

Aberdeenshire Council

Infrastructure Services

Development Management Charter



Aberdeenshire
COUNCIL



March 2015



Aberdeenshire
COUNCIL



Serving Aberdeenshire from mountain to sea – the very best of Scotland

The best area

Helping to create and sustain the best quality of life for all through . . .

- happy, healthy and confident people
- safe, friendly and lively communities
- an enterprising and adaptable economy
- our special environment and diverse culture

The best council

Aiming to provide excellent services for all by . . .

- involving, responding and enabling
- finding new and more efficient ways of doing things
- providing elected leadership for our area
- working with our partners in the North East and beyond
- always looking to the future



Introduction

Development Management is the process which regulates development and the use of land. Through the Development Management process the Council is able to control the location and quality of development in ways that comply with the Council's objectives and policies as set out in the [development plan](#).

The Council, as planning authority, enables the development process, safeguards the quality of the environment and mediates between conflicting land uses or development proposals. At times unauthorised developments can occur and these require investigation and may result in enforcement action to cause them to cease, to minimise their effect or to make such development acceptable. The [Planning Enforcement Charter \(pdf 829 KB\)](#) explains how the enforcement process works.

On 1st April 2014 the [High Hedges \(Scotland\) Act 2013](#) came into effect. The legislation is intended to provide a solution to problems caused by hedges which grow over two metres tall, and block out light. It will give home owners and occupiers a right to apply to a local authority for a high hedge notice, and empowers local authorities to enforce decisions made in relation to high hedges in their local area. More information is available [here](#).

The range of work covered by the Development Management process includes:

- [Planning Applications](#)
- [Listed Building Applications](#)
- [Agricultural Notifications](#)
- [Enforcement](#)
- [Planning Appeals](#)
- [General Development Advice](#)
- [Conservation Area Consent Applications](#)
- [Advertisement Applications](#)
- [Mineral Extraction Applications](#)
- [Certificates of Lawful Use](#)

Purpose of the Development Management Charter

The main purpose of this charter is to improve access to the Development Management Service in Aberdeenshire and to promote quality in the delivery of the Service. The key features of the charter are:

- **Aims & Commitments**
- **How the service is organised**
- **Service Standards & Applying**
- **Have Your Say**
- **Contact us**



Aims and Commitments

Development Management has an important role to create the conditions for sustainable economic growth, diversification and regeneration within Aberdeenshire and the wider region by attracting and supporting businesses and industries and developing communities. By volume of applications we are consistently one of the busiest planning services in the country and the area's strong economy means that this is likely to continue. Development Management aim to encourage and facilitate this growth in a sustainable and planned way.

Development Management will aim to:

- Promote sustainable mixed communities with the highest standards of design.
- Take on the challenges of sustainable development and climate change.
- Protect and improve assets and resources.
- Increase and diversify the economy.
- Promote the creation of green networks within and between settlements.
- Make efficient use of the transport network, reduce the need to travel and promote walking, cycling and public transport.

The [Planning Performance Framework](#) is submitted to Scottish Government annually and is an appraisal of what has been achieved so far and where the Service priorities for improvement lie in the future.

How the Service is Organised

Within Development Management there are three Development Management Teams in addition to a Strategic Development Delivery Team which deals with national and strategic applications. Most other developments will be dealt with by one of three area based Planning Teams. Each of these three teams cover two of the six administrative areas of Aberdeenshire:

- [Banff & Buchan and Garioch](#)
- [Buchan and Formartine](#)
- [Kincardine & Mearns and Marr](#)



Councillors and Committee

If you need to contact your local Councillor regarding any planning matters but are unsure who this is then you can use our [interactive mapping service](#).

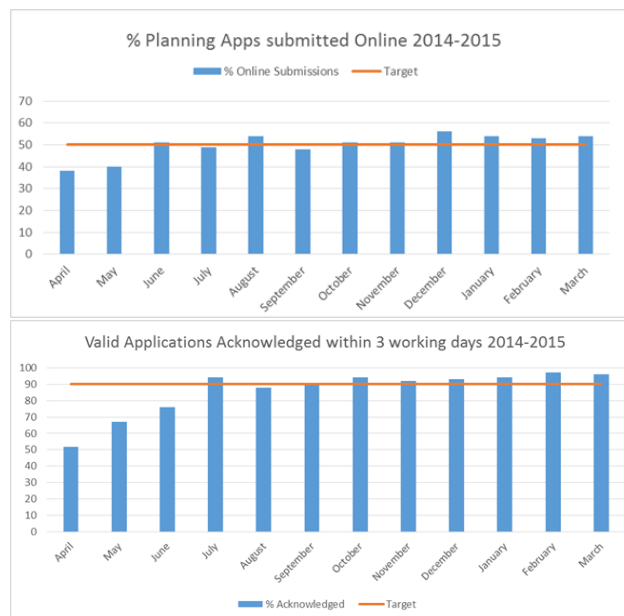
Aberdeenshire's [Scheme of Delegation](#) regulates the functions of the Council. Planning officers have specific delegated powers to determine planning applications which can be found [here](#). Should a Planning Application require to be determined by Area Committee these meet on a three week cycle and are comprised of Elected Members of the Council. Full details of [Councillor Democracy](#) and of [Area Committees](#) can be found on our website, along with dates of meetings, agendas and meeting minutes.



ePlanning



Submitting applications online saves time and money and our aim is to streamline this process by promoting the [eplanning portal](#). The [ePlanning](#) portal allows online submission of planning applications for each local authority in Scotland. It provides an easily accessible and convenient method of submitting planning applications and appeals that is quicker to use and process. The portal has seen significant growth in use with over 100,000 applications submitted since its launch and 62% of all applications in Scotland are submitted via this site. Aberdeenshire Council are exceeding the Scottish Government Target as shown in the graph below.



The portal is free to use and allows users to create an account, attach all relevant documents, calculate their planning fee and pay online. A [user guide](#) is available which details a step to step guide for using the eplanning portal. Our Eplanning Team, based in Stonehaven, will focus on processing both postal and electronic applications and aim to validate these applications within 3 working days. Over 90% are validated within this timescale.



Planning Service Standards and How to Apply for Planning Permission

Full details of our service can be found [here](#). This section will outline how to apply for planning permission, what to expect when you apply, and how to view applications.

Advice and information on development management procedures can be found via the Scottish Government website using [this link](#).

Submitting a Planning Application

Submitting a planning application online is the quickest and easiest way to fill out the relevant forms and upload any drawings and supporting documents. The [eplanning portal](#) allows for a step by step process for submitting applications in partnership with all Local Authorities across Scotland. The site is free to use and is the most convenient way to submit a planning application. A [downloadable user guide](#) is also available to guide you through the process.

A full list of all planning applications and other consent forms can be found under planning on the website [here](#).

If you still prefer to submit paper copies send any applications, plans or enquiries to:

E Planning, Aberdeenshire Council, Viewmount, Arduthie Road, Stonehaven,

AB39 2DQ or email planningonline@aberdeenshire.gov.uk

Aberdeenshire Council welcomes pre-application discussion and you can also submit a [pre-application enquiry](#) free of charge to receive informal advice and comments on both local and major proposals. We encourage you to discuss your proposal prior to submitting a formal application as there are many benefits to receiving pre-application advice. These include discussing the material considerations relevant to your proposal and confirmation of what should be included with the submission to avoid any delay in consideration or invalid applications. This process also highlights any issues that require to be assessed by the Planning Service and any potential conflicts in relation to Local Development Plan policies. By discussing your proposal with a Planner prior to submission you may be able to address any issues before submitting a full planning application. We will respond to pre-application enquiries within **28 working days**.

If you are unsure if planning permission is required, you can complete the [Do I need planning permission?](#) form to check.



Processing a Planning Application

When a planning application is submitted to us we will aim to:

1	Acknowledge receipt of your valid application within 5 working days and contact you within 5 working days if we need further information to validate your application.
2	Consultations will commence when your application is made valid.
3	The case officer will conduct a site visit promptly after allocation of the application.
4	For all major applications and those which may require a legal agreement, the Planning Service encourage you to enter into a Processing Agreement which will enable key dates and information to be identified. Further guidance on this can be found here .
5	We will seek further information via a Regulation 24 Request Letter which will allow applicants/agents 1 month to submit any additional information, or other such time as mutually agreed/stated in a Processing Agreement.
6	We will issue the decision notice electronically within 3 days of the decision being taken unless there are outstanding matters to be resolved. Should the application require approval from another body (for example Historic Scotland) we will send the decision notice within 3 working days of the approval being confirmed.
7	We will acknowledge planning conditions, Non-Material Variation requests, and any other queries promptly and efficiently.

Planning legislation advises that for local applications we will have **two months** from the date of receiving your valid planning application to determine the application (Major and National developments 4 months, or an alternative timescale agreed by a processing agreement). Should you require an extension of time this must be formally agreed. You have the right to appeal against non-determination to the Scottish Government on the grounds that we have not decided your application within two months. Appeals against decisions can be made to the [Local Review Body](#) or [Scottish Ministers](#) depending on the application type and the route of determination. Further information can be found at the [Directorate for Planning and Environmental Appeals](#) webpage.



Making Representations upon a Planning Application

You can comment on planning applications online. The Planning Authority will notify any properties within a 20m radius of the application site boundary. Any individual or organisation can comment on a planning application either supporting or opposing the application within 21 days of validation (this period may be extended in certain cases, when, for example we require to advertise the application in the local newspaper). We will acknowledge receipt of this within 3 working days. Representations received after this date would not be formally accepted, however all relevant planning matters would be investigated at the planner's discretion. Late correspondence, received after the publication of the Committee Agenda will not be accepted as a material consideration in determining the application unless it raises new planning issues central to the determination of the proposal. Then, with the agreement of the Chairman, the information can be circulated to all Members of the Committee.

The Council, as planning authority, must consider representations when coming to a decision on applications but such representations must be weighed against other matters that the authority must take into account. Full details of what is considered a material planning consideration can be found [here](#).

Anonymous letters or emails commenting on an application cannot be considered. We also operate a specific procedure for handling letters of comment which include remarks which are of a racist or otherwise offensive nature. Such letters will not be considered, and the writer will be advised of our concerns and asked to amend their letter, or it will be withdrawn. In all correspondence received the Council reserves the right to remove any defamatory information.

Finding out about Planning Applications

You can find out about a planning application in the following ways:

- By inspecting the planning register via the [Public Access Register](#)- you can use this register for updates on planning applications and to track applications. Guidance on how to use the Public Access Register for the best results can be found in the [User Guide](#) and [FAQ](#).
- [Weekly lists](#) detail new applications for each area.
- By visiting area offices and inspecting documents, telephoning area offices and speaking with the case officer.
- Through press advertisements in the local newspaper.
- Through the display of site notices relating to certain applications.
- By reading the Area Committee Agendas [online](#) prior to meetings and reading the minutes of the meetings.
- By contacting your local Aberdeenshire Council Councillor who represents your area or by contacting a member of your local [Community Council](#).



Have Your Say

We want to hear from you. Aberdeenshire Council is committed to continually improving the services which it provides to the people of Aberdeenshire and has developed a 2 step procedure for you to make a formal compliment, comment or complaint.

You can make your comment in person, by phone, by e-mail, [via our online form](#) or in writing. If you have any problems completing this form or would like to provide photographs, please email feedback.team@aberdeenshire.gov.uk

In terms of planning, complaints are dealt with by the following procedure:

Stage 1: Frontline Resolution

We will always try to resolve your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.

Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within three working days. We will give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

Any Development Management complaints will be dealt with at this stage by the Team Manager.

All complaints received will be actioned in accordance with our Corporate Complaints Procedure. If you are unsure of how this process works, then please read the [Have Your Say guide](#). [Our full complaints procedure](#) provides further detail.

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the [SPSO](#) to consider it. We will tell you how to do this when we send you our final decision.





Contact Us

Full contact details can be found [on our website](#). You can contact the relevant planning teams at:

Strategic Development Delivery Team

Administrative Base	Woodhill House, Westburn Road, Aberdeen, AB16 5GB
Telephone	01224 664221
Email	planning@aberdeenshire.gov.uk

Banff & Buchan and Garioch Team

Administrative Base	Winston House, 39 Castle Street, Banff, AB45 1DQ and Gordon House, Blackhall Road, Inverurie, AB51 3WA
Telephone	01261 813210 and 01467 628576
Email	bb.planapps@aberdeenshire.gov.uk and ga.planapps@aberdeenshire.gov.uk

Buchan and Formartine Team

Administrative Base	Buchan House, St Peter Street, Peterhead, AB42 1QF and 45 Bridge Street, Ellon, AB41 9AA
Telephone	01779 483724 and 01358 726429
Email	bu.planapps@aberdeenshire.gov.uk and fo.planapps@aberdeenshire.gov.uk

Kincardine & Mearns and Marr Team

Administrative Base	Viewmount, Arduthie Road, Stonehaven, AB39 2DQ
Telephone	01569 768300
Email	km.planapps@aberdeenshire.gov.uk and ma.planapps@aberdeenshire.gov.uk



Development Management Surgeries

Development Management Surgeries, staffed by planning officers are held at the following area offices:

Area	Location	Date	Time	Telephone
Banff and Buchan	51 Mid Street, Fraserburgh	Every Wednesday	10:00am-16:00pm (exc 12:30-13:30)	01346 586315
Buchan and Formartine	Towie House, Manse Road, Turriff	Every first Wednesday of the month	14:00pm-16:00pm	
Marr	The Square, Banchory	Fortnightly basis on Wednesday mornings	10:00am-12:30pm	Stonehaven Office 01569 768300
Marr	Bellwood Road, Aboyne	Fortnightly basis on Wednesday mornings	10:00am-12:30pm	Stonehaven Office 01569 768300
Marr	School Road, Alford	Fortnightly basis on Wednesday mornings	10:00am-12:30pm	Stonehaven Office 01569 768300
Marr	25 Gordon Street, Huntly	Fortnightly basis on Wednesday mornings	10:00am-12:30pm	Stonehaven Office 01569 768300

During these times planning officers are available for advice and consultation on planning matters. Please note that the Aboyne and Alford Office surgeries will require customers to ring the doorbell for access. Please note, no appointments are necessary although pre-booking would be advised if your query requires background research for example.

Other Contacts

Other relevant internal and external contacts associated with the planning department include:

- [Planning Enforcement](#)- a separate Enforcement Charter can be viewed [here](#).
- [Planning Policy](#)- you can view the Local Development Plan [here](#).
- [Building Standards](#)
- [Environmental Health](#)
- [Roads Development](#)
- [Scottish Government](#)
- [Cairngorms National Park Authority](#)
- [ePlanning](#)