

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Planning Development Management
<b>DATE</b>	09 February 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Draft Aberdeen Planning Guidance: Resources for New Development
<b>REPORT NUMBER</b>	PLA/23/046
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	David Dunne
<b>REPORT AUTHOR</b>	Abigail Burrows / Donna Laing
<b>TERMS OF REFERENCE</b>	5. Adopt non-statutory planning management guidance

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### 1. PURPOSE OF REPORT

- 1.1 This report presents a draft Aberdeen Planning Guidance (APG) on Resources for New Development. The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to Full Council for approval before December 2023, as part of a wider report on all current guidance documents to support the Aberdeen Local Development Plan 2023.

### 2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Approve the content of the draft Aberdeen Planning Guidance: Resources for New Development (Appendix 1) and adopt the draft document as Interim Planning Advice from the date of adoption of the Aberdeen Local Development Plan 2023;
- 2.2 Instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance: Resources for New Development document for a six week period of public consultation, and for this consultation to be undertaken at the same time as the public consultation exercise on a number of associated Supplementary Guidance and Aberdeen Planning Guidance documents instructed by Council on 14 December 2022;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Resources for New Development to Council before December 2023 as part of

the wider post-consultation report on all current draft guidance documents to support the Aberdeen Local Development Plan 2023; and,

- 2.4 Instruct the Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on the associated SEA Screening Report for the draft Aberdeen Planning Guidance document: Resources for New Development, and to publicise the result of the Screening Determinations on the Council’s website.

### **3. CURRENT SITUATION**

#### **Background**

- 3.1 The Local Development Plan (LDP) focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen. Supporting guidance in connection with the Local Development Plan is used to provide more detail on how LDP policies and proposals will be implemented. The draft Aberdeen Planning Guidance on Resources for New Development presented in Appendix 1 would, upon adoption, form non-statutory guidance to support the LDP. Whilst not part of the statutory development plan, non-statutory guidance documents can nevertheless be treated as a material consideration in planning decisions and are 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). 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, and it will no longer be possible to take them into account in planning decision making. The 2017 Supplementary Guidance will therefore need to be replaced with a new suite of supporting guidance for the 2023 Local Development Plan, including the planning guidance for Resources for New Development. This draft Aberdeen Planning Guidance document would, if approved, replace the 2017 Supplementary Guidance on Resources for New Development.

#### **Relationship to Building Standards**

- 3.3 As explained within Report COM/22/284 to Full Council on 14 December 2022, finalisation of the draft APG: Resources for New Development has been dependent on the publication of updated Scottish Building Standards technical guidance from Scottish Government.

- 3.4 The draft APG: Resources for New Development provides guidance considering various aspects integral to the design and functioning of new developments, including energy efficiency and water use efficiency in new developments. Scottish Building Standards provide specifications concerning numerous aspects of the design and construction of new developments. Notably, Sections 6 and 7 of the Scottish Building Standards Technical Handbooks, entitled 'Energy' and 'Sustainability' respectively, contain guidance regarding energy efficiency, and water use efficiency standards. Specifications within these sections have been used to inform the guidance regarding energy use in buildings within the draft APG: Resources for New Development.
- 3.5 In December 2022, the Scottish Government's Building Standards division revealed plans to publish new Technical Handbooks for Domestic and Non-Domestic buildings. The adoption of these new handbooks was subsequently implemented from 01 February 2023. Considering the weight of influence that the Scottish Building Standards Technical Handbooks convey within the draft APG on Resources for New Development, it was considered pertinent and resource efficient to postpone any public consultation on the draft document until the Building Standards Technical Handbooks of December 2022 had been implemented. As such, this draft Aberdeen Planning Guidance was not included alongside the previous suite of guidance documents presented to Council on 14 December 2022.
- 3.6 The update of the Building Standards Technical Handbooks contains heightened requirements for the reduction of carbon dioxide emissions in new developments. The contents of the draft APG: Resources for New Development refers to the standards outlined within the latest Building Standards Technical Handbooks. This ensures that the energy requirements for new developments in the draft Aberdeen Planning Guidance are aligned with national standards. Additionally, this will enhance citywide efforts towards achieving Aberdeen's carbon emission reduction goals outlined in the Net Zero Aberdeen Routemap. The increased energy efficiency requirements for all new development in Aberdeen will deliver progress in the tackling challenges identified under the Net Zero Aberdeen Routemap theme: Buildings and Heat.

#### **Key Changes from the previous Supplementary Guidance 2017**

- 3.7 The key changes featured within the draft APG: Resources for New Development when considered against the equivalent 2017 Supplementary Guidance on Resources for New Development include updated requirements concerning water use efficiency and energy efficiency in new developments. The updated APG also features a new 'Sustainability Checklist' that highlights objectives and considerations to be addressed throughout the design stages of new developments. This covers four broad categories (Water Efficiency; Energy Efficiency; Design; and Climate Resilience) and ensures applicants of new developments afford greater consideration to the sustainability of the developments. These changes within the updated APG seek to improve the energy efficiency and sustainability of all new developments in Aberdeen, contributing to the reduction of citywide carbon dioxide emissions.

## **Consultation**

- 3.8 In order to make the best use of Council resources and to undertake a more straightforward consultation exercise for the public, it is intended, subject to approval, that the draft Aberdeen Planning Guidance: Resources for New Development document accompany and be part of the wider public consultation exercise on the suite of draft Supplementary Guidance and Aberdeen Planning Guidance documents already approved for public consultation by Council on 14 December 2022.
- 3.9 The 6-week period of public consultation proposed would commence in early 2023. The consultation documents will be made available for inspection online 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 encouraged to submit comments via the Council's consultation hub (Citizen Space). All comments will be reviewed and taken into account to help formulate a final version of the Aberdeen Planning Guidance: Resources for New Development. Subject to approval, and to ensure a consistent resource efficient and simpler process, Recommendation 2.3 of this report recommends that any comments on the draft Aberdeen Planning Guidance: Resources for New Development will be reported back to Members at the same time as Officers report back on the suite of other supporting documents approved under report COM/22/284 to a future Council meeting before December 2023.
- 3.10 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: Resources for New Development as Interim Planning Advice from the date of adoption of the 2023 Local Development Plan, as has been agreed for all other similar documents per report COM/22/284 to Full Council.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of preparing and consulting on the document can be met through existing 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. 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 not form part of the statutory development plan, it is important that guidance on this topic is retained in a new non-statutory form. The document will 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 Aberdeen Planning 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 The draft Aberdeen Planning Guidance: Resources for New Development has 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.
- 6.2 A Habitats Regulations Appraisal (HRA) is not required for the Draft Guidance on Resources for New Development as it does not specifically recommend any actions or projects.
- 6.3 The proposal in this report anticipates positive environmental implications. The draft Aberdeen Planning Guidance: Resources for New Development presents requirements for all new developments to improve the water efficiency, and energy efficiency within new developments, additionally it contains a 'Sustainability Checklist' for all new development applicants to consider. The requirements specified in the guidance will assist in the reduction of carbon dioxide emissions from new development in Aberdeen, contributing to Aberdeen City's target goal of reaching net zero carbon emissions by 2037.

## 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.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	Ensuring this Aberdeen Planning	Adopt this draft Aberdeen Planning Guidance on an	L	Yes

	Guidance is up to date and relevant to coincide with adoption of the new Local Development Plan.	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.		
<b>Compliance</b>	Ensuring that current adopted Supplementary Guidance is replaced with new Aberdeen Planning Guidance to comply with relevant planning legislation.	Adopt draft Aberdeen Planning 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
<b>Operational</b>	Ensuring this Aberdeen Planning Guidance is timeously published and adopted to support the new Local Development Plan and avoid delays in the issuing of planning application determinations.	Adopt this draft Aberdeen Planning 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 document, and ensure that the final version of the guidance is adopted timeously.	L	<b>Yes</b>
<b>Financial</b>	Not having timeously published and adopted this	Adopt this draft Aberdeen Planning Guidance on an interim basis following	L	Yes

	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.	adoption of new Local Development Plan. Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance document, and ensure that the final version of the guidance is adopted timeously.		
<b>Reputational</b>	The planning authority has consistently reviewed the 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.	Adopt this draft Aberdeen Planning 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 this draft guidance document, and ensure that the final version of the guidance is adopted timeously.	L	Yes
<b>Environment / Climate</b>	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 document. Carry out Strategic Environmental Assessment Screening Reports for the draft guidance document.	L	Yes

## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN 2022-2023</u></b>	
	<b>Impact of Report</b>
<p><b>Aberdeen City Council Policy Statement</b></p> <p><b><u>Working in Partnership for Aberdeen</u></b></p>	<p>The proposal within this report supports the delivery of the following aspects of the policy statement: ‘Building a Greener and More Sustainable City’</p> <ul style="list-style-type: none"> <li>• Work with partners to deliver a just transition to net zero and plan to make Aberdeen a net-zero city by no later than 2037, and earlier if that is possible.</li> <li>• Continue to reduce the carbon footprint of the Council’s building estate and vehicle fleet and adopt an “environment first” approach to all new Council building projects, seeking to maximise the energy efficiency of, and minimise the carbon footprint of, new buildings and investigate the feasibility of generating energy by installing ground source heat pumps in Council owned open spaces</li> </ul>
<b><u>Aberdeen City Local Outcome Improvement Plan 2016-26</u></b>	
<p>Prosperous Economy Stretch Outcomes</p>	<p>Supports delivery of Stretch Outcome 1 by supporting the production of more energy efficient housing developments that will help reduce fuel poverty for residents.</p>
<p>Prosperous People Stretch Outcomes</p>	<p>Supports delivery of Stretch Outcomes 4 and 11 by providing guidance to reducing city-wide carbon dioxide emissions from new developments, resulting in improved air quality that supports the health of Aberdeen citizens.</p>
<p>Prosperous Place Stretch Outcomes</p>	<p>Supports delivery of Stretch Outcome 13 by providing guidance to ensure that all new developments in Aberdeen are designed to achieve high standards of energy efficiency, reducing the city’s overall carbon dioxide emissions.</p>
<p><b>Regional and City Strategies</b></p>	<p>The proposal within this report supports the emerging Aberdeen Local Development Plan 2023 by ensuring that all new developments are designed to minimise resource demand and incorporate energy and water efficiency measures.</p>

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required.
Other	N/A.

## 10. BACKGROUND PAPERS

- 10.2 [Proposed Aberdeen Local Development Plan 2020](#)
- 10.3 [Supplementary Guidance: Resources for New Development](#) (2017)
- 10.4 [Building Standards Technical Handbook: Domestic](#) (December 2022)
- 10.5 [Building Standards Technical Handbook: Non-Domestic](#) (December 2022)
- 10.5 [COM/22/284: Aberdeen Local Development Plan 2023 – Draft Aberdeen Planning Guidance and Supplementary Guidance](#)

## 11. APPENDICES

- 11.1 Appendix 1 – Draft Aberdeen Planning Guidance 2023: Resources for New Development

## 12. REPORT AUTHOR CONTACT DETAILS

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