

## ABERDEEN CITY COUNCIL

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COMMITTEE	Enterprise, Strategic Planning and Infrastructure
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DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Scottish Planning Policy and National Planning Framework 3
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### 1. PURPOSE OF REPORT

The purpose of this report is to advise Members of changes to planning policy and guidance introduced in June 2014 with the publication of the revised Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3).

### 2. RECOMMENDATION(S)

It is recommended that Members:

- (a) Note the changes to planning policy and guidance that have been introduced by the publication of the revised SPP and NPF3; and
- (b) Note the national developments identified in NPF3 that are relevant to Aberdeen City.

### 3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### 4. OTHER IMPLICATIONS

Changes to planning policy and guidance have implications for the development planning and development management processes in Aberdeen. These are discussed in the main body of the report.

### 5. BACKGROUND/MAIN ISSUES

#### 5.1 Introduction

- 5.1.1 Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) were published on 23<sup>rd</sup> June 2014. The documents were

published together for the first time to form a comprehensive vision for planning across the country.

## **5.2 Scottish Planning Policy**

5.2.1 SPP forms part of the Scottish Government's series of Planning and Architecture guidance documents. It is non-statutory but is a material consideration that carries significant weight in development management decision-making. It replaces the previous Scottish Planning Policy (SPP 2010) and Designing Places (2001).

5.2.2 The purpose of SPP is to identify how land use planning matters should be addressed across the country, setting out national policies which reflect Scottish Ministers' priorities for the planning system and the development and use of land, and promoting consistency in the application of policy across Scotland whilst allowing a degree of flexibility to reflect local circumstances. SPP directly relates to:

- The preparation of Local Development Plans (LDPs);
- The design of development from initial concept to delivery; and
- The determination of planning applications and appeals.

5.2.3 SPP arrives after a period of consultation on a draft SPP, published in 2013. The final document, which can be viewed at <http://www.scotland.gov.uk/Publications/2014/06/5823/downloads>, contains a number of changes from SPP 2010. The following sections provide a summary of these changes by topic and identifies how these may impact upon preparations for the next Aberdeen Local Development Plan (ALDP) which is anticipated to be published in 2016.

### **5.2.4 Introduction**

#### **Core Values of the Planning Services**

SPP 2014 introduces a series of core values for the planning service which should allow a high standard of performance and continuous improvement. SPP 2010 contained core principles and the new core values are a development of these, reflecting a greater emphasis on sustainability and economic growth. This change is unlikely to have a significant impact on the ALDP but will be taken into consideration during the preparation of the proposed plan.

#### **People Make the System Work**

The importance of effective engagement with the public and communities is highlighted, with the document stating that public engagement should be early, meaningful, proportionate and innovative. While not discussed in SPP 2010, this people-centered approach remains largely the same as the draft SPP and informed the consultation approach taken for the ALDP Main Issues Report 2013 (MIR 2013) which included a poster and radio campaign, public drop-in sessions across the City, newspaper ads and a social media campaign. In addition, a youth engagement project was undertaken which has since been nominated for a planning award. Officers will nevertheless continue to explore innovative opportunities to engage

with the public.

### Outcomes

Four outcomes are introduced which support the vision and goals of SPP:

- *Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.*  
This will be supported through allocating *the right development in the right places*, providing opportunities for sustainable growth. A strong emphasis is to be placed on high-quality sustainable developments and strong, resilient and inclusive communities.
- *Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.*  
Mitigation and adaptation opportunities should be seized in support of the targets set out in the Climate Change (Scotland) 2009 Act.
- *Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.*  
This should be supported through the protection, sustainable use and building resilience within our world-class environment.
- *Outcome 4: A more connected place – supporting better transport and digital connectivity.*  
This should be supported through aligning development with transport and digital infrastructure.

The introduction of outcomes will not have a significant impact on the ALDP. Strong emphasis is already placed on Outcome 1 through land allocations and the masterplanning process. Outcome 2 is addressed through existing policies and supplementary guidance (SG) and will be enhanced in the new plan. Outcome 3 is addressed through natural environment and built heritage policies which will be improved in line with SPP, while Outcome 4 is being addressed through the introduction of new policies on communication and infrastructure. Officers will, however, examine the detail in SPP to ensure that all aspects are covered within the ALDP where practical.

#### 5.2.5 Principal Policies

These outcomes are to be achieved through a series of Principal Policies and Subject Policies. The Principal Policies, Sustainability and Placemaking, are a new addition to SPP and act as overarching policies which form the basis for subject policies which in turn deal with specific issues.

#### Sustainability

References to sustainability have increased significantly. SPP introduces a *presumption in favour of development that contributes to sustainable development*. Sustainable development in this context is the 1987 Brundtland definition, *development that meets the needs of the*

*present without compromising the ability of future generations to meet their own needs*, and requires all three pillars of sustainable development to be supported (Social, Environmental and Economic).

The document is clear that the presumption in favour of sustainable development does not change the statutory status of a plan. Where development that does not accord with an up-to-date Development Plan comes forward the primacy of the plan remains, however SPP and the presumption in favour of sustainable development become a material consideration. Where the plan is out-of-date or does not include policies that relate to the proposal, the presumption in favour of sustainable development will be a significant material consideration.

Sustainable economic growth has also been elevated in terms of importance however this has been caveated somewhat with the reference to *giving due weight to net economic benefit*.

As part of the ALDP review it will be necessary to ensure that the principles of sustainable economic growth are reflected in the plan.

#### Placemaking

In SPP 2010 the necessity for a green belt was to be determined by the Strategic Development Plan (SDP) however with SPP 2014 the responsibility passes to the LDP and this will have to be reflected in the ALDP 2016.

With SPP superceding Designing Places, significant importance is placed on design and design-led planning. The concept of placemaking is introduced as a fundamental building block of the planning process.

However, the majority of the guidance remains the same as in 2010 and should have little impact on the ALDP over and above changes already proposed through the MIR process. The current ALDP places significant importance on design and it is proposed to increase this as part of the new plan. The current Plan has allocations for over 20,000 houses which will come through the masterplanning process. It will be necessary to ensure that the design-led approach is carried through all applications.

#### 5.2.6 Subject Policies

Subject Policies form the bulk of SPP and provide more detail on specific issues. They have been grouped under four headings or themes: A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place.

#### 5.2.7 A Successful, Sustainable Place

##### Promoting Town Centres

Additional indicators have been introduced to Town Centre Health Checks.

Concern over the increase in non-retail activities such as betting offices or high interest money lending premises is highlighted. Policies should

be included in the LDP to support an appropriate mix of uses and to limit over-provision and clustering where necessary.

For public or office developments over 2,500m<sup>2</sup> outwith town centres and contrary to the plan, an assessment of their impact on the town centre has been introduced.

These changes will have to be considered as part of the proposed plan and will be taken into account in the next round of Town Centre Health Checks. Modification to some polices or the introduction of new polices may be required.

#### Promoting Rural Development

While there are some changes to the rural development policy, these will not affect the City.

#### Supporting Business and Employment

SPP 2014 places more emphasis on assessing economic benefits when considering planning applications, with *due weight to net economic benefit* now the preferred approach. This will not, however, significantly impact on the ALDP.

#### Enabling Delivery of New Homes

In a change from SPP 2010 Plans are required to calculate the housing supply target based on affordable and market sectors within each housing market area. The Housing Needs and Demand Assessment (HNDA) will be used as the basis of this.

This should take into account wider economic, social and environmental factors as well as issues of capacity, resource and deliverability. Once the supply target is calculated this should be increased by 10-20% to ensure a generous supply. While the supply was in SPP 2010 the calculation method is new. This has however been applied in the recently published SDP for Aberdeen City and Shire.

SPP also changes the means by which housing land supply is defined. LDPs are required to identify a land supply for a period of up to 10 years, providing a minimum of 5 years effective supply at all times. SPP 2010 and the draft SPP maintained that housing land supply should be *effective or capable of becoming effective* within the plan period. SPP has changed this to *effective or expected to become effective* within the plan period. The impact of this will only become evident in time. Failing to maintain a 5 year supply will now result in the housing land supply policy becoming out-of-date which will trigger the *presumption in favour of sustainable development* becoming a significant material consideration.

Affordable housing requirements remain largely unchanged from SPP 2010, although the expected developer contributions, specified as a proportion of the serviced land, have been capped at 25% which removes the flexibility previously available where local need was

identified. The ALDP currently has a maximum requirement of 25% affordable housing contribution so the change in policy will not affect this.

There have therefore been a number of changes to housing policy and, while it is not expected that these will have a significant impact on the ALDP, all changes will be considered as part of the policy review.

#### Valuing the Historic Environment

There is no significant change in this policy.

### 5.2.8 A Low Carbon Place

#### Delivering Heat and Electricity

SPP 2010 identified 50% of Scotland's electricity to be generated from renewable sources by 2020. Targets have changed slightly in 2014:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- the equivalent of 100% of electricity demand from renewable sources by 2020.

As these are national targets they will not have a significant impact on the ALDP as the Council already has policies and projects in place which contribute to these targets.

Energy efficiency has been given more weight, aligning with the recent publication of the Sullivan Panel Report and calls from the development industry to use a 'fabric-first' approach to energy saving. This is being incorporated into a new Supplementary Guidance on Resources for New Development.

SPP now requires LDPs to use heat mapping to co-locate developments that have high heat demand with those producing surplus heat. Aberdeen City Council produced a Heat Map in 2011 which will be updated in line with the Scottish Government's recently produced National Heat Map and adopted as supplementary guidance to the ALDP. The city has an existing heat network through Aberdeen Heat and Power which serves a number of public buildings and council housing developments and the planning service will look to support its expansion where possible.

A requirement for an Onshore Wind Spatial Framework (OWSF) has been introduced and the criteria for this have changed from the draft SPP to increase the areas identified as 'areas of search'. Changes include the reduction of the buffer around settlements from 2.5km to 2km, the removal of a number of historic environment constraints such as listed buildings, and the removal of the National Air Traffic Services (NATS) and Ministry of Defense (MoD) consultation areas. Many of these areas may still be relevant when planning applications are considered, however for the purposes of identifying areas of search they are no longer constrained. These changes should not have a significant impact due to the relatively small area which the City encompasses and the large built up and green belt areas. An OWSF

was produced as part of the Main Issues Report 2013 and this has been updated to reflect the changes in SPP.

While references to Low and Zero Carbon Generating Technologies (LZCGT) have been removed SPP still talks of generating electricity from natural sources. The Climate Change Scotland Act is also clear in its requirement to include such technologies in all development. LZCGTs are currently required under our current plan and will remain under the proposed ALDP.

#### Planning for Zero Waste

A greater emphasis is placed on Zero Waste and Energy from Waste, seeing waste as an opportunity rather than a burden. The current ALDP contains several policies on using resources sustainably including policies looking at waste as a resource. Policies are also in place to address the operation of new buildings in the supplementary guidance on LZCGT. This is currently being expanded as a new supplementary guidance on Resources for New Developments which will include LZCGT, waste facilities and water saving technology. It is not expected that the changes in SPP will have a significant impact on the ALDP.

#### 5.2.9 A Natural, Resilient Place

##### Valuing the Natural Environment

There is no significant change in this policy area.

##### Maximising the Benefits of Green Infrastructure

The terminology 'green infrastructure' differs from the old SPP which referred to open space and green networks. This list of what constitutes green infrastructure expands significantly on the open spaces identified in 2010 and includes open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, biodiversity, forestry and woodland, river basins, flood management, coastal zones and the marine environment.

Development Plans should enhance existing, and promote the creation of new, green infrastructure through a design-led approach, as opposed to the standards based approach advocated in SPP 2010.

The current ALDP has a number of policies covering green space, open space and the green belt. These will be examined to ensure they comply with the current SPP, although little change is anticipated.

##### Promoting Responsible Extraction of Resources

SPP 2014 contains a new section on shale gas extraction and hydraulic fracturing, suggesting that proposals for such activities will be acceptable, subject to a risk assessment, clearly identifying those onsite activities that pose a potential risk and explaining how these will be monitored, managed and mitigated. Buffer zones should be proposed to protect sensitive receptors from unacceptable risks. Where proposed distances are considered inadequate planning permission should be refused.

Because there is little in the way of shale gas reserves in this area, this is unlikely to be a significant issue for Aberdeen.

#### Supporting Aquaculture

There is no significant change between the 2010 and 2014 policies.

#### Managing Flood Risk and Drainage

A new addition to SPP states that LDPs should address significant cross-boundary flooding issues and protect land with the potential to aid the management of flood risk. A presumption against landraising is introduced. These new policies will require to be reflected in the ALDP 2016.

### 5.2.10 A Connected Place

#### Promoting Sustainable Transport and Active Travel

National maximum car parking standards for certain types and scales of development have been retained unchanged from 2010. There is a subtle difference in the wording of a policy referring to deviations from these standards between the 2010 and 2014 SPPs. In 2010, SPP states that *In rural areas where public transport is scarce, less restrictive standards may be appropriate*, while the 2014 SPP simply states that *where public transport provision is limited, planning authorities may set less restrictive standards*. The removal of the reference to 'rural' areas suggests that car parking standards can be relaxed in urban areas where public transport options are limited, although this is unlikely to be relevant to Aberdeen which benefits from a relatively dense peak-time public transport network.

Development Plans will now be required to identify active travel networks, therefore such an exercise will be undertaken for the 2016 ALDP. Guidance is introduced on preparing the case for new railway stations, although this is not likely to be relevant to the next plan.

There is stronger support for electric vehicles in the new SPP, which states that *Electric vehicle charge points should always be considered as part of any new development and provided where appropriate*. Supplementary Guidance on Transport and Accessibility is currently being prepared for the next ALDP which will include electric vehicle infrastructure standards for new development.

#### Supporting Digital Connectivity

Digital connectivity should be considered in all new development proposals. The current ALDP does not specifically mention digital infrastructure, although this issue is raised in the MIR 2013. It is likely that the next ALDP will reflect the importance of digital connectivity and the role than planning can play in enhancing this.

## 5.3 **National Planning Framework 3**

5.3.1 NPF3 replaces NPF2 (2009) and sets out the Scottish Government's development priorities for the next twenty to thirty years, identifying



fourteen national developments which support the development strategy. NPF3 should be taken into account in the preparation of all strategic and local development plans in Scotland and Scottish Ministers expect that planning decisions will support the delivery of NPF3. The full document can be viewed at: <http://www.scotland.gov.uk/Publications/2014/06/3539/downloads>.

5.3.2 Two of the national developments identified in NPF3 are directly relevant to Aberdeen:

#### Aberdeen Harbour, Nigg Bay

Development within one or more of the following Classes of Development is designated a national development:

- (a) The construction of new and/or replacement harbour facilities where the resulting building or structure is or exceeds 10,000m<sup>2</sup> or the area of development is or exceeds 2 hectares;
- (b) The construction of new and/or replacement road infrastructure from existing networks; and
- (c) The provision of water supply and related infrastructure directly for new harbour facilities.

This development will support the expansion of Aberdeen Harbour. Current constraints will increasingly limit the ability of the harbour to provide crucial services and limit opportunities for business growth. Nigg Bay has been identified as the preferred development location due to the constraints of the existing sites.

#### Strategic Airport Enhancements

Aberdeen International Airport is one of five airports identified as being of national importance. Development within one or more of the following Classes of Development is designated a national development:

- (a) Any extension of the airport site boundary for operational uses as identified in the current airport masterplan that is supported by the area's development plan;
- (b) New and/or expanded terminal buildings where the gross floor space exceeds 10,000m<sup>2</sup> or the development is or exceeds 2 hectares;
- (c) Construction of new walking and cycling routes exceeding 8km; and
- (d) Construction of surface water management schemes where the area of development would exceed 2 hectares.

These classes of development support the key gateway and hub functions of the airports

5.3.3 In addition, NPF3 identifies a further four national developments that cover the whole of Scotland:

- Carbon Capture and Storage Network and Thermal Generation;
- High Voltage Electricity Transmission Network;
- Pumped Hydroelectric Storage; and
- National Long Distance Cycling and Walking Network

Regarding these, there are no specific proposals relating to Aberdeen at present, although a national long distance cycling and walking network would certainly be expected to encompass the City. The document states that identification of such a network will be undertaken following adoption of NPF3 by a consortium of partners led by Scottish Natural Heritage (SNH).

- 5.3.4 Whilst national development status establishes the need for a project, it does not grant development consent, and planning permission, as well as all other appropriate assessments and consents, will still be required for the developments identified.
- 5.3.5 National developments will be delivered by a range of organisations, both public and private sector, and inclusion in NPF3 does not imply funding on the part of the Scottish Government or its agencies. However, the document does state that priorities identified in NPF3 will be taken into account by the Government when future spending programmes are developed or reviewed.
- 5.3.6 The only other significant change introduced by NPF3 is a requirement for future LDPs to identify green networks in City regions. This will be taken account of when preparing the ALDP 2016.

## 6. IMPACT

Adherence to Scottish Government planning policy and guidance will help the Council meet the Community Plan vision for Aberdeen of an *attractive, clean, healthy and safe place to live and work*, and a *forward looking City which values its heritage*, and will contribute towards the Community Plan priorities of increasing the levels of affordable housing in new developments, improving the quality of life in our most deprived areas, improving sustainable travel options and reducing greenhouse gas emissions.

It will contribute towards achieving the following national outcomes identified in the Single Outcome Agreement: *We live in well-designed, sustainable places where we are able to access the amenities and services we need; We value and enjoy our built and natural environment and protect it an enhance it for future generations; and We reduce the local and global environmental impact of our consumption and production.*

It will also contribute to meeting the Smarter Environment, Smarter Economy and Smarter Mobility strategic priorities outlined in the Council's Five Year Business Plan.

This report may be of interest to the public as SPP and NPF3 will influence future Development Plans and Development Management decisions.

An Equality and Human Rights Impact Assessment (EHRIA) has not been undertaken for this report as it merely advises on revisions to

Scottish Government policy and guidance. This will impact upon future Development Plans produced by, and planning decisions made by, the Council, all of which will be subject to their own individual assessments where appropriate.

## 7. MANAGEMENT OF RISK

Failure to adhere to SPP and NPF3 could lead to development in the City that is haphazard, unsightly and unsustainable, thus representing a Hazard and Control Risk to the Council. These may in turn lead to Environmental and Customer/Citizen Risks. In contrast, adherence to the guidelines will lead to development that is well planned and well designed, aesthetically pleasing and sustainable.

## 8. BACKGROUND PAPERS

National Planning Framework 3 (The Scottish Government, 2014), available at

<http://www.scotland.gov.uk/Publications/2014/06/3539/downloads>.

Scottish Planning Policy (The Scottish Government, 2014), available at <http://www.scotland.gov.uk/Publications/2014/06/5823/downloads>.

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