

ABERDEEN CITY COUNCIL

| | |
|---------------------|---|
| COMMITTEE | Communities, Housing and Infrastructure |
| DATE | 13 th January 2015 |
| DIRECTOR | Pete Leonard |
| TITLE OF REPORT | Aberdeen Local Development Plan – Update from Scottish Government |
| REPORT NUMBER | CHI/14/088 |
| CHECKLIST COMPLETED | Yes |

1. PURPOSE OF REPORT

This report seeks the approval of the Aberdeen Local Development Plan which has had to be updated to take account of advice given by the Scottish Government at the National Development Plan Forum on 5th December 2014. The advice relates to our ability of 'adopt' statutory Supplementary Guidance (SG) to the Local Development Plan (LDP).

2. RECOMMENDATION(S)

It is recommended that:

- a) Committee approve the Proposed Aberdeen Local Development Plan as amended, to include specific reference to Supplementary Guidance as advised by the Scottish Government
- b) authority is delegated to the Head of Planning and Sustainable Development to make any further amendments to the Plan to ensure it is consistent with any further guidance from the Scottish Government relating to the adoption of the supplementary guidance in order to ensure that the SG, as determined by this committee in Committee Report CHI/14/064, is adopted without ministerial objection.

3. FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from this report as the cost of preparing the Local Development Plan and Supplementary Guidance can be met from existing budgets.

4. OTHER IMPLICATIONS

The Local Development Plan and associated Supplementary Guidance provides certainty for the public, development industry and businesses

in Aberdeen as to where and what kind of development will take place, and is an important means of securing investment and funding for development. It is important to ensure that we have the ability to adopt Supplementary Guidance.

5. BACKGROUND/MAIN ISSUES

Planning Regulation 27(2) requires statutory Supplementary Guidance (SG) to cover topics specifically identified in the Local Development Plan (LDP) as being topics for SG; and be limited to the provision of further information or detail in respect of policies or proposals set out in the LDP. There must be a sufficient 'hook' in the LDP policies or proposals to hang the SG on, in order to give it statutory weight, and therefore constitute a significant material consideration in the determination of planning applications.

Our approach to referencing SG in the Proposed LDP is consistent with past experience and current standard practice amongst most local authorities in that the SG we wish to adopt is listed in Appendix 4 and 5 of the Plan. This approach has been accepted by the Scottish Government up until now.

However, at a recent meeting of the National Development Plan Forum (5th December 2014), the Scottish Government informed attendees that they wished to see a much more robust approach to the way SG is referenced in LDPs. Initial advice on how local authorities are expected to do this was provided. Failure to follow this advice could result in Scottish Ministers directing local authorities not to adopt and issue the SG as statutory SG.

The Proposed LDP was approved by the CHI Committee in October. However, in light of the developments outlined above, it would be prudent to amend the Plan to ensure that both the Plan and the SG can proceed to adoption without Ministerial objection.

The Scottish Government has provided an example of how statutory SG should be referenced in LDPs as follows: *“SG X supports the above policy by providing guidance on how developers will be expected to assess and demonstrate there is a safe and realistic choice of access. Accordingly, SG X includes advice on transport statements, transport assessments, travel plans, improving walking, cycling and public transport access and parking standards”*.

We have therefore added a similarly formatted paragraph to each of those policies in the Proposed LDP to which statutory SG relates, setting out in more detail the issues the SG will deal with. These are consistent with the SG set out in Committee Report CHI/14/064 on the agenda for this committee. The Proposed LDP is attached as Appendix 1 and the text that has been inserted has been underlined in order to highlight it.

Such additions go beyond the minor formatting and spelling error type changes which officers are delegated to do to an LDP once it has been approved by Committee. It should be noted that the changes proposed are in respect of referencing the SG only. There have been no changes made to any other parts of the Plan – all policies, proposals and text which were agreed at the last Committee remain as approved by Elected Members with the exception of making explicit reference to the named SG. However, given that we are still awaiting a formal instruction and guidance from the Scottish Government, in order to maintain our development plan timetable it would be helpful if authority could be given to the Head of Planning and Sustainable Development to make any further final adjustments to the Plan should that be required. Any such changes would be consistent with the SG as approved by this committee under Committee Report CHI/14/064.

It should also be noted that it will be possible for the Council to prepare and adopt further SG not specifically identified in the LDP should it become necessary but such guidance would be non-statutory.

6. IMPACT

The Local Development Plan and Supplementary Guidance 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 housing and 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 Supplementary Guidance promotes the Smarter City high level priorities of supporting sustainable transport, affordable housing, digital connectivity, business growth, energy efficiency, reducing waste and biodiversity.

Separate Equalities and Human Rights Impact Assessments have been prepared for the LDP and SG so there is no need to prepare one for this report.

7. MANAGEMENT OF RISK

Scottish Ministers can direct local authorities not to adopt and issue statutory SG if they consider there is an insufficient hook in the LDP. Making the suggested changes to the LDP will considerably reduce this risk.

8. BACKGROUND PAPERS

Planning etc. (Scotland) Act 2006

http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060017_en_1

Scottish Planning Series: Planning Circular 6/2013: Development Planning

<http://www.scotland.gov.uk/Publications/2013/12/9924>

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008

http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080426_en_1

9. REPORT AUTHOR DETAILS

Andrew Brownrigg

Team Leader Development Plan

abrownrigg@aberdeencity.gov.uk

Tel: 01224 523317