

APPENDIX 1

Procedure Note on representations at Planning Development Management Committee and Council

This note accompanies the report reviewing the procedure for representations to be made at the Planning Development Management Committee (or Council) in respect of planning and other related applications by Elected Members, applicants and their agents, objectors/other interested parties who have submitted a representation during the application process. If the application is to be determined at Full Council this note will also apply.

To comply with the requirements of the Councillors' Code of Conduct all interested parties must have equal opportunity to make a representation.

Any party who wishes to make a representation at Planning Development Management Committee or Full Council in respect of a planning application will require to submit a request to Committee Services (email to lymcbain@aberdeencity.gov.uk) no later than 12 noon on the second working day prior to the meeting where the application is to be determined (i.e by 12 noon on the preceding Tuesday in the case of a Thursday meeting) Planning Development Management Committee and Council meetings are held at the Town House, Aberdeen and are also live streamed. Those who are eligible to make a representation and have registered with Committee Services in time will be allowed to either appear in person at the Town House or virtually via MS Teams. Parties should make clear in their request to Committee Services whether they intend to appear personally or virtually.

No more than five persons will be heard on behalf of each of the supporters or objectors in addition to the applicant/their agent. Requests to make a representation at PDMC or Council will be dealt with on a first come first served basis by making a request as outlined above to Committee Services. Each party will be allowed a maximum of 3 minutes for local applications or other non-planning applications (e.g. listed building consents) OR 5 minutes for major applications to address the Committee/Full Council as applicable.

Where an applicant is employing an agent but also wishes to speak themselves, that is acceptable but only 1 time slot is allocated (i.e. 3 or 5 minutes in total to be shared).

A Guidance Note providing further information on this procedure is available. Parties should not seek to repeat their written statements submitted as part of the planning process and should focus on the main points of their submission or representation. The applicant/agent should summarise their application during their representation. No new information can be introduced at this stage. Parties can read from a prepared statement and are advised to check how long it takes to read to ensure that their representation is no longer than 3 or 5 minutes as applicable.

The Convenor (or Lord Provost at Council) will ask the Planning Officer to give their presentation on the application and the Committee/Full Council may then ask questions of the Planning Officer. Any parties wishing to make a representation will thereafter be asked to present their representation to the Committee in the following order:

- Community Council
- External Consultees
- Objectors
- Supporters
- Elected Members of Aberdeen City Council for the associated Ward where the application is located, who are not members of the Planning Development Management Committee (such Elected Members should withdraw from the meeting after making their presentation) For the avoidance of doubt, any Ward Members who wish to make a representation where the application is to be determined at Full Council should also withdraw from the meeting after making their presentation.
- Applicant/Agent

The Committee/Council will be able to ask questions of the spokesperson for each group on conclusion of each respective representation, however no cross-examination between parties will be allowed. The Committee will also be able to ask questions of the Planning Officer on conclusion of each respective representation if necessary to address any queries arising as a result of matters raised in the representations. No questions may be asked of Committee Members or Council Officers by eligible parties. Members of PDMC/Council will then debate the application before making a decision.

Guidance on making representations at Planning Development Management Committee

Introduction

This Guidance Note tells you how the Council will deal with representations relating to planning applications to be determined by the Planning Development Management Committee (PDMC) or Full Council .

Who Can Attend and Speak at Committee?

Applicants/their agents and/or objectors/other interested parties along with elected members for the ward within which the application is located and consultees who have submitted a representation¹ during the application process will be eligible to speak at PDMC or Council. These parties will be allowed to speak provided they have registered their intent to do so in line with this guidance note.

PDMC and Council will be conducted as hybrid meetings. The meeting will take place in the Town House, Aberdeen. The meeting will also be live streamed. Those wishing to make representations at PDMC or Council and who are eligible to speak and have registered their intent to do so in line with this guidance note are welcome to either attend at the Town House to do so, or to appear virtually via MS Teams.

Whilst there is no obligation to speak if you do not wish to, any eligible party wishing to make verbal representations to PDMC or Council, **must confirm their intention to do so by sending an email to Committee Services to the following address lymcbain@aberdeencity.gov.uk no later than 12pm** on the second working day prior to the meeting where the application is to be determined (i.e by 12 noon on the preceeding Tuesday in the case of a Thursday meeting)

No more than five persons will be heard on behalf of either the supporters or objectors. Requests to make a representation at PDMC or Council will be dealt with on a first come first served basis by making a request as outlined above to Committee Services. Each party will be allowed to address the Committee for a maximum of 3 minutes for local applications or other non-planning applications (e.g. listed building consents) OR 5 minutes for major applications..

Where an applicant is employing an agent but also wishes to speak themselves, that is acceptable but only 1 time slot is allocated (i.e. 3 or 5 minutes in total).

Agents or proxies may read prepared statements on behalf of people eligible to speak who are unable to attend the meeting – the normal time limits outlined above will apply. However, people who are unable to attend in person cannot transfer the time which they would have been allotted to other parties for their own use. Council Officers or Elected Members will not read prepared statements on behalf of any party who cannot attend the meeting.

E-mails requesting the opportunity to speak should clearly specify:-

- (i) the planning application reference number;
- (ii) the proposed development and its location;
- (iii) name and address of the person making the request to address the Committee/Council and on whose behalf;
- (iv) a daytime contact telephone number and reserve number if possible;
- (v) the date; and
- (vi) whether the person who will speak at the Committee/Council will appear personally at the Town House or via MS Teams.

No cross-examination between parties will be allowed but any speaker must be prepared to answer any relevant questions from Committee Members.

No materials (e.g. letters, documents, photos, video etc) may be circulated or displayed by prospective speakers either at the Committee/Council meeting or in advance of it as they cannot be legally taken into account by the Committee/Council in reaching a decision.

No new matters shall be raised through any address to Committee/Council, points should be limited to matters already raised in formal representations or the application submission.

Instructions or requests from the Convenor of the Committee/Council must be adhered to by all eligible parties; failure to do so may result in the opportunity for public speaking being withdrawn for that item. All speakers should be respectful and polite and the Convenor can exercise discretion in this regard in terms of whether to allow speakers to continue.

The right to speak applies only in relation to statutory applications (eg planning permission, listed building consent, conservation area consent etc) and there is no opportunity for public speaking for reports on other matters eg. masterplans, planning briefs, planning guidance or policy etc or where the Council is not the decision-making authority (e.g. responses to consultation documents). Requests to speak on reports such as these are done through the Council's deputation request procedure. [Deputation request link.](#)

Please note that meetings will be publicly live streamed as well as recorded and made available online. Accordingly, by indicating you wish to speak at the meeting, please be aware that you are also agreeing to your representation being streamed, recorded and made available online.

What Will Happen at the Meeting?

At the beginning of the meeting, the Committee Officer will outline the procedures to be followed. The Committee/Council will consider each application in turn. The case officer or appointed officer will make a presentation addressing the determining issues accompanied by PowerPoint slides. Any late information, amendments or corrections will be reported at this time. Committee/Council Members may ask questions of officers following the presentation.

Following the officer's presentation the order of registered eligible parties being heard will be as follows:-

- The Community Council for the relevant application;
- External Consultees;
- Third parties objecting to an application;
- Third parties supporting an application;

- Elected Members of Aberdeen City Council for the associated Ward where the application is, who are not members of the PDMC (such Elected Members should withdraw from the meeting after making their presentation) For the avoidance of doubt, any Ward Members who wish to make a representation where the application is to be determined at Full Council should also withdraw from the meeting after making their presentation.
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- Applicants or their agents.

The Convenor/ Lord Provost will individually invite those who have confirmed in advance that they wish to speak in respect of the application to make their presentation, after which they may be questioned by Committee/Council Members (no questions may be asked of Committee Members or Council Officers by eligible parties). The Committee/Council will also be able to ask questions of the Planning Officer and any other relevant officers on conclusion of each respective representation if necessary to address any queries arising as a result of matters raised in the representations.

After all the representations have been heard, the members of the Committee/Council will then proceed to consider and determine the application and no further representation may be made by members of the public to the Committee/Council.

What Can I Say and How Long Can I Speak?

Representations on planning applications must be made on the basis of valid planning matters only. Certain matters are **not** normally material planning considerations and will not be taken into account by the Council when deciding on a planning application. These include:-

- Devaluation of property;
- Loss of view;
- Hours of construction;
- Commercial / Business competition;
- Moral and religious issues;
- Matters which relate to other regulatory regimes e.g. Licensing, Data Protection, Building Standards;
- Matters which relate to safety, noise or disruption during construction;
- Civil matters such as the ownership of land or a right of access;
- Perceived Health and Safety risks.

It is not possible to list all the matters with which planning is legitimately concerned. The following are the kind of matters the Committee/Council can take into account before it makes a decision:-

- Council's local development plan and guidance;
- Scottish Government policy and advice;
- Views of statutory and other consultees;
- Planning site history;
- Impact on residential amenity (loss of natural light, loss of privacy, overdevelopment, etc.);
- Quality of the design;
- Impact on the built and natural environment;
- Accessibility, parking and road safety issues;
- Sustainable drainage, flood impact and contaminated land issues;
- Compatibility with other land uses in the area;
- Operational characteristics of the proposals (noise, hours of operation, odour, etc.);
- Loss of trees and landscaping issues; and
- Degree to which an unacceptable proposal can be made acceptable by imposing conditions.

If you speak, you are encouraged to use the time allotted to clarify any points you consider material and address the determining issues. You should not raise any new matters. **Please do not repeat what is in the report. Committee/Council Members should have read it beforehand.**

Presentations will be strictly limited to **3 minutes each for local applications² or other non-planning applications (e.g. listed building consents) and 5 minutes each for major applications²**. This should allow sufficient time for interested parties to make relevant points. Where an applicant is employing an agent but also wishes to speak themselves, that is acceptable but only 1 time slot is allocated (i.e. 3 or 5 minutes in total). Where there are multiple supporters / objectors to an application, in order to prevent unnecessary repetition, parties should consider grouping together and use a spokesperson to make a collective presentation. No more than five persons will be heard on behalf of each of the supporters or objectors. Requests to make a

representation at PDMC/Council will be dealt with on a first come first served basis by making a request as outlined above to Committee Service.

Footnotes

1. Only timeous representations submitted before the expiry of the formal specified neighbour notification period or the advertisement period (if applicable) - whichever is the later – will be counted as representations that can be spoken to at PDMC
2. Local and Major applications are defined in the Hierarchy of Development Regulations as explained in the relevant Circular [Scottish Planning Series Circular 5 2009: Hierarchy of Developments \(www.gov.scot\)](#)