

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 October 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Aberdeen Local Development Plan 2023 – Proposed Aberdeen Planning Guidance and Supplementary Guidance
REPORT NUMBER	COM/23/303
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	David Berry
TERMS OF REFERENCE	11

1. PURPOSE OF REPORT

- 1.1 This report updates Members on a recent period of public consultation on proposed Aberdeen Planning Guidance and Supplementary Guidance to support the Local Development Plan 2023. It presents a summary of the comments received during the public consultation along with officer responses to the consultation comments. It also outlines the modifications to the Aberdeen Planning Guidance and Supplementary Guidance documents that are proposed following the consultation.
- 1.2 The report seeks approval to adopt the proposed Aberdeen Planning Guidance as non-statutory planning advice to support the Local Development Plan 2023. It also seeks approval to submit the proposed Supplementary Guidance to Scottish Ministers for formal ratification and to thereafter adopt it as part of the statutory development plan alongside the Local Development Plan 2023.

2. RECOMMENDATIONS

That Council:-

- 2.1 Note the comments received during the recent public consultation on the proposed Aberdeen Planning Guidance and Supplementary Guidance documents, and approve officers' responses to the consultation comments, as outlined in Appendix 1.
- 2.2 Note that officers have reviewed the draft Aberdeen Planning Guidance and Supplementary Guidance documents to take account of National Planning Framework 4 (NPF4) and have suggested minor technical changes to the documents as a result.
- 2.3 Note the ongoing partnership working between officers within Strategic Place Planning and Public Health Scotland and NHS Grampian to understand how each document relates either directly or in-directly to improving health and

wellbeing and working towards achieving the Public Health Priorities for Scotland.

- 2.4 Agree the proposed Aberdeen Planning Guidance documents in Appendix 2 and approve their adoption as non-statutory planning advice to support the Local Development Plan 2023.
- 2.5 Agree the proposed Supplementary Guidance on Planning Obligations in Appendix 3 and adopt it as Interim Planning Advice until such time as it can be formally adopted as statutory Supplementary Guidance in accordance with recommendation 2.6 below.
- 2.6 Instruct the Chief Officer – Strategic Place Planning to submit the proposed Supplementary Guidance on Planning Obligations to Scottish Ministers for ratification and, once this is received, adopt the document as statutory Supplementary Guidance to accompany the Local Development Plan 2023.
- 2.7 Instruct the Chief Officer – Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.
- 2.8 Agree that the following historic non-statutory planning advice notes, which supported the 2017 Local Development Plan, are no longer required and should be revoked:
 - Hillhead Campus Planning Brief
 - Pinewood / Hazledene Planning Brief
 - Murcar Development Framework
 - Fire Station, North Anderson Drive Planning Brief

3. CURRENT SITUATION

- 3.1 Members will recall that the new Local Development Plan 2023 was formally adopted on 19 June 2023. The Local Development Plan focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen.
- 3.2 The Council can also adopt additional supporting guidance in connection with the Local Development Plan and this can be used to provide more detail on how its policies and proposals will be implemented. At present, this guidance can either be statutory or non-statutory. Statutory guidance, known formally as Supplementary Guidance, has the same status as the Local Development Plan for the purposes of planning decision making. The Local Development Plan must contain a specific statement to confirm any topics that are proposed to be covered by statutory Supplementary Guidance. Non-statutory guidance, whilst not part of the statutory development plan, can also be treated as a material consideration in planning decisions and is a more flexible type of guidance

which can be more readily prepared and updated to reflect changing circumstances.

- 3.3 Under the terms of the Planning (Scotland) Act 2019, local authorities will not be able to produce statutory Supplementary Guidance to support future development plans. As such, it is considered appropriate to respond to this emerging change in legislation by developing a suite of non-statutory Aberdeen Planning Guidance documents to support the Local Development Plan 2023. In addition, one piece of statutory Supplementary Guidance is proposed to cover the topic of planning obligations (also referred to as ‘developer contributions’), as the Local Development Plan specifically states that this subject will be covered by statutory Supplementary Guidance.
- 3.4 A series of draft Aberdeen Planning Guidance documents and a draft Supplementary Guidance document on Planning Obligations were agreed at Council on 14 December 2022 and approved for a period of public consultation (report number COM/22/284). Two additional draft Aberdeen Planning Guidance documents were also approved for inclusion in the public consultation at the February 2023 meeting of the Planning Development Management Committee (reports PLA/23/046 and PLA/23/050).
- 3.5 An eight-week period of public consultation on the draft Aberdeen Planning Guidance and Supplementary Guidance documents was held from 24 February 2023 to 21 April 2023. A total of 30 respondents submitted comments during the consultation period. A number of the respondents commented on multiple Aberdeen Planning Guidance and Supplementary Guidance documents.
- 3.6 A summary of the comments received on each of the draft Aberdeen Planning Guidance and Supplementary Guidance documents is set out in Appendix 1. Appendix 1 also sets out officer responses to the consultation comments and, where necessary, outlines proposed changes to the draft Aberdeen Planning Guidance and Supplementary Guidance documents – a “you said, we did” approach to consultation feedback.
- 3.7 Officers have also reviewed the draft Aberdeen Planning Guidance and Supplementary Guidance documents to take account of National Planning Framework 4 (NPF4), which was adopted by Scottish Ministers on 13 February 2023. NPF4 has replaced the former national planning guidance and policies in NPF3 and Scottish Planning Policy (SPP), which were in force when the draft Aberdeen Planning Guidance and Supplementary Guidance was written. Technical changes are therefore proposed to the Aberdeen Planning Guidance and Supplementary Guidance documents to replace outdated NPF3 and SPP references with updated references to NPF4 wherever possible. These technical changes are minor in nature and have not changed the basic policy intent of the documents. The only exception to this relates to the draft Aberdeen Planning Guidance on Wind Turbine Developments. NPF4 sets out a significantly different approach to wind turbine developments when compared with the former SPP. As such, the draft Aberdeen Planning Guidance on this topic is considered to require more substantial review. Given the importance that NPF4 places on renewable and low carbon energy generation as part of a wider response to the climate and nature crises, it is recommended that the

draft Aberdeen Planning Guidance on Wind Turbine Developments should be subjected to a more comprehensive review and incorporated into a wider draft Aberdeen Planning Guidance document on Renewable Energy Development. It is recommended that this draft document should be reported to the Planning Development Management Committee within 12 months.

- 3.8 A general statement has also been added to each of the long-standing site-based documents to draw attention to the adoption of NPF4. Notwithstanding the adoption of NPF4, the content of the site-based documents remains relevant and up-to-date as an expression of the key principles which should be taken into account in the development of each site.
- 3.9 In reviewing the draft Aberdeen Planning Guidance and Supplementary Guidance documents, officers have also taken the opportunity to further develop the health in all policies approach, which helped to shape the Local Development Plan 2023. Working with colleagues from Public Health Scotland and NHS Grampian, each document has been reviewed, firstly to understand how the content of each document relates to health and wellbeing and which of the six Public Health Priorities for Scotland it can help to achieve. All of the documents relate either directly or in-directly to improving health and wellbeing and towards achieving at least one of the six Public Health Priorities for Scotland. Secondly, the documents have been assessed to determine their potential level of impact on health and wellbeing; this will help to frame any possible health impact assessments should they be required. Additional text has been added to each of the documents to reflect this. It is the intention of officers to build on the successful partnership working with Public Health Scotland and NHS Grampian in order to monitor the impact and effectiveness of these documents and to assess whether amendments or further detail will be required in future reviews.
- 3.10 Finally, a small number of other technical updates and clarifications have been incorporated, where necessary, to reflect changes in circumstances since the draft Aberdeen Planning Guidance and Supplementary Guidance documents were written, such as changes to other national guidance and good practice advice.
- 3.11 The proposed updated suite of Aberdeen Planning Guidance documents is set out in Appendix 2, and a proposed Supplementary Guidance document on Planning Obligations is included at Appendix 3. A summary of the key changes in each document is set out in Table 1 below. It is worth noting that the list of documents in this Table will be added to throughout the period of the Local Development Plan 2023 as new policy or site specific documents are produced, for example the proposed Masterplan for the Energy Transition Zone and proposed further guidance on health impact assessments for new developments.

Table 1: Proposed Changes to Draft Documents

Document Title	Key Change/s to Draft Document
Topic Area: Health and Wellbeing	
Air Quality	Updated references to some technical guidance. Otherwise, no significant changes.
Noise	Hyperlink updated. Text added to Appendix A giving context to Noise Management Areas / Quiet Areas.
Topic Area: Placemaking by Design	
Energetica	Minor technical changes.
Temporary Buildings	Minor technical changes.
Amenity (New)	Merged with Space Standards (see below). Minor typographical changes and reordering to ensure clarity.
Space Standards (New)	Merged with Amenity (see above). Minor text changes to add clarity regarding affordable housing. (NB - this document was approved for consultation purposes by the Planning Development Management Committee on 9 February 2023 [report no. PLA/23/050] and was incorporated within the overall consultation)
The Sub-Division and Redevelopment of Residential Curtilages	Minor typographical changes.
Conversion of Buildings in the Countryside	No significant change.
Development Along Lanes	Minor cartographical change.
Materials: External Building Materials and Their Use in Aberdeen	Minor typographical changes.
Aberdeen Placemaking Process	Minor changes to reflect new legislation and processes.
Big Buildings	No significant change.
A Guide to Planning Consents for the Aberdeen Inner City Multis	No significant change.
Landscape	Minor text changes to increase clarity.
Stonecleaning	No significant change.
The Repair and Replacement of Windows and Doors	No significant change.
Shops and Signs	No significant change.
Repair and Reinstatement of Cast Iron Railings	No significant change.
Topic Area: Vibrant City	
Hierarchy of Centres	No significant change.
Harmony of Uses	No significant change.
Serviced Apartments	No significant change.
Topic Area: Supporting Business and Industrial Development	

Document Title	Key Change/s to Draft Document
Aberdeen International Airport and Perwinnes Radar	Change in the title of the APG to include Perwinnes Radar. Number of minor updates to the text throughout. One map updated and four maps added for clarity.
Topic Area: Meeting Housing and Community Needs	
Householder Development Guide	Minor amendments to increase clarity.
Affordable and Specialist Housing	Increased emphasis on need for early engagement with Council's Housing Strategy Team to agree most appropriate approach for providing affordable housing . Clarification that affordable housing should broadly reflect the mix of dwelling types and sizes in the open market element of residential developments.
Houses in Multiple Occupation and Overprovision (New)	No significant change.
Children's Nurseries	No significant change.
Gypsy Traveller Sites	Minor terminology clarifications.
Student Accommodation	Removal of requirement for student housing developments to contribute towards affordable housing.
Topic Area: Delivering Infrastructure, Transport and Accessibility	
Transport and Accessibility	Changes throughout to improve layout and readability of document. Additional diagrams and images. Technical information largely moved to an appendix section. A designing accessible places section has been added which has a design focus. Building standards electric car charging data updated to match most up-to-date regulations. Reference to wheeling added and requirement to keep pavement passable where EV charging points are added.
Topic Area: Protecting and Enhancing the Natural Environment	
Open Space and Green Infrastructure	Added definitions of green and blue infrastructure and clarifications around maintenance to reflect NPF4. Clarification that minimum open space standards might not be deliverable on all brownfield sites, and that financial contributions towards off site open space enhancements may be sought instead in such cases.
Natural Heritage	Minor technical clarifications.
Flooding, Drainage and Water Quality	Minor text and technical clarifications.
Trees and Woodland	Minor technical clarifications.
Food Growing (New)	Minor technical clarifications. Amendment to guidance for major developments to ensure consistency with guidance for local developments.
Outdoor Access (New)	Minor technical clarifications.
Topic Area: Sustainable Use of Resources	
Waste Management Requirements for New Developments	Minor technical clarifications.
Resources for New Developments	No significant change. (NB - this document was approved for consultation purposes by the Planning Development Management

Document Title	Key Change/s to Draft Document
	Committee on 9 February 2023 [report no. PLA/23/046] and was incorporated within the overall consultation)
Site Based Guidance	
Countesswells Development Framework and Phase One Masterplan	No significant change.
Dubford Development Framework	No significant change.
Former Davidson's Mill Development Framework and Masterplan	No significant change.
Friarsfield Development Framework	No significant change.
Grandhome Development Framework	No significant change.
Maidencraig Masterplan	No significant change.
Newhills Development Framework	No significant change.
Oldfold Development Framework and Masterplan	No significant change.
Persley Den/Woodside Masterplan	No significant change.
Rowett North AECC Development Framework	No significant change.
Bridge of Don AECC Development Framework	No significant change.
Statutory Supplementary Guidance	
Planning Obligations	<p>Revert to 7 year period for spending developer contributions (as per 2017 Supplementary Guidance) rather than 10 years as proposed in the draft document. This will strike a more appropriate balance between allowing sufficient time to spend contributions whilst retaining a clear relationship with the contributing development.</p> <p>Threshold for seeking contributions towards education facilities amended to instances where relevant school is operating over or is forecast to exceed 95% of capacity. This reflects the upper limit for efficient school operation as outlined in the School Estate Plan.</p> <p>Amendments to education mitigation rates in response to consultation comments and publication of updated data.</p> <p>Minor technical clarifications.</p>

- 3.12 Subject to approval, the Aberdeen Planning Guidance and Supplementary Guidance documents will be enhanced visually by the Council's Communications Team.
- 3.13 The final versions of the Aberdeen Planning Guidance documents will be published on the Council's website and their adoption will be advertised via the social media platforms and the Local Development Plan Newsletter. On adoption, the documents will become a material consideration in the determination of future planning applications.
- 3.14 Subject to approval, the final version of the Supplementary Guidance on Planning Obligations will be submitted to Scottish Ministers to seek ratification for it be adopted as Supplementary Guidance alongside the Local Development Plan 2023. Subject to such ratification, the adopted Supplementary Guidance will be published online and advertised via the Council's website, social media platforms and the Local Development Plan Newsletter. On adoption, it will form part of the statutory development plan alongside the Local Development Plan 2023.
- 3.15 It is also worth noting that several non-statutory planning advice notes which previously supported the 2017 Local Development Plan are considered by officers to no longer be required and it is therefore recommended that these documents be revoked and removed from the Council's website. These mostly comprise guidance for sites that are now either complete or substantially complete. They include the following:
- Hillhead Campus Planning Brief
 - Pinewood / Hazledene Planning Brief
 - Murcar Development Framework
 - Fire Station, North Anderson Drive Planning Brief

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report as the cost of preparing Aberdeen Planning Guidance and Supplementary Guidance is met through existing staff time and resource budgets.
- 4.2 As a major landowner in the City, proposals for the development of land and assets owned by Aberdeen City Council and any planning applications for development undertaken by or on behalf of the City Council will, where applicable, be subject to assessment against the Aberdeen Planning Guidance and Supplementary Guidance. This may have financial implications for the Council as a developer.
- 4.3 The proposal to retain the existing 7-year time limit for spending future developer contributions (rather than increasing it to 10 years as proposed in the draft version of the Supplementary Guidance) will need to be taken into account within the Council's future capital planning processes, such as the School Estate Plan. However, this does not represent a significant change to existing practice, as the Council currently applies a 7-year period for spending most developer contributions.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from this report. Whilst the proposed Aberdeen Planning Guidance will not form part of the statutory development plan, it is important that this guidance is retained in a new non-statutory form and it will be a material consideration to inform decisions on future planning applications in Aberdeen. Any person who is aggrieved by the content of the final adopted supplementary guidance may submit an application to the Court of Session to question its validity and to request that it be quashed in whole or in part.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 Having an up-to-date suite of Aberdeen Planning Guidance and Supplementary Guidance to support the Local Development Plan 2023 will lead to positive environmental impacts by helping to ensure that all new developments in the City are appropriately sited and designed to avoid adverse impacts on the environment. Each of the proposed Aberdeen Planning Guidance documents has been subject to a Strategic Environmental Assessment (SEA) pre-screening process in accordance with relevant legislation. The Planning Obligations Supplementary Guidance was assessed within the Environmental Report: Strategic Environmental Assessment and Habitats Regulation Appraisal for the Local Development Plan 2023 in accordance with relevant legislation.

7. RISK

Risk Appetite

- 7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Management Of Risk

- 7.2 The Local Development Plan 2023 was recently adopted. A new suite of proposed Aberdeen Planning Guidance and Supplementary Guidance documents therefore now needs to be adopted to support the new Local Development Plan and ensure continuity in the provision of comprehensive, up-to-date and relevant planning frameworks.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Ensuring up to date and relevant	Ensure that final versions of the Aberdeen Planning	L	Yes

	planning guidance to support the new Local Development Plan.	Guidance and Supplementary Guidance documents (as modified following the recent period of public consultation on draft versions of the documents) are adopted timeously.		
Compliance	Ensuring that the former Supplementary Guidance 2017 (which no longer has any status following adoption of the Local Development Plan 2023) is replaced with new Aberdeen Planning Guidance and Supplementary Guidance to comply with relevant planning legislation.	Ensure that final versions of the Aberdeen Planning Guidance and Supplementary Guidance documents (as modified following the recent period of public consultation on draft versions of the documents) are adopted timeously.	L	Yes
Operational	Ensuring timeously published and adopted supporting guidance for the new Local Development Plan to avoid delays in the issuing of planning application determinations.	Ensure that final versions of the Aberdeen Planning Guidance and Supplementary Guidance documents (as modified following the recent period of public consultation on draft versions of the documents) are adopted timeously.	L	Yes
Financial	Not having timeously published and adopted supporting guidance for the new Local	Ensure that final versions of the Aberdeen Planning Guidance and Supplementary Guidance documents (as modified following	L	Yes

	Development Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being spent processing applications. It may also reduce the ability to secure developer contributions from future planning applications.	the recent period of public consultation on draft versions of the documents) are adopted timeously.		
Reputational	The planning authority has consistently reviewed the Local Development Plan and supplementary guidance within the statutory review period. Failure to continue this could damage the Council's reputation as a planning authority.	Ensure that final versions of the Aberdeen Planning Guidance and Supplementary Guidance documents (as modified following the recent period of public consultation on draft versions of the documents) are adopted timeously.	L	Yes
Environment / Climate	Ensuring that planning frameworks take into consideration the relevant environmental and climate change legislation at	Each of the proposed Aberdeen Planning Guidance documents has been subject to a Strategic Environmental Assessment (SEA) pre-screening process in accordance with relevant legislation.	L	Yes

	the point of their development and production.	The proposed Planning Obligations Supplementary Guidance was assessed within the Environmental Report: Strategic Environmental Assessment and Habitats Regulation Appraisal for the Local Development Plan in accordance with relevant legislation.		
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The proposed Aberdeen Planning Guidance and Supplementary Guidance within this report will support the delivery of many aspects of the policy statement – primarily under the headings of ‘A City of Opportunity’, ‘A Vibrant City’, ‘Building a Greener and Sustainable City’, ‘Greener Transport, Safer Streets, Real Choices’, ‘Homes for the Future’, ‘An Active City’, and ‘A Prosperous City’. It will particularly support the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • Review and invest in our school estate, ensuring all of Aberdeen’s schools are fit for the educational needs and the challenges of the 21st century • Improving cycle and active transport infrastructure • Work with partners to produce a ten-year plan to increase the stock and variety of Council and social housing • Expand Aberdeen’s district heating network • Repeal the guidance that exempts student accommodation developers from affordable housing contributions • Back Sport Aberdeen in their efforts to invest in and improve sporting facilities • Work with partners to stimulate sustainable economic development
<u>Aberdeen City Local Outcome Improvement Plan</u>	

Prosperous Economy Stretch Outcomes	The proposed Aberdeen Planning Guidance and Supplementary Guidance will help to support the Stretch Outcome 'No one will suffer due to poverty by 2026.' The guidance will help to support sustainable economic growth and create a framework for the delivery of new energy efficient homes which will help reduce fuel poverty for residents.
Prosperous Place Stretch Outcomes	The proposed Aberdeen Planning Guidance and Supplementary Guidance will support Place Stretch Outcomes 13 – 15 by providing guidance to ensure that new developments within the City are designed to achieve high standards of energy efficiency, encourage sustainable methods of travel, and to achieve net gains for biodiversity wherever possible.
Regional and City Strategies	The proposed Aberdeen Planning Guidance and Supplementary Guidance will directly support the Strategic Development Plan and the Local Development Plan. It will also support the Regional Economic Strategy and the Regional Transport Strategy by setting out guidance to help deliver sustainable economic development and to ensure that new developments have proper regard to their impacts on the transport network. Through the proposed Planning Obligations Supplementary Guidance, contributions will also be sought where appropriate from new developments towards infrastructure enhancements such as schools and other community facilities. This will support delivery of the Council's Estates and Assets Strategies.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 and 2 assessment has been completed and no medium or high negative impacts have been identified that would require mitigation.
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

- 11.1 Appendix 1 – Summary of comments received during the public consultation on the draft Aberdeen Planning Guidance and Supplementary Guidance documents and Officer responses to them
- 11.2 Appendix 2 - Proposed Aberdeen Planning Guidance (click [here](#) to view online)
- 11.3 Appendix 3 – Proposed Supplementary Guidance (click [here](#) to view online)

12. REPORT AUTHOR CONTACT DETAILS

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