

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21 June 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Proposed Aberdeen Local Development Plan – Summary of Representations and Responses.
REPORT NUMBER	COM/21/108
DIRECTOR	Gale Beattie
CHIEF OFFICER	N/A
REPORT AUTHOR	Andrew Brownrigg
TERMS OF REFERENCE	11. The approval of the Local Development Plan.

1. PURPOSE OF REPORT

1.1 This report presents the representations received on the Proposed Aberdeen Local Development Plan and the Council responses to the unresolved issues. It also includes a Report of Conformity with the 2020 Participation Statement.

2. RECOMMENDATION(S)

That Council:-

- 2.1 Note the representations received on the Aberdeen Local Development Plan – Proposed Plan;
- 2.2 Approve the Schedule 4 Summaries of Unresolved Issues, subject to any necessary minor drafting changes to satisfy the requirements of the Examination process;
- 2.3 Authorise officers to update the Environmental Report in line with the outcome of the consultation process and the subsequent examination process;

- 2.4 Authorise the submission of the Aberdeen Local Development Plan – Proposed Plan and appropriate supporting documentation to the Scottish Ministers for Examination and;
- 2.5 Authorise officers to respond to any requests for further information or hearings issued by the Planning and Environmental Appeals Division of the Scottish Government during the course of the Aberdeen local Development Plan – Proposed Plan Examination.

3. BACKGROUND

3.1 The Council agreed the content of the Proposed Plan on 2 March 2020. 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.

3.2 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 2020 and makes 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.

Proposed LDP Consultation

3.3 Around 2 weeks after the approval of the Proposed Plan, the UK went into a national lockdown due to the coronavirus pandemic. At the same time national legislation and procedures were being prepared to guide covid secure consultations during the course of a pandemic. Such legislation was published in April 2020 and further guidance was issued in May 2020 which directed the majority of consultation material and engagement to be undertaken electronically. As such the consultation programme was adjusted accordingly and proceeded on an electronic and postal basis only. As a result of awaiting the guidance there was a 2 month delay in starting the consultation. In addition, the normal 10 week consultation period was extended by 4.5 weeks to allow respondents further time to make submissions. During the consultation, a number of measures were taken;

- All Community Councils and key agencies were notified
- Everyone who made representations on the Main Issues Report was notified.
- Virtual meetings were arranged with community councils and community representatives, and the development industry. This included a detailed presentation of the Proposed LDP and a Q&A session.
- Periodic press releases and internet notices were issued'
- Numerous social media posts to remind the public the consultation was ongoing (Facebook, Twitter and LinkedIn).

- LDP newsletter updates informing subscribers of the consultation and how to engage with it.
- Over 17,000 neighbour notification letters were sent out to addresses in or alongside the opportunity sites that are identified in the Proposed Plan.
- A Storymap interactive consultation tool was developed and launched which combined interactive maps, policy explanations, direct links to supporting document and a search by address function to allow interested parties to understand where proposed development was located relative to them.

3.4 The table below compares the consultation of the Proposed Plan with that undertaken for the extant Local Development Plan 2017:

	2017 LDP	Proposed 2022 LDP	Change
Notification			
Community Council notified of consultation	✓	✓	
Key Agencies notified of consultation	✓	✓	
Anyone who made a submission to the MIR notified of consultation	✓	✓	
Press Notices	✓	✓	
Online Notices	✓	✓	
Neighbour Notifications	12,000	17,000	An Increase of 5,000 notifications or 30%
Engagement			
Meetings with Community Council	✓	✓ (Virtual, area specific and interactive)	
Meetings with Key Agencies	✓	✓ (Virtual and interactive)	
Meetings with Development Industry	✓	✓ (Virtual and interactive)	
Community Groups	✓	✓ (Virtual)	
Consultation Events	✓	✗	Due to COVID we were restricted from holding physical events but online meetings were offered to groups in their place.
Online interactive consultation tool	✗	✓ StoryMap	This tool was developed to make our online material

			easier to understand and navigate in the absence of events.
Outcomes			
Consultation Period	10 weeks	14.5 weeks	Increase of 4.5 weeks
Representations Received	178	1,200	Increase of 1,022

3.5 The consultation resulted in approximately 1,200 representations making approximately 2,200 individual points. This is a significant increase from the 178 representations to what became the 2017 Local Development Plan. This shows that, despite the predominantly electronic format of the consultation a very wide audience was reached which resulted in a high participation.

3.6 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.

3.7 All comments made 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.

3.8 Scottish Ministers expect local authorities to progress new Local Development Plans to adoption as quickly as possible from the Proposed Plan. This 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 defend the current position of the Proposed 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 relate to clarifications, the use of correct terminology and correcting drafting errors.

3.9 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 9 – 12 month delay to the process and add costs related to printing, advertising and neighbour notification. If Members choose to propose amendments to existing allocations or policies or adding new ones, those proposals must also be consistent with the Strategic Development Plan 2020. Furthermore, transitional arrangements for the new planning system state local development plans in progress (under the 2006 Act) must have reached publication of the proposed plan stage before the publication of National Planning Framework 4, expected to be June 2022, in order to proceed to adoption under the existing provisions and procedures in the 1997 Act (introduced by the 2006 Act). Otherwise a

completely new Local Development Plan would need to be produced under the new planning act.

3.10 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, the Reporter, 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 2020 Participation Statement

3.11 Before the Examination begins the Reporter will determine if the Council has consulted on the Proposed Plan and involved the public in accordance with the 2020 participation statement (see Appendix 3). This sets out the statutory and additional non-statutory consultation carried out on the Proposed Local Development Plan. It confirms that all the consultation was carried out.

Examination in Public

3.12 The Reporter(s) will then examine the Proposed Plan against the representations that have been made and make recommendations as to modifications to be made. In doing that the Reporter(s) 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. Once a report of the Examination is received by the Council the Local Development Plan Team will consider the recommendations and report back to Full Council.

Environmental Report (Strategic Environmental Assessment and Habitats Regulations Appraisal)

3.13 In addition to comments received on the Proposed Plan, in accordance with regulations the Council also sought comments on the Environmental Report, which comprises a Strategic Environmental Assessment and Habitats Regulations Appraisal . A summary of the representations and proposed responses to the Environmental Report can be found at Issue 39 of Appendix 2. The Environmental Report will not be finalised until after the Examination, at which point a post adoption Strategic Environmental Assessment statement will be prepared.

3.14 The Habitats Regulations Appraisal Record will be submitted to the Scottish Ministers along with representation from Nature Scot. This Record is an assessment of the potential impact of the Proposed Plan on protected habitats. The amendments recommended by Nature Scot will be submitted to the Reporter for consideration and the proposed response to these is contained within Issue 39 (Strategic Environmental Assessment and Habitats Regulations Appraisal) in Appendix 2.

4. FINANCIAL IMPLICATIONS

4.1 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 2021/22. Costs relating to the Examination will be charged monthly to the Council on the basis of hours of work undertaken and expenses incurred.

5. LEGAL IMPLICATIONS

5.1 This Local Development Plan will be prepared under the current planning legislation. The next Local Development Plan will be prepared wholly under the new emerging planning legislation.

5.2 Scottish local authorities are required to prepare Local Development Plans every 5 years under the Town and Country Planning (Scotland) Act (1997). In doing so, Section 18 of the Act requires planning authorities to first compile Proposed Local Development Plan which must set out our general proposals for development in the area. The detailed legal requirements for preparing a Local Development Plan are set out in Circular 6/2013 Development Planning. Submitting the Proposed Local Development Plan for Examination will ensure the Council meets the statutory timeframes for the next Local Development Plan.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	None		
Compliance	Failure to deliver an up to date Local Development Plan in line with current legislation.	M	The Scottish Government have revised Scottish Planning Policy which removes explicit reference to Plans being out of date after 5 years.
Operational	Failure to deliver a Local Development Plan could result in unplanned and uncontrolled development which could have implications for how and where service delivery is required across the City.	L	Submitting the Proposed Plan for examination will move the Council into the final stage of the Local Development Plan review process and will allow the Council to adopt a new Local Development Plan in accordance with our legislative requirements.
Financial	Failure to deliver a Local Development Plan could result in unplanned and uncontrolled	L	Submitting the Proposed Plan for examination will move the Council into the final stage of the Local Development Plan review

	development which could have financial implications for service delivery across the Council.		process and will allow the Council to adopt a new Local Development Plan in accordance with our legislative requirements.
Reputational	Failure to deliver a Local Development Plan could negatively affect the Council's current good reputation in terms of keeping development plans up to date.	L	Everyone who has made representations on the Proposed Plan will be kept up to date of progress. People will be kept informed by newsletter, website updates and occasional newspaper notices.
Environment / Climate	Failure to deliver a Local Development Plan could result in unplanned and uncontrolled development which could negatively impact on our Environmental and Climate change targets as set out in the Council and City Wide Climate Change Plans.	L	Submitting the Proposed Plan for examination will move the Council into the final stage of the Local Development Plan review process and will allow the Council to adopt a new Local Development Plan in accordance with our legislative requirements.

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	The Local Development Plan supports a number of projects in the delivery plan including the City Centre Masterplan, Harbour expansion and Regional Economic Strategy.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	By identifying employment land opportunities, the Proposed Plan will contribute towards a 10% increase in employment across priority and volume growth sectors by 2026
Prosperous People Stretch Outcomes	The production of a child friendly version of the Plan when adopted will contribute towards a Child Friendly City which supports all children to prosper

	and engage actively with their communities by 2026.
Prosperous Place Stretch Outcomes	Local Development Plan policies will contribute to addressing climate change by helping to reduce Aberdeen's carbon emissions, and adapting to the impacts of our changing climate.
Regional and City Strategies	The Proposed Local Development Plan has been written to comply with the 2020 Aberdeen City and Shire Strategic Development Plan. Regional Partners such as NESTRANS and NHS Grampian have been consulted in its production.
UK and Scottish Legislative and Policy Programmes	Adoption of the Local Development Plan will ensure Aberdeen has a full and up to date Development Plan coverage in line with existing and emerging Planning legislation.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	An assessment was carried out when the Proposed Aberdeen Local Development Plan was being written and a further iteration is not considered necessary.
Data Protection Impact Assessment	A full DPIA has already been carried out and covered the whole LDP production process. A further iteration is not considered necessary.

9. BACKGROUND PAPERS

Aberdeen Local Development Plan – Proposed Plan

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review>

Aberdeen Local Development Plan – Proposed Plan Representations

https://integration.aberdeencity.gov.uk/service/Proposed_Plan_Responses_Search

(If you do not have a specific reference for a representation then leave the search fields blank and click the 'search' button. This will find and list all of the representations.)

Aberdeen Local Development Plan – Proposed Delivery Programme

<https://www.aberdeencity.gov.uk/sites/default/files/2020-05/DeliveryProgramme.pdf>

Aberdeen City and Shire Strategic Development Planning Authority: Aberdeen City and Shire Strategic Development Plan 2020
<http://www.aberdeencityandshire-sdpa.gov.uk/AboutUs/Publications.aspx>

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 – 2020
<https://www.aberdeencity.gov.uk/sites/default/files/2020-05/DPS2020.pdf>

10. APPENDICES

- Appendix 1 – List of Schedule 4 Issues
- Appendix 2 – Schedule 4 Responses to Unresolved Issues
- Appendix 3 – Report of Conformity with 2020 Participation Statement

11. REPORT AUTHOR CONTACT DETAILS

Name	Andrew Brownrigg
Title	Team Leader
Email Address	abrownrigg@aberdeencity.gov.uk
Tel	07870 487687