

Covid-19 - Maintaining a Functioning Planning System
Briefing note – Thursday 30 April 2020

Site Visits

Following a rigorous process we have now finalised a strategy for commencing site visits again. This is based on the need for robust Risk Assessments to be carried out 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 and this will be communicated as necessary. For such cases we will consider the best way forward which may include for example, a need for co-operation on entering into a Planning Processing Agreement for a planning application.

Officers within the Council's Planning Service are assessed as Category 3 Key Workers without whom there could be a significant impact on Scotland where the ability to perform essential tasks to keep the country running would be severely compromised. In addition, because of the essential need to carry out site visits, in terms of reasonable excuse to travel, under Regulation 8 (5)(f) of the Coronavirus (Restrictions)(Scotland) Regulations 2020, officers within the Council's Planning Service fall within the category of those where, it is not reasonably possible for that person to work, or to provide those services, from the place where they are living. In all other aspects of work, officers continue to work from home.

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

The Scottish Government has now published the **Coronavirus (COVID-19): planning guidance on pre-application consultation for public events**, which suspends the requirement for a physical public event at this time. This temporary guidance, available to view [here](#) is linked to the [regulations](#) which came into force on Friday 24 April 2020.

There remains a need though to undertake early engagement with communities and prospective applicants/agents will be required 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. It remains the case that applicants/agents need 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.

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.

As soon as a way forward has been agreed we will notify customers and issue a further update via our newsletter. If the consultation can go ahead, as opposed to postponement, it is likely to involve electronic means of engagement, full details of which would be circulated. It is likely that a revised Development Plan Scheme would be presented to the Infrastructure Service Committee for approval to reflect any changes to our consultation approach and timescales.

No representations on the proposed LDP will be accepted until such time as a revised consultation period formally begins.

You can contact us about the Local Development by email at ldp@aberdeenshire.gov.uk or by phone on [01467 536230](tel:01467536230).

Documents for Public Inspection- Environmental Impact Assessments

Following the 14 April 2020 briefing note, [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020](#) were made and laid before the Scottish Parliament, and these came into force on 24th April 2020.

These Regulations make temporary modifications to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Regulation 4 amends the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 so that during the emergency period a developer is not required to ensure that copies of an EIA report are available for inspection at a physical location.

Site Notices

Under the current situation, authorities, agents and applicants, have encountered difficulties in placing site notices for applications for listed building consent and for conservation area consent, as required under Regulation 8 of the Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015. [The Coronavirus \(Scotland\) Act 2020](#) now allows public authorities, in certain circumstances, to set aside requirements to publish or publicise a document (other than by electronic means). This is considered to now include site notices, provided the circumstances specified in Paragraph 9 of schedule 6 of the 2020 Act apply and the related requirements therein are complied with.

As such, for the emergency period we will now not be printing and sending these site notices to agents /applicants. We will now post these electronically online on the relative planning application file on the Public Access Register on the Council's website.

Ecological Survey Work

Scottish Natural Heritage (SNH) have provided guidance for Planning and Development Services. This considers potential disruption to Ecological Survey work and to the provision of Environmental Information for Planning that may occur as a result, <https://www.nature.scot/coronavirus/planning-development-services>. The professional institute covering many ecological surveyors (CIEEM) has produced guidance on ecological survey, <https://cieem.net/wp-content/uploads/2020/03/CIEEM-COVID-19-Advice-31March2020-FINAL.pdf>. This provides a way forward for survey work to continue following the current guidelines.

There are likely to be cases where it is not possible to carry out a specific survey within the required timeframe. For any forthcoming survey work (including bat surveys) we would advise you to contact your ecological surveyor and discuss requirements as early as possible in the Planning process. For any cases where survey work cannot currently go ahead as planned these should be discussed with Development Management who will then seek further advice from SNH on how to proceed. There is, to date, no specific advice for bat survey work but external surveys (external inspections and bat activity surveys) can proceed under the guidance above.



Contacts

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):

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