



From mountain to sea

Aberdeenshire
COUNCIL



LOCAL DEVELOPMENT PLAN 2021

Main Issues Report

JANUARY 2019

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Aberdeenshire Council Main Issues Report

Every 5 years Aberdeenshire Council is required to publish a Local Development Plan for its area, excluding the Cairngorms National Park.

In preparing a new Local Development Plan the Council has to prepare a Main Issues Report which is the primary consultation document in the preparation of the Plan.

The Main Issues Report focuses on those areas where significant policy change might be required, and those new sites where development should be permitted. It discusses options that have been evaluated and for which a “preferred option” is now presented.

Context

The Main Issues Report takes account of a Strategic Environmental Assessment Appraisal under the Habitats Directive (European Union Council Directive 92/43/EEC) and Strategic Flood Risk Appraisal (under section 1 of the Flood Risk Management (Scotland) Act 2009).

The new Plan is consistent with the Council’s priorities, the Proposed Aberdeen City and Shire Strategic Development Plan and Scottish Government Legislation.

Overall four of the eleven priorities of Aberdeenshire Council are addressed by the content of this Plan:

- Support a strong, sustainable, diverse and successful economy.
- Have the best possible transport and digital links across our communities.
- Have the right mix of housing across all of Aberdeenshire.
- Protect our special environment, including tackling climate change by reducing greenhouse gas emissions.

The Aberdeenshire Local Development Plan has to be consistent with the Aberdeen City and Shire Strategic Development Plan produced for the area by the Strategic Development Planning Authority. The Strategic Development Planning Authority is in the process of promoting a Proposed Strategic Development Plan to Scottish Ministers that sets out the vision we share for the area and the collective view of the scale of housing and employment development that will be required for the next 20 years.

Council Priorities

Strategic Development Plan

Scottish Government Priorities

Evaluation of planning policy and sites has been undertaken with reference to four overriding principles that govern the content of Local Development Plans in Scotland:

- Paragraph 9, and the following paragraphs of Scottish Planning Policy identifies a set of **four specific outcomes** to which development plans must contribute. These are: create successful sustainable places; low carbon places; natural resilient places; and more connected places.
- Scottish Planning Policy, paragraph 28 identifies a presumption in favour of proposals that contribute to **sustainable development**.
- It is considered that **consistency and continuity with previous development plans** remains a key element so as to support the implementation of a long term strategy and decision making.
- There is a need for the Aberdeenshire Local Development plan to be both **flexible**, to accord with the changing commercial environment in which we work, and **yet provide confidence** for communities that may be affected.

Background Papers

Policy review papers have been prepared considering each of the policy topics in the current Aberdeenshire Local Development Plan 2017. These are available online at <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2021/>. These have taken on-board both an assessment of the current planning policy and of the wider context in which the Aberdeenshire Local Development Plan sits.

A number of documents not referred to elsewhere have been given due regard in the preparation of this Report, these include:

- The Aberdeenshire Local Development Plan 2017 Monitoring Statement
- The National Planning Framework.
- The Regional Economic Development Strategy.
- The Regional Transport Strategy.
- The City Region Deal.
- The Local Housing Strategy.
- The Housing Need and Demand Assessment.
- The Housing Land Audit.
- The Employment Land Audit.
- The Health and Social Care Strategic Plan.
- The Councils Capital Plan Programme.
- The River Basin Management Plan.

Eighteen main policy issues have been identified from our review of the policies and these are presented in subsequent chapters.

Development bids in all six administrative areas of Aberdeenshire have been assessed and a conclusion reached. Each of the six areas has its own appendix to the Plan which details those areas where we have added development land opportunities, and those where we have taken them away due to constraints.

Policy Development and Site Selection

Process ► **It is our intention that the Aberdeenshire Local Development Plan 2021 will be produced to a programme that is set out annually in the Development Plan Scheme.** This document is published in January each year and sets out in detail the activities anticipated over the following 12 months. Flexibility is required and the timetable can change because of unknown circumstances. Currently it is anticipated that consultation on the Main Issues Report document will result in a “Proposed Aberdeenshire Local Development Plan” in late autumn 2019. It is expected that a public Examination of the LDP 2021 will probably start around mid 2020. The Examination can take anywhere from six to twelve months to complete, allowing us to adopt the new Plan in 2021.



Regional Issues

In preparing this document regard has been given to issues affecting the North East as a whole as well as issues affecting specific Local Development Plan policies. These issues will continue to be taken into account of in monitoring the performance of the new Plan.

In summary these issues are:

- **The uncertain impacts of the “Brexit” process, and what may result in the short and medium term to the national and regional economy.** Some of these are likely to be positive, and others negative. Availability of labour, the international value of the pound, and the need to renegotiate international trade deals will all have a major impact on the economy of the area. While it may be too early at this stage to make substantive changes, actions we can take include promoting tourism to help diversify the local economy. These changes are very difficult to plan for, but are predicted to result in a measure of slowdown in economic growth.
- **The unknown impacts of a long term reduction in petrochemical extraction from the North Sea.** “Peak oil” has passed, and while there still remain clear opportunities for oil and gas exploration and extraction off our coast, it is clear that diversification of the local economy into global petrochemical support industries needs to be promoted. The vision of *The Regional Economic Strategy for the North East* promotes an economic renaissance that results in a diversified and resilient regional economy. It supports high-value employment through becoming a globally recognised hub for innovation and technology development in the oil, gas and energy supply

chain. It also supports growing the region’s food, drink, agriculture and fishing, life sciences, and tourism sectors to deliver inclusive economic growth and investment in our key sectors and quality of place. All of these have a land requirement which the Local Development Plan must recognise.

- **Infrastructure investment must continue to encourage development.** It is still too early to see the impact of recent road and rail improvements in the area (such as the Aberdeen Western Peripheral Route) and some proposals are at an early stage of development (such as the A96(T) improvements). Issues such as broadband provision and energy generation developments will remain important but are unlikely to impact on the land allocations in the next Plan.
- **Climate change continues to have a direct and noticeable effect on the local area.** While we have put in place policies that seek to address the local implications of climate change, we have to be aware that north east Scotland remains a very stable and attractive destination. While the impact of population movements in the light of climate change cannot be predicted, it justifies the adoption of an approach to housebuilding to ensure we plan for significantly more homes to be built to address this need. Overall our strategy is based on locating development close to public transport routes and reducing the need for the private car. Sustainable mixed communities are promoted to avoid creating just commuter towns.

- **Changing National and Local Priorities.** While the new Planning Act, anticipated in 2019, remains uncertain it seems likely that the Scottish Government will introduce “Local Place Plans” which local communities can create themselves and which can influence future Local Development Plans. The impact of this emerging legislation on the Plan will have to be closely monitored. There is substantially more emphasis on empowering communities to take responsibility for their areas. We are encouraged to use community engagement and the “Place Standard” as a significant part of our tool box. Place standard meetings have been held with a wide range of Community Councils to discuss what they want for their settlements.

It is inevitable that there will be a cost to the Council of the growth promoted in the Local Development Plan. All aspects of Aberdeenshire’s work will require the resources to meet the demands of new development, whether, for example, this is in the form of new school extensions, new roads, or new recycling points.

Overall, the Local Development Plan 2021 will be judged on its outcomes and consequences associated with these issues.

The Vision of the Plan

▶ The vision of the Plan could highlight why it contains the policies that it does.

Main Issue 1

The **preferred option** is to keep the existing vision statement unchanged, but to provide significantly greater guidance on the value of the vision and how it relates to the policies.

An **alternative** might be to reduce the weight given to the vision for the Plan to something which is more accessible and less detailed, and to make it into a broad statement of intent.

The existing section on the settlement strategy requires to be revisited to make it clear what pattern of development is expected over the next 10 years.

▶ **The Settlement Strategy**

Main Issue 2

The **preferred option** is to remove the sections within the spatial strategy which refer to the six different administrative areas in Aberdeenshire and, instead to give a wider context to the settlement strategy as it applies over the whole area.

An **alternative** would be to keep the statements for each administrative area to assist communities and Area Committees in using the Plan.

Clarity is required within the glossary to avoid terms which can be interpreted in ways which contradict the anticipated objectives of the Plan's policies.

▶ **Other Issues**

Supplementary Guidance may not be part of a Local Development Plan in future years as a consequence of the Planning Bill 2018. A decision is required as to whether the existing nine pieces of supplementary guidance are reviewed and incorporated into the body of the Plan, perhaps as Appendices.

Shaping Business Land

Four policies in the current Local Development Plan implement the provisions of the National Planning Framework 3 (NPF) and Scottish Planning Policy (SPP) on the general provision of employment land. Principal in those documents is the need for economic development opportunities to be place based, with opportunities for people to contribute to a growing, adaptable, and productive economy. SPP in particular makes reference to the need for a diverse range of sites to be provided that are capable of being delivered within 5 years that can be accessed by a range of sustainable transport modes.

Findings from the Monitoring Report and Employment Land Audit identify that Aberdeenshire has a wealth of allocated employment land, but that only a very small part of it is being developed at any one time. Generally employment uses “cluster” in industrial estates. Frequently it is very difficult to attract development to small sites in rural communities. Only developments that need to be in a particular settlement will locate there.

The Local Development Plan 2021 will identify sufficient Strategic Reserve Land for Employment for the period 2033 to 2040 in line with the Proposed Strategic Development Plan requirement.

Currently the Aberdeenshire Local Development Plan contains four policies that govern business land development. These are:

- *Policy B1 Employment and business land*, which allocates land for new employment uses and safeguards existing employment land sites.
- *Policy B2 Town centre and office developments*, which defines those uses that should be located in

our defined town centres and the criteria that should be used for locating such facilities elsewhere.

- *Policy B3 Tourist facilities* which supports the location of tourist businesses in sustainable locations.
- *Policy B4 Special development areas*, which promotes development in areas where there are specific objectives associated with long term regeneration.

Policy B1 Employment and Business Land and B2 Town Centres and Office Development

► In the interests of clarity it is considered that minor changes may need to be made to Policy B1 which deals with the changes that may be acceptable between business use-class to others. Uses that have in the past been seen to be acceptable in employment areas include uses for business, general industrial uses, and storage and distribution uses (Classes 4, 5 and 6 from the Schedule associated with the Town and Country Planning (Use Classes) (Scotland) Order 1997).

Non-residential institutions (crèches, schools, museums, public halls, places of worship) (all Class 10) and assembly and leisure uses (Class 11) need to be planned for. These are high footfall generating uses and would require to demonstrate that there were no sites available for these uses in town centres identified in the Plan. Beyond this they could be legitimately considered for business and employment land designations. However, this change would result in the order of the policies to be altered to make Policy B2 (currently *Town centres and office development*) the first policy in the section. The title of the section should be renamed to *Town centre development*.

Main Issue 3

The **preferred option** would be to provide clarity in Policy B1 that use-classes 10 and 11 of the Schedule associated with the Town and Country Planning (Use Classes) (Scotland) Order 1997 could be considered for business land and employment land allocations, provided the obligations of the Town Centres First principles are applied.

The **alternative** option would be to maintain the Plan as it is, and to deal with such applications as departures to the Plan.

Policy B3 “Tourist facilities” is considered to be generally sound. National support through the Government Economic Strategy, the Tourism Development Framework for Scotland and Scottish Planning Policy supports development well related to existing settlements and tourist routes. Clarity should be provided that this definition includes sites within easy walking distance of the town boundary.

Opportunity may be required to be provided for the establishment of major new tourist facilities sited at, or close to, a specific location. Examples include visitor centres associated with castles, or car parks and changing facilities associated with mountain bike runs. These would not be related to a settlement.

While the current policy may be appropriate some consideration is required as to whether expansion of the policy is necessary.

Main Issue 4

The **preferred option** would be to maintain the Plan as it is and to deal with such applications as departures to the Plan.

An **alternative option** would be to expand the text of the policy to include an opportunity for major new tourist developments on sites unrelated to settlements but with a strong association with an existing physical characteristic of a site.

A further **alternative option** would be to amend the Plan to specifically prohibit tourism facility development in areas not well related to settlements in the Plan.

Policy B3 Tourist Facilities

**Policy B4
Special
Development
Areas**

► **Policy B4 Special development areas permits the development of housing to co-fund economic development in a large area of land along the north and north-east coast of Aberdeenshire.** The number of homes allowed which have been justified though this policy has been very small and has not had the impact that was anticipated.

A policy on the application of the “Energetica” area will still be necessary.

No changes have been identified with this policy, No changes are considered necessary.



Development in the Countryside

- ▶ **This policy group aims to support a long-term sustainable pattern of development that balances needs and aspirations for development in rural areas. Policies in the current Local Development Plan seek to implement the provisions of National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) to development in the Aberdeenshire countryside outwith settlements.**

The most sustainable pattern of development is to promote growth within and adjacent to existing settlements as noted in paragraph 40 of SPP and its policy principle of “*planning should direct the right development to the right place*”. However, there will be particular limited situations where development cannot be directed to settlements and will need to occur in the wider countryside. Where the latter is promoted it is essential that development does not cause an adverse impact, such as suburbanisation of the countryside or contribute towards social isolation.

The policy group has three policies that govern development in the countryside. These are:

- *Policy R1 Special rural areas* which recognises the specific nature of the green belt and the coastal zone and restricts development to a limited number of circumstances.
- *Policy R2 Housing and employment development elsewhere in the countryside* which permits certain developments in the wider countryside area. Greater flexibility permitted in the Rural Housing Market Area as a “remote” rural area.
- *Policy R3 Minerals and hill tracks* which permits mineral developments and development of hill tracks.

Despite fundamental changes being introduced in the Aberdeenshire Local Development Plan 2012 and further amendment to rural policies in LDP 2017, it is considered that more could still be done to provide greater clarity in policy wording, and to ensure that policies direct necessary developments to the right place when occurring outwith settlements.

Policy R1 Special Rural Areas

Policy R1 is designed to restrict development that might impact on the special nature and specific functions of the green belt and coastal zone. Development is only permitted for a number of specific developments as set out in the policy. It is clear within the policy that development in the green belt and coastal zone should only be permitted where it is essential or proven to be necessary, and cannot be located elsewhere.

Green Belt

Paragraph 49 of SPP states that for most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations.

SPP suggests that a review of the boundary of any existing green belt should be undertaken, where necessary (paragraph 50). Stakeholders have indicated that a review may now be required because of the completion of the Aberdeen Western Peripheral Route (AWPR). It may be prudent to undertake a more comprehensive review of the existing green belt once the AWPR has been opened and driver behaviour can be compared to the predicted traffic modelling. This is unlikely to have been completed before the publication of the Proposed Local Development Plan.

One of the ways in which development can take place in rural areas across the whole of Aberdeenshire is if it is for a worker in a “primary industry”. Generally these are employment uses relating to agriculture and forestry. It has been suggested by stakeholders that the definition of “primary industry” should be extended to include those employed in a trade, such as a plumber, electrician, or joiner.

These trades do not have a requirement to be in a particular location. It would be difficult to apply the sections of the Standard Industrial Classification 2007 (which is used to define primary industries) to such professions.

The policy currently limits the scale of development to “small-scale”. Again, clarification may be needed on the definition of this term. This is omitted from the current policy wording.

Main Issue 5

The **preferred option** would be to make no changes to the green belt policy at this time.

An **alternative option** would be to make no amendments to the outer boundary of the green belt to account for the increased accessibility provided by the AWPR, but to commit to a wider and more comprehensive review in 2022. Particular attention could be given to extending the green belt around Aberdeen to include land to the north and west of Westhill (to avoid coalescence) and to rationalise the boundary of the green belt to the edge of the Chapelton development, south west of Portlethen.

Coastal Zone ◀ It is considered that a review of the coastal zone is due, the original coastal zones having been developed in the early 1980's. In considering this matter it was noted that the provisions of SPP could be delivered through integrating the "coast" as part of other policies within the Plan (such as policy on landscape and nature conservation).

Particular conflict occurs when applying the coastal zone policy to other parts of the Shaping Development in the Countryside policies where clear conflicts apply. At this time it is proposed that the coastal zone designation should be retained but a full review will need to be undertaken to ensure it is fit for purpose, and make minor amendment to existing policy wording to provide clarity.

Main Issue 6

The **preferred option** would be to retain the coastal zone as part of Policy R1 and make minor amendments to the policy wording to state that development in the coastal zone should be "small-scale", and that incremental development of settlements will be permitted in appropriate circumstances.

An **alternative option** would be to remove the coastal zone designation and current policy wording from the Plan in favour of promoting an approach that addresses the issues through application of landscape and natural heritage policies. SPP would be taken forward at a local level through amendment to several Local Development Plan policies.

Policy R2 aims to support a long-term sustainable pattern of development that takes a measured approach to development in rural areas, generally directing development to our towns and villages and restricting development in the wider countryside to a small number of circumstances in order to meet local needs. Local policy must ensure that the right balance is struck between promoting a flexible policy whilst also directing growth towards existing rural service centres.

There continues to be debate around how the policy should be interpreted and applied, and where amendment may be necessary. In a number of places changes could provide greater clarity around the intention of the policy. Three elements of the policy require to be addressed:

- The extent of the area within Aberdeenshire identified as "pressured and easily accessible".
- The future use of the "organic growth" element of the policy.
- The scale of development appropriate on rural brownfield sites.

The requirement that business proposals outwith settlements should be "small scale" should be removed.

◀ **Policy R2
Housing and
Employment
Development
Elsewhere in
the
Countryside**

Wording is required to clarify that growth of housing clusters and groups should be permitted in the “remote” rural area. The scale of growth permitted should be maintained at up to 20% of the existing size of a housing cluster, but that capacity should increase from 2 to 3 homes to reflect the 10 year period of the existing cluster within a cluster or group not exceeding 15 homes.

Matters relating to housing clusters and the definition of “small-scale” require greater clarification but are not main issues.

Different Types of Rural Areas

► **Scottish Planning Policy requires that we identify “pressured and easily accessible” and “remote” rural areas to protect against an unsustainable growth in car-based commuting and suburbanisation of the countryside. It also suggests that “intermediate” areas can be defined, tailored to local circumstances.** There are different pressures for development across Aberdeenshire. Modification of the boundary that we currently use which is the Aberdeen Housing Market Area (AHMA) would principally impact on opportunities for additions to clusters of houses in area outwith the AHMA.

A number of detailed options have been looked at. The use of the current Housing Market Areas is not preferred as the boundary between “accessible” and “remote” areas. The Housing Market Areas do not reflect improvements to the transportation network made since the 1980’s.

For consistency with other Scottish Planning Authorities it is considered that the Scottish Government’s Six Fold Urban Rural Classification provides a very good, fact based, definition of the different rural areas. This identifies an “accessible” rural area in Aberdeenshire as an area within 30 minutes’ drive time of a settlement of over 10,000 people (“Large” and “Other Urban Areas”). All other rural areas are classed as “remote”.

Scottish Planning Policy suggests that an “intermediate” policy definition could also be used. Any definition of such an area would be subjective and prone to challenge. Local knowledge could be used to introduce an “intermediate” area to the north and west of Mintlaw and Longside, but identifying a robust and defensible boundary for an intermediate zone is very difficult.

Main Issue 7

The **preferred option** would be to use the Scottish Government’s Six Fold Urban Rural Classification to define accessible and remote areas for the application of rural policy

An **alternative option** would be modify the Scottish Government’s Urban Rural Classification and identify a boundary for an intermediate area using local knowledge.

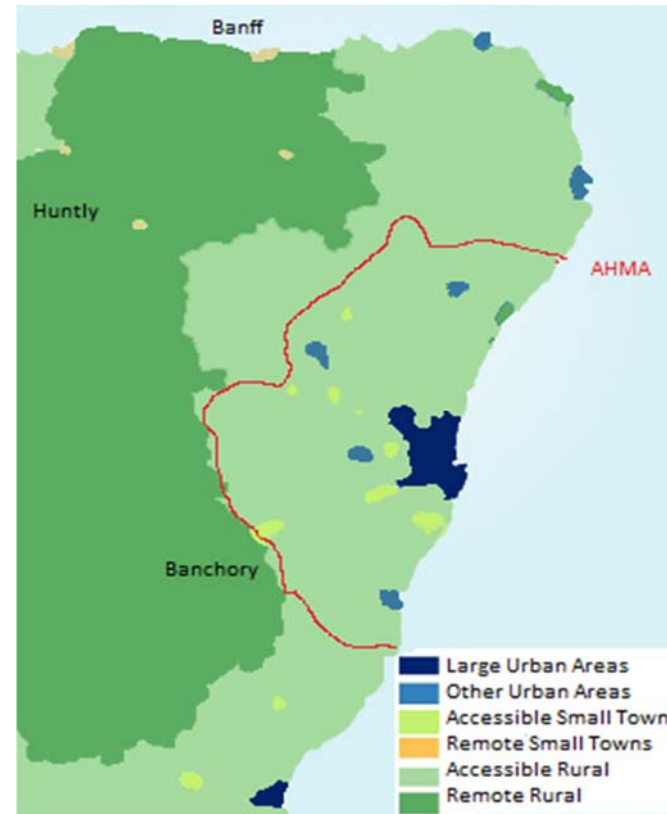


Figure 1 Scottish Government 6 fold urban rural classification

Organic Growth

The purpose of the organic growth part of the policy is to introduce an element of flexibility by permitting additional small-scale sites to be brought forward adjacent to settlements where a need has been established. As a clear measure of community facilities “need” has been determined through an aspiration to support primary school attendance rolls. However there are few primary schools where such a need is established. Furthermore, there are other constraints associated with many settlements such as risk of overdevelopment, woodland, prime agricultural land, and flood risk that restrict opportunities to promote organic growth. Currently Fordyce, St. Katherines, Barthol Chapel, Berefold, Chapel of Garioch, Largue, Ruthven, Clatt, Cairnie and Lumsden have been identified as “organic growth” settlements.

Restrictions placed on growth (in terms of scale of development being 20% up to 10 new homes within the Plan period and requirement for development to occur within 200m of the settlement boundary) are deemed to be appropriate and no change is required.

Main Issue 8

The **preferred option** would be to retain the organic growth policy but consider other aspects of “need” beyond focusing on school capacity and for the Planning Service to identify areas permissible for organic growth associated with identified settlements in order to avoid constraints.

An **alternative option** would be to remove organic growth in favour of supporting a planned approach to development with growth adjacent to settlements.

At times the current policy wording in respect of the redevelopment of disused or redundant land and / or buildings has proven difficult to interpret and apply. As such, the policy requires to be revised in order to provide clarity.

It is also proposed to include a policy for large brownfield sites to allow redevelopment of larger brownfield sites up to a maximum of up to 7 homes during the Plan period. Inclusion of this policy provision would allow for a planned approach to larger rural brownfield sites, rather than development occurring through cumulative planning applications.

Main Issue 9

The **preferred option** would be to introduce an element to the brownfield provision of Policy R2 to account for larger brownfield sites.

An **alternative option** is to not introduce an element of flexibility for larger brownfield sites and permit only “small-scale” development.

Rural Brownfield Development

Policy R3 Minerals and hill tracks

Policy R3 seeks to ensure that development associated with mineral extraction, and access tracks for uses related with recreation, agriculture, forestry, telecommunication masts, wind farms and sporting purposes, fully consider any adverse impact arising as a result of planning permission being granted. Adverse impacts can be caused in terms of the effect on landscape character, communities, the natural and historic environment, and the cumulative impacts of development.

Minor changes are required to the policy to provide clarity. This includes clarifying wording associated with the review of conditions attached to mineral permissions, adding wording to clarify how a buffer zone is established and when the community consultation is to be carried out.

A review should be undertaken to ensure that a land-bank of minerals is maintained and sites will be identified should a shortfall be established. This could be taken forward in the way of non-statutory planning advice.

Neither of these matters constitute a main issue for the purposes of the Local Development Plan.

Homes and Housing

▶ This policy group sets out to promote successful sustainable places through the provision of *“the right development in the right place”* in accordance with Scottish Planning Policy (SPP) paragraph 15. The Local Development Plan sets out a five-year effective land supply in accordance with the National Planning Framework 3 (NPF3), SPP and the Aberdeen City and Shire Strategic Development Plan.

Scottish Planning Policy (Paragraph 110) requires that the planning system should identify a generous supply of land for housing across all tenures to maintain at least a 5-year supply of effective housing land at all times. A sharp focus on delivery is required.

The policy group has 5 specific policies:

- *Policy H1 Housing land* governs both the planning and supply of new market housing.
- *Policy H2 Affordable housing* regulates the supply of affordable homes and sets an obligation to provide 25% of the plots on any development site for affordable housing.
- *Policy H3 Special needs housing* provides for housing opportunities for those with particular needs, should opportunities not exist within the village. It also promotes specialised continuing care retirement communities which also provide health care facilities.
- *Policy H4 Residential caravans* prohibits permanent caravans and only permits temporary residential caravans in certain cases.
- *Policy H5 Gypsies and Travellers* provides a framework for considering the needs of this community who suffer multiple deprivations.

▶ **Policy H1 relates to the acceptability and scale of development of housing. It is explicit in supporting allocations for housing on opportunity land allocated for that use, and equally clear that, in general, other uses should not be allowed.** This policy builds on the importance of ensuring that the Local Development Plan provides sufficient housing land in a manner that is in accordance with the principles that have been made in the preparation of the Aberdeenshire Local Development Plan.

A Housing Need and Demand Assessment has been undertaken, which the Proposed Strategic Development Plan 2018 has used to inform a target for the supply of new homes in both Aberdeenshire and Aberdeen City. This target includes substantial flexibility to allow for sites to be allocated that are not expected to come forward immediately. Officers, taking into account development interests, have identified preferred new allocations that are detailed in the six Appendices to this Main Issues Report. These are designed to deliver the housing land supply target. Existing unbuilt and partially built allocations also contribute to the 5-year effective land supply target, and are used to ensure this is maintained.

Modifications were made by Scottish Government Ministers to the Aberdeenshire Local Development Plan 2017 following its examination. Scottish Planning Policy promotes the efficient use of land and it was noted that the figure expressed as a “no more than” cap on housing development may be inappropriate. A higher density of housing than that proposed in the Plan may support associated issues of financial viability and efficient infrastructure provision.

Policy H1 Housing Land

Housing Numbers on Sites

It is considered that the use of indicative housing numbers is a main issue for this Plan. In particular, this relates to providing a Plan that reflects what the development industry initially sought for the development of the site and on which they confirmed viability. In addition, it has impacts on planning for the capacity of infrastructure in an area, the provision of open space within sites, and the expectations of communities in achieving the scale and density of developments in their villages. It is clear that some form of flexibility and opportunity for change may be required.

One option is to review capacity to a level greater than that used for the allocations in the current Local Development Plan (nominally 22 homes per hectare plus up to 40% open space). The proposed Strategic Development Plan 2018 sets a target for the Strategic Growth Areas that housing development on sites larger than one hectare should generally have no less than 30 homes per hectare. We think that outwith the Strategic Growth Areas a nominal density of 25 homes to the hectare should be used to reflect current practice.

This has had two implications for the bids received. Firstly, realistic capacities may be required to be introduced for development sites. This is on the understanding that sites that are identified by developers to be viable for a small number of houses, will likely be able to accommodate a small increase in the number of homes without issue.

Secondly, we could reduce the site boundary identified by the developer to accommodate the number of houses that have been submitted. This would challenge the low densities some developers are proposing. Again, this would not affect viability of the sites but would have a significant impact on the scale of the land released (and this is particularly important in some of our smaller communities).

Main Issue 10

The **preferred option** is to review capacity to a level greater than that used for the allocations in the current Local Development Plan (currently 22 homes per hectare). A revised indicative standard density of 25 homes per hectare is proposed for the settlement statements.

An **alternative option** would be to revert to setting a maximum number of homes that are allowed on any one site as identified by the development bid. This could lead to some extraordinarily low densities of housebuilding in some locations. As is argued through the Local Development Plan 2017, this could provide consistency and certainty for stakeholders but it would be contrary to the Scottish Minters' view expressed through the examination of the 2017 plan that such a cap is "inappropriate".

Policy H2 Affordable Housing

Policy H2 and its accompanying supplementary guidance provide the level of affordable housing that developments should make available in a manner that is fair to all developers. This is set by SPP and informed at a local level by the *Housing Need and Demand Assessment* and Local Housing Strategy's *Affordable Housing Strategic Outcome Statement*.

The proposed Strategic Development Plan 2018 identifies that in the period from 2020 to 2032 Aberdeenshire Council has a requirement to deliver 6006 affordable homes, or 35% of the total Aberdeenshire requirement. While there are a range of means by which affordable housing can be provided, PAN 2/2010 paragraph 14 states that the benchmark figure is that each site should contribute no more than 25% of the total number of housing units as affordable home sites.

The provision of affordable housing development is a key community issue. The Housing Need and Demand Assessment highlights that affordable housing need across Aberdeen and Aberdeenshire is likely to be in excess of 48% of all need. There is a common view that encouragement needs to be provided to the development industry to build more than 25% of their sites as affordable homes.

Even to meet the 35% target significantly greater emphasis will be required on the delivery of affordable homes on development sites.

Delivery of affordable housing is not something that the Local Development Plan can do in isolation. Allocation of sites for affordable housing uses, and the use of an "exceptions" policy (designed to allow affordable housing to be built on unallocated green field sites) have not proved to be effective. The timing of the provision of affordable housing by developers has also

been an issue. This is likely to remain a main issue unless there is a major change in both the funding and availability of land for this particular use.

Main Issue 11

It is the **preferred option** that the scale of affordable housing need in Aberdeenshire is acknowledged in the policy, and that developers are encouraged to engage with a housing association or affordable housing provider to deliver more than 25% of new homes on any development site.

As an **alternative option** a radical approach may be required. Developers could be required to make 25% of all serviced sites available for the construction of affordable housing, even if there is insufficient funding from a social housing provider for their immediate construction. In the long term this would increase gap sites in the development for future affordable housing. This would be a further incentive to the developer to provide a range of house types and tenures within his development. The gap sites may be used temporarily as part of the open space.

Policy H3 Special Needs Housing

This policy provides for the development of housing and care facilities for a small but growing sector of society who are otherwise poorly provided for by the general mix of market housing being provided, and not in a way which may meet their specific needs. The policy allows for the development of housing in those circumstances where need is not otherwise met within a community, or cannot be met through the open market. It must be remembered that, as noted at paragraph 5.15 of the Housing Needs and Demand Assessment, the general housing stock will continue to meet the needs of the vast majority of the older population. National policy seeks to ensure that the elderly remain independent and in their own home for as long as possible, and can access a range of housing options.

The policy supports the development of individual homes for disabled persons on the edge of a settlement (where there are no other opportunities) and continuing care retirement communities outwith settlement boundaries. Greater definition of what is meant by “special needs” will be necessary in the new Aberdeenshire Local Development Plan.

No issues have been identified with this policy. No changes are considered necessary.

This policy sets out to protect the environment from unnecessary and inappropriate siting of residential caravans and residential caravan sites.

It acknowledges that caravans are temporary structures and should not provide part of the solution for permanent housing. While the policy is generally prohibitive, it allows for some circumstances where there may be a need for temporary accommodation.

In the interests of clarity, it is proposed to add text to the policy noting that it is only permanent structures that are prohibited, and referring proposals for tourist accommodation to Policy B3 Tourist facilities.

No issues have been identified with this policy. No changes are considered necessary.

Policy H4 Residential Caravan

Policy H5 Gypsies and Travellers

This policy relates to the additional criteria that have to be met to permit permanent or stopover sites for gypsies and travellers on either allocated or unallocated sites. For sites provided by public funding it is necessary for a need to be demonstrated for the facility. Sites proposed by members of the Gypsy/Traveller community for their own personal use, or on land allocated in the Plan for providing Gypsy/Traveller sites, do not have to demonstrate a need. For these developments, the policy goes beyond Scottish Planning Policy, and it is assumed that these developments will meet a need.

In all other cases, including the provision of sites for rent to third parties, a specific need for the site still requires to be proven. In addition, a secure site and essential services must be provided according to the nature of the site, including water connection, refuse facilities, and basic toilet facilities.

Planning Aid Scotland (PAS) produced *Gypsy/Travellers and the Scottish Planning System* guides in April 2015. PAS Guide No.2 Section 5 provides detail on key aspects to consider when identifying suitable sites and paragraph 3 of Policy H5 takes forward this advice. Minor changes are proposed to the policy to recognise three principal types of Gypsy/Traveller site – permanent sites, transit sites and stopping places and the difference in facilities that are required for each site.

No issues have been identified with this policy. No changes are considered necessary.

Place and Design

This policy group sets out to create better places by directing the right development in the right place in accordance with National Planning Framework 3 and Scottish Planning Policy (SPP). It provides detailed policy advice on the design and location of developments, public open space provision, infill developments, householder developments, hazardous and potentially polluting developments, and digital and community infrastructure. The Scottish Government advocates that developers use a design-led approach to creating high-quality places, which in some cases will involve using design statements, specific methods of design assessment, and public involvement when developing the designs.

The group contains six policies:

- *Policy P1 Layout, siting and design* seeks to ensure that development proposals are of a high quality that reflect the six qualities of successful places and reflect any previously agreed design statements. Enhancement of biodiversity and geodiversity, and a site waste management plan are sought.
- *Policy P2 Open space and access in new development* expects a standard of public open space that is safe, welcoming, distinctive, well connected and accessible.
- *Policy P3 Infill and householder developments within settlements (including home and work proposals)* considers the acceptability of these developments' scale, design, and impact, on the character of the surroundings.
- *Policy P4 Hazardous and potentially polluting developments and contaminated land* protects

both the public and the environment from any negative impacts resulting from new and/or existing development that may cause significant nuisance, or could create an unacceptable hazard or pollution.

- *Policy P5 Digital infrastructure* allows the erection of telecommunications equipment where the siting and design of the proposal is justified, and is evidenced in supporting information.
- *Policy P6 Community infrastructure* addresses the siting and accessibility of new community facilities.

Policy P1 Layout, Siting and Design

National Planning Framework 3 recognises the importance of creating well-designed high-quality places and sets the agenda for place making, as a creative and collaborative process. *Creating Places* and *Designing Streets* place active street design at the centre of the place making agenda. The application of *Designing Streets* is promoted to deliver better environments for pedestrians and cyclists in settlements. Paragraph 55 of Scottish Planning Policy promotes the design-led approach and at paragraph 47 promotes the use of a consistent approach to the assessment of design and place. Biodiversity enhancement and the production of Site Waste Management Plans is also supported.

Clarity requires to be provided within the next Local Development Plan on the need for major developments to have undergone a design review process and thereafter to apply an agreed Masterplan. Aberdeenshire Council has adopted the principles of [SP=EED® \(Successful Planning = Effective Engagement and Delivery – Planning Advice for development management and prospective applicants\)](#) to guide public consultation on proposals for major or national developments, and this too needs to be referenced. The six qualities of successful places need to be considered for all new developments, although they may not be applicable in every case.

Due to its subjective nature there is no planning policy in the existing Aberdeenshire Local Development Plan that could be used to refuse developments on the basis of poor design. This is seen as a significant Main Issue.

Main Issue 12

The **preferred option** would be to include a new Appendix to the Local Development Plan Creating successful places that gives further design guidance for new development by providing a more detailed interpretation of the six qualities of successful places, as set out in the Policy. This guidance would form part of the Local Development Plan and would have significant materiality, allowing clear reasons why proposals cannot be supported where they conflict with a relevant criterion.

An **alternative option** would be to not include a new appendix relating to design.

Policy P2 Open Space and Access in New Development

The protection and provision of public open space is a key contributor to delivering the Scottish Government's key National Outcomes, and helps to deliver Planning Outcome 3, as set out in National Planning Framework 3 (NPF3). NPF3 also advocates a more integrated approach and 'greening' of the urban environment. It acknowledges the benefits that well-designed green infrastructure can have on regeneration projects, such as community food growing areas on vacant and derelict land. Green infrastructure networks and public access routes are also acknowledged as integral components of successful place making.

Scottish Planning Policy (SPP) seeks to ensure that open space provision is accessible and appropriate to its place, there are links to other open spaces (where possible), and any deficits or surpluses in the local context are addressed. Paragraph 229 in SPP advises Local Development Plans to encourage the "temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential..." The current policy does not allow for the temporary greening of land, which could contribute to a proposal's landscape framework in the future.

Policy P2 expects public open space to be safe, welcoming, distinctive, well connected, and accessible, in line with the Scottish Government's practical guidance document *Green Infrastructure: Design and Place making*. It provides information on key design issues and techniques that can help to incorporate green infrastructure into place-making at any scale, including Masterplans. It also expects all new development to be accompanied by adequate public open space that is appropriate to the standards set out in the Open Space Audit (2008). No change is proposed to the scale of open space required from new development.

Main Issue 13

As the **preferred option**, it is considered necessary to remove the term "should" and substitute "must" from the first paragraph of the policy ("All new developments must be accompanied by adequate public *open space*") to ensure that the obligation for adequate public open space is a requirement for new developments. Text relating to early implementation of strategic landscaping, or use of temporary green infrastructure on unused or underused land within a settlement, should be added to the policy.

An **alternative option** would be to not include amendments to the policy.

Policy P3 Infill and Householder Developments Within Settlements (Including Home and Work Proposals)

Like Policy P1, this policy supports the principles of good design that are set out in *Creating Places* and *Designing Streets*, and the principles of that policy still apply.

For clarity, the title of the policy should be amended to ensure that all householder developments are considered under this policy, and not just proposals within settlements. Additional design criteria could be added to expand on the existing policy framework and to ensure a consistent approach is applied in the decision making process.

Main Issue 14

The **preferred option** would be to include a new appendix to the Local Development Plan *House extensions and ancillary developments* that gives further design guidance for new infill development by providing a more detailed interpretation of the six qualities of successful places, as set out in the Policy P1. This guidance would form part of the Local Development Plan and would have significant materiality, allowing clear reasons why proposals cannot be supported where they conflict with a relevant criterion.

An **alternative option** would be to not include a new Appendix linked to design.

Policy P4 addresses the risks posed by contaminated land, hazardous and potentially polluting development in line with national policy. It looks to safeguard the environment, human health, and biodiversity by mitigating negative effects of contaminated land, hazardous and potentially polluting developments and refusing planning applications where such risks or hazards cannot be satisfactorily mitigated.

The policy remains sound and no changes are proposed.

Policy P4 Hazardous and Potentially Polluting Developments and Contaminated land

Policy P5 Digital Infrastructure

Policy P5 allows for the erection of telecommunications equipment where the siting and design of the proposal is justified and is evidenced in supporting information. Other policies in the Local Development Plan deal with matters arising from the impact of the equipment (e.g. siting equipment on or adjacent to a listed building), which must be complied with.

Improving Scotland’s digital infrastructure is a key planning outcome in the National Planning Framework 3 (NPF3), which will improve Scotland’s digital infrastructure. Scottish Planning Policy details what a Local Development Plan should do to seek to assist this process. Policy P5 reflects the principles designed to deliver this.

No changes are proposed to this policy.

This policy requires new infrastructure to be accessible to all members of the community, including those who are less able or disadvantaged. In this way, the policy builds on the importance of creating and maintaining sustainable communities by ensuring that there are adequate, well-sited, and accessible community infrastructure within settlements.

As a “high footfall” use, the policy supports development of community facilities in accessible locations. However, some local facilities in some of our smallest communities may be inappropriate for relocation to distant town centres and accessible locations within the small village should be favoured.

Main Issue 15

The **preferred option** is to leave the policy largely unchanged, as it may not be appropriate in all cases for all community facilities to be located in local town centres. Minor modification could be introduced specifically to highlight town centres as logical places for such development.

An **alternative option** would be to modify the policy to require that only town centres are the location for high footfall community facilities, not just generally accessible locations. This could be a significant disadvantage for our most remote rural communities.

Policy P6 Community Infrastructure

Natural Heritage and Landscape

▶ This policy group sets out to ensure Aberdeenshire Council meets its duties and responsibilities by protecting and improving Aberdeenshire's natural heritage and landscapes in accordance with National Planning Framework 3, Scottish Planning Policy, Nature Conservation (Scotland) Act 2004 and the European Landscape Convention (2000). "Natural heritage" includes a wealth of habitats and species of local, national, and international importance, and a diverse range of landscapes.

Aberdeenshire's natural environment is an important national resource, delivering a range of services that includes the air we breathe and the water we drink. It also gives local people a pleasant and attractive place to live and work, and makes a significant contribution to the economy through farming, food and drinks, forestry, fishing and tourism. Scottish Planning Policy states that the "planning system plays an important role in protecting, enhancing, and promoting access to our key environmental resources, whilst supporting their sustainable use" (see SPP, paragraph 193).

The policy group contains two policies. These are:

- *Policy E1 Natural heritage* which sets out protection for nationally and locally designated nature conservation sites, protected species and wider biodiversity and geodiversity.
- *Policy E2 Landscape* protects *landscape character* as defined by Scottish Natural Heritage, and Special Landscape Character areas of local importance.

In all cases the precautionary principle (only allowing development when there is clear scientific evidence that it will do no harm) is adopted.

Policy E1 promotes the protection of nature conservation sites and the wider biodiversity and geodiversity from development that may cause unacceptable adverse impacts to features of Aberdeenshire's natural environment. A framework for exceptions to the policy is provided, accepting that once natural heritage sites and species are lost they are much more difficult to reinstate. These exceptions include development which will have the potential to facilitate enjoyment and understanding of natural heritage, in line with Scottish Planning Policy.

The policy has been reviewed by Scottish Natural Heritage on a number of occasions but there is still room for improvement. Specifically, minor modifications are proposed to paragraph nine of the policy; to clarify the criteria which a proposal on these sites must pass to allow development to proceed.

This is not a main issue. No other changes are considered necessary.

Policy E1 Natural Heritage

Policy E2 Landscape

Policy E2 sets out a general presumption against development that would cause unacceptable effects on a landscape's overall character and quality, and it expects developers to take account of the Landscape Character Assessments produced by Scottish Natural Heritage and the Special Landscape Areas designation developed locally and included in the Aberdeenshire Local Development Plan 2017. Revision of the Landscape Character Areas within Scotland is currently underway and is nearing completion. Changes proposed by this review will not affect the content of the policy.

There are no main issues identified, and no other changes are considered necessary.

The Historic Environment

This policy group sets out to protect and improve the historic environment in accordance with National Planning Framework 3, Scottish Planning Policy, and Historic Environment Scotland Policy Statement 2016. The historic environment includes listed buildings, scheduled monuments, archaeological sites, conservation areas, battlefields, and historic gardens and designed landscapes. It has an important role in the character of an area and the quality of life for the people who live there, and is an economic asset that should be valued. The policy group provides “a framework for protecting and, where appropriate, enhancing all elements of the historic environment” in accordance with SPP paragraph 139.

Three policies that govern developments that may influence the historic environment. These are:

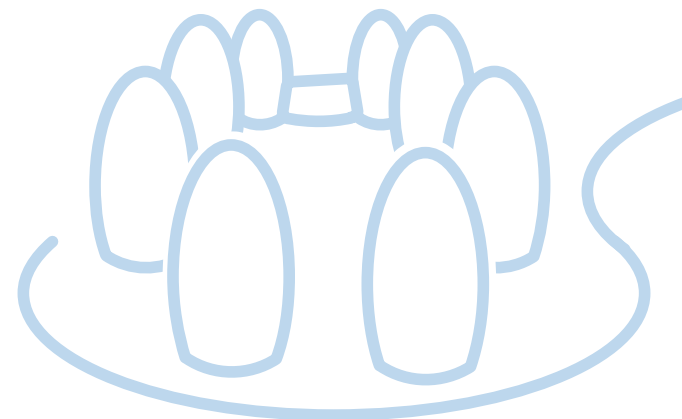
- *Policy HE1 Protecting historic buildings, sites and monuments* which provides protection to archaeological sites, scheduled monuments, and listed buildings, except in circumstances of over-riding public interests.
- *Policy HE2 Protecting historic and cultural areas* provides a policy for the protection of wider historical sites such as conservation areas, national battlefields, designated historic gardens, and designed landscapes in order to preserve their character and contribute to the objectives of the designation.
- *Policy H3 Helping to reuse listed buildings at risk* provides limited financial assistance through using enabling development on unallocated sites to help fund the conservation and reuse of listed buildings that are at risk from collapse or further decay.

The objective of this policy is to protect listed buildings, sites, and scheduled monuments. It encourages their protection, maintenance, appropriate active use, and conservation. While Policy HE1 supports the protection and improvement of historic buildings, sites and monuments, it is explicit in not allowing development proposals that would have a negative effect on these sites. Exceptions are set out when development may be supported on nationally or locally important monuments or archaeological sites, or their setting. It also clarifies when alterations to a listed building would be permitted.

This policy requires little modification (other than seeking justification for works through a design statement and clarification that “the original structure” relates to “any features of special architectural, cultural, or historic interest”).

No main issues have been identified with this policy, no changes are considered necessary.

Policy HE1 Protecting Historic Buildings



Policy HE2  **Protecting Historic and Cultural Areas**

Again, this policy topic has been the subject of scrutiny by Historic Environment Scotland who support the general presumption against development that would have an adverse impact on the integrity, character, and setting of a designated conservation area, historic garden, designed landscape, or battlefield.

An omission may be the lack of reference to potential impacts on landscape, streetscape, or open space within conservation areas. Appropriate window replacement has been a major issue within existing conservation areas. A specific and consistent policy on the use of timber sash and case windows in Conservation Areas could be provided. Given the cost of effective lifetime value of timber sash and case windows, it is not considered that a change in the policy to exclude this aspect of the character of Conservation Areas is justified. It may be appropriate to seek justification for works through a design statement.

Likewise, some of the meaning may be lost within the first sentence of paragraph 3 of the policy that ensures development does not prejudice historic and cultural areas, and disaggregation of this section would be worthwhile.


Neither of these issues constitute a main issue for the purposes of the Local Development Plan. No other changes are considered necessary.

The purpose of policy HE3 is to secure the long-term future of buildings deemed to be of architectural or historic value that are at serious risk of collapse or further decay. The policy considers the acceptability of other development to enable restoration, which would otherwise be contrary to the Local Development Plan policies and therefore refused planning permission, in order to secure the long-term future and reuse of a listed building on the Buildings at Risk Register. The policy supports limited enabling development in suitable locations, but matters relating to design, and its impact on historic assets and other designations are dealt with under separate policies. It does not extend to enabling commercial developments, such as golf courses.

The policy supports both the National Planning Framework and Scottish Planning Policy, and in particular that the development is the minimum necessary that is required. However, it may not accord with Scottish Planning Policy, which suggests that protection should also be extended to non-designated historic sites. Within the policy, reference is made to “*vernacular buildings exceptionally worthy of conservation and reuse*” and it may be appropriate to modify the text in the Plan to widen this definition and refer instead to “non-designated historic assets”.

It may also be appropriate to introduce a locational requirement for enabling development to ensure that enabling development is restricted to an adjacent development site, although exceptions to this policy may be supported.

Neither of these issues constitute main issues for the purposes of the Local Development Plan. No other changes are considered necessary.

 **Policy H3**
Helping to Reuse Listed Buildings at Risk

Protecting Resources

This policy group sets out to conserve our natural resources to safeguard the interests of future generations, and at the same time promote sustainable economic development. The policies are designed to ensure we meet our responsibilities in accordance with National Planning Framework 3 “to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way”.

Protecting resources is a fundamental task of the Plan, ensuring that important environmental resources, development sites, and waste facilities are all appropriately protected and planned. This policy group has three policies designed to achieve this effect:

- *Policy PR1 Protecting important resources* prohibits development that has a negative effect on key environmental assets, such as water and soils. When development may be appropriate, specific exceptions or compensatory actions are required. Some of this land will be designated “P” (Protected land) within the settlement statement maps of Appendix 8 of the Plan).
- *Policy PR2 Protecting important development sites* provides a policy that gives substance to the “R” (Reserved) designation (within the settlement statement maps of Appendix 8 of the Plan) to safeguard potential sites for transportation, energy generation, waste management, education, community infrastructure and sites for national developments.
- *Policy PR3 Waste facilities* specifically encourages and protects waste management facilities in the area, and prohibits new neighbouring development where it may compromise waste handling operations.

The main objective of policy PR1 is to ensure that development proposals do not have a negative effect on important environmental resources, unless there will be clear public economic or social benefits that outweigh the value of the site to the local community, and if there are no reasonable alternative sites. The main purpose of the policy is to avoid harming or causing irreversible effects on unique and important land resources. It also seeks to make efficient use of existing resources and environmental assets, and includes policies to protect designated areas such as prime agricultural land and open space within settlements, and trees and areas of woodland.

In addition, greater clarification should be given to “ancient woodland” designations within the policy. These woodlands are already protected through the reference to woodlands with “significant ecological, recreational, historical, landscape and shelter value” within the policy. Ancient woodlands are places where these tests are likely to result in a recommendation for refusal of planning permission, unless there are truly exceptional reasons. Confusion still exists, and therefore it is considered that this warrants specific reference to ancient woodlands within the policy, and a glossary entry derived from “A guide to understanding the Scottish Ancient Woodland Inventory” (Scottish Natural Heritage, 2011) is required. This is not a “main issue” for the Aberdeenshire Local Development Plan, as it clarifies what is already stated.

Peat and carbon rich soils are also protected by Policy C3 Carbon Sinks and Stores and should be cross-referenced to that policy.

No other issues have been identified with this policy. No changes are considered necessary.

Policy PR1 Protecting Important Resources

Policy PR2 ◀
Protecting
Important
Development
Sites

Under this policy alternative development will not be allowed on sites that may reasonably be needed for future infrastructure improvements. The policy also recognises the benefits of safeguarding sites such as disused railway lines, airfields, and areas occupied by ports and harbours, as they cannot always be relocated to another area and to ensure that adequate land is available to meet the needs of any forthcoming development.

It may be appropriate to change the title of the policy to “Reserving important development sites”. There is no policy that protects existing infrastructure sites from redevelopment, unless given a “P” (protected) designation within the Aberdeenshire Local Development Plan.

A review will be undertaken to ensure consistency across the Aberdeenshire Local Development Plan 2021 in designating future sites to be safeguarded as “R” (Reserved) or existing sites to be identified as “P” (Protected).

No other issues have been identified with this policy. No changes are considered necessary.

This policy controls the development, location, and use of land for waste facilities. It also aims to reduce negative impact of waste facilities on local amenities, and addresses various statutory and non-statutory requirements which may require additional information to be provided. The policy also sets out to ensure neighbouring developments do not compromise waste handling operations at an existing waste management site.

The policy focusses on those sites within the Plan that are allocated or reserved for waste sorting and transfer operations. The policy also aims to minimise transport to and from the source.

SPP provides a policy framework for achieving the Zero Waste Plan and the Plan highlights the important role planning has in supporting the provision of waste facilities and infrastructure for future business development, investment, and employment. Aberdeenshire embraces the main principles of the national waste hierarchy (waste prevention, reuse, recycling, energy recovery and waste disposal) in terms of ‘reuse, recycle and recover’ and these were fundamental in the development of Policy PR3.

Policy PR3 supports the SPP objective that “planning should direct the right development to the right place” and highlights the potential for sites identified specifically for energy from waste facilities to be linked to potential users of renewable heat and energy. It goes further than SPP by use of the phrase “minimise the transport of waste from source” to minimise cost and distance of transport, rather than the “greater weight” SPP seeks in identifying suitable locations.

No other issues have been identified with this policy. No changes are considered necessary.

◀ **Policy PR3**
Waste
Facilities

Climate Change

► This policy group sets out to help tackle and mitigate against the impacts of climate change in accordance with National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP) and the Climate Change (Scotland) Act 2009. Actions to address and mitigate climate change revolve around using non-renewable energy resources in new buildings, the generation of renewable energy technologies, the long term storage of carbon, and addressing issues associated with flooding.

Climate change is a key global issue. It is likely to have an impact on all elements of life in the north east over time. It is an issue that does not present itself as a rapid change to an area. It will have a long term and dynamic impact on the quality of life of all residents and the need for us all to undertake modification to our behaviour. The policy group assists in providing opportunities for all to flourish, through increasing sustainable economic growth. Key phrases from the relevant principle of SPP include “supporting climate change mitigation and adaptation including taking account of flood risk”.

Currently the Aberdeenshire Local Development Plan contains four policies that govern climate impacts from land development. These are:

- *Policy C1 Using resources in buildings* sets out benchmarks for energy and water efficiency, including assessing the feasibility of district heating.
- *Policy C2 Renewable energy* provides a policy for all forms of renewable energy production and includes a spatial framework for new wind turbines.
- *Policy C3 Carbon sinks and stores* ensures that important carbon stores, such as peat and woodland, are protected, including carbon capture and storage developments.
- *Policy C4 Flooding* sets out the policy framework for consideration of development in areas that may flood.

Policy C1 Using Resources in Buildings

The objective of this policy is to provide a framework for the conservation of energy and water within new buildings. In this regard the obligations within the policy on energy and water efficiency are based on the application of national standards with a locally set target for CO₂ emissions through on-site energy generation. It promotes heat networks in major developments. It provides an element for exception for those buildings which cannot meet these targets by allowing the reduction requirement to be met through energy efficiency measures.

Emphasis has changed in SPP towards a planning system that is sympathetic to measures that promote energy efficiency rather than solely reduction in greenhouse gases through the use of low and zero carbon generating technologies. Instead it suggests that by “seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change” (paragraph 19). Greater emphasis should be placed on energy efficiency measures in the policy.

Enforcing such measures through the planning system has proven to be immensely difficult with building fabric issues generally being perceived as a Building Standards issue.

The current policy does not require adherence to the “gold” sustainability standard for energy (this is only obliged “where feasible”). In any case the obligation imposed by the Local Development Plan to promote the “gold” standard of efficiency for energy efficiency has been overtaken by events and the minimum standard that will be required to be achieved is a “platinum” standard. No change is required to the standards obliged for water efficiency.

In areas not served by gas, consideration should be given to alternative heat-based technologies such as hot rock geothermal or biomass sources.

It is not considered that after 10 years of implementation of the policy it is still legitimate to argue that financial viability is an issue that might impact on the creation of new homes, particularly when “fabric first” conservation of energy have been given greater weight and the highest possible level of sustainability is being sought. It is not considered that additional planning advice is required on these matters.

Main Issue 16

The **preferred option** would be to remove the phrase “aim wherever feasible to” from paragraphs 1 and 3 of the policy to provide certainty that climate change mitigation actions are compulsory.

The **preferred option** would be to remove the reference to the “Gold” standard in the policy and replace this with “Platinum” to reflect the higher standard now required.

The **preferred option** would be to remove the text “If it is clearly demonstrated that no suitable low and zero carbon generating technologies are appropriate” from paragraph 4 of the Plan to reflect that a “fabric first” approach may be suitable.

An **alternative option** would be to maintain the current policy unaltered.

An **alternative option** would be to delete substantial parts of the policy and revert to using only the Building Regulations to provide substance to paragraph 3F of the Climate Change (Scotland) Act 2009.

Policy C2
Renewable
Energy

Policy C2 sets out a general presumption in favour of development supporting the generation of renewable energy technologies in the right places and subject to appropriate controls. Wind energy is now less of an issue in terms of the amount of planning applications being received and the policy seems to be robust. One matter that will require updating is the view expressed from the Scottish Government (at Scottish Planning Policy paragraphs 161 and 170) that increasing the size of existing turbines and the use of wind turbine sites in perpetuity is appropriate (known as “re-powering” wind turbine sites). Reference to on-farm generation of biologically derived gases is a form of biomass energy generation and is currently controlled by the policy as a use suitable for business land, and not as an agricultural process.

Main Issue 17

The **preferred option** is to add text relating to re-powering of wind turbines in perpetuity needs to be added to the policy.

The **alternative option** is that on-farm biomass energy generation could be given its own policy text.

Policy C3
Carbon Sinks
and Stores

This policy seeks to protect high carbon resources in perpetuity so as to act as carbon stores for atmospheric carbon dioxide. No issues have been identified with this policy.

No issues have been identified with this policy. No changes are considered necessary.

Flooding remains a serious and life-changing phenomenon that planning can assist in avoiding. The policy sets out a framework for the avoidance of flood risks for new development in areas of medium to high risk of flooding (up to 1:200 years flood risk annual probability). It sets out exceptions where development may be allowed in such areas, and the standards that such development must abide by. It gives advice on maintenance of buffer strips for water bodies and prohibits land raising or excavations in low to medium risk areas. Coastal flooding risks must be assessed for areas under the 10m contour.

No issues have been identified with this policy. No changes are considered necessary.

Policy C4
Flooding

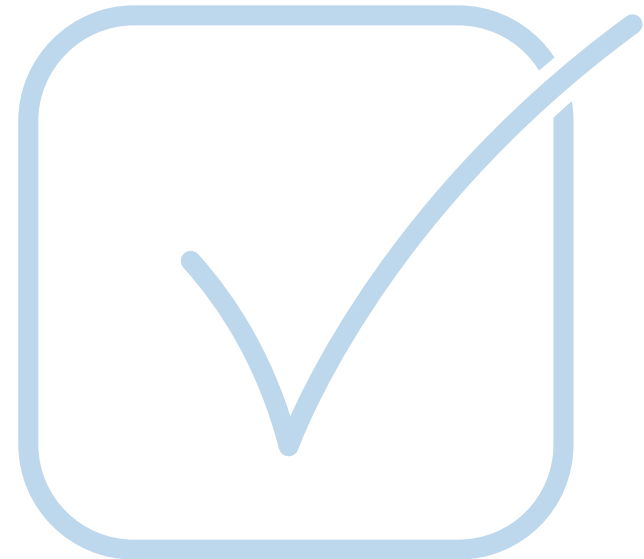
Responsibility of Developers

This policy group sets out the minimum requirements for developments to ensure that they meet the standards related to good development, and overcome the physical infrastructure issues to allow us to grant planning permission. It is based on two principles, firstly ensuring that development provides infrastructure appropriate for the adequate functioning of the developments, and secondly, setting out the criteria which developers are required to make a financial contribution, either on- or off-site.

There are two policies in the policy group:

- *Policy RD1 Providing suitable services* sets out the standards expected from developers in relation to critical site infrastructure such as access, water, and waste removal.
- *Policy RD2 Developers' obligations* sets out those items on which developers obligations may be required to be paid to support good development.

Policy RD2 Developers' Obligations is supported by Supplementary Guidance that sets the current rates of payment that may be required for each of the elements identified in RD2 itself.



Policy RD1 ► Providing Suitable Services

This policy addresses issues associated with services that are shared within the community and in which there is limited capacity. Some forms of infrastructure, such as electricity or telecoms, may be desirable for new development but they are omitted from the policy as there is no “down-stream” impact on other users that may need to be controlled through planning policy.

Policy RD1 reiterates that only development that provides adequate road, water, waste water, and waste management facilities will be allowed. Through reference to the national policy *Designing Streets* it sets demanding standards for access to adjacent areas for future development and public transport. Provision for people with disabilities is secured. Reference is made to when transport assessments should be undertaken and the role of Aberdeenshire Council Roads Development Service and Transport Scotland as the guiding authorities in setting the standards for the formation of new public accesses. There may be a need to update the standards where they have changes and clarity is required.

Similar guidance is given for water, and waste water, provision, with Scottish Water and the Scottish Environmental Protection Agency being identified as key consultees. Development is allowed if a potable supply of water is available and there is adequate waste water disposal, both through public or private systems. Surface water must be dealt with in a sustainable manner, through the use of an integrated Sustainable Drainage System.

A Site Waste Management Plan is required for developments, designed to allow the efficient separation, collection, and storage of waste.

In all cases it is for the developer to fund infrastructure on their site, and connection to the national assets (i.e. pipework or other connecting roads).

The issue of private charge points for electric and hydrogen vehicles in new development has been raised. Scottish Planning Policy has recognised that this should be considered as part of new developments. It is the vision of the Government that the majority of recharging will take place overnight at home when electricity demand is off-peak, with the support of workplace recharging for commuters and fleets. It is recognised that a targeted amount of public infrastructure will also be required where it will be most used. It is difficult to see how the planning system would facilitate this independently from other measures to promote sustainable transport modes.

Main Issue 18

The **preferred option** would be to include reference to “home and workplace electric charging and hydrogen refuelling facilities” as a suitable service required by new developments as a separate obligation within this section. 100% of new housing developments should have this requirement, while workplace recharging could be discretionary.

An **alternative option** would be to seek to do nothing on this subject, depending on building regulations to provide private local refuelling facilities at home and at work at some point in the near future.

Policy RD2 Developers' Obligations

This policy sets out the things for which development must make a contribution, usually off site. It is clear that the policy tests in Circular 3/2012: Planning Obligations and Good Neighbour Agreements must be adhered to, and that proportionate payments may be required. References are also made in the policy to the exact developers' obligations being negotiated on the basis of individual planning applications.

The infrastructure that may be required in the future may not be known at this time and reference is made to the settlement statements of Appendix 8 where specific detail is provided. The Supplementary Guidance sets out both how the need for developers' obligations should be applied and what the current rates of payment are likely to be.

A series of nine sub-headings provide guidance in the Plan on the types of infrastructure that development may need to provide. These include elements of transport, open space, education, community facilities, waste and recycling, and health facilities.

Sustainable public transport infrastructure within development sites is an attraction for persons to occupy a development. Lack of availability of publically accessible charging points and fuelling stations will not assist with the substantial changes that will be required to ensure that private transport will be fuelled by sustainable fuels in the future. This is better achieved through the application of Policy RD1 to homes and businesses.

It is not considered that such facilities could be delivered through a developers' obligations policy when there is great difficulty in identifying that such facilities are *necessary to allow the development to proceed*, or they *relate to the use and development of land for which the developer obligation is being sought*. These are key tests within Circular 3/2012 and any proposal to include off-site recharging facilities would likely fail as it will be difficult to prove that payment towards a distant public facility addresses the sustainable transport needs of a development site.

No issues have been identified with this policy. No changes are considered necessary.

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