

**From:** Foi Enquiries  
**Sent:** 07 February 2019 14:21  
**To:** [REDACTED]  
**Subject:** EIR-19-0049 - Planning Acts  
**Attachments:** V2 - Further Information - Right to Review & Appeal.pdf

Dear [REDACTED],

Thank you for your information request of 10 January 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

- **Town & Country Planning (Scotland) Act 1997 - S207 & S208**
- **Town and Country Planning (Scotland) Act 1997 - Sections: 33a, 127, 140, 145, 168, 179, 189 & 190**
- **Town and Country Planning (Scotland) Act 1997 - Section 160**
- **Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 - S14 & S24**
- **Roads (Scotland) Act 1984 - S12 & S68**
- **Planning etc. (Scotland) Act 2006 - Sections: 25 & 26**
- **Planning etc. (Scotland) Act 2006 - Section 28**
- **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: S3, S4, S28, S34, S42, S43, S49 & S50**

We would be obliged if you can provide us with the following details in regards to notices/Orders that have been made by Aberdeen City Council under the legislation listed above:

- **Notices or Orders that remain extant as at 9th January 2019**
- **Notices or Orders that have been complied with and have monies owed to Aberdeen City Council as at 9th January 2019**
- **Notices or Orders that have invoices pending in respect of works carried out by or on behalf of Aberdeen City Council to resolve the matter as at 9th January 2019**

If it is not possible for the details of outstanding monies to be confirmed we would be obliged if you can provide us with the following details:

- **all notices served or orders made by Aberdeen City Council from 24th August 2018 to 9th January 2019 under the legislation listed above**

When answering in the negative to any of the above, we would be obliged if you would confirm that you are doing so.

Wherever possible we would be grateful if the information could be prepared to include the following:

- **reference numbers.**
- **addresses of the subjects the actions are served over.**
- **summary descriptions of the nature of the works/contravention.**
- **relevant dates.**
- **status of the action.**
- **amounts owed to the council (when available).**

Town and Country Planning (Scotland) Act 1997 - Sections: 33a, 127, 140, 145, 168, 179, 189 & 190

Town & Country Planning (Scotland) Act 1997 - S207 & S208

Section of Act	Extant Notices & New Notices/Orders	Monies owed or Invoices pending
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	from 24th Aug. 2018 to 9th Jan. 2019.	as of 9th Jan. 2019
33a	No new or extant Notices/Orders	None
127	(see table below)	None
140	No new or extant Notices/Orders	None
145	(see table below)	None
168	No new or extant Notices/Orders	None
179	(see table below)	None
189	No new or extant Notices/Orders	None
190	No new or extant Notices/Orders	None
207	No new or extant Notices/Orders	None
208	No new or extant Notices/Orders	None

#### New/Extant Notices

Address & Ref Numbers	Date of Service	Section of Act	Breach/Status
Perwinnes Farm Dyce, Aberdeen (Ref.ENF170095)	July 2018	127	Unauthorised business use. Confirmation received Dec. 2018 that business operator will vacate site Jan. 2019
Boyne Villa, Charleston, Cove, Aberdeen (Ref. ENF180102)	July 2018	145	Breach of Condition re. non-compliance with condition re. landscaping. Alternative proposals agreed Oct.18 to be implemented in full by Jan.19
25 Union Street (Ref.160067)	November 2016	179	Untidy shopfront. Notice not complied with. Further final attempt to be made to encourage new shopfront via Union St. CARS (Conservation Area Regeneration Scheme)

#### Town and Country Planning (Scotland) Act 1997 - Section 160

The location and extent of all ACC Tree Preservation Orders are available online via a publicly available interactive mapping service. Please see:

<https://www.aberdeencity.gov.uk/services/environment/protected-trees>

As information on **Town and Country Planning (Scotland) Act 1997 - Section 160** is otherwise accessible at the link provided above, it is exempt from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 6(1)(b) - Information Already Publicly Available - of the EIRs.

#### Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 - S14 & S24

Section of Act	Extant Notices & New Notices/Orders from 24th Aug. 2018 to 9th Jan. 2019	Monies owed or Invoices pending as of 9th Jan. 2019
S14	No new or extant Notices/Orders	None

S24	(see table below)	None
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New/Extant Notices

Address & Ref Numbers	Date of Service	Section of Act	Breach/Status
5-9 Union Street (Reference: ENF170179)	18 <sup>th</sup> January 2018	24	Erection of illuminated fascia and projecting signage without consent. Appeal against Notice dismissed Apr.18. New signage proposals agreed and approved Dec.18.

Roads (Scotland) Act 1984 - S12 & S68

No Notices/Orders that have been issued by the Council under Sections S12 & S68 of the Roads (Scotland) Act 1984.

Planning etc. (Scotland) Act 2006 - Sections: 25 & 26

Section of Act	Extant Notices & New Notices/Orders from 24th Aug. 2018 to 9th Jan. 2019	Monies owed or Invoices pending as of 9th Jan. 2019
25	No new or extant Notices/Orders	None
26	No new or extant Notices/Orders	None

Planning etc. (Scotland) Act 2006 - Section 28

The location and extent of all ACC Tree Preservation Orders are available online via a publicly available interactive mapping service. Please see:

<https://www.aberdeencity.gov.uk/services/environment/protected-trees>

As information on **Planning etc. (Scotland) Act 2006 - Section 28** is otherwise accessible at the link provided above, it is exempt from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 6(1)(b) - Information Already Publicly Available - of the EIRs.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: S3, S4, S28, S34, S42, S43, S49 & S50

Section of Act	Extant Notices & New Notices/Orders from 24th Aug. 2018 to 9th Jan. 2019	Monies owed or Invoices pending as of 9th Jan. 2019
3	No new or extant Notices/Orders	None
4	No new or extant Notices/Orders	None
28	No new or extant Notices/Orders	None
34	No new or extant Notices/Orders	None
42	No new or extant Notices/Orders	None
43	No new or extant Notices/Orders	None
49	No new or extant Notices/Orders	None
50	No new or extant Notices/Orders	None

We hope this helps with your request.

Yours sincerely,

Claire Barranger-Clark  
Senior Access to Information Officer

### **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

**Grant Webster** | Access to Information Officer

Aberdeen City Council | Access to Information Team | Customer Feedback | Customer  
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