

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	14 June 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Adoption of the Aberdeen Local Development Plan 2023
REPORT NUMBER	COM/23/174
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Andrew Brownrigg
TERMS OF REFERENCE	11.

1. PURPOSE OF REPORT

- 1.1 This report informs the Council of a Direction issued by Scottish Ministers requiring modifications to be made to the Aberdeen Local Development Plan 2023 prior to adoption. Accepting the modifications will allow the Council to adopt the Plan.

2. RECOMMENDATIONS

That Council:-

- 2.1 Instruct the Chief Officer - Strategic Place Planning to confirm to Scottish Ministers that the planning authority will accept the modifications to the Aberdeen Local Development Plan 2023 as outlined in their Direction letter of 10th May 2023 (Appendix 1).
- 2.2 Instruct the Chief Officer – Strategic Place Planning to proceed to adopt the Aberdeen Local Development Plan 2023, as modified (Appendix 2) and to undertake the statutory procedures set out in paragraph 3.5 of the report.

3. CURRENT SITUATION

- 3.1 On 14th December 2022 the Council approved the Aberdeen Local Development Plan 2023 (the Plan) for adoption, subject to various procedures outlined in the report (COM/22/283). The Council was then required by statute to send the Plan to Scottish Ministers for a 28 day period. During this period Scottish Ministers may, if it appears to them that the Plan is unsatisfactory, direct the planning authority to consider modifying the Plan in such respects as are indicated by the Direction. Scottish Ministers also have the power to extend the 28 day period.

- 3.2 Following several extensions to the period, Scottish Ministers issued a Direction letter on 10th May 2023. This Direction included a number of further modifications to the Plan for the planning authority to consider. Scottish Ministers consider the modifications in the Direction are necessary to ensure the Local Development Plan takes account of the fact that National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and now forms part of the statutory development plan, replacing the Strategic Development Plan.
- 3.3 Under Section 20(6) of the Town and Country Planning (Scotland) Act 1997, the Council may not adopt the Local Development Plan unless it makes the modifications necessary to conform with the Direction, or the Scottish Ministers choose to withdraw the Direction.
- 3.4 Officers are therefore recommending that the planning authority should confirm to Scottish Ministers that the modifications shown as track changes in Appendix 2 be accepted. This includes the minor consequential modifications arising from the Direction such as paragraph and table re-numbering and non-notifiable modifications such as minor corrected typographical errors. This will enable the Council to adopt the Plan over the next few days at which point the extant Aberdeen Local Development Plan 2017 will fall.
- 3.5 When the Aberdeen Local Development Plan 2023 is adopted, the following statutory procedures will be carried out by the planning authority;
- Send 2 copies to Scottish Ministers;
 - Publish it, including electronically;
 - Place copies in public libraries;
 - Notify people who made representations on the proposed or modified plan of its publication and its availability in public libraries; and
 - Advertise its publication and availability in a local newspaper

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 Scottish Ministers have the power to issue a Direction to the planning authority if they think a Local Development plan is unsatisfactory under Section 20(5) of the Town and Country Planning (Scotland) Act 1997. Section 20(6) of the same Act requires planning authorities to accept any modifications issued under the Direction in order to adopt the Plan, unless Ministers withdraw the Direction.
- 5.2 Planning and legal officers are of the opinion that the modifications issued in the Direction should be accepted.
- 5.3 When the Local Development Plan is adopted, there is a six week period in which a legal challenge can be made on the grounds that:
(a) that it is not within the powers conferred by Part II of the Town and Country Planning Act 1997, as amended, or

(b) that any relevant requirement of that Part or of any regulations made under than Part have not been complied with.

5.4 It is considered that accepting the modifications is consistent with the legislative requirements of the Act.

6. ENVIRONMENTAL IMPLICATIONS

6.1 An up to date Local Development Plan has 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 Local Development Plan has been subject to a Strategic Environmental Assessment and Habitats Regulations Appraisal in consultation with statutory consultation bodies.

7. RISK

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?
Strategic Risk	Ensuring up to date and relevant supporting planning guidance to coincide with adoption of the new Local Development Plan.	Adopt new Local Development Plan as modified. Ensure all statutory requirements and public notices are carried out.	L	Yes
Compliance	Ensuring that current adopted Local Development Plan is replaced to comply with relevant planning legislation.	Adopt new Local Development Plan as modified. Ensure all statutory requirements and public notices are carried out.	L	Yes
Operational	No significant risks identified			
Financial	Not having timely published versions of the Local Development Plan could lead to uncertainty at planning application stage and potentially	Adopt new Local Development Plan as modified. Ensure all statutory requirements and public notices are carried out.	L	Yes

	lead to more staff time being spent processing applications on unsuitable sites and a greater number of planning application appeals.			
Reputational	Not having timely published versions of the Local Development Plan could lead to uncertainty with the development industry, key partners and agencies and members of the public.	Adopt new Local Development Plan as modified. Ensure all statutory requirements and public notices are carried out.	L	Yes
Environment / Climate	Ensuring that the Local Development Plan takes into consideration the relevant environmental and climate change legislation at the point of its development and production.	Wide consultation and an examination of the Proposed Local Development Plan was carried out to ensure that the Local Development Plan and supporting documents are up to date and relevant at the date of adoption. A Strategic Environmental Assessment was also carried out.	L	Yes

8.0 OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
Aberdeen City Council Policy Statement	The Aberdeen Local Development Plan will support the delivery of many aspects of the policy statement – primarily under the headings of ‘A City of

<p><u>Working in Partnership for Aberdeen</u></p>	<p>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 the educational needs and the challenges of the 21st century • 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 Aberdeen Local Development Plan 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 Aberdeen Local Development Plan 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 Aberdeen Local Development Plan will directly support the Local Housing Strategy. It supports 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</p>

	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.
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment has been carried out.
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.
Other	None

10. BACKGROUND PAPERS

10.1 Town and Country Planning (Scotland) Act 1997

<https://www.legislation.gov.uk/ukpga/1997/8/contents>

10.2 Adoption of Aberdeen Local Development Plan 2023 (COM/22/283) – Council Report on 14th December 2022.

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&Mid=8190>

11. APPENDICES

Appendix 1 - Scottish Government Direction Letter of 10th May 2023 on the Aberdeen Local Development Plan

Appendix 2 - Aberdeen Local Development Plan 2023 with Minister's modifications (and the consequential modifications) in track changes

12. REPORT AUTHOR CONTACT DETAILS

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