

**Covid-19 - Maintaining a Functioning Planning System
Agent Briefing Note- Tuesday 14 April 2020**

On the 3 April Scotland's Chief Planner and the Minister for Local Government, Housing and Planning jointly wrote to all Planning Authorities advising that they consider that Planning has a crucial part to play within and beyond the immediate Covid-19 emergency. A high performing planning system is considered to have a critical role in supporting our future economic and societal recovery, and our future health and well-being. As such, they promote that we should do as much as possible to keep the planning system working and moving forward by adopting new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make decisions that are vital to the recovery of our communities and businesses. Some of this has required urgent legislative change, while for other aspects there is a need for innovative, pragmatic, practical and flexible approaches.

Aberdeenshire Council's Planning and Environment Service continues to consider how it can best maintain business continuity and below sets out the current situation.

Receipt of Planning Applications

We continue to receive and administer the validation of planning applications. Please note that at this time we are unable to accept paper applications or cheque payments for fees. You can continue to use the ePlanning [portal](#).

Site Visits

At the present time, we are still unable to undertake any site visits. However, we continue to develop a strategy for commencing site visits again. This is based on the need for Risk Assessments for each potential visit which includes a desktop assessment of submitted information; discussions with the applicant/agent/site owner; and a subsequent decision on the ability to undertake a thorough and appropriate visit safely, in line with national health and safety guidance in relation to Covid-19. It may be the case that we will not be able to undertake certain visits. For such cases we will consider the best way forward.

Pre-Application Consultation with Communities – Proposal of Application Notices (POANS)

Current regulations require pre-application consultation on major and national developments to include at least one public event. This currently cannot take place as it represents a public gathering. The Scottish Government intend to bring forward regulations as soon as they can, which for this emergency period, will suspend this requirement.

There remains a need though to undertake early engagement with communities. We will expect prospective applicants to replace the requirement for a physical, face-to-face public event with alternative, online versions, so that local people can still be engaged and have an opportunity to have an influence on proposals that affect them. The Scottish Government aims to produce more guidance on expectations and good practice for online engagement. However, in the meantime, such tools could include, but are not limited to, the following:

- Providing the details, posters, plans etc. of the development proposals to a dedicated website/microsite.
- Preparing video presentations of the development proposals for public viewing online.

- Targeted emailing and advertisement of online details with Community Councils, groups and key stakeholders
- Letter/mail drops within the local community advising of the online platform of engagement or inviting questions and/or comments which can then be answered remotely.
- Webinar/telephone (interactive) conferences or Q&A sessions on the development proposals.
- Interactive engagement via social media or similar.

It is for the applicants/agents to consider which tools are the best and most proportionate for their proposal. We encourage early discussion with the Planning and Environment Service on this.

Please note this is a temporary change. The Scottish Government have committed within the planning reform programme to enhance community engagement in planning, including improvements to the pre-application processes, such as the introduction of a mandatory second public event. That commitment remains and we will continue to make progress on this for future implementation.

Duration of Planning Permissions

A number of planning permissions are due to expire over the coming weeks and months and, for various reasons caused by current restrictions, there will be difficulties in commencing some of these developments or carrying out necessary processes, such as the submission of applications for approval of matters specified in conditions, before deadlines pass.

The duration of planning permission is set out in primary legislation. Recognising that activity is likely to slow considerably over coming months, the Scottish Government included additional provisions in the Coronavirus (Scotland) [Bill](#) which came into force on 7 April 2020.

This extends the duration of all planning permissions (Full Planning Permission/Planning Permission in Principle/Approval of Matters Specified in Conditions or ones where there has been a Direction extending timescales) which are due to expire during an 'emergency period' of 6 months, so that the relevant permission or time limit shall not lapse for a period of 12 months from the date that the provisions came into force. In short, this means that the relevant permissions which expire between 7 April and 7 October 2020 will have their duration automatically extended until 7 April 2021.

We are currently collating information on the applications to which this will apply in order that we can record the extended duration timescales on our systems. We will not be issuing any amended decision notices or letters to applicants/agents. Should you have a query about whether a specific application qualifies then please contact the relevant local planning team. Please note that this does not apply to temporary planning permissions that are time limited by condition. Nor does it apply to any other consents such as Listed Building, Conservation Area or Advertisement Consents etc.

Local Development Plan

We continue to work on the Proposed Local Development Plan. We are currently considering the best way forward with regards the formal consultation period in line with the government guidance. It is hoped that a decision will be taken on this very soon.

You can contact us about the Local Development by email at ldp@aberdeenshire.gov.uk or by phone on 01467 536230.

Documents for Public Inspection

Please note that at this time, libraries and offices will remain closed to the public. During this period you will be able to view planning applications on the [Planning access](#)- Planning and building register on the Planning and Building section of the Council website.

We are in the process of reviewing how we deal with the Environmental Impact Assessment Regulations which presently require that the Environmental Impact Assessment report is made available for public inspection in offices. Further information will be provided once we are in a position to clarify how we propose to deal with this matter during this period when public offices are closed.

Neighbour Notification and Site Notices

The Service is resourced and set up to ensure that all requisite Neighbour Notifications and Site Notices continue to be printed and issued to ensure that we can maintain the validation and initial processing of your applications.

For site notices we are taking all reasonable steps to comply with legislative requirements and in line with current practice we will continue to issue site notices to applicants, or agents on a case by case basis

We are reviewing the neighbour notification letter and site notice templates to make it clear that that the application details can be viewed via the [Planning access](#)- Planning and building register only during this period when offices remain closed.

Committee Meetings

As a result of the ongoing Covid-19 situation and following a decision by Aberdeenshire Council at its meeting on 18 March 2020, all meetings of the Council and its Committees and Sub-Committees will be held via Skype for Business until further notice. All Committees will be recorded and made available on the [Council website](#) shortly thereafter.

Guidance has been developed to assist agents and members of the public who wish to request to speak at Council meetings during this period. Further information on this guidance is available via the relevant Area Managers office. A copy of the guidance is attached- "Participant Meeting Protocol Access".

In line with the move to Skype Committee meetings during this period, it has been agreed that the Committee power point presentation produced by the Development Management Service in connection with planning applications will be published on the Committee meeting section of the website. The information will be made available individually under the relevant Committee item in advance of the Committee meeting. This will allow agents and members of the public to view the presentations when calling into the Skype Committee meeting.

Local Review Bodies (LRBS)

Local Review Bodies will continue to operate and will be held via Skype for Business until further notice.



Hazardous Substance Consent: Health and Safety Executive input

At this time, the Planning Authority are being recommended not to determine applications for Hazardous substances consent until a Health and Safety Executive response has been received. In cases where the Authority receives an application for planning permission or hazardous substances consent where an urgent decision is required to support the fight against COVID-19, the Authority are recommended to contact HSE. Should you be considering submitting an application which falls into this category please contact the Planning Authority to discuss at your earliest convenience.

Communication and Contacts

Please be advised that the Development Management Service we will be asking case officers dealing with live applications and enquiries that require discussion about the status of the case and any outstanding information requirements to make contact with you on a case by case basis over the coming weeks. We appreciate that some businesses will be in furlough but we will still make contact and hopefully communication can recommence in time.

We will endeavour to continue to issue briefings on a weekly basis, when we have updates, during this period to ensure that you are kept up to date with any legislative and associated operational changes that we may need to undertake to working practices as we continue to ensure that we can maintain business continuity at this time.

Should you have any queries in relation to this briefing note and or any general operational matters during this period please email the Team Managers (Development Management):

- **Chris Ormiston, Team Manager, Banff & Buchan & Garioch**
chris.ormiston@aberdeenshire.gov.uk
- **Darren Ross, Team Manager, Buchan & Formartine**
darren.ross@aberdeenshire.gov.uk
- **Neil Stewart, Team Manager, Kincardine & Mearns and Marr**
neil.c.stewart@aberdeenshire.gov.uk