

REPORT TO ABERDEENSHIRE COUNCIL – 14 JANUARY 2021

UPDATE - PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020

1. Reason for Report / Summary

- 1.1 To note the outcome of the Proposed Local Development Plan 2020 (Proposed LDP) Public Consultation process and to agree to the onwards submission of the Proposed LDP to the Directorate of Planning and Environmental Appeals (DPEA) for Examination.

2. Recommendations

The Council is recommended to:

- 2.1 Note the outcome of the Proposed LDP Public Consultation process.**
- 2.2 Agree that in the absence of new and/or significant issues being identified through the Proposed LDP Public Consultation, no significant modifications to the Plan are required.**
- 2.3 Delegate authority to the Head of Planning and Environment Service to make any minor technical changes or ‘non-notifiable modifications’ to the Proposed LDP (to update references or factual information) where necessary, prior to submission for Examination.**
- 2.4 Agree that the Head of Planning and Environment Service shall submit the Proposed LDP to the Directorate of Planning and Environmental Appeals (DPEA) for Examination.**

3. Purpose and Decision-Making Route

- 3.1 The preparation of a Local Development Plan is a statutory process that requires Aberdeenshire Council to submit a “Proposed Local Development Plan” to Scottish Ministers for Examination. The [Proposed Local Development Plan 2020](#) represents the settled view of the Council as to the form and content of the Aberdeenshire Local Development Plan 2021.
- 3.2 Full Council agreed the final content of the Proposed LDP as the settled view of the Council on 5 March 2020.
- 3.3 Thereafter the Proposed LDP went through a 10-week period of public consultation between 25 May and 31 July 2020, with a view to presenting all valid representations raising issues arising from the public consultation to the DPEA for Examination.

- 3.4 As a result of the Public Consultation 1390 representations were received, and 4930 individual comments were recorded. The main themes of these representations are described in paragraph 4.3.
- 3.5 Following the Public Consultation period, Officers have been summarising the representations made on the Proposed LDP. These summaries are required to be in the form provided by Schedule 4 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. Issues raised through representations are notified to the DPEA in the Schedule 4 summary and Officers uphold the settled view of the Council. These are known as 'unresolved issues' and will be dealt with through the Examination, which is the principal means of independently examining such matters. The Examination will conclude with a set of recommendations being published by the DPEA in a "Report of Examination".
- 3.6 The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 are the main development planning regulations. Circular 6/2013 – Development Planning - describes the development planning system in Scotland and explains legislative provisions in both the primary legislation and the subsequent Regulations. This includes the process with regards unresolved issues as mentioned in paragraph 3.5 above.

4. Discussion

- 4.1 As the Proposed LDP has already been agreed by Councillors as the Plan they wish to adopt in 2021, Officers are expected to uphold the position of the Council i.e. 'the settled view of the Council' at the Examination.
- 4.2 In response to the Proposed LDP public consultation 1390 representations and 4390 individual comments were received. This includes several representations submitted by the same individual or body raising a number of separate issues.
- 4.3 In terms of the general themes coming out of the Public Consultation:
- The single biggest issue arising from the representations is objection to proposed opportunity sites (OP1 and OP2) in Potterton. Approximately 20% of all representations received related to concerns about the Potterton site allocations.
 - In terms of policies, the level of representation is not as high as that for the Settlement Statements and indeed there are several policy topics that have received no representation at all.
 - There are a small number of matters raised by the Scottish Government and key agencies that it is sought to be resolved through dialogue prior to submission of the Proposed LDP for Examination.
 - As with previous LDP Examinations, the housing allowances outlined in the Proposed LDP have been challenged. Given that the Aberdeen City

and Shire Strategic Development Plan 2020 was approved on 12 August 2020 and that both it and the Proposed LDP were prepared on the basis of the Housing Land Audit 2019, Officers are in a strong position to uphold the Council's position with regards to this matter and the sites proposed in the Settlement Statements.

- Importantly, a number of representations received seek to support aspects of the Proposed LDP including proposed policies and land allocations. Although representations in support will not be examined by the Reporter, they are considered of importance should evidence be required to support the Council's position.

- 4.4 Following a review of the representations, it is not anticipated that any of the representations received will result in the Proposed LDP requiring significant modification from the Plan agreed by Councillors on 5 March 2020 and representing the 'settled view of the Council'.
- 4.5 Any unresolved matters arising from the Public Consultation will be presented to and considered by the Directorate of Planning and Environmental Appeals (DPEA) as part of the Examination in due course. Minor technical changes or 'non-notifiable modifications' may be made by the Head of Planning and Environment to the Proposed LDP to update references or factual information given the time now lapsed since the Proposed LDP was drafted. These minor changes will be highlighted via the Schedule 4 summarisation process and supporting documentation will be submitted as part of the Examination. This takes cognisance of the relevant legislation and associated Circular as referred to in paragraph 3.6 above.
- 4.6 It has been highlighted to Members previously, during consideration of the Proposed LDP at Full Council in March 2020, that in the event of there being no significant modifications resulting from the Public Consultation, the Proposed LDP will not be presented back to Members for further consideration ahead of being submitted to Scottish Ministers for Examination. This is the case, and the purpose of this Report is to update Members of the outcomes of the Proposed LDP Public Consultation and to seek their agreement to proceed to submit the Proposed LDP to Scottish Ministers for Examination.
- 4.7 It is expected that the Proposed LDP will now be submitted for Examination to Scottish Ministers in February 2021. The Reporter will first consider the Council's 'Statement of Conformity'. This is a document that explains how we have implemented the steps set out in the 'Participation Statement' as outlined in the [Proposed Development Plan Scheme 2020](#) to involve a wide range of people and organisations in the making of the Local Development Plan. Assuming the Reporter is satisfied with the Statement of Conformity, examination of the unresolved issues raised in the Schedule 4 summaries will then commence. The Examination is anticipated to take in the region of 6-9 months during which time Officers will respond to any 'further information requests' issued by the Reporter and fully participate in any Hearings that might be called by the Reporter.

- 4.8 It is anticipated that the Report of Examination would be reported to a meeting of Full Council during the latter part of 2021 at which time Officers will ask Councillors whether they wish to adopt a new LDP for the Aberdeenshire area.
- 4.9 The current LDP 2017 will become out of date in April 2022, thus it is vitally important that Aberdeenshire Council replaces the existing LDP before that point to avoid any period of time where the Council has no approved Local Development Plan, a position Aberdeenshire Council has never experienced to date.

5. Council Priorities, Implications and Risk

- 5.1 This report helps deliver the following Council priorities:

- Education
- Health and wellbeing
- Infrastructure
- Resilient communities
- Economy and enterprise

- 5.2 The table below shows whether risks and implications apply if the recommendations are agreed:

Table 1 Risks and Implications

Subject	Yes	No	N/A
Financial		✓	
Staffing		✓	
Equalities	✓ (see link at 5.4 below)		
Fairer Scotland Duty	✓		
Town Centre First	✓ TCFP (see link at 5.6 below)		
Sustainability	✓		
Children and Young People's Rights and Wellbeing	✓		

Financial and Staffing

- 5.3 The financial and staffing implications in producing and preparing for the submission to the DPEA are covered within existing budget.

Equalities

- 5.4 Equalities represents an important legal obligation in preparing the Proposed Local Development Plan 2020. The general equalities statement regarding the

process of preparing the Local Development Plan 2021 is contained within the Development Plan Scheme 2020, considered by Infrastructure Services Committee on 14 May 2020, and previous to that 24 January 2019 and 25 January 2018 for the Development Plan Scheme, when the project was started. An [Equality Impact Assessment](#) was required in consideration of both the Draft and now Proposed LDP by Members as the Council was being asked to make decisions on the future content of the policies. Evaluation of the content of the Proposed LDP 2020 does not result in a differential impact on any of the protected characteristics of stakeholders. Only positive impacts are identified.

The Fairer Scotland Duty

- 5.5 The Fairer Scotland Duty places a legal responsibility on Aberdeenshire Council to actively consider ('pay due regard to') how it can reduce inequalities of outcome caused by socio-economic disadvantage. The Proposed Local Development Plan is useable by all groups but provides no particular mechanism to address general socio-economic disadvantages, as it relates to the use of the land and not the characteristics of the applicant. Some policies such as H2 Affordable Housing, and the Policy H5 Gypsy/Travellers provide specific support for users who may have socio-economic needs. Other policies, such as Policy P2 Open Spaces and Access in new development also make a contribution to all socio-economic classes, irrespective of disadvantage. Generally, land has no differential socio-economic characteristic depending on whom may be applying for planning permission for development. Development of land to address individual socio-economic needs of applicants is not consistent with ensuring that the principle of "the right development in the right place" as required by Scottish Planning Policy is addressed.

Town Centres

- 5.6 The Proposed Local Development Plan seeks to promote and conserve existing town centres. [A Town Centre First Principle Impact Assessment](#) has demonstrated these positive outcomes.

Sustainability

- 5.7 The Climate Change (Scotland) Act 2009 introduces a legal obligation for public bodies to address climate change through the Public Bodies Climate Change Duties. These duties advise that a public body must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets (known as 'mitigation'); in the way best calculated to help deliver any statutory climate change adaptation programme; and in a way that it considers is most sustainable. The Scottish Government sees climate change action as a key strategic issue and is mainstreaming it into their strategic and corporate processes.
- 5.8 New or substantial change of policy requires the completion of a Strategic Environmental Assessment (SEA), Equality Impact Assessment (EQIA) and other assessments. These requirements can help to ensure positive climate change actions are integrated at the local level. A [Strategic Environmental](#)

Assessment has been completed, as has a Habitats Regulation Appraisal Record which considers impacts of the Proposed Plan on internationally recognised habitats and species.

- 5.9 Guidance has been prepared to assist public bodies in complying with the duties placed upon them by Part 4 of the Climate Change (Scotland) Act 2009. A Report is produced by Aberdeenshire Council annually providing evidence on how the organisation is complying with the Act. This work is monitored by the Council's Sustainability Committee. The Scottish Government Climate Change Delivery Plan contains a number of elements that are relevant to the Local Development Plan. These include obligations to deliver a largely decarbonised electricity generation sector by 2030, using renewables complemented by fossil fuels with Carbon Capture and Storage, and largely decarbonising heating for buildings by 2050, through reduced demand, improving energy efficiency, and renewable energy generation, and low-carbon heating.
- 5.10 A comprehensive approach to carbon in rural land use is promoted incorporating protection for Scotland's carbon rich soils; minimising emissions from agriculture; use of natural resources to generate renewable energy; and increasing sequestration of carbon, for example, through woodland planting.
- 5.11 A wide range of activities are identified within land use planning activities to support adaptation to climate change. These include measures shown in **Table 2:**

Table 2: Adaptation to Climate Change in the Proposed Local Development Plan

<ul style="list-style-type: none"> Land use planning to reduce the need to travel 	<ul style="list-style-type: none"> Using natural features in urban environments
<ul style="list-style-type: none"> Energy use in buildings 	<ul style="list-style-type: none"> Protect and increase areas contributing to carbon sinks and stores
<ul style="list-style-type: none"> Increase use of surplus heat 	<ul style="list-style-type: none"> Protect Peat
<ul style="list-style-type: none"> Encouragement of the use of Combined Heat and Power 	<ul style="list-style-type: none"> Promote environmentally sound building design
<ul style="list-style-type: none"> Support renewable energy generation 	<ul style="list-style-type: none"> Promote the use of sustainably sourced materials in construction
<ul style="list-style-type: none"> Support waste management practices in the area to increase reuse and recycling 	<ul style="list-style-type: none"> Decrease water usage through water efficiency measures
<ul style="list-style-type: none"> Protect soils 	<ul style="list-style-type: none"> Promote cycling and walking as modes of transport to and from work
<ul style="list-style-type: none"> Increase forestry cover 	

- 5.12 The Scottish Government has advised that a degree of proportionality should be borne in mind and the focus should be on outcomes, using sound evidence.

Implementing the climate change duties seeks to mainstream climate change action across organisations and make it a natural part of decision-making processes, with the aim of keeping associated potential costs as low as possible.

- 5.13 Outcomes from decisions made by Full Council will deliver a Proposed Local Development Plan that reduces energy demand, energy consumption and promotes energy efficiency improvements in new developments across Aberdeenshire. A framework that supports renewable energy generation is promoted to assist in the delivery of security and efficiency of our energy supply. It will not reduce overall energy use, as by its nature the development plan seeks to control growth of development rather than promote improvements to the status quo.
- 5.14 In addition, the Proposed Local Development Plan supports sustainable and low carbon transport networks, improves and increases electric vehicle charging points and reduced reliance on vehicles. A Settlement Strategy is promoted that will reduce the need to travel and promotes travel for health and well-being. At a regional level there are measures to reduce the addition of mileage made in personal vehicles. It will not increase the use of electric and low carbon vehicles, or the services that Aberdeenshire Council's own vehicle fleet provide.
- 5.15 Neither positive nor negative impacts are anticipated on waste production or disposal. The Proposed Local Development Plan will support the Aberdeenshire Council Waste Strategy, and promote kerbside recycling, but will not affect the volume of material likely to go to landfill, is recyclable or compostable. No additional resources are required to manage the waste that is generated. Development is likely to increase demand for both water and waste treatment. The Plan contains measures to assist in conserving water through water efficiency measures.
- 5.16 Aberdeenshire's cultural heritage and identity is protected through a specific policy chapter, as is the protection of the existing benefits of its agriculture and forests.
- 5.17 The Proposed Local Development Plan has actively considered future climate change predictions, particularly in relation to flood risk matters, protection of our most productive soils, and impact on biodiversity. Flooding can have a devastating impact on those affected and a robust policy on avoiding development in areas that flood is promoted, including the significant risks associated with the coast. A suite of policies promote protection of both species and habitats, including those identified through the Biodiversity Action Plan Programme as being "at risk".
- 5.18 The Proposed Local Development Plan seeks to consider general sustainability issues through reducing air pollution and this includes the release of gaseous pollutants by vehicles, maximising the future use of mineral resources and soils in the interests of social, environmental, and economic objectives.

- 5.19 Both positive and negative impacts can be identified as outcomes from a Plan that promotes development to meet the needs of a growing population. More houses will result in greater resource use, but significant attempts have been made within the statutory limitations provided by Scottish Planning Policy and the National Planning Framework 3 to achieve sustainable development patterns, conserve natural and built heritage interests and make a significant contribution to the “places” within Aberdeenshire.
- 5.20 Throughout the preparation of the Proposed Local Development Plan every attempt has been made to address the negative sustainability implications of the policies and actions being promoted within the confines of maintaining Aberdeenshire as a competitive place to occupy houses or develop resilient businesses. Undoubtedly much more could have been promoted or greater extremes adopted, but at a pace that would likely be unacceptable to residents and stakeholders

Wellbeing and Children’s Rights

- 5.21 The Local Development Plan can have a significant effect on child wellbeing. Principal aspects of the Plan that may affect children and young people include the proposals for future housing (including affordable housing), open space and education provision. All children would be affected by these matters. Engagement with young people in development planning is difficult but offers were made to secondary schools and primary schools for engagement in separate projects designed to engage pupils with concepts in land use planning, and for senior students discussing and recording implications for their areas of the Main Issues Report proposals. Almost all the Plan-based proposals will have an impact on child wellbeing. These are mostly positive for safety, health, nurturing and activity.

Table 3: Impact on wellbeing from the Proposed Local Development Plan.

Wellbeing Indicator	Positive	Negative	No Impact
Safe	✓		
Healthy	✓		
Achieving	✓		
Nurtured	✓		
Active	✓		
Respected			✓
Responsible			✓
Included	✓		

- 5.22 The following impacts on Children’s rights are supported by the Local Development Plan. These are also linked to the Fairer Scotland Duty:

Table 4: Impact on Children’s Rights
<ul style="list-style-type: none"> Provision of active play spaces contributes to Article 3 – the best interests of the child.

<ul style="list-style-type: none"> Engagement and consultation with children and young people informed the recommendations in this Report. This contributes to Article 12 – respect for the views of the child.
<ul style="list-style-type: none"> Provision of active play spaces contributes to Article 24 – health and safety services.
<ul style="list-style-type: none"> Provision of land for homes and jobs contributes to Article 27 – adequate standard of living.
<ul style="list-style-type: none"> Provision of active play spaces contributes to Article 31 – Leisure, play, and culture.

Risks

5.23 The following Risks have been identified as relevant to this matter on a [Corporate Level](#):

- ACORP005 Working with other organisations (e.g. supply chains, outsourcing, partnership working and commercialisation).** A wide range of partner organisations are dependent on the Local Development Plan to achieve our common objectives.
- ACORP006 Reputation management (including social media).** Development management is a key element of the interface between many thousands of households and Aberdeenshire Council on an annual basis. It is important that the Proposed Local Development Plan is seen to be a robust and credible document to maintain the Council's high reputation.
- ACORP007 Social risk (e.g. population changes, poverty & social inequality, demographic changes, crime, antisocial behavior).** The Proposed Local Development Plan is intrinsically associated with meeting the needs of a future population and responding to demographic changes without promoting a rate of change that may be deemed excessive.
- ACORP010: Environmental challenges e.g. extreme weather events, climate change (this includes localised risks around flooding and air pollution and the need for communities to display resilience).** Climate change is a key theme in the Proposed Local Development Plan and although more could be undertaken to achieve sustainable development, this would be at the cost of the competitiveness of the area and acceptability to residents.

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

- **BSSR004 Community Empowerment:** The Proposed Local Development Plan has been the subject of extensive discussions with Community Councils and other Community Groups. However, not all decisions may support their viewpoint.
- **ECSSR004 Support Inclusive, Vibrant & Healthy Communities:** The Proposed Local Development Plan requires to assist health providers in identifying and providing a context for the development of new health facilities.
- **ISSR001 Active Travel:** All developments within the Proposed Local Development Plan assist in delivering opportunities for active travel. Risk exists that these requirements are not met.
- **ISSR002 Regeneration:** Specific policies in the Proposed Local Development Plan promote support for the Action Plans for the communities of Banff/Macduff, Fraserburgh, and Peterhead but risk exists that the expectation of local communities on Plan led regeneration will not be achieved.
- **ISSR004 Climate Change:** The Plan seeks to conserve the natural and historic environment by protecting and enhancing landscape, biodiversity and historic assets. Reduction in natural resources and water, CO² emissions and waste are very difficult to achieve through a Proposed Local Development Plan designed to deliver growth.
- **ISSR005 Affordable Housing:** The Proposed Local Development Plan assists in providing a range of mid-market rent housing through providing the mechanism that allows developers to open sites for affordable housing through use of infrastructure funding. The anticipated demand for affordable housing exceeds supply.
- **ISSR006 Flood Protection:** The Proposed Local Development Plan has policies for flood protection and does not promote development in areas that may flood. Risk exists that predictions on flood extents are underestimated, or new areas of flood arise.
- **ISSR008 Economic Development:** The Proposed Local Development Plan assists in the delivery of the strategic objectives set out in the Regional Economic Development Strategy. Risk exists that the principles promoted in the Proposed Local Development Plan are insufficient to meet the aspirations of those wishing to establish businesses.

6. Scheme of Governance

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and their comments are

incorporated within the Report. They are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

- 6.2 The Council is able to consider and take a decision on this item in terms of Section A.5.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the review, endorsement and approval of the Local Development Plan.

Paul Macari
Head of Planning and Environment Service
Report Prepared By - Mairi Stewart, Service Manager
Date – 17 December 2020