

ABERDEEN CITY COUNCIL

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| COMMITTEE | Council |
| DATE | 25 January 2012 |
| DIRECTOR | Gordon McIntosh |
| TITLE OF REPORT | Adoption of Aberdeen Local Development Plan |
| REPORT NUMBER: | EPI12/031 |

1. PURPOSE OF REPORT

- 1.1 This report presents the Examination Report on the Aberdeen Local Development Plan, the table of modifications arising from the report and the Plan as modified for adoption. In addition, there is an updated Environmental Report and Habitats Regulation Assessment as required by legislation.

2. RECOMMENDATION(S)

It is recommended that Members:

- (a) Note the Examination Report on the Aberdeen Local Development Plan;
- (b) Approve the modifications made to the Plan, as set out in Appendix 1 and any minor drafting changes;
- (c) Notify the Scottish Ministers of the Council's intention to adopt the Aberdeen Local Development Plan as modified, unless directed otherwise by them, and agree to;
- (d) Adopt the Aberdeen Local Development Plan with effect from 29 February 2012, unless directed otherwise by Scottish Ministers and following completion of the statutory procedure as set out in Appendix 7.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no immediate financial implications arising from this report as the cost of finalising the Aberdeen Local Development Plan, including advertising and printing the Plan, can be met from existing budgets.

4. OTHER IMPLICATIONS

- 4.1 This report brings to a conclusion a major project to deliver a new Local Development Plan for Aberdeen and marks a significant change in the strategy for growth for the City, as required by the Aberdeen City and Shire

Structure Plan. The Aberdeen Local Development Plan, through the spatial strategy and planning policies, aims to make Aberdeen an even more attractive, prosperous and sustainable place in which to live, visit and do business.

- 4.2 An adopted Aberdeen Local Development Plan provides a firm foundation for investment within the City and will be the Plan which, once adopted, informs decisions on all planning applications. Where appropriate masterplans will require to be agreed by the Council and the land allocations will be subject to planning applications in due course. These processes allow for further scrutiny and community involvement.

5. REPORT

Background

- 5.1 Significant reforms have taken place to the planning system in recent years to deliver a service that is efficient, inclusive, fit for purpose and sustainable. Scottish Ministers expect local authorities to progress new Local Development Plans to adoption as quickly as possible from the Proposed Plan, which is in the interests of making the planning system more efficient and maintaining up-to-date Development Plans. Progress with the Aberdeen Local Development Plan demonstrates the Council's commitment to meeting these objectives.
- 5.2 The Council agreed the content of the Aberdeen Local Development Plan Proposed Plan on 18 August 2010. Following a period for representations and consideration of those representations, the Council agreed for the Plan to be submitted to Scottish Ministers for an Examination in Public on 27 April 2011. The Proposed Plan was a critical stage in the Plan preparation process and represented the Council's settled view on what the content of the final adopted Plan should be. The production of the Proposed Plan was a result of extensive assessment and public consultation.
- 5.3 The Local Development Plan contains a spatial strategy which explains the Council's overall view of where development should go and the principles behind that. It identifies future development sites and the scale of development expected on each of the identified sites. As required by the regulations, the Plan conforms to the Structure Plan and makes significant allocations in terms of housing and employment land. It also specifies what developers need to do when designing and delivering development, emphasising the need for masterplans, drawn up with local community involvement, for all the major sites. The policies set out additional requirements for different types of development and explain what uses are acceptable in different areas.

Examination in Public

- 5.4 The Examination in Public commenced on 20 June 2011 and reviewed all of the unresolved representations made on the Aberdeen Local Development Plan. The Examination was undertaken by independent persons appointed by Scottish Ministers called Reporters. The administration of the examination process was undertaken by the Government's Directorate for Planning and Environmental Appeals.
- 5.5 It is for the Reporters to determine how the Examination in Public is carried out and during the examination 17 requests for further information were received covering 38 separate issues but there were no hearings or inquiries held.

Modifications

- 5.6 The Reporters have now completed their examination of the Plan against the representations and the Council's submissions (as agreed at the Council meeting on 27 April 2011), and have outlined the modifications to be made to the Proposed Plan. Appendix 1 sets out in detail all of the modifications proposed. The vision and spatial strategy of the Plan have been supported and no alternative or additional sites have been included in either the first or second phase of the Plan. Four sites allocated for development have been removed from the Plan, these are:

OP27 Bucksburn School - 2.4ha residential / 80 dwellings
OP54 Malcolm Road - 8ha residential / 71 dwellings
OP133 Mid Anguston - 2.6ha residential / 8 dwellings
OP79 Blackhills of Cairnrobin - 3.5ha employment land.

- 5.7 The Reporters were supportive of the approach taken by the Council in identifying sites for development calling it "both transparent and thorough" and the relatively small number of modifications is indicative of the detailed assessment and consultation which has informed this major project.
- 5.8 As part of the Examination, the Reporters provided further opportunity for neighbours to comment on two sites – Loirsbank Road, Cults and land at Blackhills Quarry, Cove. The Reporters concluded that the part of Loirsbank Road that was granted planning permission for 8 homes, and which are currently under construction, is to remain as residential but the remainder of the site will return to green belt and at Blackhills Quarry the opportunity site OP71 has been extended to safeguard future mineral reserves.
- 5.9 There are minor changes to some of the policies but most remain substantially as approved in the Proposed Plan. That includes policies on affordable housing, infrastructure and developer contributions. The Proposals Map will be subject to modifications to reflect the changes to sites as above and other minor amendments. The Reporters also recommend that the map shows land covered by Compulsory Purchase Orders related to the Aberdeen Western Peripheral Route and the extent of the River Dee Special Area of Conservation.

- 5.10 According to the Regulations, the Reporters modifications are required to be made to the Plan before it can be adopted, unless the modifications fall within any one of the following criteria:
- a) would have the effect of making the Local Development Plan inconsistent with the National Planning Framework, or with any Strategic Development Plan or national park plan for the same area;
 - 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.
- 5.11 An assessment of the modifications against these criteria has been made and it is considered that all modifications are required to be made in order for the Council to adopt the Plan as the Aberdeen Local Development Plan.
- 5.12 The Plan as modified is attached to this report. In order to demonstrate where the modifications have been made, a tracked changes version is included at Appendix 2 and for clarity Appendix 3 shows the Plan as modified with the tracked changes accepted. A copy of the Proposals Map as modified is available to view in the Members Lounge in the Town House.

Environmental Report and Habitat Regulations Appraisal

- 5.12 Strategic Environmental Assessment was undertaken to help shape and influence the content of the Local Development Plan. Where the assessment identified significant adverse environmental effects (following consultation with Scottish Natural Heritage, Scottish Environment Protection Agency, Historic Scotland and the public) this lead to amending the Plan or incorporating mitigation measures to minimise identified impacts. An Environmental Report was prepared in support of the Proposed Aberdeen Local Development Plan.
- 5.13 Having considered the Reporters' modifications and updated the Environmental Report (Appendix 4) it is considered that no modifications are likely to have significant effects on the environment when considering the overall effects of the Plan. Following adoption of the Local Development Plan the Environmental Report will be finalised and a post adoption Strategic Environmental Assessment statement will be published setting out how the findings in the Environmental Assessment were taken into account during the preparation of the Plan. It will also provide consultees with a final opportunity to comment informally on arrangements for monitoring.
- 5.14 The Habitats Regulations Appraisal (HRA) Record (Appendix 5) is an assessment of the potential impact of the Proposed Plan on protected habitats. Amendments to the Plan have been screened and assessed and it is concluded that the Aberdeen Local Development Plan is not likely to have a significant effect on a European Site. Scottish Natural Heritage has been consulted on this assessment and are in agreement with the

conclusion reached, see Appendix 5 HRA Record and Appendix 6 letter from SNH.

Adoption of the Aberdeen Local Development Plan

- 5.15 In order to formally adopt the Plan, a further series of notifications require to be carried out. This includes publishing a press advert, notifying people who made representations and sending the Plan as modified to Scottish Ministers. 28 days after this the Plan can be adopted unless directed not to by Scottish Ministers. The full process that we are required to follow is set out in Appendix 7. Subsequent to adoption there is a 6 week period in which a legal challenge can be made to the Plan.

Action Programme

- 5.16 The adoption of the Local Development Plan will not be the end of the process. There is a requirement to produce an action programme within three months of the Plan being adopted. This document will be aimed specifically at the delivery of the proposals and policies contained in the Aberdeen Local Development Plan. The action programme will include timescales for the delivery of key infrastructure and will be reviewed regularly taking into account changing circumstances.

6 IMPACT

- 6.1 The Local Development Plan will 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.
- 6.2 With such a significant piece of work that has involved and will impact upon many other council services, public bodies, the business and development industries and the citizens of Aberdeen, it has been crucial to monitor the risks involved. A high level risk assessment was carried out for the Proposed Plan and presented to Council when the Plan was approved on 18 August 2010.
- 6.3 Given the wide range of policy areas the Plan covers, an Equality and Human Rights Impact Assessment was carried out on the Proposed Plan, it showed that there will be some positive impacts of the Plan on a range of equalities groups. The Equality and Human Rights Impact Assessment is available to view on the City Council's website at http://www.aberdeencity.gov.uk/Planning/ldp/pla_aldp_tech_appendix.asp or a hard copy can be obtained from the Local Development Plan Team.

7 BACKGROUND PAPERS

- Appendix 1 – Modifications Table

- Appendix 2 – Aberdeen Local Development Plan as modified: Tracked Changes
- Appendix 3 – Aberdeen Local Development Plan as modified: Tracked Changes accepted
- Appendix 4 – Environmental Report
- Appendix 5 – Habitats Regulations Appraisal Record
- Appendix 6 – Letter from Scottish Natural Heritage
- Appendix 7 – Adoption Process

Aberdeen Local Development Plan – Examination Report

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_aldp_examination.asp

Aberdeen Local Development Plan – Proposed Plan

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

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

8 REPORT AUTHOR DETAILS

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