

Updates to Agents

Covid-19 - Maintaining a Functioning Planning System Briefing Note

11 March 2021

Legislative Changes

In our earlier briefings we advised you of the extension of time periods for the duration of expiring Planning Permissions, Planning Permissions in Principle, Listed Building Consents and Conservation Area Consents. These have been further extended by the [Town and Country Planning \(Emergency Period and Extended Period\) \(Coronavirus\) \(Scotland\) Regulations 2021](#). The effect of this being that the period where such applications will expire, if not lawfully implemented, will run until 31 March 2022.

Associated with this provision is a further suspension until 30 September 2021 on the requirement to hold a physical public event relating to pre-application consultation (PAC) relating to Major Developments. Also further suspended is the requirement to hold LRB Meetings in public as well as the requirement to have physical access to buildings to view EIA documents.

Review of Permitted Development Rights

The Scottish Government is taking forward a phased programme to review and extend Permitted Development Rights (PDR) in Scotland.

A Phase 1 consultation (October 2020) sought views on proposals relating to four development types: digital telecommunications infrastructure, agriculture, peatland restoration and active travel.

On 18 December 2020 the Scottish Government laid a Development Order in the Scottish Parliament that will bring the Phase 1 changes into effect by amending the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”). Subject to confirmation by the Parliament, they will come into force on 1 April 2021. The Scottish Government have confirmed that related Guidance will not be published until the legislation comes into force.

The Planning and Environment Service is currently working to ensure legal compliance with new processes and changes introduced by the TCP (General Permitted Development and Use Class) (Scotland) Amendment Order 2020. Part of this work will include engagement with users of the Service and to produce guidance and advice. Further updates will be made available prior to 1 April 2021.

Planning pre-application Advice

Part of the Scottish Government’s approach to building a modern planning system is to focus on the ‘front loading’ of the system and thus encourage and promote the value of pre application discussions.

We would reiterate that a [pre application advice service](#) is readily available and would encourage you to use this prior to formally submitting any proposal for development. This could be for any type of development you or a client may be contemplating now or into the future.

The benefits of seeking pre application advice are numerous:

- will give you the opportunity to understand how policies from the current Aberdeenshire Local Development Plan will be applied to your proposal
- can identify at an early stage where there is a need for specialist input for example contamination, transport, or ecology
- can identify information that is likely to be required to accompany a planning application for example a Flood Risk Assessment or tree survey
- can help to establish the fee and a likely timescale for processing any subsequent application
- may lead to a reduction in time dealing with a formal application
- will flag up whether a proposal is unacceptable which could save you the cost of submitting a formal application

We will aim to send a formal response within 20 working days from the date of valid request

Local Development Plan 2021 - Update

Work is concluding on the submission of the Proposed Local Development Plan to the Scottish Government Development Planning Environment Appeals division (DPEA). A further LDP Newsletter will be produced shortly for a full update on progress and next steps.

It is encouraged to keep the following link under review:

You can stay up to date by viewing our regular [newsletters on the Local Development Plan progress](#). You can also [subscribe to LDP email updates](#) by sending us an email. View [LDP email subscription privacy notice \(pdf 83.2KB\)](#).

If you require any further clarity on any of the above, please:

[Contact Planning team - Aberdeenshire Council](#)

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11 March 2021