

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	2 March 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Proposed Aberdeen Local Development Plan
REPORT NUMBER	PLA/20/032
DIRECTOR	N/A
CHIEF OFFICER	Gale Beattie
REPORT AUTHOR	Andrew Brownrigg
TERMS OF REFERENCE	2.8: The approval of the Local Development Plan

1. PURPOSE OF REPORT

- 1.1 This report presents the Proposed Aberdeen Local Development Plan (the Proposed Plan) and Delivery Programme for approval. The Proposed Plan will then be released for a 12 week consultation period, during which representations can be received. It sets down the development land allocations and associated policies that will guide planning decisions in the City. Once approved the Proposed Plan will constitute the Council's settled view and be a case by case material consideration in the determination of planning applications, along with the adopted Plan.

2. RECOMMENDATIONS

That Council:-

- 2.1 Approve the Aberdeen Local Development Plan – Proposed Plan and Delivery Programme;
- 2.2 Instruct the Chief Officer of Strategic Place Planning to publish the Proposed Plan for a 12 week period for representations;
- 2.3 Instruct the Chief Officer of Strategic Place Planning to publish the Delivery Programme, and other technical documents which support the Proposed Plan;

- 2.4 Instruct the Chief Officer of Strategic Place Planning to complete the Environmental Report including Habitats Regulations Appraisal and Strategic Environmental Assessment in consultation with Scottish Natural Heritage, and publish and consult on both of them alongside the Proposed Plan;
- 2.5 Instruct the Chief Officer Strategic Place Planning to work with NHS Grampian public health to ensure that the Health in All policy approach is implemented in Aberdeen Planning Guidance and delivered through the development management process;
- 2.6 Instruct the Chief Officer Strategic Place to work with relevant stakeholders to prepare a Child Friendly version of the Plan when adopted; and
- 2.7 Instruct the Chief Officer Strategic Place to correct any drafting errors as may be necessary

3. BACKGROUND

The Proposed Local Development Plan

- 3.1 The current 2017 Local Development Plan needs to be replaced within 5 years and this Proposed Plan is an important step towards doing so. It follows consultation undertaken on a Main Issues Report which was carried out in spring 2019. This attracted 633 representations making around 2000 points and these can be seen on the Council's website. Appendix 3 of this report groups the points made into issues and responses have been made to these. The consultation on the Main Issues Report helped us in writing the Proposed Plan.
- 3.2 Around 140 development proposals were submitted by developers and landowners for inclusion into the Proposed Plan. These were assessed against a number of criteria to determine their suitability. The assessments of development options can be seen in the Development Options Assessments (Appendix 4).
- 3.3 Much of the content of the Proposed Plan remains similar that in the 2017 Local Development Plan. However, a number of new opportunity sites have been identified which may be of interest to members, and further commentary on some of them is provided below.
 - OP2 Berryhill and Cloverhill – Residential Development (previously employment land)
 - OP4 North Denmore – Residential
 - OP6 WTR Site at Dubford – Residential
 - OP11 Balgownie Area 4 – Residential
 - OP12 Silverburn House – Residential
 - OP14 Former Cordyce School – Housing, garden centre and/or health and fitness
 - OP17 Former Bucksburn Primary School – Medical centre or residential

- OP24 Central Park Dyce – Medical centre
- OP26 Old Skene Road – Residential
- OP30 Kingsford – New stadium and training facilities
- OP56 St Fitticks Park – Energy Transition Zone
- OP61 Doonies – Energy Transition Zone
- OP35 Summerfield House, Eday Road – Residential
- OP37 Woodend Hospital – Residential
- OP42 Hazlehead Park – Hotel and Equestrian Centre
- OP66 Granitehill – Residential
- OP69 152 Don Street Old Aberdeen – Residential
- OP70 Denburn Valley – City Centre Masterplan Intervention Area
- OP76 Former Raeden Centre – Residential
- OP78 Frederick Street – Small brownfield opportunity
- OP80 Mastrick Clinic – Uses supporting Mastrick Neighbourhood Centre
- OP81 Queens Square - City Centre Masterplan Intervention Area
- OP83 Urquhart Building, City Hospital – Residential
- OP84 Resource Centre, City Hospital – Small scale retail, commercial or office
- OP89 Kaimhill Outdoor Centre – Residential
- OP91 Union Street West - City Centre Masterplan Intervention Area
- OP94 Tillydrone Primary School – New primary school
- OP95 Station Gateway - City Centre Masterplan Intervention Area
- OP96 Castlegate and Castlehill - City Centre Masterplan Intervention Area
- OP100 North Dee - City Centre Masterplan Intervention Area
- OP106 Torry Waterfront - City Centre Masterplan Intervention Area
- OP110 Heart of the City - City Centre Masterplan Intervention Area

3.4 On 21 January 2020, the Strategic Development Plan Authority received the Examination Report into the Proposed Strategic Development Plan for Aberdeen City and Aberdeenshire. The main issue arising from this is that the Housing Allowances for the period 2020-32 has been increased by 938 units for both Aberdeen City and Aberdeenshire which will need to be accommodated in both Local Development Plans. In response, a site of 1000 units has been identified at OP2 Murcar and 100 units at OP12 Silverburn House. Both sites are already allocated for employment use and both were subject to development bids to change this to residential. In this instance, the loss of this employment land is not considered critical at a time when there is a substantial supply of employment land around the city, as well as land identified for harbour related uses. The slight over-allocation of housing would ensure that, should any other sites be removed (for instance during the Examination), there is a lower risk of other less desirable and late stage sites being brought in as replacements.

3.5 Hazlehead hotel and equestrian centre has had a consent in place for some time awaiting a legal agreement. The legal agreement has been signed and so the proposal is now included in the Plan as OP42.

- 3.6 Energy transition refers to the global energy sector's shift from fossil-based systems of energy production and consumption including, oil, natural gas and coal – to renewable energy sources like wind, tidal and solar. Aberdeen is ideally placed, geographically, to capitalise on energy transition opportunities which will help to safeguard the City region's economic future. It also has the skills and workforce to diversify within the energy sector. The construction of Aberdeen South Harbour creates the opportunity to help accommodate energy transition-related uses. An Energy Transition Zone is therefore identified at St Fitticks Park (OP56) and Doonies (OP61) and a new Policy B5 will allow for the development, production, assembly, storage and/or distribution of infrastructure required to support low-carbon and renewable energy related industries.
- 3.7 The 7 City Centre Masterplan Interventions are also identified for the first time.
- 3.8 The Opportunities Schedule in Appendix 2 of the Proposed Plan provides more details on these proposals, as well as some of the issues which would need to be addressed if they were to be developed. In addition, several changes to land zonings have been made – largely to more accurately reflect what is present on the ground. Opportunity sites which have been developed (or which will soon finish) have been removed.
- 3.9 A number of policy changes have been made to encourage more tourism and cultural activities in the city centre. In addition, it is proposed to change the Union Street retail frontage policy to an active frontage policy. This will allow for a greater range of uses such as services, leisure, food and drink if an open, public and active frontage is maintained. This is in response to decline in demand for purely retail uses along Union Street, and the risk of creating long-term vacancies.
- 3.10 Health and wellbeing are key components of the Plan, reflecting both their historic connection with planning and the need to ensure that we not only provide healthcare services, but create environments that foster health, encourage active lifestyles and reduce inequalities in well-being. This health for all theme will be further developed in future guidance as outlined in recommendation 2.5
- 3.11 Some policies have been amended in order to clarify them and some have been amalgamated. New policies in the Proposed Plan are listed below;
- WB1 Healthy Developments
 - WB4 Specialist Care Facilities
 - WB5 Changing Places
 - VC1 Vibrant City
 - VC2 Tourism and Culture
 - VC5 City Centre Living
 - VC6 West End Area
 - T2 Sustainable Transport
 - T3 Parking
 - H7 Student Accommodation Developments
 - H8 Houses in Multiple Occupation and Overprovision

- NE2 Green and Blue Infrastructure
- R8 Heat Networks
- B5 Energy Transition Zone

3.12 We have also prepared a Delivery Programme (Appendix 2) which sets out what actions are needed for the policies and proposals in the Plan to be delivered, who is responsible for delivering them and the expected timescale for doing this. The Delivery Programme will be monitored, updated regularly and published every two years.

3.13 An Environmental Report has been prepared (Appendix 5). This is a statutory requirement and is done to address all the effects that the LDP will have on the environment. A further statutory requirement is Habitats Regulation Assessment (also Appendix 5). This analyses the implications of the Plan on affected Natura 2000 sites such as the River Dee Special Area of Conservation. Due to the impacts of the Report of Examination into the Strategic Development Plan, work is continuing to agree a finalised layout for the Habitats Regulation Appraisal with Scottish Natural Heritage (SNH). Recommendation 2.4 above, allows officers to continue to work with SNH but this will not impact on the content of the Proposed Plan. Should SNH wish to propose changes that would impact on the content of the Proposed Plan this will have to be done by way of representations to the Examination in Public. These documents need to be released alongside the Proposed Plan for consultation.

3.14 A number of background papers have been produced in order to support for the Proposed Plan;

- Brownfield Urban Capacity Study - produced to identify potential brownfield housing sites and to estimate the number of units these sites are likely to produce. This helps us to decide how many housing allocations the Proposed Plan should identify (Appendix 6).
- Strategic Flood Impact Assessment – to identify potential flooding and drainage issues (Appendix 7).
- An update of the Aberdeen City and Aberdeenshire Retail Study has been prepared which supports our approach to retail planning and the city centre. A summary of the study is attached as Appendix 8.
- An Onshore Wind Spatial Framework is required to identify areas of search for significant wind farm proposals (Appendix 9). However, because of constraints around Aberdeen comprising the built-up area, green belt and airport, our Framework concludes that there are no suitable areas of search for large scale wind farms in the Aberdeen area. Smaller scale individual turbines would continue to be dealt with through the planning application process on a case by case basis.
- A Transport Background paper details a number of transport projects and interventions which will support the proposals in the Proposed Plan (Appendix 10).
- A Feasibility Study into the Aberdeen Energy Transition Zone at Aberdeen Harbour South (Appendix 11).

Implications of the Planning (Scotland) Act 2019

3.15 Scottish Government advice suggests that the new development planning system is expected to commence around the fourth quarter to 2021. As long as Council's can approve a Proposed Local Development Plan prior to that, they can proceed to adoption under the current legislation. In doing so however, there is an expectation that Councils should look to the new system in preparing their plans. For instance statutory Supplementary Guidance will cease to have effect under new style LDP's and Councils are encouraged to reduce the extent of them. It is likely that most of our current Supplementary Guidance will become non-statutory documents which we propose to call Aberdeen Planning Guidance. An exception to this is the likely continuation of the Supplementary Guidance on Planning Obligations.

Next stages

3.16 The next stage in preparing the new Aberdeen Local Development Plan is for the Council to agree the content of the Proposed Plan and to publish it for public scrutiny. The Proposed Plan is a critical stage in the process. Whereas the Main Issues Report contained officers' views as to future development options and policy matters, the Proposed Plan becomes the City Council's settled view as to the form and content of the final adopted Local Development Plan.

3.17 Because the Council will have taken a decision on the content of the Plan, our focus for consultation has to be on informing people of its content and advising them of the process for making representations and the next steps in the process. There are certain legal requirements for publicising the Proposed Plan which we need to meet but we will add further measures including:-

- a) Allowing 12 weeks for representations, rather than the statutory minimum of six weeks.
- b) Publishing an advice note informing people of the procedures for representations and examination of the Plan.
- c) Holding a meeting with community council representatives to explain the process.
- d) Holding a series of staffed exhibitions at venues across the city where people can ask questions and advice will be offered.

3.18 Once the Proposed Plan has been published the Council must consider all the representations it receives. Minor modifications arising from the representations can be made to the Plan if it is deemed appropriate. However, major modifications at this point will require the whole Plan to be amended and re-published for consultation, causing a significant delay. Examples of a 'major' modification would be the addition or deletion of a policy or development proposal or a change of zoning. If no significant changes are proposed, a summary of unresolved issues and the Council's responses to them must be prepared. These will require to be agreed by Full Council prior to submitting both them and the Proposed Plan to Scottish Ministers. The Scottish Ministers will then appoint a person (a Reporter) to hold an Examination in Public on the Proposed Plan.

3.19 After completing the Examination, the Reporter will present his or her conclusions and recommendations to the Council and to Scottish Ministers. The Council must take on board the conclusions and recommendations before proceeding to adopt the Plan. Only in very exceptional circumstances can the Council chose not to do this, these are:

- a) Would have the effect of making the LDP inconsistent with the National Planning Framework;
- b) Are incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994; or
- c) Are based on conclusions that could not reasonably have been reached based on the evidence considered at the examination.

4. FINANCIAL IMPLICATIONS

4.1 There will be costs associated with printing the Proposed Plan and some of the supporting documents. There will also be costs associated with running public events, advertising, publicity and printing material. In total these costs should amount to no more than £20,000 and can be met from the Development Plan budget within Strategic Place Planning's General Fund revenue budget.

4.2 It is likely that an Examination into the Proposed Local Development Plan will take place in 2021. Based on past experience, the cost of the Examination could be in the region of £50,000 to £100,000 depending on the level of objections. It is expected that these costs can also be met from within the existing budgets noted above.

4.3 There is likely to be significant cost in operating and setting up Policy H8 Houses in Multiple Occupation and Overprovision, with associated costs to enforce HMO's operating without Planning Permission. To set up the policy a GIS process is required to calculate the overprovision element of the policy. This initial setup will cost between £15,000 & £25,000. At this time this is only an estimate. In addition, there will be an ongoing annual cost. According to 2018 figures, the cost of operating the policy would be between £40,000 & £105,000. The number of new HMO applications within the City in 2018 was 88. The fee available to process such applications stands at £401 with the likely cost to process applications standing between £750 & £1,500, based on evidence from Heads of Planning Scotland. Given the complexity of these applications we estimate that the net cost will be closer to the higher figure meaning every application will see a loss of between £350 and £1,100 to the planning service.

5. LEGAL IMPLICATIONS

5.1 This Local Development Plan will be prepared under the current planning legislation. The next Local Development Plan will be prepared wholly under the new emerging planning legislation.

5.2 Scottish local authorities are required to prepare Local Development Plans every 5 years under the Town and Country Planning (Scotland) Act (1997). In doing so, Section 18 of the Act requires planning authorities to first compile Proposed Local Development Plan which must set out our general proposals for development in the area. The detailed legal requirements for preparing a Local Development plan are set out in Circular 6/2013 Development Planning. Publishing the Proposed LDP will ensure the Council meets the statutory timeframes for the next Local Development Plan.

5.3 Further legal implications are discussed in paragraphs 3.15 to 3.19 inclusive.

6. MANAGEMENT OF RISK

The table below outlines the key risks. However, a more detailed legal and financial risk register has been created which looks at each individual policy in the Proposed Plan. This is show in Appendix 12.

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	Not having an up to date Local Development Plan could lead to more costly planning appeals being made.	L	A Development Plan Scheme, setting out the delivery actions and timescales for the Local Development Plan has been produced. This will be updated annually.
Legal	Failure to deliver an up-to-date Local Development Plan in line with legislation.	L	Agreeing the Proposed LDP will allow us to progress with a Local Development Plan and replace it within its 5 year lifespan.
Employee	N/A		
Customer	Not delivering a Local Development Plan would increase uncertainty of developers, the public and investors.	L	Agreeing the Proposed LDP will allow us to progress with a Local Development and replace it within its 5 year lifespan.
Environment	N/A		
Technology	N/A		
Reputational	Failure to deliver a Local Development Plan could negatively affect the Council's	L	A Development Plan Scheme, setting out the delivery actions and timescales for the Local Development Plan has been

	current good reputation in terms of keeping development plans up to date.		agreed by the Council. This will be updated annually.
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7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	By identifying employment land opportunities, the Proposed Plan will contribute towards a 10% increase in employment across priority and volume growth sectors by 2026
Prosperous People	The production of a child friendly version of the Plan when adopted will contribute towards a Child Friendly City which supports all children to prosper and engage actively with their communities by 2026.
Prosperous Place	Local Development Plan policies will contribute to addressing climate change by helping to reduce Aberdeen's carbon emissions, and adapting to the impacts of our changing climate.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	There is a statutory process which must be followed in publicising the Proposed Plan. However, further engagement measures are outlined in paragraph 3.12.
Organisational Design	Input from Council services is sought through an LDP Working Group.
Governance	Internal governance mechanisms are in place to ensure the Proposed plan and Delivery Programme are presented to Council to enable the Council to meet its legal obligations.
Workforce	There is a Team dedicated to delivering the Local Development Plan, although many other Council services provide input.

Process Design	Not applicable.
Technology	The Proposed Plan will be published in both digital and paper formats.
Partnerships and Alliances	Although led by Aberdeen City Council, the project benefits from the input of a wider client group, including representatives from local and national key agencies and partners. This input will continue through the LDP process.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	A full EHRIA has been completed.
Data Protection Impact Assessment	A DPIA has been carried out
Duty of Due Regard / Fairer Scotland Duty	The Fairer Scotland Duty has been considered as part of the EHRIA.

9. BACKGROUND PAPERS

Circular 6/2013 Development Planning

<https://www.gov.scot/publications/planning-series-circular-6-2013-development-planning/pages/6/>

Scottish Planning Policy (Scottish Government)

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2014/06/scottish-planning-policy/documents/00453827-pdf/00453827-pdf/govscot%3Adocument>

National Planning Framework 3 (Scottish Government)

<https://www.gov.scot/publications/national-planning-framework-3/>

Proposed Aberdeen City and Shire Strategic Development Plan 2018 (SDPA)

[file:///C:/Users/abrownrigg/Downloads/Proposed_Strategic_Development_Plan_2018%20\(1\).pdf](file:///C:/Users/abrownrigg/Downloads/Proposed_Strategic_Development_Plan_2018%20(1).pdf)

Aberdeen Local Development Plan 2017 (Aberdeen City Council)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan>

10. APPENDICES

Appendix 1 – Proposed Aberdeen Local Development Plan
Proposal Map
City Centre Map
Constraints Map

The following Appendices can be viewed [here](#)

Appendix 2 – Delivery Programme
Appendix 3 – Responses to Main Issues Report Representations.
Appendix 4 – Development Options Assessments
Appendix 5 – Environmental Report and Habitats Regulations Assessment
Appendix 6 – Brownfield Urban Capacity Study
Appendix 7 – Strategic Flood Risk Assessment
Appendix 8 – Retail Study Summary
Appendix 9 – Onshore Wind Spatial Framework
Appendix 10 – Transport Background Paper
Appendix 11 – Aberdeen Energy Transition Zone Feasibility Study
Appendix 12 – Legal and Financial Risk Register

11. REPORT AUTHOR CONTACT DETAILS

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