

## REPORT TO GARIOCH AREA COMMITTEE – 3 & 4 SEPTEMBER 2019

### ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – ANALYSIS OF RESPONSES TO THE MAIN ISSUES REPORT 2019

#### 1 Recommendations

The Committee is recommended to:

1. **consider and discuss the analysis undertaken by Officers of representations received on the Main Issues Report 2019; and**
2. **make comment upon and/or agree on the recommended actions on the content of the policies and settlement statements for the Garioch area of the Proposed Aberdeenshire Local Development Plan for further consideration by the Infrastructure Services Committee.**

#### 2 Background / Discussion

- 2.1 The Aberdeenshire Local Development Plan is a statutory document that is prepared to guide and inform the granting of planning permission within the area, excluding the Cairngorms National Park. Preparation of the Plan is principally governed by Part 2 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. The minimum process of preparing a Local Development Plan is set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- 2.2 In June of this year the Scottish Government approved the Planning (Scotland) Bill and following Royal Assent, the Planning (Scotland) Act 2019 is now in force. This provides some radical reforms to the process of preparing a development plan. These have included a significant increase in the material weight of the National Planning Framework (NPF) and Scottish Planning Policy (SPP), the removal of Strategic Development Plans, the introduction of Regional Spatial Strategies (RSS) and a more “place” based approach for Local Development Plans. This has been the subject of debate at Infrastructure Services Committee, who provided the Aberdeenshire Council view during the Planning Bill consultation processes. Secondary legislation will be required for commencement and implementation of the provisions of the 2019 Act however, there is no legal reason to await this as we progress with the Aberdeenshire Local Development Plan. It is usual in such circumstances, for transitional processes to be put in place. The process of effective and up-to-date planning cannot be delayed by waiting for the full implementation of the new legislation.
- 2.3 A portfolio of papers are appended to this Report:

<b>Appendix 1a</b>	Issues and Actions – Policies
<b>Appendix 1b</b>	Issues and Actions – Garioch Settlements

<b>Appendix 2a</b>	Draft Proposed Local Development Plan – Policies
<b>Appendix 2b</b>	Draft Proposed Local Development Plan – Garioch Settlements
<b>Appendix 3</b>	Timelines for the Next Stages of the Local Development Plan to Adoption
<b>Appendix 4</b>	Town Centre Impact Assessment

It is important, however, to recognise that the stage of presenting a “Proposed Local Development Plan” has not yet been reached. That is a matter which is reserved for Aberdeenshire Council who will decide whether the Proposed Plan will become the settled view of the Council when reported to them towards the end of this year. Instead comprehensive analysis of all the comments received in response to the Main Issues Report has been carried out. This Report presents the conclusions as to what the Planning Service consider to be appropriate content for that future Plan – **Appendix 1a** and **Appendix 1b**. During this process assistance has been given in the form of the very early publication of an informal Draft Proposed Local Development Plan in parallel with the Main Issues Report. This sets out how Officers foresee the Plan should read if all recommendations were adopted. While this is a non-statutory document and has no weight in decision making this has been a significant focus for the engagement process that is now concluding. The Planning (Scotland) Act 2019 will make consultation on a Draft Proposed Local Development Plan a statutory requirement at this stage in future and part of the thought behind publishing a draft at this stage was to take cognisance of the emerging legislation.

- 2.4 The “Issues and Actions” papers can be made significantly easier to understand through reference to the existing Local Development Plan 2017, the suite of Main Issues documents published in January 2019 and this Draft Proposed Local Development Plan. The existing Local Development Plan and the Main Issues Report were previously provided to all Members in 2017 and 2019. The Draft Proposed Local Development Plan (although with no status in the formal process and is now obsolete) has served a useful purpose in illustrating to Members and the Public how the Proposed Plan may address issues and how it may look once finalised – **Appendix 2a** and **Appendix 2b**. This document is still available to view as a point of reference. All of these documents are available on the website:  
<https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2021/>.

Link to the Main Issues Report and Settlements:

<https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2021/main-issues-report/>.

- 2.5 During the MIR consultation, a Pilot Youth Engagement Project was undertaken to engage Aberdeenshire schools in preparation on the LDP 2021. Kemnay Academy was a participant in this project. Pupils were given the opportunity to give their views on the bids presented in the MIR. Comments received have been incorporated into the Issues and Actions paper for Kemnay. This work aligns with the emerging planning legislation with regards to youth participation within the preparation of future Local Development Plans.

- 2.6 Each Area Committee is to be asked to make comments on the Issues and Actions papers that consider the process of drawing up the Main Issues Report, this being the introductory elements of a new Plan and the policies that, it is believed, should be taken forward. These comments will be made available to Infrastructure Services Committee (ISC) at their meeting on 3 October 2019. Clarity will be sought from that Committee on the final content of these sections for the new Plan.
- 2.7 Comments relating to the forward planning of the settlements in the Garioch area and all others will be presented to Members of the Infrastructure Services Committee. Matters to be highlighted to that Committee will largely be based on concerns regarding implementation, cross-area conflicts, issues of legality and any specific issues requested by Members.
- 2.8 In addition, anticipating the influence of the forthcoming Planning (Scotland) Act 2019, most of the Supplementary Guidance is to be incorporated within the new Local Development Plan. Fifteen Appendices are proposed, in addition to Appendix 10: Settlement Statements, to either repeat policy from the current Supplementary Guidance in a new format or expand existing advice. Where there is a repetition of existing Supplementary Guidance, the obligations in Circular 6/2013 *Development Planning* will be met, for focused engagement with stakeholders.
- 2.9 The Aberdeenshire Local Development Plan is a document that contains policy principles and actions required to deliver the overall vision and outcomes stated by the Council in the Council Plan. As such a Policy Development & Review Framework is normally used as a process for the development, monitoring and promotion of the formal review of policies within Aberdeenshire. This is part of the Council's Scheme of Governance. We have not used this Framework as there is a statutory requirement to deliver the service and operate in a specific way, and the Council has no ability to deviate from the statutory direction provided.
- 2.10 For the Local Development Plan we are obliged by statute to produce a [Development Plan Scheme](#) that sets out annually the programme for the development and review of the Local Development Plan. This was agreed by Infrastructure Services Committee in January 2019 and sets out an indicative timescale for the development of the Aberdeenshire Local Development Plan 2021. The Development Plan Scheme is subject to an Equalities Review and ensures that appropriate actions are taken to meet issues that may result from Data Protection impacts. It also contains a "Participation Statement" intended to foster local stakeholder participation which is based on the national Standards for Community Engagement (rather than the internal consultation code of practice). A summary timeline for the next steps of the LDP is attached at **Appendix 3**.
- 2.11 In preparing the Local Development Plan, consultation engagement takes place with external consultees for two periods of at least 8 weeks each. Internal consultations are undertaken through reference to a cross-Service Development Plan Steering Group. Area Managers are represented on this group. The Area Committees are consulted on issues such as those being considered today before the Proposed Local Development Plan is promoted to Aberdeenshire Council for approval. Feedback is provided to all

stakeholders on the weight of the representations that they have made. The Head of Planning and Environment ultimately sponsors the Local Development Plan to Aberdeenshire Council for approval. A dedicated public web-space is provided to access the [Local Development Plan](#) and its associated supporting documentation.

- 2.12 Monitoring of the Local Development Plan occurs annually with the production of a [Monitoring Report](#). Three years before the end of the current Plan the process of developing the next Plan is taken forward based on red, green and amber notifications within this Report.
- 2.13 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, their comments incorporated and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

### **3 Scheme of Governance**

- 3.1 The Committee is able to consider this item in terms of Section B.1.2 of the List of Committee Powers in Part 2A of the Scheme of Governance to consider, comment on, make recommendations to Services and any other appropriate Committee on any matter or policy which impacts its Area.

### **4 Implications and Risk**

- 4.1 An Equality Impact Assessment is not required because the Area Committee is making no decisions on the Proposed Local Development Plan at this meeting that may have a differential impact on any people with protected characteristics. These decisions will be taken by Aberdeenshire Council.
- 4.2 There are no staffing and financial implications arising from this Report.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level:

Risk ID ACORP006: Reputation management (including social media) in so far as Aberdeenshire Council must be able to demonstrate that it has considered all submissions made to the Main Issues Report prior to finalising the Proposed Local Development Plan.

Please see page 2 of the [Corporate Risk Register](#).

The following Risks have been identified as relevant to this matter on a Strategic Level:

Risk ID ECSSR004 Support Inclusive, Vibrant & Healthy Communities  
Risk ID ISSR001 Active Travel  
Risk ID ISSR002 Regeneration  
Risk ID ISSR004 Climate Change  
Risk ID ISSR005 Affordable Housing.  
Risk ID ISSR006 Flood Protection  
Risk ID ISSR008 Economic Development

In each of these cases the Local Development Plan makes a positive contribution to the delivery of the impacts identified on all these topics, to a greater or lesser extent.

Please see pages 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the [Directorate Risk Registers](#).

- 4.4 The Main Issues Report contains a range of actions designed to support existing town centres and complies with Aberdeenshire Council's Town Centres First policy by promoting Town Centres as vibrant, multi-use locations for leisure, retailing, office development and housing. A Town Centre Impact Assessment has been undertaken and demonstrates that the Main Issues Report contains a range of options designed to support existing town centres and complies with Aberdeenshire Council's Town Centres First policy by promoting Town Centres as vibrant, multi-use locations for leisure, retailing, office development and housing. Recommendations are made to support this policy provision. The Town Centre Impact Assessment is attached at **Appendix 4**.

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**Director of Infrastructure Services**  
Report prepared by Piers Blaxter, Policy Team Leader  
Date: 8 August 2019