicate key issues they would like the applicants to consider and address in their eventual application(s). If an applicant/agent does not respond to this offer within 10 days, or declines the opportunity to give such a presentation, then their proposal will be considered by the Forum without a developer/ applicant presentation. Committee Services will notify the case officer of the applicant's response.
9. Case officers (or a Team Leader/Manager/ Head of Planning) and, if considered necessary, other appropriate officers e.g. Roads Projects Officers, will be present at the Forum. The case officer, will give a very brief presentation outlining the main planning considerations, policies and, if relevant and useful, procedures and supporting information that will have to be submitted. Officers will be available to answer questions on factual matters related to the proposal but will not give any opinion on, or evaluation of, the merits of the application as a whole.
10. Members, either individually or collectively, can express concerns about aspects of any proposal that comes before the Forum but (to comply with the terms of the Code of Conduct) should not express a final settled view of any sort on whether any such proposal is acceptable or unacceptable.
11. A minute of the meeting will be produced by Committee Services and made publicly available on the Council website.

12. Members should be aware that the proposal being discussed may be determined under delegated powers and may not come back before them for determination. Any report of handling on an application pursuant to a proposal considered by the pre-application forum will contain a very brief synopsis of the comments made by the Forum but the report itself will be based on an independent professional evaluation of the application by planning officers.
13. Training sessions will be offered to Councillors to assist them in adjusting to their new role in relation to pre-application consultation and its relationship with the Code of Conduct.
14. The applicant/agent will be expected to report on how they have, or have not, been able to address any issues raised by the pre-application forum in the Pre-Application Consultation Report that is required to be submitted with any subsequent planning application.

Appendix 5

Proposal of Application Notice Procedure (POAN)

With the exception of Section 42 applications, all applications for planning permission or for planning permission in principle under regulations 9 to 11 for national and for major developments require pre-application consultation between developers and communities.

Applications for such developments will need to demonstrate compliance with the legislative requirements for pre-application consultation. The National Planning Framework and the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (SSI 2009/51) (see Appendix 1) provide clarity about the range of development to be treated as national or major respectively.

A screening process is available whereby prospective applicants can seek the planning authority's view on whether their proposal is a national development or a major development and therefore requires PAC. The Pre-Application Screening Notice form is available here:

<https://www.eplanning.scot/ePlanningClient/CustomPages/PaperForm.aspx?formID=28>

Where pre-application consultation is required, the prospective applicant must provide to the planning authority a 'proposal of application notice' at least 12 weeks prior to the submission of an application for planning permission. That notice must include the following information:

- i. a description in general terms of the development to be carried out;
- ii. the postal address of the development site, if it has one;
- iii. a plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site;
- iv. detail as to how the prospective applicant may be contacted and corresponded with; and
- v. an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take. This should include steps in addition to the statutory minimum for consultation.

Element v) will assist the planning authority in responding to the proposal of application notice with any additional notification and consultation requirements.

The 'description in general terms' should outline the proposal's characteristics, and the identification of its category (for example, major development). While there is scope for proposals to alter between pre-application consultation and an application being submitted, any subsequent application needs to be recognisably linked to what was described in the proposal of application notice. A very detailed or narrow descriptive content in the proposal of application notice means that relatively minor changes could trigger the need to repeat pre-application consultation.

Descriptions should accurately and adequately convey to the layman what the development involves. Describing a proposal for superstore with car park and petrol station as a "retail development" or a wind farm as "renewables development" with "ancillary development" is unlikely to do that.

It is for the planning authority (and ultimately the courts) to satisfy themselves that an application is sufficiently linked to the proposals consulted upon at the pre-application stage. An application involving land not included in the outline of the site in the proposal of application notice may cast doubt over such a link. Prospective applicants should try to ensure the site identified in Pre-Application Consultation covers the likely options for the final proposal.

The submission of the proposal of application notice starts the Pre-Application Consultation processing clock. After a minimum of 12 weeks, having carried out the statutory requirements, and any additional requirements specified by the planning authority, an applicant can submit the application along with the required written PAC report. Information in relation to the proposal of application notice must be placed on the list of applications (see paragraphs 4.36 – 4.49). There is no statutory maximum length of time between carrying out PAC and submitting the related planning application.

The prospective applicant must consult every community council any part of whose area is within or adjoins the land on which the proposed development is situated. This may include community councils in a neighbouring planning authority. The prospective applicant must also serve on these community councils the proposal of application notice.

The Proposal of Application Notice form is available here:

<https://www.eplanning.scot/ePlanningClient/CustomPages/PaperForm.aspx?formID=29>

Pre-application consultation activity must incorporate the following as a minimum.

Consultation with community councils

The prospective applicant must consult every community council any part of whose area is within or adjoins the land on which the proposed development is situated. This may include community councils in a neighbouring planning authority. The prospective applicant must also serve on these community councils the proposal of application notice.

The public event

The prospective applicant is required to hold at least one event for members of the public where they can make comments to the prospective applicant on the proposals. Notice of this 'public event' must be published at least 7 days in advance in a newspaper circulating in the locality of the proposed development. 2.20 The notice for the public event must include:

- a description of the proposed development and its location;
- details as to where further information may be obtained concerning the proposed development;
- the date and place of the public event;
- a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so; and
- a statement that comments made to the prospective applicant are not representations to the planning authority and that there will be an opportunity to make representations on any resultant application to the planning authority.



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