

## ABERDEEN CITY COUNCIL

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COMMITTEE	Enterprise, Planning & Infrastructure
DATE	13 September 2011
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	New Draft Supplementary Guidance in support of the Proposed Aberdeen Local Development Plan.
REPORT NUMBER:	EPI/11/217

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### 1. PURPOSE OF REPORT

- 1.1 The Planning etc. (Scotland) Act 2006 paragraph 22 (1) states that a planning authority may adopt and issue guidance in connection with a local development plan. Aberdeen City Council has already prepared a number of draft Supplementary Guidance documents and has consulted on 49 of these alongside the Proposed Aberdeen Local Development Plan for a period of 16 weeks (between 24<sup>th</sup> September 2010 and 17<sup>th</sup> January 2011).
- 1.2 The purpose of this report is to obtain Committee approval for two new items of draft Supplementary Guidance, on Archaeology and Natural Heritage, to be issued for public consultation. These documents have been prepared in support of the Aberdeen Local Development Plan (LDP). The public consultation to be undertaken would last 8 weeks, exceeding the statutory minimum of 6 weeks to take account of school holidays in October. These documents provide the means of assessing development proposals affecting the city's natural heritage assets and set out procedures where there are known to be or where evidence suggests there may be archaeological remains.
- 1.3 Two other Committee Reports related to Supplementary Guidance are being presented to the Committee alongside this report. Agenda item 7.4 deals with draft Supplementary Guidance documents which are being presented for approval as interim planning guidance. In addition, draft Supplementary Guidance documents which need to be subject to further consultation are dealt with separately under Agenda item 7.5.

### 2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:

- (a) Approve the Natural Heritage and Archaeology draft Supplementary Guidance documents for eight weeks' public consultation.
- (b) Agree that following completion of the relevant consultation, any comments received and subsequent amendments to the draft Supplementary Guidance be presented to a future meeting of the Committee.

### 3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report, other than costs incurred through consultation and publicity related to the proposed guidance. Any such expenses incurred can be met through existing budgets.

### 4. OTHER IMPLICATIONS

- 4.1 There are no known legal or equipment implications arising from this report.
- 4.2 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will be subject to assessment in line with the principles and standards set out in the Supplementary Guidance, where applicable.
- 4.3 The progression of these Supplementary Guidance documents will provide a clear framework for decision making, allowing comprehensive guidance for both applicants and officers, thereby making a significant contribution towards the Council's aim of promoting and achieving sustainable development. Detailed topic-based Supplementary Guidance also has value in reducing officer time spent on pre-application discussions.
- 4.4 The proposed Supplementary Guidance on Natural Heritage brings clear environmental benefits, as it is intended to inform officers in their assessment of the natural heritage implications of any given development proposal, thereby allowing effective safeguarding of the biodiversity and geodiversity of the city. Similarly, the proposed Archaeology Supplementary Guidance provides protection for known or recorded archaeological sites and allow for investigation prior to development where there is reason to believe that a development proposal may affect an area containing archaeological remains.
- 4.5 These items of new draft Supplementary Guidance will be incorporated when finalising the Strategic Environmental Assessment (SEA) environmental report at the end of the Local Development Plan process.

### 5. BACKGROUND/MAIN ISSUES

- 5.1 The Council agreed the content of the Proposed Plan on 18 August 2010. The Proposed Plan was a critical stage in the plan preparation process and was the result of a significant amount of assessment and public consultation.
- 5.2 Those items of Supplementary Guidance to be carried over from the extant Aberdeen Local Plan have been subject to public consultation and are the subject of separate reports, depending on whether further consultation is required on changes made. The Natural Heritage and Archaeology draft Supplementary Guidance documents have been newly produced and so public consultation is necessary to gain the views of stakeholders on the guidance proposed.
- 5.3 The purpose of these Supplementary Guidance documents is to provide further information and detail in respect of policies set out in the Local Development Plan, in accordance with the Scottish Government's intention that the Local Development Plan itself focuses on vision, the spatial strategy, overarching and other key policies, and proposals.
- 5.4 The draft Supplementary Guidance on Archaeology and Planning gives advice and guidance regarding development proposals within or close to archaeological sites and Scheduled Ancient Monuments. The guidance sets the parameters whereby planning permission would be granted. A previous draft of the proposed Supplementary Guidance on this topic was consulted on for just over 16 weeks as part of the Aberdeen Local Development Plan – Proposed Plan. Although no representations were received, officers determined that the draft guidance could be more robust, presenting more explicit and well-structured guidance for both officers and applicants. The Supplementary Guidance enclosed within this report represents a marked change from the previous draft and so has been considered as an entirely new document. The new guidance outlines a stronger and clearer position on relevant criteria that would be applicable when determining a planning application within or close to archaeological sites and Scheduled Ancient Monuments.
- 5.5 The draft Natural Heritage Supplementary Guidance is intended to support Natural Heritage Policy NE8, as contained in the Proposed Plan. This new document sets out the Council's various legal obligations to aspects of the natural environment, sets out the principles which underpin successful protection of natural heritage assets, identifies designated sites and protected species present within the City area and sets out what will be required of applicants where such designations or species may be affected by development.
- 5.6 Due to the size of these Supplementary Guidance documents, hard copies have not been attached to this report but are available in the Members' Lounge and from the Local Development Plan team. Full

copies of the draft Supplementary Guidance can also be accessed from

[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_proposed\\_plan.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_proposed_plan.asp)

## 6. IMPACT

- 6.1 The Local Development Plan continues to support the vision of Aberdeen becoming an even more attractive place to live and in which to do business and will ensure that high quality employment opportunities exist. This process aspires to improve the access that the people of Aberdeen have to high quality services that meet their needs. The development and refinement of fit for purpose Supplementary Guidance to assist the Aberdeen Local Development Plan is paramount to supporting this vision and achieving the goals that Aberdeen aspires to.
- 6.2 The vision for Aberdeen is to be a city which is vibrant, dynamic and forward looking – an even better place to live and work, where people can expect high-quality services that meet their needs. This means making a visible difference to the quality of the city’s urban and natural environment by promoting high quality development and providing an effective infrastructure to make us a world class strategic location.
- 6.3 To do this we must think strategically, facilitate development, engage positively with communities and the business sector and be open and transparent in our decision making. We also have a key role in delivering the vision for the City and Shire as expressed through regional plans and strategies. Planning and Sustainable Development is tasked with seeing that Aberdeen stays at the forefront of planning for the future.
- 6.4 The Supplementary Guidance represented in this report. relates to the following Single Outcome Agreement objectives: 1- We live in a Scotland that is the most attractive place for doing business in Europe; 2- We realise our full economic potential with more and better employment opportunities for our people; 10- We live in well-designed, sustainable places where we are able to access the amenities and services we need; 12- We value and enjoy our built and natural environment and protect it and enhance it for future generations; 13- We take pride in a strong, fair and inclusive national identity; and 15- Our public services are high quality, continually improving, efficient and responsive to local people’s needs.
- 6.5 The Supplementary Guidance represented in this report meets the vision of the Community Plan in promoting a strong image of the City and a sense of civic pride.
- 6.6 The Supplementary Guidance represented in this report supports the Council’s 5 year Business Plan in terms of protecting and enhancing

our high quality natural and built environment, attracting visitors, workers and investment to protect the economic future of the city, and, to facilitate new development projects to improve Aberdeen's living and working environment.

- 6.7 An equalities and human rights impact assessment (EHRIA) has been carried out in relation to the proposed Supplementary Guidance documents, with the results included as Appendix 1 to this report.

## 7. BACKGROUND PAPERS

- Aberdeen Local Development Plan – Proposed Plan  
[http://www.aberdeencity.gov.uk/Planning/ldp/pla\\_aldp\\_document\\_map.asp](http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_document_map.asp)
- Aberdeen Local Development Plan – Proposed Action Programme  
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=31716&sID=14342>
- Aberdeen City and Shire Strategic Development Planning Authority: Aberdeen City and Shire Structure Plan  
<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=423&sID=149>
- Planning etc. (Scotland) Act 2006  
[http://www.opsi.gov.uk/legislation/scotland/acts2006/asp\\_20060017\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060017_en_1)
- Scottish Planning Series: Planning Circular 1/2009: Development Planning  
<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>
- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008  
[http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi\\_20080426\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080426_en_1)

## 8. REPORT AUTHOR DETAILS

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