

REPORT TO MARR AREA COMMITTEE – 4 May 2021
ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DEVELOPMENT PLAN
SCHEME 2021

1. Reason for Report/Summary

- 1.1 To consider the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021

2. Recommendation

The Committee is recommended to:

- 2.1 **Consider the Development Plan Scheme 2021 and provide comments or recommendations on its content to Infrastructure Services Committee.**

3. Purpose and Decision-Making Route

- 3.1 The preparation of a Local Development Plan is a statutory process. The “Proposed Local Development Plan” was sent to Scottish Ministers for Examination on 12 March 2021. This represents the settled view of the Council as to the form and content of the Local Development Plan 2021 and was agreed by Aberdeenshire Council on 5 March 2020. The Proposed Local Development Plan (PLDP) is accompanied by an analysis of the comments made to the PLDP following public consultation during the period from 25th May to 31st July 2020.
- 3.2 Section 20B of the Town and Country Planning (Scotland) Act 1997 requires each Planning Authority to prepare a Development Plan Scheme (DPS) at least annually. This must be prepared and published to inform stakeholders of the stage at which the Development Plan is currently, and to show the nature of the consultation being undertaken to inform its content.

4. Discussion

- 4.1 The Development Plan Scheme 2021, continues to present the principles established in the Development Plan Scheme 2020 which was agreed by the Council’s Infrastructure Services Committee on 14 May 2020. A copy of the 2021 Scheme is attached as **Appendix 1** to this Report.
- 4.2 The revised DPS continues to outline the programme predicted for Examination and Adoption of the new Aberdeenshire Local Development Plan by March 2022. Since the publication of this Scheme in 2020, there has been a delay to the programme of a few months resulting from the need to adopt socially distant consultation methods due to the national lockdown and having to respond to a larger number of submissions than was expected.
- 4.3 There will be no significant engagement with communities and stakeholders in the coming year as it will be occupied by the Examination into the Proposed Local

Development Plan (PLDP). Engagement on the Plan will only be by invitation from the Directorate of Planning and Environmental Appeals (DPEA). Aberdeenshire Council will have a wider role in informing other stakeholders who did not make formal representations to the PLDP, particularly on the publication of the Report of the Examination, so that they can advise Councillors on the changes that the Reporter to the Examination recommends making to the Local Development Plan. The DPS sets out those actions that the Council will be required to undertake in approximately nine-months' time to make people aware of the conclusions from the Examination.

- 4.4 It is currently not possible to give any guidance on long-term engagement with communities on the next Local Development Plan, as the Planning system is undergoing a transformation through the implementation of the Planning (Scotland) Act 2019. The process for the next Local Development Plan will be outlined in a future Development Plan Scheme.
- 4.5 There is a legal duty to publish the approved DPS on the Council's website and to submit two copies to Scottish Ministers. Copies will be placed in each library within Aberdeenshire should these services be reinstated.

5. Council Priorities, Implications and Risk

- 5.1 In supporting the Local Development Plan this Report helps deliver the Strategic Priorities "Infrastructure" and "Resilient Communities" within the pillar "Our Environment" and supports the key principles which underpin these priorities of climate and sustainability.
- 5.2 This Report helps deliver the Strategic Priorities "Education" and "Health and Wellbeing" within the pillar of "Our People" and supports the key principles which underpin these priorities of right people, right places and tackling poverty and inequalities.
- 5.3 This Report helps deliver the Strategic Priorities "Economy and Enterprise" under the Pillar of "Our Economy" and supports the key principles which underpin these priorities of digital infrastructure and economy.
- 5.4 The table below shows whether risks and implications apply if the recommendations are agreed. Risks and implications have been assessed in relation to the Local Development Plan which is prepared in the context of the Development Plan Scheme.

Table 1 Risks and Implications

Subject	Yes	No	N/A
<i>Financial</i>	✓		
<i>Staffing</i>	✓		
<i>Equalities</i>	✓		
<i>Fairer Scotland Duty</i>	✓		

<i>Town Centre First</i>	✓		
<i>Sustainability</i>	✓		
<i>Children and Young People's Rights and Wellbeing</i>	✓		

Financial & Staffing

- 5.5 The financial and staffing implications in producing and implementing the Development Plan Scheme are covered within existing budget (Planning and Environment - Local Development Plan). Next financial year there will be an exceptional cost to account for the Examination process. The exact cost is currently unknown, but based on the LDP examination held in 2016, is likely to be in the region of £60,000

Equalities

- 5.6 Equalities is an important legal obligation in preparing the Proposed Local Development Plan. The general Equalities Impact Statement (EqIA) is contained within the Development Plan Scheme 2020, considered as Appendix 2 by [Infrastructure Services Committee on 14 May 2020 \(item 5, page 63\)](#), which builds on the earlier Development Plan Scheme in January 2018, when the project was started. No change from the EqIA dated 14 May 2020 is expected. The Equalities Impact Assessment shows that there will not be a differential impact on any of the protected characteristics of stakeholders that have not been addressed. Where impacts have been identified then steps are also identified to remove inequality.

The Fairer Scotland Duty

- 5.7 The Fairer Scotland Duty places a legal responsibility on Aberdeenshire Council to actively consider ('pay due regard to') how they can reduce inequalities of outcome caused by socioeconomic disadvantage. Consultation and participation in the Examination of the Proposed Local Development Plan is available to all social groups. It is consistent with ensuring that the principle of "the right development in the right place," as required by Scottish Planning Policy, is addressed.

Town Centres

- 5.8 The Proposed Local Development Plan seeks to promote and conserve existing town centres. Previously a Town Centre First Principal Impact Assessment on the Town Centre policies of the PLDP was considered by [Infrastructure Services Committee on 3 October 2019 \(Item 7, Appendix 4\)](#) and showed positive outcomes.

Sustainability

- 5.9 The Climate Change (Scotland) Act 2009, as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, introduces a legal obligation for public bodies to address climate change through the Public Bodies Climate Change Duties. The use of links to webpages and the use of social media has increased to

reduce the impact of producing and issuing documents. No major publications are predicted.

Wellbeing and Children’s Rights

5.10 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 but are not excluded by the consultation methods suggested. Likewise, while the Plan supports several Children’s Rights (UNCRC), the Development Plan Scheme is only relevant to Article 12 Engagement and consultation with children and young people.

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

Table 3 Impact on Children’s Rights

Children’s Rights (UNCRC)	Provisions
<p>Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children.</p> <p>Article 12 (respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right always applies, for example during immigration proceedings, housing decisions or the child’s day to day home life.</p> <p>Article 24 (health and health services) Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.</p> <p>Article 27 (adequate standard of living) Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p>	<ul style="list-style-type: none"> • Provision of active play spaces contributes to Article 3 – the best interests of the child. • 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. • Provision of active play spaces contributes to Article 24 – health and safety services. • Provision of land for homes and jobs contributes to Article 27 – adequate standard of living. • Provision of active play spaces contributes to Article 31 – Leisure, play, and culture.

Article 31 (leisure, play and culture) Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.	
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Risks

5.12 The following Risks have been identified as relevant to this matter in the [Corporate Risk register](#):

- 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 goals.
- 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 support 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.
- 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.

5.13 The following Risks have been identified as relevant to this matter in the [Directorate Risk Register](#):

- 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 and there may be disappointment that some views have not been adopted.

6. Scheme of Governance

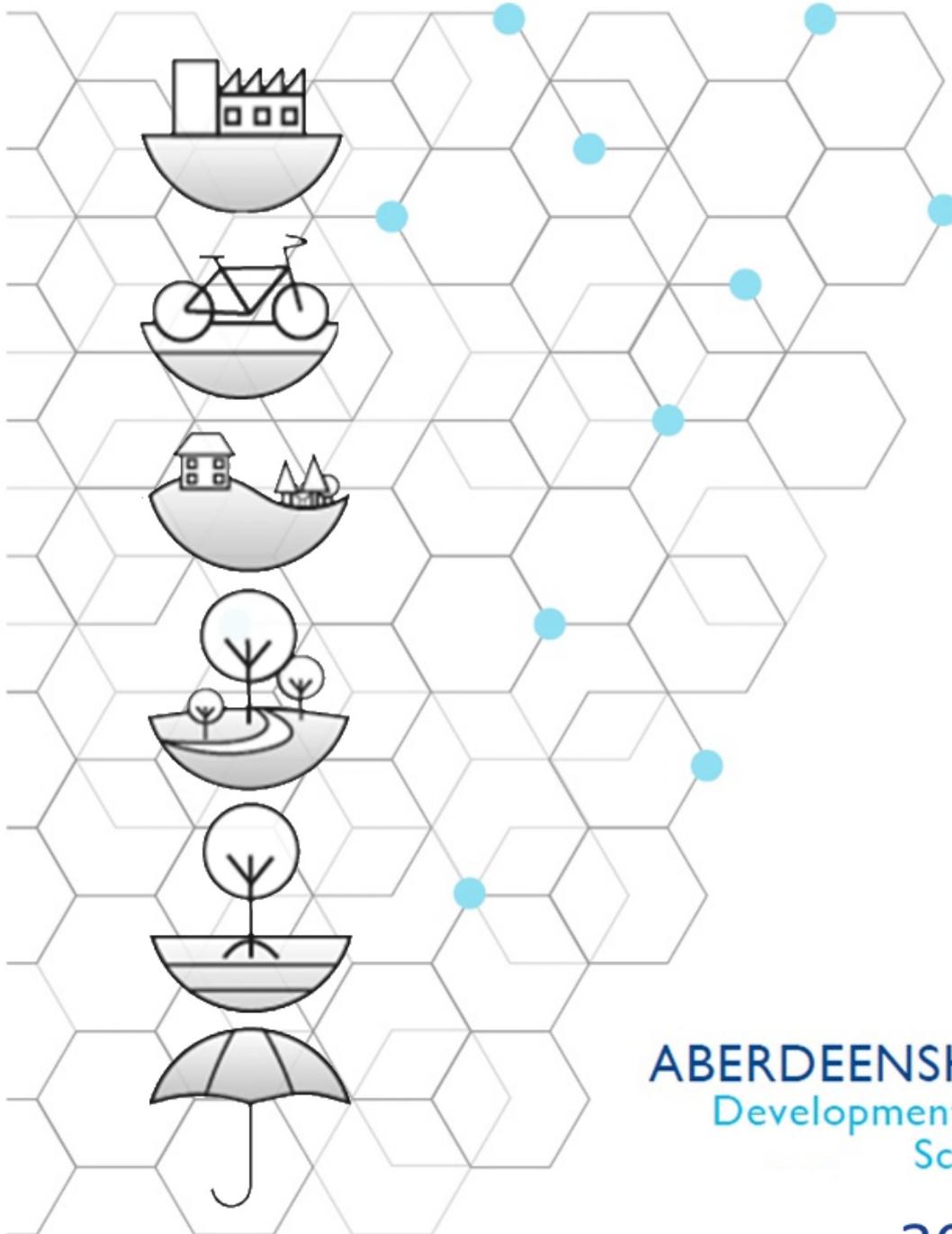
- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and their comments are incorporated within the Report. They are satisfied that the Report follows the Aberdeenshire Council's [Scheme of Governance](#) and relevant legislation.
- 6.2 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.

Alan Wood
Director of Infrastructure Services
Report by Piers Blaxter
Policy Team Leader

List of Appendices:

Appendix 1	Aberdeenshire Local Development Plan Revised Development Plan Scheme 2021
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ABERDEENSHIRE
Development Plan
Scheme

2021

Aberdeenshire Council Development Plan Scheme 2021

Introduction

A Development Plan Scheme is required by section 20B of the Planning (Scotland) Act 1997, (as amended). It sets out the Authority's programme for preparing and reviewing their Local Development Plans. It must contain:

- (a) proposed timetabling,
- (b) details of what is likely to be involved at each stage of preparation or review, and,
- (c) an account (referred to as an Authority's "Participation Statement") of when consultation is likely to take place, with whom, the likely form of consultation and of the steps to be taken to involve the public in the stages of preparation or review.

The Planning (Scotland) Act 2019 has introduced a raft of measures as part of the Scottish Government's "Transforming Planning" agenda to reform the planning system. These include significant measures relating to the preparation of Local Development Plans. Full implementation of these measures will occur over time and the Scottish Government expect the Regulations and guidance relating to Local Development Plans to come into force in line with the publication of the National Planning Framework 4, a draft of which is now anticipated in Autumn 2021 with approval by the Scottish Parliament in early 2022.

Due to the uncertainty introduced by this timetable, this Development Plan Scheme cannot look forward to the next Local Development Plan, except in a most cursory manner.

The Development Plan in Aberdeenshire

The Development Plan in Aberdeenshire consists of the Aberdeen City and Shire Strategic Development Plan and the Aberdeenshire Local Development Plan 2017.

The Aberdeen City and Shire Strategic Development Plan 2020 was approved by Scottish Ministers on 12 August 2020. Strategic Development Plans are no longer required by the Planning (Scotland) Act 1997 with the strategic planning role being taken up by a Regional Spatial Strategy which informs the National Planning Framework 4. On publication of the National Planning Framework 4 by the Scottish Government in early 2022 this element of the Development Plan will no longer be relevant. The National Planning Framework 4 will become part of the Development Plan.

The Aberdeenshire Local Development Plan was adopted on 17 April 2017. It covers all of Aberdeenshire, except for that area which is within the Cairngorms National Park which has its own Local Development Plan. The 2017 Plan is supported by 9 elements of Supplementary Guidance (see Appendix 1).

Figure 1 Aberdeenshire Local Development Plan Area



These two documents provide the context for deciding planning applications at the current time. It can be anticipated that a new Aberdeenshire Local Development Plan 2021 will be adopted within approximately 12 months to provide an up-to-date framework.

Timetable for the production of the Local Development Plan 2021

Since 2017 work has been going on with communities and stakeholders to prepare an Aberdeenshire Local Development Plan 2021. A Proposed Aberdeenshire Local Development Plan 2020 was published on 25 May 2020 and is progressing towards Examination by the Directorate of Planning and Environmental Appeals (DPEA). Aberdeenshire Council fully expect the Plan to be adopted within the next twelve months. The following figure sets out the stages of Plan production and notes key dates where significant actions were taken.

Figure 1 Stages of Plan Production

1. Stage	Strategic Environmental Assessment ('SEA') stage	Proposed Date
2. Pre-Main Issues consultations	Prepare SEA Scoping Report	Until January 2019
3. Publish Main Issues Report for consultation.	Publish Interim Environmental Report for the Strategic Environmental Assessment	From 14 January to 8 April 2019
4. Publish Draft Proposed Local Development Plan for consultation		
5. Publish Proposed Local Development Plan for consultation	Publish Strategic Environmental Assessment (SEA) - Environmental Report of the Proposed Local Development Plan	From 25 May 2020 to 31 July 2020
6. Submit Proposed Local Development Plan to Scottish Ministers for Examination	Publish Strategic Environmental Assessment (SEA) - Environmental Report of the Proposed Local Development Plan consultation responses	Submitted to Scottish Ministers on 12 March 2021. The Examination is likely to take between six and nine months to complete
7. Adopt the Local Development Plan		February 2022
8. Publish Delivery Programme	Prepare Strategic Environmental Assessment (SEA) post adoption statement	May 2022

Shaded cells represent completed stages.

Due to the impact of the Covid pandemic this schedule illustrates a two-month extension to the Plan's development programme as set out in previous Development Plan Schemes. This was largely caused by a delay in publishing the Proposed Plan as revised consultation methods were developed to address the need for social isolation during the lockdown period, and the scale of representations received.

Stage 6 The Aberdeenshire Local Development Plan Examination

During the Local Development Plan Examination, the DPEA will maintain a dedicated website on which they will publish:

- All Schedule 4s submitted by the Planning Authority
- All requests for further information issued by the DPEA
- All responses received after requests for further information
- A list of documents produced by invited parties

This will be the primary source of information on the Examination.

At the end of the Examination, the DPEA will publish a Report of the Examination and advise all those who made representations to the Proposed Plan accordingly. The Council will also advise all those who previously engaged with the Planning Service on the Main Issues Report.

Early next year Aberdeenshire Council will consider the Report of Examination and take a decision on whether to modify the Plan for adoption in line with the recommendations. If this is not the case, then a different path may need to be followed.

On a decision by the Council of its intent to adopt the Plan, modified as required, the Council will:

- Publish a notice in a local newspaper noting Aberdeenshire Council's intention to adopt the Plan and advising where it may be inspected;
- Make copies of the Local Development Plan the Council would wish to adopt available in public libraries, Area Planning Offices (provided Covid 19 restrictions have been lifted) and on the Aberdeenshire Council website; and
- Notify people who made representations in respect of the Plan that the Proposed Plan has been published in the form in which the Council propose to adopt it, and where and when it can be viewed.

The Council is required to advise Scottish Ministers of its intent to adopt the Plan and, barring a direction from the Scottish Ministers, 28 days later the Plan can be formally adopted. At this point the Council will:

- Formally Publish the Plan;
- Publish the Plan on the Aberdeenshire Council website;
- Advertise its publication and availability in a local newspaper; and
- Notify people who made representations in respect of the proposed Local Development Plan of its publication and availability.

Future Local Development Plans

The timing of Regulations governing the "Transforming Planning" agenda makes it very difficult to anticipate when the process of preparing a new Local Development Plan will start. The Scottish Government advise that after the provisions of the 2019 Act are brought into force, it will be important for the first round of 'new style' Plans to be brought forward in a timely fashion. On that basis, it is envisaged that every

Planning Authority in Scotland will have a 'new style' Local Development Plan in place within 5 years of the Development Plan Regulations coming into force (when NPF4 is published). This is anticipated to be in 2027, a date that coincides with the Council's intentions to make a mid-term review of the Aberdeenshire Local Development Plan 2021.

Timescales for preparing Aberdeenshire Council's next Local Development Plan will be included in a future Development Plan Scheme when further information is available from the Scottish Government. It is anticipated that work on the Local Development Plan will commence immediately after the adoption of the Aberdeenshire Local Development Plan 2021, initially focussing on collecting information to produce an "Evidence Report", identified as a key early stage in new style Local Development Plans. A key part of this will be engaging with key agencies, local communities and children and young people.

The Participation Statement

As we are now entering the “Examination” stage of the Local Development Plan 2021, opportunities for wide involvement in its preparation have largely passed. It is only in response to specific questions from the Reporter from the DPEA that there will be opportunity for further engagement, and then only by invitation.

However, other activities are also being undertaken that relate to the Local Development Plan, particularly in the context of the revision of Aberdeenshire Council’s “Planning Advice” (technical documents will focus on promoting preferred methods of assessment and will have a direct focus on the information needed to comply with the approved policies of the Local Development Plan) on which targeted consultation may take place before this is adopted in early 2022. There will be no “public” consultation on these technical documents but engagement with specific stakeholders on specific topics will take place.

Engagement and consultation remain a key part of the Plan-making process. As the next Aberdeenshire Local Development Plan is developed the principles of the updated National Standards for Community Engagement will continue to be adopted. These seven Standards provide a best practice approach to achieving influential community participation, ensuring that any barriers to engagement in the process are overcome, based on the needs and available resources of those groups. Engagement methods will be fit for purpose and will enable participants to engage efficiently and effectively as far as it is practical to do so.



Appendix 1 - Supplementary guidance

1. Affordable Housing
2. The Regeneration Priority Area)
3. Energetica
4. The Coastal Zone (pdf 6.89MB)
5. Local Nature Conservation Sites
6. Areas safeguarded or identified as areas of search for minerals development
7. Developer Obligations
8. Aberdeenshire Forestry and Woodland Strategy
9. Special Landscape Areas

