



Covid-19 - Maintaining a Functioning Planning System

Briefing Note – 8 July 2020

Chief Planner's Letter – 2 July 2020

On the 2 July 2020, the Chief Planner for Scotland wrote to all Planning Authorities. A link to the letter is provided above. In summary, and following his letter of 29 May (which is linked), it continues to encourage a supportive, pragmatic and flexible approach to temporary developments and changes of use to enable businesses to diversify or adjust the way they operate as lockdown eases and people start to return to work. In particular, it suggests that through this period, for temporary outdoor uses such as the provision of outdoor seating for pubs, cafes, restaurants, including beer gardens, Planning Authorities should, where considered appropriate, exercise relaxations of planning controls.

In this respect, emphasis is put on the use of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 which allows, in some instances, the temporary use of land or buildings for not more than 28 days in total in any calendar year. Emphasis is also put on consideration for agreeing to not take enforcement action against otherwise acceptable breaches of planning control.

In recognising this, your attention is drawn to the One Council approach to dealing with enquiries on developments of this nature, that is set out below, including the links to the Council website and a new email address for enquiries.

Business Support During the Routemap out of Lockdown

As Aberdeenshire reopens for business again and to assist businesses adjusting in these ever-changing times, we have developed a one-stop shop for business enquiries.

While certain restrictions are in place, many businesses will need to find different ways of working which may require various regulatory requirements including road permits for using outdoor space, planning permission and licensing applications.

In order to make things as easy as possible for everyone a number of Council services are working together on creating a one-stop shop for enquiries from businesses with a strategic group of officers from Economic Development, Licensing, Environmental Health, Trading Standards, Planning, Transportation, Legal, Roads and Landscape.

This approach speeds up the process assisting businesses to re-open and get back on their feet in the 'new normal' and as and when restrictions ease.

If you are aware of a business who you think would be interested in using the one-stop shop please ask them to email easinglockdownsupport@aberdeenshire.gov.uk

A video containing more information and a Q&A can be found on the [Aberdeenshire Council website](#) along with all relevant guidance and advice.



Construction Site: Hours of Operation

Planning permissions are sometimes subject to conditions which restrict hours of operation; either directly or sometimes by requiring working hours to be separately agreed with the planning authority or specified in advance. This is a rare occurrence in Aberdeenshire as for most part issues surrounding noise/disturbance affecting, mainly residential, property as a result of construction is covered under alternate environmental legislation. Nevertheless, in some instances where there is significant potential for disturbance conditions on hours of operation are applied to any planning consent.

We are aware that the need for safe working and physical distancing due to Covid 19– on-site, in the wider community through travel to and from sites, and in allowing a spread of working patterns throughout the day – could however necessitate some different working arrangements while restrictions continue.

Aberdeenshire Council will be supportive of reasonable changes and requests to extend working hours should the circumstances allow.

In this regard as circumstances may differ between construction sites, any developer wishing to incorporate these different working practices and thus extend the operating hours should contact their local planning office or case officer to discuss their proposals.

Not all aspects of construction activity have the same impacts, and so it would be helpful if any enquiry could be supported by an outline of the types of work proposed. This would allow us to agree appropriate parameters that can enable overall working times to be extended; for example by agreeing to limit particularly loud operations, considering any proximity to noise sensitive receptors, perhaps between 9am and 5pm, or ensuring noise mitigation measures form part of the extended working times.

We would recommend proactive, early discussions, to agree appropriate site management that allows development to progress, recognising the current circumstances and restrictions in place.

In most cases, we expect that agreement to temporarily extend hours of operation can be reached informally, without the need for an application process to amend or vary any planning condition.

Should you have any queries on this subject or wish to discuss varying the operating hours on any development site then please contact your local planning office.

Paul Macari
Head of Planning and Environment Service
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