



Planning Concordat

between the Community Councils
and Aberdeen City Council

June 2023



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1.0 Introduction

It is recognised by all parties that, as statutory consultees, the Community Councils (CCs) have an important role to play in the planning process. This concordat sets out how the CCs and Aberdeen City Council will work together to ensure that the views of local communities are considered in the planning process. The wider relationship between the CCs and the Council in respect of other Council functions will be covered in the separate overarching CC Protocol.

This Concordat seeks to provide:

- ◆ Visibility, transparency and ease of accessibility in the way the planning process is operated
- ◆ Opportunities for the local community to express their views to planning decision makers (planning officers and elected members) to ensure that their suggestions and concerns are fully considered in the planning process.
- ◆ A greater emphasis on the accountability of the planning service to local communities.

2.0 Communication

Every CC should identify a Planning Liaison Officer (PLO) who will be the primary contact on planning matters and, if it wishes, a nominated deputy.

Training will be provided by the Planning Service for the nominated individuals.

All communication to/from the Planning Service will be channeled through these representatives - including the lodging of letters of representation to planning applications and discussions with the planning case officer.

It is the responsibility of the CCs to ensure that the representatives and their contact details are kept up to date and the Council's CC Liaison Officer is informed of any changes.

All CCs will be notified of planning applications submitted in the previous week by means of an e-mail with a link to the Weekly List.

CCs can view application details, plans and supporting information via the Council's website at: [Simple Search \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk)

CCs should normally make comments on planning applications within 21 days of validation or any extended expiry date for comments (due to advertisement etc.) and should, therefore, try to ensure that their method of working allows them to respond within this consultation period.

However, if a longer period is required, an extension of up to a further 15 working days will usually be allowed providing this will not extend the time that it will take to determine the application. If an extension is required the PLO will contact the planning case officer in advance of the 21 day deadline giving with the reasons why an extension is required and, if agreed, this will be confirmed in writing by the case officer. Allowing time for CCs to consider a planning matter at a full scheduled CC meeting will be sufficient reason for the CC to request a time extension.

3.0 Transparency

Critical aspects of the planning process are transparency, clarity of decision-making procedures and interfaces with other ACC functions as well as the management of the notification process on planning applications.

Where the case officer identifies that there are significant changes to an application that the officer considers would materially increase the impact of the development proposed, the relevant CC will be notified of these changes and will be given 15 working days to make any further representations, at the same time as renotification of neighbours. Significant changes will include those that increase in the impact of the development (for instance, an increase in size of buildings, changes that may have further impact on residential amenity, result in a different mix of uses on site or significantly increased car parking or traffic movements).

4.0 Relevant Planning Considerations

Whilst CCs have no direct decision-making power in the planning process, the views of the local community that are relevant in planning terms to the consideration of planning applications will be given weight by those involved in the decision-making process.

Further information on what constitutes a material and a non-material planning consideration is given in Appendix 2 of this document (below)

Planning officers are committed to assisting CCs stay as informed as possible. Where requested, planning officers will explain the planning process, the detail of applications and any key considerations in their determination and help CC's focus on key areas of concern.

Planning officers will provide guidance, when requested, to CCs' Planning Liaison Officers on what constitutes a material planning consideration, in order that any representation is materially relevant to the planning application.

5.0 Developer Obligations

The Council is currently actively looking at the methods by which CCs can engage in the process of identifying any capacity issues with current infrastructure in their area. Any capacity issues identified are picked up by the Council's Developer Obligations Team when consultation is carried out on any relevant planning application and a judgement will be made as to;

- a. whether developer obligations are needed to mitigate the impact of that development to make it acceptable; and
- b. how that translates into the infrastructure that needs enhancing under the tests of [Circular 3/2012](#) and in line with the Council's own methodology for calculating developer obligations.

It should be noted that the purpose of Developer Obligations is to mitigate impacts of a development, not to fix existing infrastructure or capacity issues that may already exist within a community.

6.0 Accountability to Local Communities

The views of the local community will be fully considered throughout the entirety of the planning process including in the Planning Development Management Committee (PDMC).

All Committee reports will be published on the Council's website at least 6 days prior to the Committee meeting at which the application will be considered.

The report of handling on the application will contain a section specifically addressing any suggestions or concerns raised by the CC and how they have been addressed in coming to a recommendation on the application.

If a CC has made a timely representation on a planning application that is to be considered at PDMC then they will be offered the opportunity to speak at the Committee meeting at which it is being considered (either virtually or in person). Any discussion or debate that PDMC has in respect of an application takes place in public, and can be witnessed live in the Council chamber, through an online web stream: <https://aberdeen.public-i.tv/core/portal/home> or through a subsequent recording of the meeting available online: <https://aberdeen.public-i.tv/core/portal/webcasts>

If the Committee elects to carry out a site visit, then the Planning Liaison Officer of the relevant CC will be informed by email of the date and time to allow a representative to attend. The CC representative may observe proceedings but may not participate or speak to elected members during the visit.

The rationale and planning reasons for the decision either to approve or refuse an application will be documented in the published decision notice on all applications.



Details of the motions and voting in relation to consideration of applications will be recorded in the PDMC minutes and published on the Council's website.

All of those who made representations on any application, including CCs, will be informed of the decision on any application to which they made representation, with an electronic link to all documents associated with the application, including the decision notice.

7.0 Permitted Development Rights/ Delegated Powers

The *General Permitted Development Order* allows some development to progress without a planning application under permitted development rights. This commonly applies to smaller house extensions and other more minor forms of house alteration or extension (eg sheds, garages or window alterations).

Where an application meets the criteria in the *Scheme of Delegation* a planning application can be determined by planning officers under delegated powers and does not have to be reported to PDMC.

The Scheme of Delegation requires an application to be referred to PDMC where the CC within whose area that application is located:

- ◆ States in a timeously submitted consultation response that it has an objection or objects to the application in circumstances where officers are recommending approval of the application.

In cases where CCs do not object, CCs are encouraged to submit supportive or neutral comments for the avoidance of doubt.



8.0 Major Developments

Larger proposals (for instance for 50 or more residential units or large office or commercial buildings) that are classed as “Major” in the *Hierarchy of Developments Regulations* are subject to enhanced scrutiny and opportunity for public engagement. The applicant needs to submit a Proposal of Application Notice to the Planning Service at least 12 weeks before submission of any planning application, notifying the relevant CC and other interested parties of two public events in a convenient public venue to explain the proposals as well as online means of engagement.

At the events and during this period comments can be made to the applicant that then require to be incorporated and responded to in a pre-application consultation report that must be submitted with the subsequent planning application. Participation by CCs in this pre-application process and providing comments to the applicant at this stage is encouraged but is entirely separate from formal comments that must be separately made on a live planning application subsequently submitted to the Council.

9.0 Placemaking

The Council’s Placemaking Process identifies the need to consider an integrated approach to site planning, urban design, sustainable transport, ecology, landscaping and community involvement. The need to ensure quality of design for all new developments whatever the scale is also recognised. The Placemaking Process identifies 3 main types of Aberdeen Planning Guidance, all of which require extensive community and stakeholder input: Development Frameworks, Masterplans and Planning Briefs

- ◆ Development Frameworks are undertaken for large sites at the very beginning of the process to co-ordinate strategic issues – such as ownership, phasing, delivery and other complex needs. They offer the greatest opportunity to flexibly scope out the vision, broad principles and feasibility of developments.
- ◆ Masterplans advance the detail of a development framework, and, as a standalone document, present detailed guidance on land use, design principles and the development programme. Masterplans will be developed for residential sites of over 2 hectares or 50 houses when the requirement is identified in the Local Development Plan or other large-scale sites deemed appropriate.
- ◆ Planning Briefs provide detailed guidance based on the appraisal of the site. Planning Briefs are normally produced for smaller sites, for example those within conservation areas.

All Development Frameworks and Masterplans are expected to be adopted as Aberdeen Planning Guidance to accompany the Aberdeen Local Development Plan.

Placemaking guidance must be supported by a clear programme of stakeholder and public consultation at project inception stage including CC engagement. This consultation should be appropriate to the scale of development and determined in consultation with the Council’s Masterplanning, Design & Conservation Team. To ensure there is good public attendance at any event, the developer should engage with the CC and promote the event, in a timely and appropriate way including both in person and online means of engagement. Local residents are invited to give their views on the development via means set out at the event.

The placemaking process normally requires a minimum of 2 public consultation events (including digital and virtual engagement materials), which presents design concepts and tracks design evolution. The first public meeting identifies key issues and presents initial design options/concepts and the second meeting confirms design concepts, including how the design has changed as a result of public input.

An 'action note' must be circulated by the applicant's design team following public meetings, detailing concerns/issues raised (to be shared with the CC and other appropriate key stakeholders). If agreed as Interim Planning Advice by the relevant committee, and before any Placemaking Guidance is adopted as Aberdeen Planning Guidance, the proposals go through a statutory consultation period when CCs, stakeholders and members of the public can comment and provide feedback on the documents content. This consultation is typically for 4 weeks, unless over school holidays when 6 weeks is normally allowed.

Following the statutory consultation period, a second report is presented to Committee which includes a summary of all written responses to the consultation, a summary of general issues and the Planning Service's responses to them as well as any recommended changes.

If the Committee agrees the recommended changes, the Development Framework / Masterplan / Brief is then approved as Aberdeen Planning Guidance. It is now a material consideration in the determination of any planning application relating to that site.

10.0 Statutory and Non-Statutory Planning Guidance

To allow the Local Development Plan to focus on vision, overarching spatial strategy and other key policies and proposals, a number of Statutory and Non-Statutory Guidance documents will be published with more detailed material on sites and policy subjects.

Statutory Supplementary Guidance (SG) documents will form part of the Development Plan. The only statutory guidance document for the Aberdeen Local Development Plan 2023 is the SG on Developer Obligations. A range of Non-Statutory Planning Guidance has also been produced and will also be a material consideration in the determination of applications for planning permission.

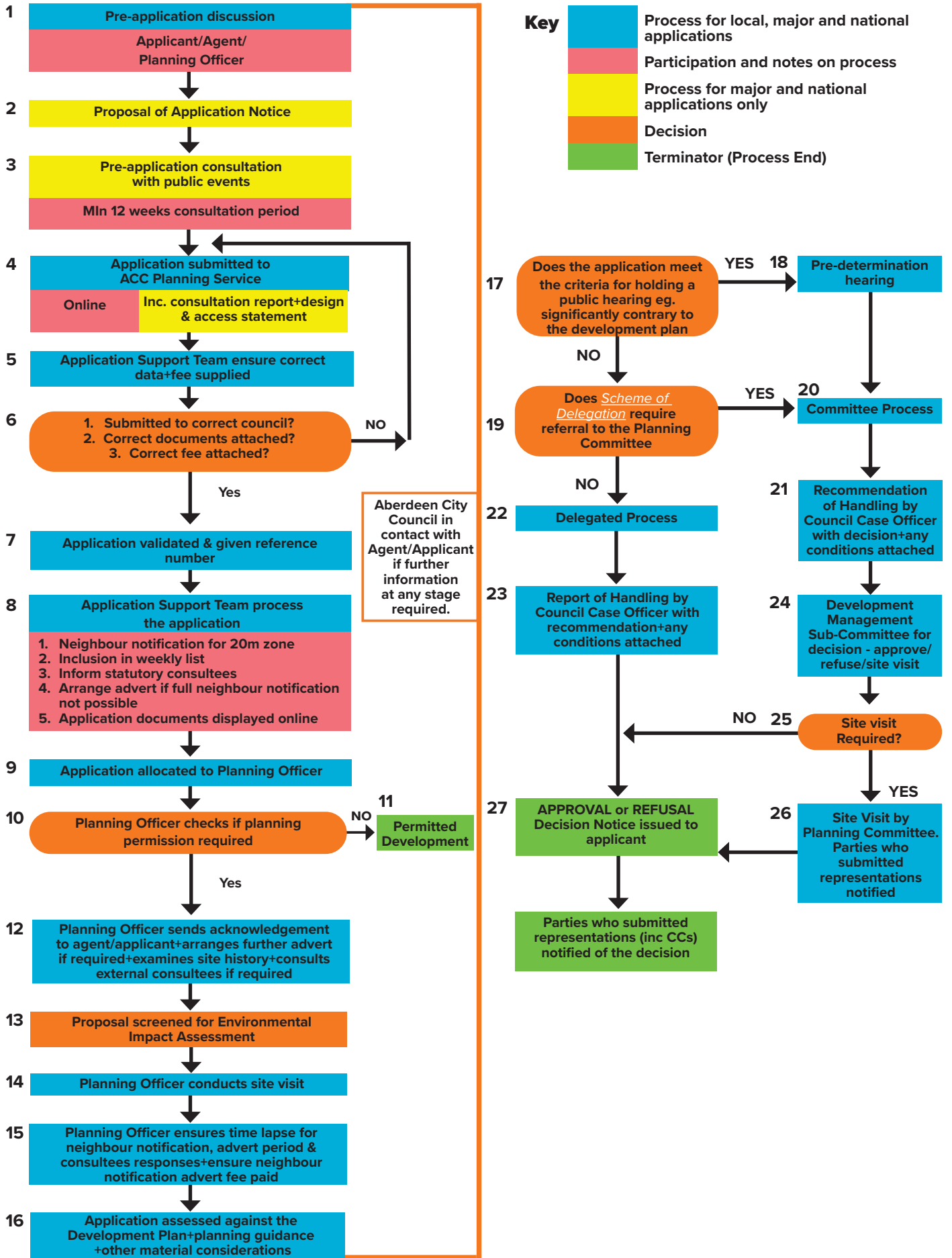
The Council will consult with all relevant CCs when preparing Statutory and Non-Statutory Guidance documents. In the case of Guidance on a policy topic (e.g. Affordable Housing, Natural Environment etc). An email will be issued to the PLO which will advise of the duration of the consultation (at least 4 weeks) and include a link to the relevant page of the Council's website where the document will be available to view. Hard copies of the document can also be provided upon request. Any requests for extensions to consultation periods for Guidance will be considered on their merits.

Prior to adoption, all comments made during the consultation period will be presented in full to Members of the Committee, along with a report summarising how the comments have been taken account. All Committee reports will be readily available on the Council website at least 6 days prior to the Committee meeting at which the document will be considered.

11. Enforcement

Community Councils can play an important role as the eyes and ears of the community in relation to the identification of potential breaches of planning control. The Council's approach to enforcement is laid out in detail in its adopted [*Enforcement Charter*](#).

Appendix 1: Planning Application Process Flowchart



Appendix 2: Material Planning Considerations

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

1. it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land; and
2. it should fairly and reasonably relate to the specific application.
3. Generally, a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the proposal on the environment.

In many respects it is easier to identify what is not a material consideration or is not relevant to planning, and therefore what should not form the basis of a decision on a planning application.

Invalid planning matters that are not material considerations include the following:

- ◆ the protection of private interests, e.g. loss of views or competition between businesses;
- ◆ the personal circumstances of the applicant;
- ◆ moral considerations, e.g. sex shops, betting offices or religious objections to licensed premises;
- ◆ political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- ◆ the cost of the development;
- ◆ the applicant's lack of ownership of the site (note that planning permission relates to the land and not to the person seeking planning permission);
- ◆ issues covered by other legislation, e.g. building safety which is the responsibility of building standards.

Valid planning considerations that should be taken into account include:

- ◆ the Development Plan (ie. the [Local Development Plan](#) and [National Planning Framework 4](#));
- ◆ emerging policies in a development plan that is not yet approved or adopted;
- ◆ the planning history of the site, particularly any recent appeal decisions relating to the same land
- ◆ the suitability of the site for the proposed development;
- ◆ the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- ◆ design issues including the use of materials, the height, scale, bulk and layout of the development;
- ◆ potential loss of privacy or overshadowing of adjoining properties
- ◆ climate mitigation and adaptation
- ◆ biodiversity
- ◆ the impact of the development on the built or natural heritage of an area;
- ◆ the potential adverse impacts on adjoining property from noise, odours, fumes, etc;

- ◆ the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- ◆ meeting identified local needs such as affordable housing, or the creation of leisure facilities;
- ◆ the adequacy of the service infrastructure to accommodate the development, including the access arrangements to the site and level of parking provision;
- ◆ the creation of a precedent, which might make it difficult to resist similar proposals elsewhere.

This list is not exhaustive but it does represent the considerations taken into account in most planning decisions. The relative weighting given to these various considerations is a matter for judgement in each case.

Appendix 3: Useful Information And Further Reading

Aberdeen City Council's [*Planning Performance Framework 2021-2022 \(wordpress.com\)*](#)

[*Community Councillors: Code of Conduct*](#)

[*Planning Advisory Service Information Sheets*](#) (the planning system in Scotland)

Planning Advisory Service – What we do [*What We Do - PAS*](#)





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