

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 December 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Aberdeen Local Development Plan 2023 – Draft Aberdeen Planning Guidance and Supplementary Guidance
REPORT NUMBER	COM/22/284
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	David Berry
TERMS OF REFERENCE	11. The approval of the Local Development Plan

1. PURPOSE OF REPORT

- 1.1 This report presents draft Aberdeen Planning Guidance and Supplementary Guidance to the emerging Aberdeen Local Development Plan 2023 for approval and consultation.

2. RECOMMENDATION

That Council:-

- 2.1 Approve the draft Aberdeen Planning Guidance and Supplementary Guidance documents set out in Appendix 1 and instruct the Chief Officer – Strategic Place Planning to publish them, subject to any minor drafting changes, for a six-week period of public consultation;
- 2.2 Instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance and Supplementary Guidance documents to Members at a subsequent meeting of Full Council within 12 months of the consultation ending;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on associated SEA Screening Reports for the draft Aberdeen Planning Guidance documents, and to publicise the result of the Screening Determinations via a public notice;
- 2.4 Adopt the draft Aberdeen Planning Guidance and Supplementary Guidance documents as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023; and
- 2.5 Instruct the Chief Officer – Strategic Place Planning to make any minor technical drafting updates which may be required to other existing non-statutory planning guidance.

3. CURRENT SITUATION

- 3.1 Report COM/22/283 to this Council meeting recommends that Members agree to adopt the Aberdeen Local Development Plan 2023. The Local Development Plan focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen. The Council can also adopt additional supporting guidance in connection with the Local Development Plan and this can be used to provide more detail on how its policies and proposals will be implemented. At present, this guidance can either be statutory or non-statutory. Statutory guidance, known formally as Supplementary Guidance, has the same status as the Local Development Plan for the purposes of planning decision making. The Local Development Plan must contain a specific statement to confirm any topics that are proposed to be covered by statutory Supplementary Guidance. Non-statutory guidance, whilst not part of the statutory development plan, can nevertheless be treated as a material consideration in planning decisions and is a more flexible type of guidance which can be more readily prepared and updated to reflect changing circumstances.
- 3.2 The 2017 Local Development Plan was accompanied by a suite of policy-based Supplementary Guidance documents that were grouped into seven topic areas (Townscape and Landscape; Modifications to Existing Buildings; Retail and Commercial; Planning Obligations, Affordable and Specialist Housing; Transport, Air Quality and Noise; Natural Environment; and Resources). It was also accompanied by a suite of site-based Supplementary Guidance. Under current planning legislation, these Supplementary Guidance documents are only valid for the lifespan of the 2017 Local Development Plan. As such, these documents will 'fall' when the new 2023 Local Development Plan is formally adopted. The 2017 Supplementary Guidance will therefore need to be replaced with a new suite of supporting guidance for the 2023 Local Development Plan.
- 3.3 Under the terms of the recent Planning (Scotland) Act 2019, local authorities will no longer be able to produce statutory Supplementary Guidance to support future development plans. With one notable exception outlined in paragraph 3.6 below, it is therefore considered appropriate to respond to this emerging legislation change by replacing the 2017 Supplementary Guidance with a suite of non-statutory Aberdeen Planning Guidance to support the 2023 Local Development Plan.
- 3.4 The proposed Aberdeen Planning Guidance is set out in Appendix 1. It comprises a suite of policy-based guidance documents that are grouped into eight topic areas (Health and Wellbeing; Placemaking by Design; Vibrant City; Supporting Business and Industrial Development; Meeting Housing and Community Needs; Delivering Infrastructure, Transport and Accessibility; Protecting and Enhancing the Natural Environment; and Sustainable Use of Resources). It also includes a suite of site-based guidance documents. For the most part, the proposed Aberdeen Planning Guidance documents carry forward the content of the 2017 Supplementary Guidance subject to only minor technical changes (for instance to reflect the most up to date legislation and guidance). However, some of the documents include more substantive content changes and a small number of entirely new guidance documents are also

proposed. A summary of the key changes in the proposed Aberdeen Planning Guidance is outlined in the table below:

Title of Aberdeen Planning Guidance (APG) Document	Key Changes from 2017 Supplementary Guidance
Topic Area: Health and Wellbeing	
Health Impact Assessment (New – to follow)	Pending – New guidance. A draft of this APG will be produced once national guidance on this topic has been published.
Air Quality	Inclusion of new guidance on City Centre Low Emission Zone. More detailed guidance on requirements from developers to support planning applications.
Noise	No significant change – main content carried forward.
Topic Area: Placemaking by Design	
Energetica	No significant change – main content carried forward subject to minor wording updates.
Temporary Buildings	No significant change – main content carried forward subject to minor wording updates. Addition of a number of explanatory drawings.
Amenity (New)	New guidance to ensure amenity provision within developments and to establish minimum floor areas for residential developments.
The Sub-Division and Redevelopment of Residential Curtilages	No significant change – main content carried forward subject to minor wording updates.
Conversion of Buildings in the Countryside	No significant change – main content carried forward subject to minor wording updates.
Development Along Lanes	No significant change – main content carried forward subject to minor wording updates.
Materials: External Building Materials and Their Use in Aberdeen	No significant change – main content carried forward subject to minor wording updates.
Aberdeen Placemaking Process	New title – previously called Aberdeen Masterplanning Process. Minor changes to reflect the introduction of Local Place Plans.
Big Buildings	Minor changes to existing text and some re-ordering of sections. Addition of a number of images and accompanying text to illustrate key concepts.
A Guide to Planning Consents for the Aberdeen Inner City Multis	No significant change – main content carried forward.
Landscape	Main content carried forward. Inclusion of additional technical advice and a summary of key landscape characteristics / sensitivities to be taken into account in new development, based on recent Aberdeen Landscape Character Assessment.
Stonecleaning	No significant change – main content carried forward.
The Repair and Replacement of Windows and Doors	No significant change – main content carried forward.
Shops and Signs	Inclusion of further guidance on design elements, encouraging more traditional shop fronts and signs.

Title of Aberdeen Planning Guidance (APG) Document	Key Changes from 2017 Supplementary Guidance
	Moving away from digital signage in interests of public safety and amenity.
Repair and Reinstatement of Cast Iron Railings	No significant change – main content carried forward.
Topic Area: Vibrant City	
Hierarchy of Centres	Main content carried forward, subject to minor changes for consistency with new LDP policies VC3 and VC9 and glossary definitions regarding sequential approach and hierarchy of centres. Previous content of a separate Technical Advice Note on Retail Impact Assessments now also included.
Harmony of Uses	Main content carried forward with minor reformatting. Inclusion of reference to ‘agent of change’ principle.
Serviced Apartments	Main content carried forward with minor reformatting. Inclusion of reference to ‘agent of change’ principle.
Topic Area: Supporting Business and Industrial Development	
Aberdeen International Airport	No significant change – main content carried forward.
Topic Area: Meeting Housing and Community Needs	
Householder Development Guide	Main content carried forward subject to minor technical changes. Additional guidance added on annexes / ancillary accommodation. Section on conversion to Houses in Multiple Occupation (HMOs) moved into a new more detailed stand-alone APG (see below).
Affordable and Specialist Housing	Main content carried forward. Strengthening of hierarchy of affordable housing types, with on-site social rented accommodation as first preference. New requirement for student housing developments to contribute towards affordable housing. New requirement for proportion of affordable homes to be provided as wheelchair accessible.
Houses in Multiple Occupation and Overprovision (New)	New guidance document which aims to limit proportion of HMOs to 12% of the total residential properties in any Small Data Zone in the City. Includes indicative mapping to show current areas of concern where this threshold is exceeded and where new HMOs are unlikely to be accepted.
Children’s Nurseries	No significant change – main content carried forward.
Gypsy Traveller Sites	Main content carried forward subject to technical updates to reflect recent Scottish Government guidance.
Student Accommodation	Main content carried forward. New requirement for student housing developments to contribute towards affordable housing.
Topic Area: Delivering Infrastructure, Transport and Accessibility	
Transport and Accessibility	No significant change – main content carried forward. May require more substantive update in

Title of Aberdeen Planning Guidance (APG) Document	Key Changes from 2017 Supplementary Guidance
	future depending on upcoming review of parking and EV standards by the Council's Roads Team.
Topic Area: Protecting and Enhancing the Natural Environment	
Open Space and Green Infrastructure	No significant change – main content carried forward on interim basis. Will require more substantive update following upcoming review of existing Open Space Audit and Strategy by the Council's Natural Environment Policy Team.
Natural Heritage	Re-organisation of content and more robust natural heritage standards, including principle that all development proposals should make provision to achieve an overall biodiversity gain on their site. Additional technical advice provided, including guidance on survey requirements.
Flooding, Drainage and Water Quality	Stronger focus on, and more robust standards for, blue green infrastructure and natural surface water management solutions. More detailed guidance on requirements from developers to support planning applications. Removal of references to regional SuDS and contributions towards them.
Trees and Woodland	Main content carried forward. More robust position on approach that Council will take where there is evidence of deliberate clearing of sites prior to submission of a planning application.
Food Growing (New)	New guidance document with advice and standards for provision of food growing spaces within new developments.
Outdoor Access (New)	New stand-alone guidance document with advice and requirements for protection of existing outdoor access routes and provision of new / enhanced routes within new developments.
Topic Area: Sustainable Use of Resources	
Waste Management Requirements for New Developments	Minor updates on waste collection but no significant change.
Resources for New Developments (To follow)	Pending – A draft of this APG will be produced following the release of updated Building Standards Technical Handbooks.
Wind Turbine Development	No significant change – main content carried forward subject to minor changes to existing text and some re-ordering of sections.
Heat Networks and Energy Mapping (New – to follow)	Pending – Additional technical advice is currently awaited on this topic, and a draft of this APG will be produced once it has been received.
Site Based Guidance	
Countesswells Development Framework and Phase One Masterplan	No significant change – main content carried forward.
Dubford Development Framework	No significant change – main content carried forward.
Former Davidson's Mill Development Framework and Masterplan	No significant change – main content carried forward.

Title of Aberdeen Planning Guidance (APG) Document	Key Changes from 2017 Supplementary Guidance
Friarsfield Development Framework	No significant change – main content carried forward.
Grandhome Development Framework	No significant change – main content carried forward.
Maidencraig Masterplan	No significant change – main content carried forward.
Newhills Development Framework	No significant change – main content carried forward.
Oldfold Development Framework and Masterplan	No significant change – main content carried forward.
Persley Den/Woodside Masterplan	No significant change – main content carried forward.
Rowett North AECC Development Framework	No significant change – main content carried forward.
Bridge of Don AECC Development Framework	No significant change – main content carried forward.

- 3.5 As outlined in the table above, Members should note that three of the proposed Aberdeen Planning Guidance documents are still under preparation and will follow at a later date. These will cover health impact assessments, resources for new developments, and heat networks and energy mapping. Additional national planning guidance and / or technical advice is currently awaited for these topics. These additional proposed Aberdeen Planning Guidance documents will be completed as soon as practicable following publication of the national guidance / technical advice, and they will be reported to Members for approval under separate cover. One of the key benefits of non-statutory guidance is that the process for preparing these documents is relatively streamlined and, as such, further Aberdeen Planning Guidance documents beyond those listed in the table above may also be prepared, if necessary, during the lifetime of the new Local Development Plan.
- 3.6 In addition to the suite of Aberdeen Planning Guidance listed above, one piece of statutory Supplementary Guidance is also proposed. This will cover the topic of planning obligations (also referred to as ‘developer contributions’). Scottish Government Circular 6/2013 makes it clear that levels of planning obligations and the methodologies used for their calculation are suitable topics for Supplementary Guidance. It is therefore appropriate to retain statutory Supplementary Guidance on this issue. In order to enable this, the new Local Development Plan includes a specific statement to confirm that statutory Supplementary Guidance will be prepared on this topic. The proposed Planning Obligations Supplementary Guidance is set out in Appendix 1. This carries forward established thresholds, types and methodologies for seeking contributions from the 2017 Supplementary Guidance and updates the level of contributions to reflect changes in costs. Other changes include refining the way developer contributions will be managed, including proposals to increase the time period for the Council to spend future contributions from 7 years to 10 years, and to ensure that all future contributions are index linked to the rates set at the date of adoption of the Supplementary Guidance.

- 3.7 Subject to Member approval, a 6-week period of public consultation will be undertaken on the draft Aberdeen Planning Guidance and Supplementary Guidance documents. This is expected to commence in early 2023. The consultation documents will be made available for inspection online and in locations across the City in accordance with relevant legislation. The consultation will also be publicised through means such as newspaper notice, the Local Development Plan newsletter, and the Council's website and social media platforms. Interested parties will be able to submit comments using the Council's consultation hub (Citizen Space), email or post. All comments will be reviewed and taken into account to help formulate final versions of the Aberdeen Planning Guidance and Supplementary Guidance documents, which will be reported back to Members for approval at a future meeting.
- 3.8 In order to avoid any gap in planning guidance until final versions are reported back to Members for approval, Members are also asked to adopt the draft Aberdeen Planning Guidance and Supplementary Guidance documents as Interim Planning Advice from the date of adoption of the 2023 Local Development Plan.
- 3.9 In addition to the guidance documents noted above, there is also an existing suite of non-statutory planning documents which were developed prior to adoption of the 2017 Local Development Plan. These documents, which still remain valid, are currently known as Local Planning Advice and are listed below:
- Aberdeen Harbour Development Framework
 - Balgownie Centre, Bridge of Don Planning Brief
 - Bon Accord Baths Planning Brief
 - Broadford Works Design Brief
 - Conservation Area Character Appraisals and Management Plan
 - Denburn Valley Planning Brief
 - River Don Corridor Framework
 - RGU City Centre Planning Brief
 - St Peters Nursery Site Redevelopment Brief
- 3.10 There are also three further Development Frameworks - the Greenferns Development Framework and Masterplan (adopted as Interim Planning Advice at Council on 5 March 2018), the Loirston Development Framework (approved as Aberdeen Planning Guidance at the Planning Development Management Committee on 10 December 2020), and the revised Prime Four Business Park Development Framework (approved as Aberdeen Planning Guidance at the Planning Development Management Committee on 21 April 2022).
- 3.11 In order to ensure consistent terminology across all of the guidance documents that will ultimately support the 2023 Local Development Plan, it is proposed that the Local Planning Advice noted in paragraph 3.9 and the Greenferns Development Framework and Masterplan be renamed as Aberdeen Planning Guidance. As noted in recommendation 2.5, approval is also sought to make any minor technical drafting updates which may be required to other existing non-statutory planning guidance. This will involve undertaking a solely technical review of all the existing non-statutory guidance documents to ensure

that, for example, all planning policy references are up to date. Since this review will be solely technical in nature and will not include any substantive content changes, it is not considered necessary to undertake any further public consultation on these documents.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report as the cost of preparing Aberdeen Planning Guidance and Supplementary Guidance is met through existing staff time and resource budgets.

4.2 As a major landowner in the City, proposals for the development of land and assets owned by Aberdeen City Council and any planning applications for development undertaken by or on behalf of the City Council will, where applicable, be subject to assessment against the proposed Aberdeen Planning Guidance and Supplementary Guidance. This may have financial implications for the Council as a developer.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report. Whilst the proposed Aberdeen Planning Guidance will no longer form part of the statutory development plan, it is important that this guidance is retained in a new non-statutory form, and it will still be a material consideration to inform decisions on future planning applications in Aberdeen. Any person who is aggrieved by the content of the final adopted supplementary guidance may submit an application to the Court of Session to question its validity and to request that it be quashed in whole or in part.

6. ENVIRONMENTAL IMPLICATIONS

6.1 An up-to-date Local Development Plan and supporting guidance will have positive environmental implications by helping to ensure that all new developments in the City are appropriately sited and designed to avoid adverse impacts on the environment. The draft Aberdeen Planning Guidance documents have themselves been subject to a Strategic Environmental Assessment (SEA) screening process in accordance with relevant legislation, and the SEA screening reports will be subject to consultation with statutory consultation bodies. The Planning Obligations Supplementary Guidance was assessed within the Environmental Report: Strategic Environmental Assessment and Habitats Regulation Appraisal for the Local Development Plan.

7. RISK

Risk Appetite

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Management Of Risk

- 7.2 The Local Development Plan is reviewed on a statutory basis. Aberdeen Planning Guidance and Supplementary Guidance also needs to be reviewed to coincide with the adoption of the next Local Development Plan. This will ensure continuity in the provision of up to date and relevant planning frameworks.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) <small>*taking into account controls/control actions</small>	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Ensuring up to date and relevant supporting planning guidance to coincide with adoption of the new Local Development Plan.	Adopt draft Aberdeen Planning Guidance and Supplementary Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.	L	Yes
Compliance	Ensuring that current adopted Supplementary Guidance is replaced with new Aberdeen Planning Guidance and Supplementary Guidance to comply with relevant planning legislation.	Adopt draft Aberdeen Planning Guidance and Supplementary Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.	L	Yes

Operational	Ensuring timeously published and adopted supporting guidance for the new Local Development Plan to avoid delays in the issuing of planning application determinations.	Adopt draft Aberdeen Planning Guidance and Supplementary Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.	L	Yes
Financial	Not having timeously published and adopted supporting guidance for the new Local Development Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being spent processing applications. It may also reduce the ability to secure developer contributions from future planning applications.	Adopt draft Aberdeen Planning Guidance and Supplementary Guidance on an interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.	L	Yes
Reputational	The planning authority has consistently reviewed the	Adopt draft Aberdeen Planning Guidance and Supplementary Guidance on an	L	Yes

	Local Development Plan and supplementary guidance within the statutory review period. Failure to continue this could damage the Council's reputation as a planning authority.	interim basis following adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance documents, and ensure that final versions of the guidance are adopted timeously.		
Environment / Climate	Ensuring that planning frameworks take into consideration the relevant environmental and climate change legislation at the point of their development and production.	Ensure that robust and transparent consultation with statutory agencies is undertaken on the draft guidance documents. Carry out Strategic Environmental Assessment Screening Reports for all relevant guidance documents.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The proposed Aberdeen Planning Guidance and Supplementary Guidance within this report will support the delivery of many aspects of the policy statement – primarily under the headings of ‘A City of Opportunity’, ‘A Vibrant City’, ‘Building a Greener and Sustainable City’, ‘Greener Transport, Safer Streets, Real Choices’, ‘Homes for the Future’, ‘An Active City’, and ‘A Prosperous City’. It will particularly support the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • Review and invest in our school estate, ensuring all of Aberdeen’s schools are fit for

	<p>the educational needs and the challenges of the 21st century</p> <ul style="list-style-type: none"> • Improving cycle and active transport infrastructure • Work with partners to produce a ten-year plan to increase the stock and variety of Council and social housing • Expand Aberdeen’s district heating network • Repeal the guidance that exempts student accommodation developers from affordable housing contributions • Back Sport Aberdeen in their efforts to invest in and improve sporting facilities • Work with partners to stimulate sustainable economic development
<p><u>Aberdeen City Local Outcome Improvement Plan</u></p>	
<p>Prosperous Economy Stretch Outcomes</p>	<p>The proposed Aberdeen Planning Guidance and Supplementary Guidance will help to support the Stretch Outcome ‘No one will suffer due to poverty by 2026.’ The guidance will help to support sustainable economic growth and create a framework for the delivery of new energy efficient homes which will help reduce fuel poverty for residents.</p>
<p>Prosperous Place Stretch Outcomes</p>	<p>The proposed Aberdeen Planning Guidance and Supplementary Guidance will support Place Stretch Outcomes 13 – 15 by providing guidance to ensure that new developments within the City are designed to achieve high standards of energy efficiency, encourage sustainable methods of travel, and to achieve net gains for biodiversity wherever possible.</p>
<p>Regional and City Strategies</p>	<p>The proposed Aberdeen Planning Guidance and Supplementary Guidance will directly support the Strategic Development Plan and the Local Development Plan. It will also support the Regional Economic Strategy and the Regional Transport Strategy by setting out guidance to help deliver sustainable economic development and to ensure that new developments have proper regard to their impacts on the transport network. Through the proposed Planning Obligations Supplementary Guidance, contributions will also be sought where appropriate from new developments towards infrastructure enhancements such as schools and other community facilities. This will support delivery of the Council’s Estates and Assets Strategies.</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	A full integrated impact assessment has been undertaken. It concludes that the draft Aberdeen Planning Guidance and Supplementary Guidance documents are not expected to have any significant adverse impacts on any protected groups, and that any significant impacts are expected to be positive in nature.
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 Appendix 1: Proposed Draft Aberdeen Planning Guidance and Supplementary Guidance - available to view via the online document library [here](#).

12. REPORT AUTHOR CONTACT DETAILS

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