



From mountain to sea

Aberdeenshire
COUNCIL



Planning Session for Formartine Community Councils Wednesday 5th October 2016

Mairi Stewart – Planning Manager
Piers Blaxter – Policy Team Leader
Darren Ross – Formartine & Buchan Team Manager
Dave Clark – Principal Systems Development Officer



From mountain to sea



What is Planning?

- Planning guides the future development and use of land.
- Planning is about where development should happen, where it should not and how it interacts with its surroundings. This requires promoting and facilitating development, while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time.
- Careful attention to layout, design and construction should result in places where people want to be.



From mountain to sea

Community Council Role

Where planning matters are concerned, whether they be planning applications or a new Local Development Plan, the role of the Community Council is to find out, gather and present the views of the community.

Opinion may well be divided. The Community Council is charged with presenting these views in a balanced and coherent fashion.

The Community Council does not have to decide which view they support nor are they required to approve or oppose developments.

The route of determination - where does the CC fit in? how can it influence decision making ?

Planning proposals will be assessed against the development plan and other material considerations.



From mountain to sea

Aberdeenshire
COUNCIL



Community Council Influence

Plan led system

Planning proposals will be assessed against the development plan and other material considerations.

Community Council can input and influence all aspects of the planning process:

The Development Plan process

The Development Management process



From mountain to sea

What are Development Plans?

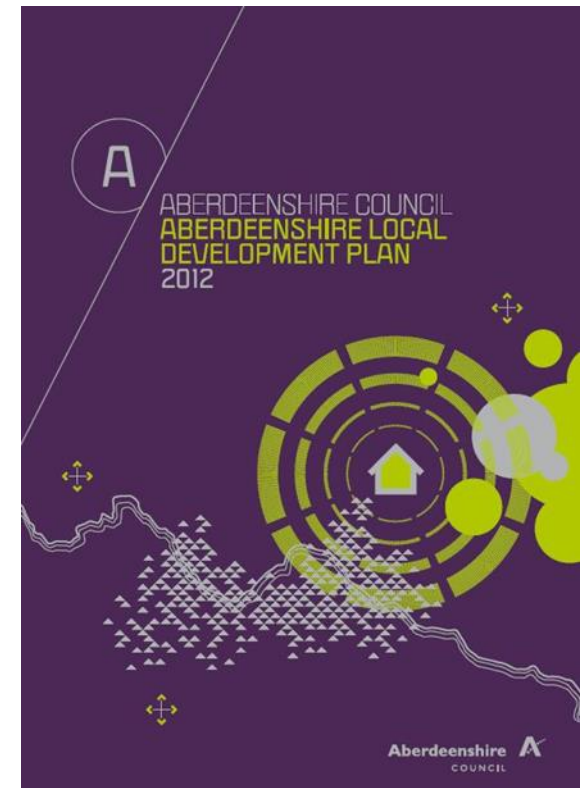
Show how much development may take place.

Where it will take place and where it is unlikely to be allowed.

They form the basis for decisions on planning applications and contain policies for future development and land use in an area.

The plans cover a wide range of issues including:

- housing
- transport
- employment
- retail
- recreation
- conserving and protecting built and natural heritage





From mountain to sea



Development Management & the Planning Application Process

Planning Applications

Community Council's are treated as consultees and can:

Request consultations from the Weekly List

Make comments

Object

Support

Request to speak at committee

Influence?

The Community Council can influence in all aspects of the decision-making process both in applications which are determined under delegated powers and those which are reported to committee



From mountain to sea

Aberdeenshire
COUNCIL



Community Council Role in the Development Plan Process

Piers Blaxter – Policy Team Leader



From mountain to sea

Aberdeenshire
COUNCIL



Community Council Role In Development Management

Darren Ross – Team Manager, Formartine and Buchan



From mountain to sea

Aberdeenshire
COUNCIL



Role of Community Councils

- To act on behalf of the Community
- To impart local knowledge
- To work with and alongside the Planning Service
- To bring enforcement matters to the Council's attention



From mountain to sea



Community Councils Role as Consultees

SCOTTISH STATUTORY INSTRUMENTS	
2013 No. 155	
TOWN AND COUNTRY PLANNING	
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013	
<i>Made</i>	<i>21st May 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd May 2013</i>
<i>Coming into force</i>	<i>30th June 2013</i>
CONTENTS	
PART 1	
Introductory	
1.	Citation and commencement
2.	Application
3.	Interpretation
PART 2	
Pre-application consultation	
4.	Pre-application consultation – classes of development
5.	Content of pre-application screening notice
6.	Content of proposal of application notice
7.	Pre-application consultation
PART 3	
Procedure on applications for planning permission	
8.	Applications for planning permission
9.	Form and content of an application for planning permission
10.	Application for planning permission in principle
11.	Further applications
12.	Application for approval of matters specified in conditions
13.	Design and access statements
14.	Validation date
15.	Notices to owners and agricultural tenants under section 35 of the Act

Schedule 5 of the DM Regs States

- The Planning Authority must before determining an application for planning permission for development consult a person, authority or body mentioned in the paragraph below in the circumstances specified in that para

(6) The Community Council where

- The Community Council, within 7 working days, of the weekly list informs the Planning Service that it wishes to be consulted, or
- The development is likely to affect the amenity in the area of the Community Council



From mountain to sea

Aberdeenshire
COUNCIL



Means of Communication

- Generally – with exception by phone or email unless local arrangements exist
- Comments should conclude with a recommendation based on planning grounds
- Support or object



From mountain to sea

Aberdeenshire
COUNCIL



Implications

- Current Scheme of Delegation
 - Officer Support with Community Council objection
 - Officer recommendation to refuse with Community Council support



From mountain to sea

Aberdeenshire
COUNCIL



Liaison

- Development Management Staff have open invite to attend any Community Council meetings
- Caveats –
 - Pre-arranged dates
 - Pre-arranged agenda
 - Generic issues – not site specific



From mountain to sea



Material Considerations

Two main tests are used when deciding whether a consideration is **material** and relevant:

- **It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.**
- **It should fairly and reasonably relate to the particular application.**



From mountain to sea



Useful Material Considerations

Visual appearance of the proposed development and its relationship to its surroundings. This is a complicated area but can include:

- Building materials
- Height, scale, massing, design, density and layout of development, particularly in comparison with other buildings in the locality
- Landscaping proposals
- Privacy, over-shadowing, over-development (overcrowding), and lack of natural light



From mountain to sea

Aberdeenshire
COUNCIL



Not Material Considerations

- Impact on views across third party land
- Impact on land/property values
- Land ownership
- Market competition
- Personal circumstances of the applicant, private property rights including boundary and access disputes
- Issues covered by other legislation, e.g. health and safety regulations, licensing, building control



From mountain to sea

Aberdeenshire
COUNCIL



Any Questions?



From mountain to sea

Aberdeenshire
COUNCIL



Aberdeenshire Council Public Access Register

<http://www.aberdeenshire.gov.uk/planning/planning-applications/public-access/>

Dave Clark - Principal Systems Development Officer