

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	27 October 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Aberdeen Local Development Plan – Proposed Plan, Summary of Representations and Responses.
REPORT NUMBER	CHI/15/266
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 This report presents the representations received on the Aberdeen Local Development Plan – Proposed Plan and the Council responses to the unresolved issues. It also includes a Report of Conformity with the 2015 Participation Statement, a table of comments received on the Strategic Environmental Assessment and a Habitats Regulations Appraisal Record which will be incorporated along with any modifications made through the Examination in Public of the Proposed Plan.

2. RECOMMENDATION(S)

It is recommended that Members:

- (a) Note the representations received on the Aberdeen Local Development Plan – Proposed Plan;
- (b) Approve the Schedule 4 Summaries of Unresolved Issues, subject to any de-minimus or minor drafting changes; and
- (c) Authorise the submission Aberdeen Local Development Plan – Proposed Plan and appropriate supporting documentation to the Scottish Ministers for Examination.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no immediate financial implications arising from this report as the cost of progressing the Aberdeen Local Development Plan can be met from existing budgets. The costs related to the Examination in Public are at this stage estimated to be met from existing budgets for 2015/16. Costs relating to the Examination will be charged monthly to the Council on the basis of hours of work undertaken and expenses incurred.

4. OTHER IMPLICATIONS

- 4.1 This is 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. Consultation with a wide range of stakeholders has been central to the preparation of the Proposed Plan.

5. BACKGROUND/MAIN ISSUES

- 5.1 The Communities, Housing and Infrastructure Committee agreed the content of the Proposed Plan on 13 January 2015. The Proposed Plan is a critical stage in the plan preparation process, and represents the Council's settled view on what the final adopted content of the Plan should be. The production of the Proposed Plan was a result of a significant amount of assessment and public consultation.
- 5.2 The Proposed 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 Proposed Plan conforms to the Aberdeen City and Shire Strategic Development 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. The vast majority of housing and employment allocations, particularly greenfield ones, have not changed from those already identified in the 2012 Aberdeen Local Development Plan.
- 5.3 There was a 10 week period between 20th March 2015 and 1st June 2015, in which representations from the public and other organisations were invited on the Proposed Plan. The purpose of this period was to facilitate representations and provide assistance to anyone who wished to comment on the Proposed Plan. To help achieve this, 11,760 notifications were sent to owners, lessees or occupiers of sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the site. Within this notification, advice was provided on how to make representations and officers were available to assist with telephone enquiries or meet with people who were seeking assistance. During the early stages of the representation period the Local Development Plan Team manned exhibitions at local libraries around the City and at the Bon Accord Centre to provide advice to anyone wishing to make a representation. An additional library session was also arranged at the request of Torry Community Council.
- 5.4 The Local Development Plan Team received representations from 187 individuals, organisations and developers making in excess of 625

comments. The representations are available to view online at http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_2016_pp_representations.asp.

- 5.5 The level of representation is significantly less in number than those made to previous Plans. Nevertheless, the Local Development Plan is a plan for the whole City and as it includes significant land allocations and a wide range of policies, it would be impossible to resolve all objections. Whilst it is accepted that there will always be a level of objection, the early engagement and technical work undertaken prior to the approval of the Proposed Plan have helped to identify what the Council views as the best solution to achieve the aims of the Strategic Development Plan. The purpose of the period of representations was to ensure that the public had the opportunity to lodge representations that will be dealt with by independent Reporters through the Examination in Public of the Proposed Plan.
- 5.6 All comments made, both positive and negative, have been grouped into specific issues, a list of all the issues is contained in Appendix 1. A summary of all the comments made, the modifications that respondents are seeking and the Council's proposed response to representations has been prepared for each unresolved issue within what is referred to as a Schedule 4 form. This is the form that is prescribed in the Development Planning Regulations 2008. A copy of all the Schedule 4 forms (one for each issue) is attached at Appendix 2.
- 5.7 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. The Proposed Plan is the Council's settled view and has been based on a significant amount of consultation and technical assessment, and as such the responses presented in the Schedule 4 forms largely defend the current position of the Plan and provide justification as to why the decisions in the Proposed Plan have been taken. No significant modifications have therefore been recommended. The only changes suggested are of a minor nature and generally relate to clarifications, the use of correct terminology and correcting drafting errors.
- 5.8 If a significant modification were to be made (defined in Regulations as 'notifiable modifications' which add, remove or significantly alter any policy or proposal) there would be a requirement to republish a Modified Proposed Plan and consult with the public and (depending on the nature of the change) notify the owners, lessees or occupiers of sites significantly affected by site specific changes. This would create a minimum 6 – 9 month delay to the process and add costs related to printing, advertising and neighbour notification. If Members choose to propose amendments removing existing allocations or policies or adding new ones, those proposals must also specify which allocation or policy would replace those suggested for removal from the Proposed

Plan so that the Proposed Plan continues to be consistent with the Strategic Development Plan.

- 5.9 If the recommendations of this report are approved, the Proposed Local Development Plan and supporting documentation will be submitted to Scottish Ministers who will appoint a person to examine the Proposed Plan. A notice will also be placed in a local newspaper stating that the Local Development Plan has been submitted and copies of the document will be made available in Marischal College, public libraries and on the Council's website.

Conformity with 2015 Participation Statement

- 5.10 Before the Examination begins the Reporter will determine if the Council has consulted on the Plan and involved the public in accordance with the 2015 participation statement (see Appendix 3). This sets out the statutory and additional non-statutory consultation carried out on the Proposed LDP. It confirms that all the consultation was carried out.

Examination in Public

- 5.11 The Reporter will then examine the Plan against the representations that have been made, and make recommendations as to modifications to be made. In doing that the Reporters will determine if they require any further information or a public hearing to address specific issues. This is entirely at their discretion and there is no opportunity for the Council or objectors to submit further information unless requested to do so. Scottish Ministers expect the process from appointment of the Reporter to reporting on the outcome of the Examination in Public normally to take around 6 months, and rarely to exceed 9 months. Given the level of representation on this Plan, we would not anticipate the Examination taking the maximum time allowed.
- 5.12 Once a report of the Examination is received by the Council the Local Development Plan Team will consider the recommendations and report back to Committee. The recommendations of the Reporter are largely binding on the Council and may only be departed from where they: 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.
- 5.13 Following an advertisement period, and subject to any direction from Scottish Ministers, the Council may then adopt the Local Development Plan. The most recent Local Development Plan Scheme reflects the Council's aim to adopt the local development plan in November 2016 and contains further information on the timetable for the Local Development Plan.

Environmental Report and Habitat Regulations Appraisal

- 5.14 In addition to comments received on the Proposed Plan, in accordance with the regulations the Council also sought comments on the Environmental Report and Habitat Regulations Appraisal. A summary of the representations and proposed responses to the Environmental Report can be found at Appendix 4. The Environmental Report will not be finalised until after the Examination, at which point a post adoption Strategic Environmental Assessment statement will be prepared. However, it is important to bring to the attention of Members any comments made that would result in amendments to the Environmental Report.
- 5.15 The Habitats Regulations Appraisal Record (Appendix 5) must be submitted to the Scottish Ministers along with correspondence from Scottish Natural Heritage. This Record is an assessment of the potential impact of the Proposed Plan on protected habitats. The amendments recommended by Scottish Natural Heritage will be submitted to the Reporter for consideration and the proposed response to these is contained within Issue 43 (SEA and Habitats Regulations Appraisal) in Appendix 2. Scottish Natural Heritage has confirmed that they are content the Council's response to the HRA, particularly in relation to comments made on water abstraction levels from the River Dee.

6. IMPACT

Improving Customer Experience - The Local Development Plan sets out the planning policies and proposals for the city for up to the next 5 years. In doing so it provides certainty for the public, agencies and development industry.

Improving Staff Experience – The Local Development Plan is the primary means by which the Council determines planning applications. An up to date LDP provides guidance to staff dealing in planning matters and helps to ensure that applications are dealt with in a consistent manner.

Improving our use of Resources – The LDP says that development should be encouraged in the right places, be efficient and make the best use of existing infrastructure capacity. Where that capacity does not exist, developers will be expected to provide the infrastructure, services and facilities which are required as a result of the development.

Corporate - The Local Development Plan will support the Smarter City Vision in helping to make Aberdeen a great place to live, bring up a family, do business and visit. It is ambitious in growing the city and promotes 21st century sustainable living, the city centre, new communications technology and sustainable transport.

Public - Given the wide range of policy areas the Proposed Plan covers, an Equality and Human Rights Impact Assessment was carried out on the Proposed Plan at the time of its approval. 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 Council's website at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62560&slD=26040> or a hard copy can be obtained from the Local Development Plan Team.

6.3 The Proposed Local Development Plan has been in the public domain for around a year and no significant changes are proposed here. So although there may be some public and media interest, this may be limited on this occasion.

7. MANAGEMENT OF RISK

7.1 Local Development Plans have to be replaced at least every 5 years. They contain policies aimed to improve the quality of development and ensure a consistent approach in deciding planning applications. Not having an up to date Plan in place could lead to a higher risk of planning by appeal, meaning less certainty for developers, agencies and the public in respect of Aberdeen's growth and development, cause deterioration in customer service and the quality of development.

8. BACKGROUND PAPERS

- Appendix 1 – List of Unresolved Issues
- Appendix 2 – Schedule 4 Responses to Unresolved Issues
- Appendix 3 – Report of Conformity with 2015 Participation Statement
- Appendix 4 – Environmental Report Representations
- Appendix 5 – Habitats Regulation Appraisal Record

Aberdeen Local Development Plan – Proposed Plan

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_2016_proposed_plan.asp

Aberdeen Local Development Plan – Proposed Plan Representations

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_2016_pp_representations.asp

Aberdeen Local Development Plan – Proposed Action Programme

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62528&slD=26036>

Aberdeen City and Shire Strategic Development Planning Authority: Aberdeen City and Shire Strategic Development Plan 2014

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=1111&slD=149>

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.gov.scot/Resource/0044/00441577.pdf>

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

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

Aberdeen Local Development Plan Scheme – January 2015

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62526&slD=22785>

9. REPORT AUTHOR DETAILS

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