



SP=EED

**Planning advice
PA2023-15**

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Purpose of this planning advice

There are legal requirements on prospective applicants to undertake community engagement for certain applications. Early engagement and consultation provide an opportunity for prospective applicants to ensure they are better informed about the community's view of the proposed development and to address these concerns where they can be tackled. This planning advice has been designed to support Policy P1 Layout, Siting and Design of the Aberdeenshire Local Development Plan (LDP) 2023. Specifically, pre-application consultation undertaken by prospective applicants for certain national or major developments that will be assessed against the SP=EED® criteria.

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Introduction

Policy P1 (paragraph P1.4) of the Aberdeenshire Local Development Plan 2023 states that Aberdeenshire Council, “will assess all development, whether on sites we have allocated or elsewhere, using a process that includes appropriate public consultation. Certain proposals for a national or major development should meet the prescribed criteria/level of public and stakeholder engagement, as outlined in Planning Advice”.

Across the Aberdeenshire LDP area prospective applicants are expected, where appropriate, to deliver public consultation embracing the use of PAS’s (formerly Planning Aid Scotland - <http://pas.org.uk>) practical guide, SP=EED® (Successful Planning = Effective Engagement and Delivery). The PAS guide provides a framework for carrying out public and stakeholder engagement projects and is endorsed by the Scottish Government through its reference in Planning Advice Note 3/2010 Community Engagement.

Aberdeenshire Council’s Planning and Economy Service will assess pre-application consultation (PAC) for certain major and national developments requiring statutory pre-application consultation against the criteria set out in the SP=EED guide.

Appendix 1 outlines the national developments and classes of (major) development whereby PAC for development proposals will be assessed against prescribed levels of the SP=EED guide. This is compliant with Circular 3/2013 Development Management Procedures paragraph 2.27 which outlines that engagement should *be, “guided by...locally agreed...adapted framework”*. Community engagement which fails to meet the prescribed criteria/ level of SP=EED, as the locally agreed framework as per the policy hook in the LDP 2023, will not be deemed to have been subject to *“appropriate consultation”* and as a result would be contrary to the LDP.

The advice note may also be applied where voluntary PAC is undertaken for local developments and/ or other major developments not requiring PAC to be undertaken in accordance with the SP=EED criteria. It would be prudent for prospective applicants to discuss whether application of the SP=EED criteria to community

engagement would be appropriate as part of any pre-application discussion undertaken with the Planning and Economy Service.

What is SP=EED?

SP=EED is a practical guide to engagement in the planning system produced by PAS (www.pas.org.uk/speed/). It is intended to aid the design, delivery and assessment of engagement undertaken and aims to enhance the overall quality of engagement. SP=EED is applicable to any consultation/ engagement process including PAC, a statutory process for formally recording how community engagement has been undertaken as part of certain development proposals. SP=EED is:

a method of best practice

- well known amongst professionals and community groups
- designed specifically for use within the planning sector
- recognised in Scottish Government's Planning Advice Note 3/2010 Community Engagement as a benchmarking tool for community engagement
- consistent in terms of its principles but flexible in its application

Engagement led by SP=EED is based around 3 levels:

- Level 1: Informing – A one-way process focusing on sharing and seeking information and acts as a building block for engagement.
- Level 2: Consulting – Incorporates and builds on Level 1 as an interactive and iterative process.
- Level 3: Partnership – Incorporates Levels 1 and 2 involving in-depth collaboration with communities and stakeholders.

Aberdeenshire Council requires consultation and engagement on a statutory PAC to be undertaken to Level 2, unless otherwise stated in **Table 1** or agreed in advance with the Planning and Economy Service.

There is no reason that precludes prospective applicants from actively seeking to deliver engagement to Level 3; and on some occasions this may be encouraged by

the Council e.g. for significantly complex or potentially controversial proposals. In such cases, this should be discussed and agreed between the prospective applicant and the Planning and Economy Service. The SP=EED guidance should be referred to determine the requirements of that level.

There are 8 criteria associated with applying SP=EED:

- Transparency & Integrity
- Co-ordination
- Information
- Appropriateness
- Responsiveness
- Inclusiveness
- Monitoring & Evaluating
- Learning & Sharing

Aberdeenshire Council will assess PAC reports against the first seven of these criteria. It has been agreed with PAS that criteria 1-7 are the most relevant criteria to apply to development management procedures. There is no requirement to demonstrate criteria 8 within PAC reports.

National Planning Framework 4

A core value of the Scottish planning system is that it should, “be inclusive, engaging all interests as early and effectively as possible”. Draft National Planning Framework 4 states, “developers should ensure that appropriate and proportionate steps are taken to engage with communities...when development proposals are being formed and when applications for planning permission are made.”

Aberdeenshire Council believes this can be demonstrated and emphasised through the application of SP=EED to a range of engagement activities.

Statutory Requirements

<p>The Town and Country Planning (Scotland) Act 1997, as amended, is the principal legislation relating to town and country planning in Scotland.</p>

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as amended, deal with the detailed requirements around the processing of applications for planning permission.

Planning Circular 3/2013: Development Management Procedures outlines how the provisions of the Town and Country Planning (Scotland) Act 1997 and the Development Management Procedures Regulations should be implemented.

Pre-application consultation is required for certain national developments and major developments as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008.

Development listed in Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999 are categorised as “major” developments and as a result are applicable to statutory PAC requirements.

The guidance

To standardise the assessment process of PAC reports, and to promote very best practice in engagement the Council advocates adoption of SP=EED when undertaking public consultation as the locally agreed framework adopted to guide meaningful and proportionate engagement.

Where a PAC report fails to meet the minimum statutory requirement as set out in the Development Management Procedure Regulations, the Planning and Economy Service will decline to determine the application.

In line with Policy P1, Aberdeenshire Council believes appropriate for public consultation should be a component of assessing development proposals. Paragraph P1.4 identifies that certain proposals for a national or major development should meet the prescribed criteria/level of public and stakeholder engagement, as outlined in this Planning Advice. Guidance on the use of SP=EED to meet the specific levels of SP=EED as outlined in **Table 1**.for major and national developments is outlined in **Appendix 1**. In the interests of efficient planning, the 7 required SP=EED criteria should be clearly demonstrated within PAC reports. The Planning and Economy Service will score PAC reports against each of the SP=EED

criteria, with each given a score out of ranging from -1 establishing that the statutory requirements are met however the application of SP=EED is unclear, to 2 indicating PAC process and subsequent report are exemplary in terms of going beyond the statutory requirements is embracing of SP=EED. Scores against all criteria will be totalled to give an overall score (see **Appendix 2**).

Table 1 SP=EED Levels to be Met in PAC Reports

SP=EED Criteria	Level Required
Transparency & Integrity	Level 2
Co-ordination	Level 2
Information	Level 2
Appropriateness	Level 2
Responsiveness	Level 2
Inclusiveness	Level 2
Monitoring & Evaluating	Level 1
Learning & Sharing	Not required to be demonstrated in PAC Reports.

In some rare cases a proposal may only be required to meet SP=EED Level 1, e.g. a non-contentious proposals or one where there is little opportunity for the community to influence the proposal. When this is likely to be the case this should be done in agreement with the Planning and Economy Service, at an early stage, and where possible be outlined in a planning processing agreement. Additionally, as previously stated there is nothing that prevents a prospective applicant from proactively seeking to go significantly further than the statutory requirement, e.g. undertaking engagement at Level 3. Provided the assessment shows attainment of at least Level 2 (Level 1 for Learning and Sharing), this will be deemed appropriate.

Use of Planning Processing Agreements

The use of planning processing agreements (PPA) can be a useful tool to agree at an early stage, when and with whom consultation will be undertaken as part of the wider preparation and submission of a planning application. More detail on the consultation processes to be adopted by the prospective applicant must be agreed through the proposal of application notice (POAN) process.

Aberdeenshire Council's Planning Process Agreement Guidance is available at:

<https://www.aberdeenshire.gov.uk/media/8726/processingagreementguidance.pdf>.

Public Engagement for National and Major Developments

Pre-application consultation is mandatory for major developments, as outlined in the Schedule to the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008 and as listed in Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999, and national development proposals identified in the National Planning Framework. It allows for communities to be better informed about and to have an opportunity to contribute their views before a formal planning application is submitted to the Council. This helps to:

- improve the quality of planning applications;
- mitigate negative impacts where possible;
- address misunderstandings (for example, issues associated to layout, siting and design or impact to local services and infrastructure) and to air; and address where practicable, any community issues.

Any adjustments made as a consequence of the PAC process should seek to improve the proposal and assist the efficient consideration of a subsequent planning application once submitted.

Engagement as part of PAC should be meaningful and proportionate. The prospective applicant is not obliged to take on board community views, or directly reflect them in any subsequent application. Applying SP=EED allows prospective applicants to demonstrate why views of the community could, or indeed could not be taken on board. This leads to a more transparent process and the explanation of

rationale will perhaps lead to more amicable relations between communities and developers where either party feels that their point of view has not been considered.

Aberdeenshire Council offers pre-application advice. This provides an opportunity for prospective applicants to discuss development proposals with Officers, including any PAC requirements.

Proposal of Application Notice

Where PAC is required, the prospective applicant must provide to the Council a Proposal of Application Notice (POAN). This must be provided at least 12 weeks prior to the submission of an application for planning permission. That notice must include the following information:

1. a description in general terms of the development to be carried out;
2. the postal address of the development site, if it has one;
3. a plan showing the outline of the site at which the development is to be carried out and sufficient to identify its location;
4. detail as to how the prospective applicant may be contacted and corresponded with; and
5. an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take. This should include steps in addition to the statutory minimum for consultation.

Element 5) assists the Aberdeenshire Council in responding to the POAN with any additional notification and consultation requirements. It is expected that an initial assessment against the SP=EED criteria will be undertaken at this stage.

In responding to prospective applicants following submitting of a POAN, the Council will make prospective applicants aware their PAC report will be assessed against SP=EED using the scoring/numeric assessment system outlined in **Appendix 2**.

In accordance with legislative change in 2021, following submission of a POAN, prospective applicants have a maximum period of 18-months in which to submit an application for planning permission. It is for the Council (and ultimately the courts) to satisfy themselves that an application is sufficiently linked to the proposals consulted

upon at the pre-application stage. Application of SP=EED to the planning application process cements a commitment to consider and actively undertake effective engagement that can be clearly demonstrated when assessed against the SP=EED criteria.

The Pre-Application Consultation Report

The minimum statutory requirement for PAC is that the prospective applicant must consult with every Community Council whose area is within or adjoins the land on which the proposed development is sited. The prospective applicant must also hold at least two events for members of the public, held at least 14 days apart, where they can make comment on the proposals. A notice advertising the event must be published in a newspaper circulating in the locality of the proposed development, not less than 7-days before the event takes place. Circular 3/2013 outlines what the notice must include.

The prospective applicant has the option to undertake consultation beyond the statutory minimum and should notify the Council of any additional PAC proposed. This should be discussed as part of the formal pre-application meeting(s).

Engagement will be undertaken at an early stage and be proportionate, specific and reasonable in the circumstances of each case. The Council may also require further engagement to be undertaken if it believes that the statutory minimum has not been met by the consultation proposed in the POAN. In requiring additional pre-application consultation, the Council must have regard to the nature, extent and location of the proposed development and to its likely effects, both at that location and in its vicinity.

The applicant must prepare a report of what has been done during the pre-application phase to comply with both the statutory requirements for PAC and any requirements set out in the Council's response to the POAN.

Voluntary PAC

Prospective applicants may also undertake PAC on a voluntary basis for proposed developments falling outwith the statutory PAC requirement. This may be useful

where a proposal may be locally contentious or a departure to the local development plan. In such circumstances, PAC will be assessed against SP=EED. The outcomes of any voluntary PAC, and the outcome of the SP=EED assessment should be noted within the Report of Handling. Should voluntary PAC be undertaken, but does not meet the SP=EED requirements, this does not itself constitute a reason for refusing the application however discussions should be held with the prospective applicant to determine what aspect of the PAC could have improved upon.

Assessment of PAC Reports

Appendix 2 outlines the assessment scoring system that will be used by the Council. This should be followed and read alongside Circular 3/2013 and the SP=EED guidance (<http://pas.org.uk/wp-content/uploads/2017/01/SPEED.pdf>) to make a robust and objective assessment against each criteria. There are examples of what to aim for against each level of each criteria within the SP=EED guidance. It is important to note that these are only examples and not a definite list. Developers are encouraged to seek innovative ways to engage to meet the relevant criteria levels.

Assessment should be made against each criteria. Where prospective applicants are required to meet Level 2, assessment should be made against Level 1 and Level 2 and given an overall score ranging from -1 to 2; rather than breaking the assessment in to Level 1 and Level 2 and averaging two scores.

In the assessment of the PAC report each criteria should score at least neutral (0) against each SP=EED criteria and given an overall score. This should be noted in any Committee Reports and/ or the Report of Handling. A PAC report that scores neutral (0) across all criteria is still an acceptable PAC as it meets the statutory requirements and SP=EED to a minimum standard.

Where a PAC report meets the statutory requirement but does not meet the SP=EED criteria to an acceptable standard, further information should be requested from the applicant to ensure compliance with Circular 3/2013 Development Management Procedures paragraph 2.27 and Policy P1.

Effort should be made to promote PAC reports with a score 11 or above as examples of very best practice. It is anticipated that in time, there may be opportunities to promote exemplar PAC processes. This could be in association with the Planning Performance Framework. .

Appendix 1 – National and Major Developments

National Developments

For proposals involving national developments PAC should demonstrate compliance with SP=EED to the appropriate level. The national developments identified in National Planning Framework 4 relevant to the Aberdeenshire LDP area are:

- National Development 3 – Carbon Capture and Storage Network and Thermal Generation (Throughout Scotland/ Peterhead/ Boddam)
- National Development 4 - High Voltage Electricity Transmission Network (Throughout Scotland)
- National Development 5 - Pumped Hydroelectric Storage (Throughout Scotland)
- National Development 14 - National Digital Fibre Network (Throughout Scotland) ¹

Major Developments

Major Developments	Description of development/ threshold/ criterion	PAC should demonstrate compliance with SP=EED to the appropriate level
Schedule 1 development	Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 2017 (other than exempt development within the meaning of those Regulations).	To be considered on a case-by-case basis. Prospective applicants are encouraged to engage in pre-application discussion with the Planning and Economy Service.
Housing	(a)The development comprises 50 or more dwellings; or (b)The area of the site is or exceeds 2 hectares.	Yes.

¹ Will need to be reviewed upon publication of NPF4.

Business & General Industry, Storage and Distribution	<p>a)The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or</p> <p>(b)The area of the site is or exceeds 2 hectares.</p>	Not required unless forming part of a mixed-use proposal involving housing.
Electricity Generation	The capacity of the generating station is or exceeds 20 megawatts.	Yes.
Waste Management Facilities	<p>The capacity of the facility is or exceeds 25,000 tonnes per annum.</p> <p>In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.</p>	Yes.
Transport and infrastructure projects	The length of the road, railway, tramway, waterway, aqueduct or pipeline exceeds 8 kilometres.	<p>To be considered on a case-by-case basis.</p> <p>Prospective applicants are encouraged to engage in pre-application discussion with the Planning and Economy Service.</p>
Fish Farming	The surface area of water covered is or exceeds 2 hectares.	No requirement.

Minerals	The area of the site is or exceeds 2 hectares.	Yes.
Other Development	(a)The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or (b)The area of the site is or exceeds 2 hectares.	To be considered on a case-by-case basis. Prospective applicants are encouraged to engage in pre-application discussion with the Planning and Economy Service.

Appendix 2 – Assessment Matrix – Scoring of Pre-Application Consultation Reports

SP=EED Criteria (Level required)	Scoring				Score
	-1	0	1	2	
	PAC meets statutory requirements ² however application of SP=EED is unclear. Further information should be sought to move to 0 or above.	PAC meets statutory requirement and minimum requirements of SP=EED.	PAC goes beyond statutory requirements with clear evidence that SP=EED has been applied to a high standard.	Exemplar PAC and commended for striving to go far beyond statutory requirement and fully embracing SP=EED.	
What to Aim For					Score
Transparency & Integrity (Level 2)	Level 1	Rights to participate were clearly explained and opportunities to express opinions were publicised: and			
	Level 2	Distribution of information and feedback received on the engagement process was analysed after the process is completed.			
Co-ordination (Level 2)	Level 1	The timetable for the engagement process was published and relevant relationships explained; and			
	Level 2	The timetable for the engagement process included adequate periods for meetings, public events and discussion with stakeholders. This would usually be at least 6 weeks.			

² See Regulation 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Information (Level 2)	Level 1	Information was relevant, accurate and comprehensible to the target audience; and	
	Level 2	Information was communicated and shared with stakeholders, aiming to invite further feedback.	
Appropriateness (Level 2)	Level 1	Information was presented to suit its intended audience and could be accessed by all stakeholders at each stage of the process and;	
	Level 2	Engagement processes fit for the situation were used, with opportunities for discussion and for questions to be raised and answered.	
Responsiveness (Level 2)	Level 1	Relevant information was provided at every stage of the process; and	
	Level 2	Findings from the engagement process was analysed, disseminated, and, where appropriate, was incorporated into the proposal.	
Inclusiveness (Level 2)	Level 1	Relevant representative groups/ organisations were identified and information was designed and disseminated to reach them; and	
	Level 2	An emphasis was placed on allowing the voices of seldom heard groups and those most likely to be affected to be heard.	
Monitoring & Evaluating (Level 1)	Level 1	Distribution of information and feedback received on the engagement process was analysed after the process is completed to inform future consultation exercises.	
Total Score			