

Issue 20	POLICY NC1, NC2 & NC3: CITY CENTRE AND WEST END RETAIL	
Development plan reference:	Pages 26 - 27, Proposals Maps	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>F&C REIT Asset Management (87) The Theatres Trust (92) Scottish Enterprise (120) Aberdeen Civic Society (136) John Lewis (139) Tiger Aberdeen (Jersey) Ltd (Ellandi LLP) (140) Hammerson plc (158) Scottish Government Planning and Architecture Division (164)</p>		
Provision of the Development Plan to which the issue relates:	Sets out the vision for the city centre, Union Street and the West End	
Planning authority's summary of the representation(s):		
<p><u>Policy NC1: City Centre Development – Regional Centre</u></p> <p><u>General Support</u></p> <p>120, 139, 140: Support for Policy.</p> <p>120: Welcome the introduction of clear Policies that support the development of town centres.</p> <p>139: Respondent supports this Policy and the Council's strategy to promote development in the city centre. This supports the town centres first principle, which reflects the direction of Scottish Planning Policy. Respondent supports the Council's intention for the city centre to be the preferred location for retail, commercial, leisure and other significant footfall generating development. The town centre first principle applies as much to leisure, entertainment, office and civic uses as retail. Such uses help to enliven the city centre and create a strong day time working population which will in turn support the retail function of the city centre. Restaurant and leisure uses also help to support a diverse evening economy, attracting visitors and bringing money into the city centre. The Council should continue to champion a strong town centre first approach when dealing with out of centre development. This is vital if the right conditions for city centre investment are to be established.</p> <p><u>Proposals Map/Omission of Sites</u></p> <p>87: Policy identifies four specific locations for retail development. These allocations are not identified on the Proposals Map.</p>		

87: A number of references are made to the significance of the City Centre Masterplan but the Policy does not include some of the sites referred to in the Masterplan as having potential for new retail floorspace.

87: Object to omission of St Nicholas Centre as a potential retail allocation.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Sequential Assessment – Business

120: Supportive of the Proposed Plan's intention to encourage the inclusion of all uses which are appropriate to town centres. There needs to be explicit reference to hotel and office development in the city centre given the beneficial impacts that they have on the economy. Respondent attempts to ensure that town centres are the location to be considered first for many forms of development but for the avoidance of doubt this should not be to the detriment of employment uses referred to in Policy B1. There should be a clear supportive policy background for economic development. Respondent requests that consideration is given to specific wording of the Policy to ensure that it will achieve the desired aim of town centre development without unnecessary constraint. Concern that the requirements of NC1 (and associated Supplementary Guidance) are insufficiently clear in relation to its requirements for sequential assessment other than for retail development. There is no other similar Policy elsewhere upon which reliance can be placed.

120: Respondent requests consideration be given to reword the Policy, supporting text (paragraph 3.25) and Supplementary Guidance to provide more information to support the policy and ensure any assessment is robust and to clearly define how the Policy and Supplementary Guidance will work in practice.

120: Further guidance is required on the type and size of office, business, commercial and leisure uses which are expected to locate in town centres, car parking and accessibility requirements, the type of 'tests' which will be required and how other sites can or cannot be differentiated as being 'appropriate'.

120: There should be no constraint in principle to development on existing and allocated B1, B2, B3 and B4 sites and associated Opportunity Sites. There should be no need to address the sequential assessment under NC1 and Supplementary Guidance if such a requirement is retained in the Aberdeen Local Development Plan. Clarification should be included in Policy NC1 to provide certainty as it may be difficult to implement the business and employment allocations to the detriment of economic and employment growth. The employment allocations have been justified in accordance with the Strategic Development Plan. It is unnecessary and counterproductive to the various employment allocations to introduce an additional level of assessment.

Analysis of Longer Term Opportunities

140: Respondent queries whether analysis has been undertaken to establish if the opportunities identified will be able to accommodate the scale of assessed need for the city

centre within the timescales. OP81 is no longer identified for substantial retail development. Ensuring that need can be met within sustainable locations will ensure that harmful out of centre development cannot be allowed to come forward. Respondent queries whether an assessment of floorspace requirements beyond 2022 and up to 2035 has been undertaken and whether longer term opportunities identified are capable of meeting this need.

Policy NC2: City Centre Retail Core and Union Street

Support

158: Supports the policy provision of directing major retail developments to the Retail Core, which must be protected for retail development in the city and wider North East. It is important that NC2 recognises the City Centre Masterplan to reinforce the Council's aspiration that a long-term masterplan is with a linked funding and delivery mechanism.

87: Support the spatial designation of the Retail Core.

158: Respondent supports criterion 2a) regarding proposals for Change of Use.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

City Centre vs Out of Centre

136: This Policy states that the City Centre Retail Core is the preferred location for retail developments. This should not mean that areas outside of the centre that could benefit from additional retail and commercial development that contribute towards making a balanced and mixed use settlement should be turned down just because there is not a suitable site in the City Centre. This should be given more strength by being included as part of the Policy.

Upper Floors of Existing Buildings/ Change of Use

136: NC2 refers to Change of Use from retail to other uses and lists how it may be acceptable. This list should be used to encourage the use of upper floors in existing buildings. It should make clear that any proposal which involves bringing upper floors back into use will be supported. It is better to have them in use than lying empty waiting for a retail site.

140: Concerned that the policy is unreasonably onerous and conflicts with Scottish Planning Policy (SPP) which encourages a mix of uses in town centres to support vibrancy throughout the day and into the evening. Particularly concerned with criteria (c). This has the potential to stifle Changes of Use, including the change of use from Class 1 (Retail) to Class 3 (Food and Drink) which can positively contribute to the vibrancy and vitality of town centres and increase shopper dwell time. Urge the Plan to incorporate more flexible policies in connection with Changes of Use in the Core Retail Area.

Clustering of Uses

164: Scottish Planning Policy provides that Plans should include Policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy NC2 includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in Scottish Planning Policy is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Policy NC3: West End Shops and Cafes

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

136: NC3 refers to Change of Use from retail to other uses and lists how it may be acceptable. This list should be used to encourage the use of upper floors in existing buildings. It should make clear that any proposal which involves bringing upper floors back into use will be supported. It is better to have them in use than lying empty waiting for a retail site.

164: Scottish Planning Policy provides that Plans should include Policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy NC3 includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in Scottish Planning Policy is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Paragraph 3.25

120: Request consideration be given to reword the Policy, supporting text and Supplementary Guidance to provide more information to support the Policy and ensure any assessment is robust and to clearly define how the Policy and Supplementary Guidance will work in practice.

Modifications sought by those submitting representations:

Policy NC1: City Centre Development – Regional Centre

Proposals Map/Omission of Sites

87: The four sites set out in the Policy should be identified on the City Centre Proposals

Map.

References to Culture

92: NC1 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Sequential Assessment – Business

120: Amend the Policy text (amendment in capital letters). Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme. As such the city centre is the preferred location for retail, OFFICE, HOTEL, OTHER commercial, leisure and other significant footfall generating development serving a city-wide or regional market. Proposals for new retail, OFFICE, HOTEL, OTHER commercial, leisure and other significant footfall generating development shall be located in accordance with the sequential approach referred to in this section of the Plan and in Supplementary Guidance detailed below, OTHER THAN BUSINESS AND EMPLOYMENT DEVELOPMENT TO BE LOCATED UNDER POLICIES B1, B2, AND B3 OR B4, AND ASSOCIATED OP LAND.

Policy NC2: City Centre Retail Core and Union Street

References to culture

92: NC2 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Upper Floors of Existing Buildings/Change of Use

164: Amend criterion 2e to read: "the new use does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and"

Policy NC3: West End Shops and Cafes

References to Culture

92: NC3 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Clustering of Uses

164: Amend criterion 4 to read: "the new use does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and"

Paragraph 3.25

120: Amend text as follows: After "in accordance with this hierarchy.." insert "other than for

business use proposed on existing or allocated land under policies B1, B2, B3 or B4, and associated OP land".

Summary of response (including reasons) by planning authority:

Policy NC1: City Centre Development – Regional Centre

Proposed Plan Policy NC1 has been carried forward from the extant Aberdeen Local Development Plan 2012 (CD42) with no fundamental changes. The content of this policy was examined at the Aberdeen Local Development Plan 2012 Examination under Issue 88 (CD44).

General Support

120, 139, 140: Support is noted and welcomed. The Local Development Plan will continue to focus new retail, commercial, leisure and other appropriate uses in the City Centre in accordance to the sequential approach.

139: The Council is committed to supporting the town centre first approach through Policy NC1 reflecting Scottish Planning Policy (SPP) paragraphs 60 and 68 (CD05). Aberdeen City Council acknowledges that it is important to encourage different uses in town centres such as retail and leisure, community and cultural facilities, as these support the centre's vibrancy, vitality and viability. It will therefore continue to promote a town centre first approach for uses which attract significant numbers of people.

Proposals Map/Omission of Sites

87: The four mentioned sites: Marischal Square, Crooked Lane/George Street, Aberdeen Market and Upper/Basement Floors 73-149 Union Street are included in the City Centre Proposals Maps as OP91, OP102, OP67 and OP96 respectively.

References to Culture

92: Aberdeen the Smarter City (RD32) sets out the vision for Aberdeen City Council's coalition administration until 2017. The vision is for Aberdeen to be an ambitious, achieving smart city. One of the priorities is to "ensure that Union Street regains its position as the heart of the city and move cultural activity centre-stage through re-invigorated cultural leadership". The Proposed Plan is a land use plan which supports the development of quality places which sustain and enhance the social, economic, environmental and cultural attractiveness of the city, as outlined in paragraphs 3.1, 3.2, 3.18, Proposed Plan Policy D1 and the six qualities of successful Placemaking.

Aberdeen City Council also has a Cultural Strategy: Vibrant Aberdeen (RD33) which identifies a number of objectives, key requirements, actions and outcomes for the city from 2010 – 2015. More recently the City Centre Masterplan and Delivery Programme (CCMP&DP) (CD33) calls for the city centre to be "culturally distinctive" and ensure the city centre reflects distinctive local culture.

It is not considered necessary to expand Proposed Plan Policy NC1 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan. Reference should also be

made to Issue 16 which also discusses this matter.

Sequential Assessment – Business

120: In line with Scottish Planning Policy (paragraphs 60 and 68), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area has been identified (Proposed Plan Policy B3 which promotes/encourages uses including hotels and offices) along with an area of Specialist Employment Land to the south of Union Square around Poynerook. The proposed plan, paragraph 3.58, recognises the contribution that hotels can have on the city's employment areas. Sites and areas have been identified, through the Proposed Plan City Wide Proposals Map (CD23), and further detail provided in Appendix 2, where employment and mixed use is acceptable in principle. However, demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12, Figure 1, page 12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The Proposed Plan, through its business and network of centres policies and associated Supplementary Guidance provide a robust policy framework to ensure the appropriate location of uses throughout the network of centres, allocated sites and landuse zones. Proposed Supplementary Guidance (SG) "Hierarchy of Centres" (CD25) provides the context for the assessment of new development proposals. The Hierarchy of Centres SG details the type of uses supported in the different centre types e.g City Centre - support all retail, commercial, leisure and other significant footfall generating developments serving a city-wide or regional market. Hotels and offices are likely to serve a city-wide or regional market. Proposed Policy NC4 Sequential Approach and Impact provides further policy detail pertaining to the assessment of significant footfall generating development.

The employment allocations identified through the Strategic Development Plan have been fully met in the proposed Proposed Plan. An employment proposal on land zoned for employment use would not be subject to additional assessment under NC1. An Opportunity Site designation or zoning establishes the type of use acceptable on the site/area, with Appendix 2 providing further information pertaining to usages acceptable on the OP sites. In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC1 or the supporting text at paragraph 3.25.

Analysis of Longer Term Opportunities

140: The updated Aberdeen City and Aberdeenshire Retail Study 2013 (CD16 (pages 14 and 57-59)) did not identify any quantitative deficiency of convenience retailing other than in some of the larger expansion areas identified around Aberdeen. These deficiencies have been addressed through allocation in these expansion areas. Paragraph 3.28 of the Proposed Plan highlights retail deficiencies identified in the Aberdeen City and Aberdeenshire Retail Study 2013. The Study took "committed retail opportunity" into account when considering whether additional sites required to be identified. The Retail Study already assesses retail opportunity beyond the lifetime of the Proposed Plan. However, retailing is an industry that can be subject to rapid changes. Retail supply and demand is reliant on the market and overall health of the economy and as such any long term assessment beyond which has already been undertaken would not provide sufficient certainty or reliability. It is

likely that further retail studies will be undertaken to inform subsequent Local Development Plans. OP81 is no longer identified for substantial retail development following responses received to the Main Issues Report (RD40 Issue 8).

Policy NC2: City Centre Retail Core and Union Street

Support

87, 158: Support is noted and welcomed.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC2 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

City Centre vs Out of Centre

136: In line with Scottish Planning Policy, the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. It is therefore true that Policy NC2 states that the city centre retail core is the preferred location. However Policy NC2 also provides criteria for assessing proposals for retail within the city centre (but outwith the retail core). Furthermore Policy NC1 and associated Supplementary Guidance provides detail pertaining to the hierarchy of centres and the sequential assessment for proposals. In line with Scottish Planning Policy a sequential approach will be used when selecting locations for uses which generate significant footfall including retail. The locations will be considered through a hierarchy of centres which has been set out in Proposed Supplementary Guidance "Hierarchy of Centres". The detail requested by the respondent is therefore already covered in policy.

Upper Floors of Existing Buildings/Change of Use

136: It is agreed that upper floors of Union Street would be better being used than lying empty. A specific allocation has been identified at OP96 to encourage retail uses in the upper/basement floors of 73-149 Union Street. One of the themes of the City Centre Masterplan and Delivery Programme (CCMP&DP) - A City for People (Pages 38 - 41) - involves improving the retail environment and the occupation of upper floors forms part of this. It is expected that site specific developments within the City Centre Masterplan and Delivery Programme will be further worked up by the City Centre Masterplan Team, and these will then feed into future Aberdeen Local Development Plans.

140: In line with Scottish Planning Policy, the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. In response to comments received to the Main Issues Report it was recognised that there needed to be more flexibility regarding Union Street Frontages. Details of the flexibility are published in the "Union Street Frontages" Proposed Supplementary Guidance (SG) (CD25). Proposals to enhance the vitality and viability of Union Street will be supported, however all proposals for Change of Use must enhance or adequately maintain daytime vitality and an active street frontage. The Union Street Frontages proposed SG aims to maintain an appropriate mix and location of shopping, service and commercial leisure functions on Union Street within the Retail Core. It does this by applying minimum percentages of ground floor retail frontage that are required

in individual sectors of Union Street. However there will be a greater degree of flexibility with the Proposed SG on proposals for Change of Use from Class 1 (retail) to Class 3 (food and drink). Additionally, and as a change from the extant Local Development Plan, the west end of Union Street has been rezoned to Mixed Use to encourage a wider range of uses – as shown on the Proposed City Centre Proposals Map (CD22). The Proposed Plan and associated Proposed Supplementary Guidance therefore already provide a robust policy framework to enhance the vitality and viability of Union Street (and wider city centre retail core). The Council does not support any relaxation to the Policy when flexibility is already accounted for within the associated Supplementary Guidance.

Clustering of Uses

164: In line with Scottish Planning Policy (paragraph 67) the Proposed Plan has included Policies and Supplementary Guidance (Harmony of Uses) (CD25) to support an appropriate mix of uses. Additional policy provision has been added in the form of criterion 2e) (as per paragraph 67 of SPP) to prevent over-provision and clustering of particular activities which would undermine the character and amenity of centres or the well-being of communities. The Respondent seeks to ensure that it is the negative aspect of clustering of particular uses that is taken into account when assessing proposals for Changes of Use. Criterion 2e) of Policy NC2 is one of six criteria which will be used to assess the suitability of proposals for Changes of Use away from retail within the City Centre Retail Core. All criterion need to be satisfied and so negative ramifications such as sensitive amenity issues will be assessed under all criterion. In recognition of the distinctiveness of place and building upon the West End Office Area Policy, the Proposed Plan has introduced a new Policy supporting independent retail and cafes in the West End (NC3). The same level of protection will be afforded, but specialist shops, cafes and offices will be encouraged. In these areas, clusters of particular uses have been identified and supported. It is appreciated that clusters are not always a negative. It is not considered necessary to add additional detail to criterion e) when the detail requested by the Respondent is already sufficient covered in the other five criterion, in other Proposed Plan Policy (specifically Policy D1: Quality Placemaking by Design and the six qualities of successful Placemaking) and in associated Proposed Supplementary Guidance.

Policy NC3: West End Shops and Cafes

References to Culture

92: Please see response to same issue as per response to NC1 and NC2. As discussed above, it is not considered necessary to expand Policy NC3 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Change of Use

136: Please see response to same issue as per response to NC2.

Clustering of Uses

164: Please see response to same issue as per response to NC2. As discussed above, it is not considered necessary to add additional detail to criterion 4) when the detail requested by the Respondent is already sufficiently covered in the other five criterion, in other Proposed Plan Policy (specifically Policy D1: Quality Placemaking by Design and the six qualities of

successful Placemaking) and in associated Proposed Supplementary Guidance.

Paragraph 3.25

120: Please see response to same issue as per response to NC1. In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC1 or the supporting text at paragraph 3.25.

Reporter's conclusions:

Policy NC1: City Centre Development – Regional Centre

1. F&C REIT Asset Management seeks the identification of the four retail development sites listed in paragraph 3.22 of the proposed plan on the proposals map. However, as the council indicates above, these sites are already identified on the proposals map, as OP91 (Marischal Square), OP102 (Crooked Lane/ George Street), OP67 (Aberdeen Market) and OP96 (Upper/ Basement Floors, 73-149 Union Street). It would have improved the clarity of the plan if these site reference numbers had been included in paragraph 3.22, but I do not consider that this is essential. No change is therefore required.
2. Regarding the omission of the St Nicholas Centre as a retail allocation, in contrast to the other retail opportunity sites identified in the proposed plan and listed above, the St Nicholas Centre is an established modern retail development. The allocation of opportunity sites in the plan is intended to identify sites for significant new development, and not to acknowledge the presence of significant developments that already exist. While the other retail opportunity sites in the city centre have emerged out of a comprehensive study (the Aberdeen City and Aberdeenshire Retail Study 2013) and have been subject to consultation through the main issues report, there is no similar strong evidence before the examination to demonstrate the suitability of the St Nicholas Centre for further significant retail development.
3. I therefore conclude that the St Nicholas Centre should not be added as an opportunity site. This is not to say that there may not be opportunities for further enhancements to the St Nicholas Centre, but these are best considered in the supportive context of Policy NC2 of the plan and/or through the next review of the local development plan.
4. Regarding the treatment of office and hotel development in proposed Policy NC1, it is the case that the policy does not currently address these uses other than through the reference to 'other significant footfall-generating development'. However paragraph 60 of Scottish Planning policy states that the town centre first policy should be applied to offices (and indeed community and cultural facilities) as well as retail and commercial leisure developments. Paragraph 68 states that development plans should adopt a sequential town centre first approach to all these uses.
5. The proposed plan makes significant allocations of business and industrial land in and around the city on which class 4 business development (which could include offices) would be acceptable in principle. I accept that the volume of business and industrial land release required by the strategic development plan made it inevitable that much of this land is located away from the city centre. I also accept that some business land has been identified close to the city centre, for instance to the south of the Union Square development, that is reserved for class 4 development.

6. However I consider that the proposed plan does leave something of a gap regarding its position on city centre office and hotel development, which are potentially significant uses. Scottish Planning Policy indicates that such uses are appropriate, indeed desirable, in city centres, and yet a straightforward reading of the proposed plan does not convey that this is the policy approach in Aberdeen. Policy B3 of the proposed plan relates to the West End Office Area, but is largely devoted to placing restrictions on further office development in this area, rather than promoting this.

7. I therefore consider that Policy NC1 should be amended to include positive references to office and hotel development in the city centre, as suggested by Scottish Enterprise. Paragraph 68 of Scottish Planning Policy is clear that the sequential approach should be applied to such developments. As regards allocated business land outwith the city centre, I have accepted above that the need for such allocations was inevitable. Because offices fall within use class 4 (business), it is likely that office development would be acceptable in principle on such sites, and I agree it would be helpful to clarify this in the plan.

8. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issue 16. There I conclude that a minor addition to Policy NC1 to reflect paragraph 60 of Scottish Planning Policy would serve to clarify the important role of the city centre for arts and culture and go some way to meeting the concerns of the Theatres Trust. I therefore recommend the inclusion of references to community and cultural uses in Policy NC1 below.

9. My recommendations will also serve to address the concerns of John Lewis that the town centre policy should also be applied to leisure, office, entertainment and civic uses, which I agree can serve to improve the diversity, vitality and viability of the city centre, and to support its retail function.

Policy NC2: City Centre Retail Core and Union Street

10. Aberdeen Civic Society suggests that the sequential approach and the 'preferred location' status for the city centre should not rule out otherwise beneficial retail and commercial development on mixed use urban development sites. However the application of a sequential town centre first approach is clearly supported by paragraph 68 of Scottish Planning Policy. This allows retail and commercial developments to be located away from town centres if serving smaller local catchments or if suitable sites do not exist in town centres. While retail or commercial development may bring about the redevelopment of brownfield land, this would be counter-productive if it also detracted from the vitality or viability of the city centre or other town centres. For these reasons I am not persuaded that any change to the plan to introduce a more lax approach to retail or commercial development on out-of-centre sites would be desirable.

11. Regarding bringing upper floors into use, there is no dispute that this is generally a desirable objective. The proposed plan does not actively support changes of use of upper floors to bring them back into beneficial use, and Policies NC2 and NC3 place various restrictions on changes of use away from retail. Policy NC2 refers to the Supplementary Guidance: Union Street Frontages. The restrictions in this document explicitly only apply to ground floors.

12. I am reluctant to recommend a change to the plan that would state a blanket support for changes of use of upper floors, as there may be occasions where the retention of retail use would be desirable. In circumstances where upper floors are vacant and there is little prospect of a resumption in retail use, it appears to me that an application for a change to a

different use could be favourably considered under the existing criteria in Policies NC2 and NC3. I therefore conclude that no change to the plan is required.

13. Regarding the suggestion that Policy NC2 (in particular criterion (c)) should be more flexible regarding changes of use that could benefit the city centre, I agree that Scottish Planning Policy supports a mix of uses in town centres. However, I note that the policy approach in Policy NC2 is only to be applied in the retail core, not in the wider city centre. Therefore the promotion of a mix of uses across the city centre need not be incompatible with a protection of retailing uses within one part of the centre.

14. The retail core is quite large, and even within this area some mix of uses is likely to be desirable. But I note that while criterion (c) resists an undermining of the 'principal retail function', it does not rule out all changes of use. It is clear from a reading of the entirety of Policy NC2 that the plan is making provision for beneficial changes of use, even within the retail core. On this basis I do not consider that any change is necessary.

15. Regarding the need for Policy NC2 to recognise the City Centre Masterplan, I note that criterion (a) of Policy NC2 refers directly to this document. On this basis I conclude that no change is required.

16. The Scottish Government suggests that criterion (e) of Policy NC2 and criterion 4 of Policy NC3 should only resist the clustering of those uses that undermine the character and amenity of the centre or the well-being of communities. I agree that not all clustering is harmful, and indeed the proposed plan acknowledges (at paragraph 3.24) the valuable clustering of independent retail outlets and cafes in the West End. Paragraph 67 of Scottish Planning Policy is clear that it is only the clustering of certain non-retail uses, such as betting offices and high interest money lending premises, that may sometimes be of concern.

17. The council points to the other criteria in Policies NC2 and NC3 as addressing the circumstances where beneficial clustering might be worthy of support. However I find that the wording of Policies NC2 and NC3, in requiring all the criteria to be satisfied, would be most straightforwardly interpreted as meaning that any clustering would be resisted. I therefore prefer adding the words suggested by the Scottish Government to clarify that it is only harmful clustering that is problematic.

Policy NC3 – West End Shops and Cafes

18. The matters raised in relation to this policy (references to culture, the use of upper floors and the clustering of uses) are all dealt with above.

Reporter's recommendations:

I recommend that:

1. The second sentence of Policy NC1 be amended to read "As such the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market."

2. The first sentence of the second paragraph of Policy NC1 be amended to read: "Proposals for new retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development (unless on sites allocated for that use in this plan)

shall be located in accordance with the sequential approach ... [continue as in proposed plan]”.

3. Criterion (e) of Policy NC2 and criterion 4 of Policy NC3 are both reworded to read: “the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and”.

Issue 21	POLICY NC4, NC5, NC6, NC7, NC8 & NC9: SUPPORTING RETAIL CENTRES	
Development plan reference:	Page 28-31, Proposals Map	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Standard Life Assurance Ltd (34) European Development Holdings Limited (58) F&C REIT Asset Management (87) Zurich Assurance Limited (88) Leto Limited (89) The Theatres Trust (92) The Grandhome Trust (101) Scottish Enterprise (120) Aldi Stores Ltd (130) Aberdeen Civic Society (136) John Lewis (139) Tiger Aberdeen (Jersey) Ltd (Ellandi LLP) (140) Hammerson plc (158) Scottish Government Planning and Architecture Division (164)</p>		
Provision of the Development Plan to which the issue relates:	Outlines the hierarchy of centre and encourages retail use in appropriate locations.	
Planning authority's summary of the representation(s):		
<p><u>Policy NC4: Sequential Approach and Impact</u></p> <p><u>Support</u></p> <p>58, 101, 120, 130, 136, 139, 140: Support the Policy and the recognition of Commercial Centres.</p> <p><u>Commercial Centre</u></p> <p>88: Accept the premise that, "all significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach". Welcome the identification of Kittybrewster Retail Park as a Commercial Centre. The Policy is inconsistent with paragraphs 24, 27, 68 and 69 of Scottish Planning Policy. The Policy suggests certain proposals are precluded in certain locations. SPP does not preclude uses which generate significant footfall within commercial centres.</p> <p><u>References to Culture</u></p> <p>92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies</p>		

that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration

New Communities

101: Designating centres outwith the city centre are important to help create sustainable mixed communities. Phase 2 of Grandhome will serve as a Town Centre for the Grandhome development as well as the wider Bridge of Don area.

Business and Sequential Approach

120: There will be no need for the sequential assessment for office and business developments if they are to be located in B1, B2, B3, B4 sites and this should be made explicit.

Site Specific

130: Support for the Policy is put into practice through the intention on to locate at the proposed Cornhill Neighbourhood Centre.

Policy Content

139, 140: This Policy should also apply for Change of Use and amendments to extant Planning Permission. Permitting new development in out of town centre locations will be detrimental. This would ensure all changes to provision are properly tested in terms of their contribution to vitality and viability.

Policy NC5: Out of Centre Proposals

Support

87, 120: Support there is no very large single retail unit allocation. Also support that no other out-of-centre retail allocations are made other than those associated with and ancillary to large scale new residential communities.

Object

89: Object to the Policy as it does not offer a list of proposed out of centre retail allocations in Appendix 2, as it does for City Centre proposals.

There is insufficient certainty offered as to where additional retail capacity should be located. The Plan should identify specific sites. The city centre may not be able to accommodate the forecasted retail capacity.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Business and Out of Centre Proposals

120: There will be no need for the sequential assessment for office and business developments if they are to be located in in B1, B2, B3, B4 sites and this should be made explicit.

Policy Content

139: Out-of-centre developments will have the most adverse impact on city centre developments. Out-of-centre developments should be required to provide an impact assessment for developments over 2,500 square metres and which are not in accordance with the Development Plan. Explicit reference could be made about the need to carry out an Impact Assessment to ensure that the proposal, either individually or cumulatively, will have no impact.

140: This Policy and NC4 could be merged. Perth and Kinross Local Development Plan Policy RC4 provides far more clarity and could be used as a template.

Policy NC5 should be used to test OP65 - Haudagain Triangle before it can be allowed to come forward. Unclear whether this site is intended to meet the retail floorspace requirements identified and what type of need this retail park is intended to meet.

Policy NC6: Town, District, Neighbourhood and Commercial Centres

Support

130: Support this Policy.

Site Specific

34: Respondent welcomes identification of Denmore Road as an important retail centre, zoned as Commercial Centre. The area has potential to become a new centrally-located 'District Centre'.

34: Respondent welcomes identification of the Boulevard Retail Park as an important retail centre, zoned as Commercial Centre. The area has potential to become a new centrally-located 'District Centre',

130: Policy will ensure protection of retail at Cornhill Shopping Arcade and reflects the long term use of this location. Forthcoming Aldi proposal in this area welcomes the Policy.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy Content

136: Policy should encourage more than just retail. Office or other commercial use adds 24-hour vitality to an area. These are locating in Queen's Road and Carden Place which were

previously residential; it is becoming more commercial than mixed use. Use some of the space in existing town or neighbourhood centres to be available for small and medium size offices.

Supporting Text

158: The requirement for applicants to provide evidence regarding Change of Use, as outlined in paragraph 3.29 should be deleted. The information is often commercially sensitive and negative statements could undermine the vitality of the area in which it is located.

Clustering of Uses

164: Scottish Planning Policy provides that Plans should include policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in SPP is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Policy NC7: Local Shop Units

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy NC8: Retail Development Serving New Development Areas

Support

87, 136: Support the Policy and the requirement for retail developments which serve a wider area be subject to a sequential test and Retail Impact Assessment.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy Content

136: Policy should include space for office and leisure developments also as this will add to the vitality of the area.

Policy NC9: Beach and Leisure

Support

34: Support the recognition of the beach as a major leisure development, the rezoning from Urban Green Space to Beach and Leisure, and the restriction of further retail development. Support the suggested Masterplan for the beach.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Modifications sought by those submitting representations:

Policy NC4: Sequential Approach and Impact

Commercial Centre

88: The Local Development Plan should refine Policy NC4 to better and more straightforwardly reflect the requirements of Scottish Planning Policy.

References to Culture

92: Expand NC4 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Business and Sequential Approach

120: Preamble paragraph 3.25- Add the following text to the end of the paragraph: "other than for business use proposed on existing or allocated land under policies B1, B2, B3 and B4, and associated OP land".

Policy- Add the following text- paragraph 2 first sentence: "all significant footfall generating development appropriate to town centres, other than those proposed on B1, B2, B3 or B4 and associated OP land... Paragraph 3 opening text In these circumstances, p.."

Policy Content

139: Policy should be strengthened to ensure that any proposal in Commercial Centres has to demonstrate it will not have significant adverse impact on other city/town centres, or future strategies for enhancing the vitality and viability of the city centre, by providing an impact assessment.

Included criteria requiring the proposal to address a qualitative or quantitative deficiency within the catchment area and a restriction on the type of goods that can be sold in commercial centres locations.

140: Request that the Policy is more explicit in its requirements to undertake Retail Impact Assessment for Commercial Centres which would apply to proposals for extensions, Changes of Use and proposals to modify planning obligations and other planning controls. The Policy should be amended to reflect Scottish Planning Policy where planning authorities have the discretion to advise when Retail Impact Assessment is necessary for smaller retail and leisure proposals.

Policy NC5: Out of Centre Proposals

References to Culture

92: Expand NC5 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Business and Out of Centre Proposals

120: Add text to paragraph 1: “All significant footfall generating development appropriate to designated centres other than development on B1, B2, B3 or B4 and OP land...”

Policy Content

139: The following text may be added to the second bullet point in Policy NC5: "An impact assessment has been undertaken ... which demonstrates that there will be no adverse effect on the vitality or viability of any centre listed in the Hierarchy of Centres ... either individually or cumulatively."

Policy NC6: Town, District, Neighbourhood and Commercial Centres

Site Specific

34: Request that Denmore Road Retail Park is designated as a 'District Centre', acknowledging its existing place in the retail hierarchy and potential for further improvement and expansion to meet the identified retail needs for a wider catchment area.

34: Identify the Boulevard Retail Park as a District Centre.

References to Culture

92: Expand NC6 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Commercial Centre

158: Amendment of the supporting text to delete the requirement in paragraph 3.29 to provide evidence that the property has been actively marketed for six months or more, and a statement from prospective occupiers explaining why the property is unsuitable for retail use.

Clustering of Uses

164: Amend Policy to read: “the new use does not create overprovision and/ or clustering of

a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and”

Policy NC7: Local Shop Units

References to Culture

92: Expand NC7 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Policy NC8: Retail Development Serving New Development Areas

References to Culture

92: Expand NC8 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening

Policy NC9: Beach and Leisure

References to Culture

92: Expand NC9 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Summary of response (including reasons) by planning authority:

National Planning Framework 3 (CD04) reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Scottish Planning Policy (CD05) paragraph 60 reflects the importance of a town centre first approach when planning for uses which attract significant numbers of people, encourage a mix of uses, support successful town centres and consider opportunities for promoting residential use. This approach has been principal in developing the ‘NC’ policy principles. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD12) paragraph 4.2 states, “a sequential approach will be taken to identifying sites for new retail development across the strategic development plan area”.

Policy NC4: Sequential Approach and Impact

Support

58, 101, 120, 130, 136, 139, 140: The support for the Policy is welcomed. The Proposed Plan will continue to focus new retail, commercial, leisure, and other appropriate uses in accordance with the sequential approach.

Commercial Centres

88: We welcome the support for the identification of the site as a Commercial Centre. The Respondent has argued that the Policy is inconsistent with Scottish Planning Policy, as it will preclude certain significant footfall generating development from certain locations. As no

specifics are outlined it is unclear which section of the Policy the comment is directed to. Proposed Plan Policy NC4 outlines a sequential approach will be required for assessing significant footfall developments. Specific reference to Commercial Centres is mentioned in paragraph 8 of the Policy, "Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy". This is not limiting the location of bulky good to Commercial Centres but is saying, following a town centre first approach, that bulky good are preferred in the First, Second or Third Tier and will only be permitted in Commercial Centres if there is no suitable location within the earlier Tiers.

The final paragraph of the Policy does outline there will be a restriction imposed on the amount of comparison good floorspace allowed within convenience shopping development outside the city centre and other town centre. The principle of the retail policies is to ensure retail uses are protected and supported within the five Tiers outlined in the Hierarchy of Centres, which will include ensuring there is a mix of uses to ensure vibrancy, vitality and viability. An overprovision or clustering of comparison goods within convenience shopping developments of Tiers 3, 4 and 5 could have a detrimental impact on these retail areas in terms of vibrancy, vitality and viability.

Reference to Culture

92: Aberdeen - the Smarter City (RD32) sets the vision for Aberdeen City Council's coalition administration until 2017. The Vision is for Aberdeen to be an ambitious, achieving smart city. One of the priorities is to "ensure that Union Street regains its position as the heart of the city and move cultural activity centre-stage through re-invigorated cultural leadership". The Proposed Plan is a land use plan which supports the development of quality places which sustain and enhance the social, economic, environmental and cultural attractiveness of the city, as outlined in paragraphs 3.1, 3.2, 3.18, Proposed Policy D1 and the Six Qualities of Successful Placemaking.

Aberdeen City Council also has a Cultural Strategy: Vibrant Aberdeen (RD33) which identifies a number of objectives, key requirements, actions and outcomes for the city from 2010-2015. More recently the City Centre Masterplan and Delivery Programme (CCMP&DP) (CD33) calls for the city centre to be "culturally distinctive" and ensure the city centre reflects distinctive local culture.

It is not considered necessary to expand the Policy to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan. Reference should also be made to Issue 16 which also discusses this matter.

New Communities

101: We agree that designated centres outwith the city centres are important to create sustainable mixed communities as is outlined in paragraph 3.27 of the Proposed Plan. Grandhome (OP9) has been rolled forward in the Proposed Plan from the extant Local Development Plan 2012 (CD42), and we intend to roll forward the [Grandhome Development Framework](#) for this site as Supplementary Guidance to the Proposed Plan upon its adoption. Policy NC8 specifically addresses retail development serving new development areas. The designation of the site as a town, district or neighbourhood centre will be agreed once it has been built, and is in operation. It is recognised that Phase 2 of the Grandhome site is expected to be delivered beyond 2018 ([Grandhome Development Framework](#)).

Business and Sequential Approach

120: In line with Scottish Planning Policy (CD05), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area (Proposed Plan Policy B3) has been identified, along with an area of Specialist Employment Land to the south of Union Square around Poynerook.

Sites and areas have been identified, through the Proposals Map and further detail provided in Appendix 2, where employment and Mixed Use is acceptable in principle. Demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The principle of business use is established in areas zones as B1: Business and Industry and B2: Specialised Employment Land. Within the B3: West End Office Area there is a principle of maintaining a balance between protecting the historic environment and allowing office development in the area, while B4: Aberdeen Airport supports the development of airport compatible uses.

As discussed in Issue 1, we contend that the employment allocations identified through the Strategic Development Plan have been fully met in the Proposed Plan. Compatible proposals on land zoned or identified for a particular use would not be subject to additional assessment under Proposed Plan Policy NC4 (for example employment uses on employment land). An Opportunity Site or zoning establishes the type of use acceptable on the site/area with Appendix 2 providing further information pertaining to usages acceptable on the Opportunity Sites.

In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC4 or the supporting text at paragraph 3.25

Site Specific

130: The detail of the proposal regarding an Aldi at the Cornhill Neighbourhood Centre is subject to a pending planning application ([151113](#)).

Policy Content

139: Commercial Centres are identified within paragraphs 61 and 63 of Scottish Planning Policy (CD05) as being part of the Network of Centres, and are those with a more specific focus. Within the Proposed Supplementary Guidance document, Hierarchy of Centres (CD25), which sits alongside and gives more detail on the Policy, Figure 1: Retail Hierarchy and Sequential Approach says that Commercial Centres support the large bulky goods and comparison shopping only. The Proposed Supplementary Guidance also provides, in Figure 2: Sequential Approach Thresholds, further information on the hierarchy and where Commercial Centres are located within this hierarchy with regard to differently sized convenience developments, differently sized general comparison and differently sized bulky goods. In all situations, Commercial Centres are located close to the bottom of this hierarchy.

Paragraph 10 of the Proposed Plan outlines that vitality and vibrancy are paramount, “In all cases, proposals shall not detract significantly from the vitality and viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan...”

Therefore, there is no requirement to add text to the Policy outlining “any proposal in commercial centres has to demonstrate it will not have significant adverse impact on other city/town centres, or future strategies for enhancing the vitality and viability of the city centre, by providing an impact assessment”.

The Proposed Supplementary Guidance also states that there is support for large bulky goods and comparison only in Commercial Centres, and this applies when city centre/town centre sites are not available. There is no requirement for including criteria requiring the proposal to address a qualitative or quantitative deficiency within the catchment area and a restriction on the type of goods that can be sold in Commercial Centres locations. The last paragraph of the Policy restricts the amount of comparison goods floorspace allowed within convenience shopping development outside the city centre or other town centres.

139, 140: The Council has adopted a strong town centre approach. We agree that permitting new development in out- of-town centre locations will degrade the town centre first approach. With regard to applying the policy to Change of Use proposals, there is a separate Policy within the Proposed Plan, Policy NC6: Town, District, Neighbourhood and Commercial Centres, which states that retail is the preferred use within these Centres, and that Change of Use from retail will only be permitted in certain circumstances. Paragraph 3.29 of the Proposed Plan outlines that Change of Use proposals need to provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from prospective occupiers explaining their reasons for the property being unsuitable for retail use. In addition, Policy NC5: Out of Centre Proposals states that out-of-centre proposals will only be permitted in certain circumstances. Therefore there is no reason to modify the Policy to take account of Change of Use as the principle of this is covered in Proposed Plan Policy NC6. The ‘NC’ policies provide a strong framework for retaining retail in the defined centres. The Policy applies to proposals to extend existing developments; therefore amendments to extant planning permissions are already expected to conform to this Policy.

The requirement to undertake a Retail Impact Assessment (RIA) for smaller retail and leisure proposals which may have a significant impact on vitality and viability is at the discretion of Officers within the Council’s Development Management Team, as is outlined in paragraph 71 of SPP.

Policy NC5: Out of Centre Proposals

Support

87, 120: The support for the Policy is welcomed.

Object

89: The over-riding principle with the ‘NC’ policies to create a town centre first approach, as is outlined by Scottish Planning Policy, and to support the hierarchy of centres. Out-of-centre developments are contrary to this principle, therefore there is a presumption they will be refused unless proposals satisfy the criteria outlined within Policy NC5, alongside other

local, national and regional policy and guidance. Therefore, out-of-centre proposals will not be mapped. The Retail Core, District Centres, Town Centres, Neighbourhood Centres and Commercial Centres are mapped as they form the Hierarchy of Centres where retail is expected to be located.

There are specific sites identified with the Proposed Plan for retail; these are identified in paragraph 3.22, and in Appendix 2 through OP Sites OP67: Aberdeen Market, OP91: Marischal Square, OP96: Upper/Basement Floors 73-149 Union Street and OP102 George Street, Crooked Lane. Further to this, as discussed in paragraph 3.22 of the Proposed Plan, and paragraph 2.88 of the Aberdeen City and Aberdeenshire Retail Study 2014 (CD16) (page 163 of 377) further expansion and improvements to the existing retail stock in the City Centre Retail Core will be encouraged. The Retail Study outlines a number of solutions to accommodating the 30,000 square meters of retail capacity within the city centre, as per page 22 of the Executive Summary.

References to Culture

92: Please see response to same issue as per response to NC4. As discussed above, it is not considered necessary to expand Policy NC5 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Business and Out of Centre Proposals

120: In line with Scottish Planning Policy (CD05), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area has been identified, along with an area of Specialist Employment Land to the south of Union Square around Poynerook.

Sites and areas have been identified, through the Proposals Map and further detail provided in Appendix 2, where employment and mixed use is acceptable in principle. Demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The principle of business use is established in areas zones as B1: Business and Industry and B2: Specialised Employment Land. With the B3: West End Office Area there is a principle of maintaining a balance between protecting the historic environment and allowing office development in the area, while B4: Aberdeen Airport supports the development of airport compatible uses.

The employment allocations identified through the Strategic Development Plan have been fully met in the Proposed Plan. Compatible proposals on land zoned or identified for a particular use would not be subject to additional assessment under Policy NC5 (for example employment uses on employment land). An OP site or zoning establishes the type of use acceptable on the site/area with Appendix 2 providing further information pertaining to usages acceptable on the OP sites.

In light of the robust policy framework detailed above it is not considered necessary to

expand upon Policy NC5.

Policy Content

139: There is no requirement to repeat the text from Proposed Plan Policy NC4 that, ‘Out-of-centre developments should be required to provide an impact assessment for developments over 2,500 square metres and which are not in accordance with the development plan’. Out-of-centre proposals will be assessed against Policy NC5 and Policy NC4, along with a number of other national, regional and local policy and guidance, therefore there is no requirement to repeat the text from one policy within another policy.

140: The principle of merging Policy NC4 and NC5 is not sound. Policy NC4 outlines the Hierarchy of Centres giving certainty regarding the town centre first approach. Policy NC5 has a principle of refusal, whereby it has to be proven that the development cannot be accommodated within the five Tiers of the Hierarchy of Centres. Merging the two Policies would cause uncertainty and may weaken the principle of supporting and encouraging development within the identified locations. The Haudagain Triangle site would be tested against Policy NC5 amongst others if a planning application for a retail park was submitted in this location. The site is not intended to meet the retail floorspace requirements identified by the Aberdeen City and Aberdeenshire Retail Study 2014.

With regard to the reference to the Perth and Kinross Council Policy, the Policy points within this Policy are already covered by Proposed Policy and Supplementary Guidance in the Proposed Plan. The principle of Policy NC4 is to ensure there is no detrimental impact to retail centres. Policy NC6 outlines there must be no undermining of the principle function of centres, and Policy NC4 and the Proposed Supplementary Guidance outline the Hierarchy of Centres, whereby a town centre first principle and sequential approach to development is applied. The scale of development is a fundamental aspect of Policy D1: Quality Placemaking by Design. All developments are subject to consultation with the Council’s Roads Projects Team. Transport Assessments, as outlined in SPP are to be carried out for significant developments. The Proposed Transport and Accessibility Supplementary Guidance (CD25) outlines the gross floor areas of developments where transport assessments and transport statements are required for proposals in Aberdeen.

Policy NC6: Town, District, Neighbourhood and Commercial Centre

Support

130: We welcome the support for the Policy

Site Specific

34: The definition of a District Centre is outlined in the Glossary of the Proposed Plan. A District Centre is, ‘Groups of shops outwith the city centre, usually containing at least one food supermarket or superstore and non-retail services. These may take a variety of forms’. There is no supermarket or superstore at the Denmore Road Retail Park. The Commercial Centre is formed from two large warehouse type units, with the unit to the south being a single occupier, the unit to the north being split into three units, two of which are unoccupied. Certificate of Lawfulness were granted in 2009 ([090333](#) & [090334](#)) for both warehouse units. They are noted to be both unrestricted Class 1 Retail. The existing use within both units on site is bulky goods.

A Planning Permission in Principle application to redevelop the existing retail units to form a single Class 1 Retail unit was submitted and approved conditionally in 2011. This consent expired on 10 June 2014 ([101203](#)). On 11 March 2014, a Proposal of Application Notice was submitted for the redevelopment of the existing retail units to form a single Class 1 Retail unit. It was determined further consultation was required. A further application, for Detailed Planning Permission [151324](#) was validated on 07 August 2015 for 'Refurbishment of Existing Retail Terrace, formation of new mezzanine within Unit 2, resurfacing and extension of car park, reconfiguration of existing service yard and erection of new coffee pod unit.' This application is currently pending.

As per the definition of District Centre, there is no supermarket or superstore in operation on site and so the site should not be zoned a District Centre.

34: The Boulevard Retail Park fits the definition of a Retail Park in the Proposed Plan as it is a grouping of three or more retail warehouses with associated car parking. The Boulevard Retail Park does not fit the definition of 'District Centre' as it primarily offers a retail function with only one unit (DW Sports Fitness) offering a mixed Class 1 and Class 11 Use. The Boulevard Retail Park does not reflect the mix of uses expected in a District Centre.

130: The detail of the proposal regarding an Aldi at the Cornhill Neighbourhood Centre is subject to a pending planning application ([151113](#)).

Reference to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC6 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan

Policy Content

136: The Town, District, Neighbourhood and Commercial Centres are all part of the Hierarchy of Centres, with the City Centre forming Tier 1. Retail health checks are carried out bi-annually by the Council to assess the function, vitality and vibrancy of the sites which make up the five Tiers. Proposed Plan Policy NC6 makes the presumption of retail function within these Tiers. The Policy does not dismiss or exclude small or medium sized offices from being located within these areas, but for this to occur, points 1 to 7 of the Policy would have to be satisfied. All large footfall generating developments would be appropriate in the City Centre. The streets specifically mentioned (Carden Place and Queen's Road) are zoned under Policy B3: West End Office Area. There is a presumption of office related activity within this area. The West End Office Area has been in place for a number of years and was present within the Aberdeen City District-Wide Local Plan 1991 (RD36), the Aberdeen Local Plan 2008 (CD43), the extant Aberdeen Local Development Plan 2012 (CD42) and is being taking forward within the Proposed Plan.

Supporting Text

158: The requirement to provide evidence that a retail unit has been actively marketed from six months or more provides justification for the non-retail use. The principle of a retail use is identified within Policies NC2, NC5 and NC6. A proposal to remove this use would need to be explained and justified. A mix of uses is acceptable within these areas but the principle of a retail function should not be lost.

Clustering of Uses

164: In line with Scottish Planning Policy (paragraph 67) (CD05) the Proposed Plan has included Policies and Proposed Supplementary Guidance ("Harmony of Uses") to support an appropriate mix of uses. Additional policy provision has been added (as per paragraph 67 of SPP) to prevent over-provision and clustering of particular activities which would undermine the character and amenity of centres or the well-being of communities. The Respondent seeks to ensure that it is the negative aspect of clustering of particular uses that is taken into account when assessing Changes of Use. Criterion 6 of Policy NC6, focusses on clustering and is one of seven criteria which will be used to assess the suitability of proposals for Change of Use away from retail within Town, District, Neighbourhood and Commercial Centres. Further to this, criterion 7 also states, "the alternative use does not conflict with the amenity of the neighbouring area". All criterion need to be satisfied. The modification sought by the Respondent is already outlined in criterion 6 and 7 within the Policy.

Policy NC7: Local Shop Units

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC7 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Policy NC8: Retail Development Serving New Development Areas

Support

87, 136: We welcome the support for the Policy.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC8 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Policy Content

136: The areas to which this Policy applies are major land release residential developments allocation. These are to be developed to be sustainable communities, therefore alongside the residential use there is to be commercial uses and community facilities. These communities will be self sustaining with a mix of uses, with have integrated sustainable transport methods and will provide a range of facilities and services for those people living within them, and others in surrounding areas. All major land release residential developments allocations have Development Frameworks or Masterplans adopted as Supplementary Guidance to the extant Local Development Plan 2012 which we intend to readopt as Supplementary Guidance to the Proposed Plan once adopted. The Policy also states, "...should allocate retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanding local community". Alongside this, the Aberdeen City and Aberdeenshire Retail Study 2013 (CD16) Executive Summary outlines

specific requirements for retail function within the Newhills, Countesswells and Grandhome Developments. The Masterplans and Development Frameworks for [Newhills](#), [Countesswells](#) and [Grandhome](#) outline employment opportunities, education facilities, retail and leisure can be planned alongside residential development as an integrated mix of uses. The Development Frameworks outline they are intending to create hubs of civic, retail, leisure and office spaces. Therefore there is no requirement to modify the Policy to outline office and leisure uses as these are already dictated within the Masterplans and Development Frameworks for the major land release residential developments allocation.

Policy NC9: Beach and Leisure

Support

34: The support for the new Policy is welcome. We also note the support for paragraph 3.30 and the potential to commission a Masterplan for the beach if it is decided that it will help benefit the area. The City Centre Masterplan and Delivery Programme (CD33) investigated linkages and connectivity to the beach and outlined interventions on Castlegate would enhance connectivity to the beach.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC9 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Reporter's conclusions:

Policy NC4: Sequential Approach and Impact

1. Under Issue 20 I noted that paragraph 68 of Scottish Planning Policy included offices among the ‘uses which generate significant footfall’. I also accepted that it would be helpful for Policy NC1 to clarify that office development would be acceptable on sites allocated for class 4 (business) uses. I went on to recommend an amendment to that policy to indicate that the sequential approach to significant footfall generating development would not be applied to applications on sites allocated for a particular use in the plan. Because Policy NC4 also relates to ‘significant footfall generating development’ I consider that it should be read as applying in part to office development.

2. The council accepts that proposals that are compatible with the use for which the application site is zoned in the plan would not be subject to additional assessment under Policy NC4 (i.e. the sequential approach). I agree that this must be the logical position if the plan is to provide the certainty and predictability of decision-making that it should. But it is not readily apparent that this approach will be followed from a straightforward reading to Policy NC4 as proposed. For this reason, and to be consistent with my recommendation under Issue 20, I therefore conclude that Policy NC4 should be amended to clarify that compliant proposals on sites allocated for particular purposes in the plan will not be subject to the sequential test.

3. Various suggestions are made regarding strengthening the wording of Policy NC4 in resisting inappropriate development in ‘commercial centres’.

4. I do not consider it is necessary to add additional text relating to avoiding adverse impacts on town/city centres as this point is already covered in the ninth paragraph of the proposed policy. Paragraphs 11 and 12 of the policy already serve to require proposals of over 2,500 square metres gross floorspace outside town/ regional centres to be accompanied by an impact assessment. Paragraph 71 of Scottish Planning Policy indicates that retail impact analysis may sometimes be required for smaller developments than this, but such analysis will not be required for all developments in commercial centres. I consider that an addition to paragraph 11 of the proposed policy is therefore required in order to clarify that impact analysis may sometimes be required for smaller developments, in line with paragraph 71 of Scottish Planning Policy.

5. There is no suggestion in Scottish Planning Policy that proposals in defined commercial centres should be required to meet qualitative or quantitative deficiencies. The requirement in paragraph 73 of Scottish Planning Policy only relates to out-of-centre proposals, and is already covered in proposed Policy NC5. The possible need to impose restrictions on the type of goods that may be sold in developments outwith city/ town centres is already captured in the final paragraph of Policy NC4. There is therefore no need to amend the policy in relation to these matters.

6. Regarding the application of the policy to proposals for changes of use, I note that changes of use away from retail are covered by Policy NC6 of the plan. However I believe the concern expressed in the representations may be to changes of use to retail, particularly in or on the edge of commercial centres. I note that changes of use clearly fall within the definition of development given in Section 26 of the Planning Act. I therefore consider that changes of use are already covered through the references to development in Policy NC4.

7. In terms of the application of the policy to amendments to extant planning permissions and planning obligations, I consider that these circumstances arise within the context of a proposal for development, and that therefore Policy NC4 would clearly be applicable. No change is required.

8. Zurich Assurance Limited are concerned that the wording of Policy NC4 does not reflect the wording of Scottish Planning Policy and precludes certain developments in certain locations, as opposed to merely expressing a preference for locations in accordance with the sequential approach. I find the wording of Policy NC4 to be somewhat confusing and to include various departures from the policy approach set out in Scottish Planning Policy. Firstly it inserts a tier 1 'regional centre', tier 3 'district centre' and tier 4 'neighbourhood centre' into the hierarchy of centres when these are not mentioned in paragraph 68 of Scottish Planning Policy. However I am satisfied that while this approach serves to add more detail, it does not run strongly counter to the national policy. It also reflects particular local circumstances, in particular the presence of a regional centre.

9. A second departure from Scottish Planning Policy is the omission of 'edge of town centre' and 'out-of-centre' from the sequential hierarchy listed in Policy NC4. Edge of centre proposals are instead covered at paragraph 8 of the policy, but the preference for such sites ahead of commercial centres is not readily apparent, especially as this paragraph is also apparently intended to relate to sites on the edge of commercial centres. I therefore consider the policy would be improved by moving the paragraph dealing with edge-of-centre sites ahead of that dealing with commercial centres, and clarifying that proposals in commercial centres will only be acceptable where edge-of-town/ regional centres are not available.

10. 'Out-of-centre' proposals are covered by Policy NC5. I consider it might have been preferable, for completeness and to more accurately reflect Scottish Planning Policy, to include 'out-of-centre' as a final tier in the hierarchy set out in Policy NC4. However, it is clear from the wording of Policy NC5 that out-of-centre locations can only be acceptable when no suitable sites exist in a location acceptable in terms of Policy NC4 (i.e. in or on the edge of a centre). I therefore conclude that a change is not essential.

11. The seventh paragraph of the proposed policy deals with commercial centres but only refers to bulky goods, and not to other forms of retailing. The intention appears to be that only bulky goods proposals could be considered favourably in these locations, as this is what is stated in the proposed supplementary guidance: Hierarchy of Centres. Paragraph 63 of Scottish Planning Policy appears to envisage the possibility of restricting the function of commercial centres to bulky goods in this way. I am therefore content with this approach, but consider that this requires to be clarified in the plan and therefore recommend a suitable modification below.

12. Finally, the third, fourth and fifth paragraphs of the proposed policy direct proposals serving the various scales of catchment to the appropriate centres. This is not an accurate expression of the sequential test which has at its heart a preference for certain locations over others, but allows proposals to be located in less-preferred locations if no suitable sites exist. I therefore recommend modifying these paragraphs to clarify that the stated types of proposals should be located in these centres where this is possible.

13. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Policy NC5: Out of Centre Proposals

14. Regarding the absence of a list of out-of-centre retail allocations at policy NC5, the structure of the proposed plan is to map opportunity sites on the proposals map and list them in Appendix 2. With the exception of the strategic greenfield releases identified in chapter 2 of the plan, other development proposals are generally not formally listed in the main body of the plan. I therefore consider it would be inconsistent to do so for retail proposals.

15. I discuss the particular merits of the site at Lang Stracht under Issue 8.

16. Under Issue 20 I accepted that it would be helpful for Policy NC1 to clarify that office development would be acceptable on sites allocated for class 4 (business) uses. I went on to recommend an amendment to that policy to indicate that the sequential approach to significant footfall generating development would not be applied to applications on sites allocated for a particular use in the plan. I noted that paragraph 68 of Scottish Planning Policy included offices among the 'uses which generate significant footfall'. On that basis I also consider that Policy NC5 could be read as applying to office development.

17. The council accepts that proposals that are compatible with the use for which the application site is zoned in the plan would not be subject to additional assessment under Policy NC5. I agree that this must be the logical position if the plan is to provide the certainty and predictability of decision-making that it should. But it is not readily apparent that this approach will be followed from a straightforward reading of Policy NC5 as proposed. For this reason, and to be consistent with my recommendations under Issue 20 and in relation to Policy NC4 above, I therefore conclude that Policy NC5 should be amended to

clarify that compliant proposals on sites allocated for particular purposes in the plan will not be subject to the requirements of this policy.

18. Regarding the suggestion that the plan's requirements for retail impact assessments should be repeated in Policy NC5, I agree with the council that this is not necessary. I consider that the existing references in Policy NC4 are adequate because they refer generally to retail developments outwith regional/ town centres, and so could be taken to apply to out-of-centre proposals (otherwise covered under Policy NC5) as well as to proposals in or on the edge of defined centres.

19. Tiger Aberdeen (Jersey) Ltd suggests a merging and simplifying of Policies NC4 and NC5. Although I tend to agree that there is scope to improve the presentation and format of these policies, paragraph 117 of Circular 6/2013: Development Planning advises me that I am not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient. Therefore, beyond the various amendments I have recommended below aimed at ensuring compliance with national policy or clarifying the meaning of the policy, I limit myself to suggesting that the council may wish to reconsider the wording of these policies when the plan is next reviewed.

20. Opportunity site OP65 Haudagain Triangle is allocated as a residential policy area, although Appendix 2 refers to a proposal for a retail park and open space. The council's response above confirms that this is not a positive retail proposal of the plan, and any application would require to be tested against the criteria in Policy NC5. On this basis I recommend deleting the reference to the retail proposal from Appendix 2 to remove any uncertainty as to the development plan status of this site.

21. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Policy NC6: Town, District, Neighbourhood and Commercial Centres

22. It is suggested that the Denmore Road and Boulevard Retail Parks should be designated as district centres as opposed to commercial centres on the proposals map. Paragraph 63 of Scottish Planning Policy requires plans to identify those centres which have a more specific focus on retailing and/ or leisure uses (than town centres) as commercial centres. Among the examples given of commercial centres are retail parks. The proposed plan does not contain a definition of commercial centres, but defines a retail park as 'a grouping of three or more retail warehouses with associated car parking'.

23. 'District centre' is not a term used in Scottish Planning Policy, but is defined in the glossary of the proposed plan as being a 'group of shops outwith the city centre, usually containing at least one food supermarket or superstore and non-retail services. These may take a variety of forms.'

24. The Denmore Road Retail Park is primarily made up of two large retail sheds, divided into a number of separate units, and associated parking. It does not appear to contain any significant non-retail services. There is currently no food store on the site, though the Aberdeen City and Shire Retail Study 2013 indicates that one was proposed, and the council has confirmed a planning permission for a single replacement Class 1 unit was approved in 2011 (which has subsequently lapsed).

25. In its current form I consider that the Denmore Road Retail Park clearly more closely

resembles the Scottish Planning Policy definition of a commercial centre than the proposed plan's definition of a district centre. While I acknowledge the current absence of any town or district centre in Bridge of Don/ Denmore, I note that such a centre has been designated at Middleton Park which is more centrally located to serve the existing housing areas north of the River Don. Therefore I do not identify a pressing need for the status of Denmore Road to be changed in the retail hierarchy in order to satisfy a local need for a higher-tier centre. For these reasons I do not propose any change to the status of the Denmore Road Retail Park.

26. The Boulevard Retail Park is a more substantial retail destination containing a wide range of retailers including food stores and non-bulky goods as well as some leisure uses. It appears to be operating successfully and be reasonably well integrated with public transport networks and neighbouring uses. However the centre retains a specific focus on retailing and leisure and has a very limited range on non-retail services. It has the clear character of a retail park. As such it falls within Scottish Planning Policy's description of a commercial centre. For these reasons I conclude that its continued designation as a commercial centre is more appropriate than as a district centre.

27. Regarding non-retail uses in town, district, neighbourhood and commercial centres, I agree that with Aberdeen Civic Society that, in some circumstances, these can contribute in an important way to the vitality and viability of a centre. Paragraph 60 of Scottish Planning Policy specifically requires the planning system to encourage a mix of uses in town centres. In this context I find the tone of Policy NC6 to be somewhat too negative towards non-retail uses.

28. However I note that the policy does not rule out such uses, but requires a number of criteria to be met if changes of use away from retail are to be allowed. Most of these criteria are descriptive in a general way of the types of use that would be desirable in designated centres and so should not place any undue restriction on otherwise desirable non-retail uses. The exception is criterion 3 which requires a demonstrable lack of demand for continued retail use. On balance I am prepared to accept the retention of this criterion, which may be required to prevent an undesirable loss of retail units to higher value uses. However the council may wish to consider framing a more positive policy towards encouraging a more dynamic mix of uses in town centres in the next iteration of the plan.

29. The references to the 'clustering of a particular use in the immediate vicinity' in Policies NC2 and NC3 were discussed under Issue 20. The same considerations apply to the use of this term in Policy NC6, and I therefore recommend adding additional text to this policy to maintain consistency with Policies NC2 and NC3.

30. Regarding the requirement in paragraph 3.29 of the proposed plan for applicants seeking a change of use away from retail to provide evidence of active marketing and a statement of unsuitability for retail use, I do not find this to be excessive or unusual. Within the context of policies that seek to retain retail uses where possible, it is natural that the council should require some hard evidence of why this is not a viable prospect. I doubt that any negative statements given would be likely to be disseminated so widely as to seriously undermine the vitality of an area. I therefore conclude that no modification is required.

31. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Policy NC7: Local Shop Units

32. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Policy NC8: Retail Development Serving New Development Areas

33. It is suggested that this policy should also provide for office and leisure uses within the major greenfield residential developments. I agree that if these are to be successful self-sustaining communities, then the provision of a range of non-retail uses such as nurseries, gyms and small-scale offices within new neighbourhood centres could be beneficial. The large scale employment releases within these areas may not achieve the same fine-grained mix of uses as sought by the representation.

34. However, to some extent the need for such a mix is captured by the reference in proposed Policy NC8 to 'retail and related uses'. I also note the council's statements above relating to the positive content of the various individual development frameworks for various of the major sites regarding an integrated mix of uses. On this basis I am satisfied that no change to the policy is necessary.

35. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Policy NC9: Beach and Leisure

36. I discuss the suggested need for a new policy regarding tourism, leisure and culture at Issues 16 and 20.

Reporter's recommendations:

I recommend that:

1. The second sentence of Policy NC4 be amended to read: "All significant footfall generating development appropriate to town centres (unless on sites allocated for that use in this plan) should be located ... [continue as in proposed plan]".
2. The following words be added at the start of the third paragraph of Policy NC4: "In these circumstances, ..."
3. The words "if possible" be added at the end of the first sentences of the third, fourth and fifth paragraphs of Policy NC4.
4. The existing seventh paragraph of Policy NC4 relating to commercial centres is reworded to read: "Only proposals for bulky goods shall be located in a commercial centre, and only if a suitable site is unavailable in, or on the edge of, a centre in the first, second or third tiers of the hierarchy."
5. The existing eighth paragraph of Policy NC4 relating to edge-of-centre sites is moved ahead of paragraph 7.
6. The eleventh paragraph of Policy NC4 be amended to read: "Retail Impact Assessments

should be undertaken where a retail development over 2,500sqm gross floorspace (or which otherwise may have a significant impact on vitality and viability) outwith a defined ... [continue as in proposed plan]”.

7. The start of the first sentence of Policy NC5 be amended to read: “All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan):

8. The final sentence of the ‘other factors’ for site OP65 Haudagain Triangle in Appendix 2 be deleted.

9. The sixth criterion of Policy NC6 be replaced with: “the new use does not create clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and”.

Issue 22	POLICY 11: INFRASTRUCTURE DELIVERY AND PLANNING OBLIGATIONS	
Development plan reference:	Page 32-33	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Nestrans (59) Scottish Water (76) Stewart Milne Homes (85) Culter Community Council (98) Scottish Environment Protection Agency (124) Burness Paull LLP (132) Aberdeen Civic Society (136) NHS Grampian (148) Homes for Scotland (149) Scotia Homes (152) British Airways (153) Persimmon Homes (157) Bancon Developments (183)</p>		
Provision of the Development Plan to which the issue relates:	Infrastructure requirements for new developments, including developer obligations.	
Planning authority's summary of the representation(s):		
<p><u>Support</u></p> <p>59: Welcome reference to Cumulative Transport Appraisal and the Strategic Transport Fund in the Plan and Supplementary Guidance.</p> <p>76: Policy clearly directs developers to the Action Programme.</p> <p>98: Support for 'Delivering Infrastructure and Accessibility' being addressed in the Proposed Plan.</p> <p>124: Support for promotion of appropriate infrastructure for new development including connection to public sewerage system wherever possible.</p> <p>152: Supports the policy requirements.</p> <p>153: Support for the general principle within the Policy that appropriate contributions will be sought by the Council from developers for infrastructure improvements based upon the scale and type of development proposed. It is important that planning policy in Aberdeen does not unduly restrict the respondents operations or capacity at Aberdeen Airport but enables this operator to develop its operations to meet demand and where infrastructure is needed to support the Airport that there is an appropriate mechanism to bring this forward.</p>		

General Objection

85: Planning obligations being imposed are becoming a "roof tax" on development. Objection taken to ever expanding list of services and infrastructure which developers are expected to contribute to, particularly where those services are the statutory responsibility of others who receive Central Government funding through taxation for their functions.

Circular 03/2012

85: Policy fails to mention or have proper regard to Scottish Government Circular 03/2012: Planning Applications & Good Neighbour Agreements. No reference is made to the tests set out in that Circular, all of which must be met before Planning Obligations can be sought.

152: Policy should clearly identify that infrastructure requirements will be secured in accordance with the required policy tests contained in Circular 03/2012: Planning Obligations and Good Neighbour Agreements.

183: Circular 03/2012 should be quoted in the Policy for the avoidance of doubt, contributions 'must always be related and proportionate in scale and kind to the development in question.'

132: Concern that Policy and Supplementary Guidance is placing existing practice on a statutory footing without examination of the methodology. There is no reference to the policy tests contained within the Scottish Government Circular 03/2012. Wording of the Policy should be amended to make it clear that contributions must relate reasonably in scale and kind to the proposed development as well as being necessary to make the proposed development acceptable in planning terms. It should also clearly reflect that contributions will not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not necessary to allow permission to be granted for a particular development.

Policy/SG Split

149: The Plan does not include some policy matters contained in Supplementary Guidance. Notably around periods for which the Council will retain monies and mechanisms for holding and accounting for monies.

Policy

183: Omit "or exacerbate deficiencies in existing provision" from the first paragraph. It is not the function of developer obligation payments to improve existing shortfalls in the provision of facilities. Object to the sentence, "The precise level of infrastructure requirements and contributions will need to be agreed with the Council and other statutory agencies." It is not right that other agencies could determine the fate of planning proposal.

Preamble (3.32 - 3.25)

183: Paragraph 3.34 - The sentence "there may be circumstances where development imposes additional pressures and requires more extensive contributions to those identified in the Local Development Plan and Action Programme." undermines Appendix 3 and the Action Programme, and is contrary to Scottish Planning Policy which focuses on the need for certainty.

183: Paragraph 3.35 - The sentence, “before a decision notice on a planning application can be issued.” is incorrect. A decision notice can be issued with a condition for a Section 75 Agreement to be signed.

Strategic Transport Fund

85: There are no grounds for contributions to the Strategic Transport Fund.

Health

148: Policy now recognises infrastructure requirements but does not go far enough to address the concerns of NHS Grampian. No reference to the requirement for brownfield, windfall or OP sites to contribute to infrastructure requirements, including healthcare facilities. Developer obligations must be recognised for Health services where brownfield sites will add pressure to existing facilities. Request opportunity to review the locations of proposed developments and develop a similar table to that for the Masterplan Zones. It is important that contributions are received from sites with the potential for planning consents as identified in Table 1, Appendix 1.

85: There are no grounds for contributions to healthcare provision. Contributions to health facilities are unacceptable. Many medical centres, dental facilities and community pharmacies primarily operate as commercial ventures and should not expect to receive funding from developers. Health care is funded by Central Government through taxation.

149, 157, 183: There is no immediate and automatic relationship between new development and location of new local facilities. Decisions on if and where to provide new facilities are taken by health boards and local bodies such as primary healthcare trusts.

149: Paragraph 3.91 is unreasonable and potentially beyond the powers and abilities of a planning authority to implement. The situation with healthcare is not analogous to other sorts of infrastructure.

149, 157, 183: Respondents believe the Council would not be able to demonstrate the need or detriment, or planning purpose for any Condition which deals with healthcare contributions. It is unclear what evidence the Council can produce of service deficiencies, pressures placed on services by new development or programmes of new provision. Without this evidence Planning Authorities cannot make any developer obligation meet the five tests of Circular 1/2013. It would be unable to demonstrate need or detriment, and would be unable to say what planning purpose was being met by an obligation.

149: Paragraph 3.91 is unreasonable and potentially beyond the powers and abilities of a planning authority to implement. The situation with healthcare is not analogous to other sorts of infrastructure. Respondent refers to English Appeal decision 2157515 Moat House Farm, Eldon Road regarding the provision of healthcare and use of financial contributions. Moat Farm case established that provision is a matter for the healthcare authorities, funded through general taxation and that planning’s role is to ensure that land is available as and when new facilities are brought forward.

149, 183: Proposed Plan gives no indication of where and when health service infrastructure might be needed.

149: Proposed Supplementary Guidance would have to contain clear and firm proposals

from the NHS as to what it intended to provide, where and when. This is an operational matter for NHS rather than the Council. It is not clear that the Council will be able to produce Supplementary Guidance which would meet the tests of Circular 1/2013. No arrangements with the NHS exist for repayment of unused funds. It is inappropriate for developers to be replacing/supplementing UK taxation expenditure. Accountability and control of funds is a significant issue.

157: Refers to submissions made by another respondent (149) on this topic. Healthcare is a statutory requirement, funded through UK general taxation, and the services are not typically delivered by Councils. A planning authority would not be able to demonstrate the requirement to collect contributions towards health care meets with the 5 tests set out within Circular 1/2013, and therefore not suitable to collect contributions for. Developer contributions to infrastructure are typically provided through planning conditions or agreements. They are paid to the Council and held in clearly-differentiated accounts with the provision of repayment if unused within their anticipated timescales. No such arrangements are in place with the NHS, notwithstanding the view of Respondent 149 that it is inappropriate for developers to be replacing/supplementing UK taxation expenditure. Accountability and control of funds would be a significant issue.

183: Object to the inclusion of Health facilities. Healthcare is a statutory requirement. Services are not typically delivered by Councils. Healthcare is not governed by requirements around the location of services, and the tendency in healthcare has been centralisation and specialisation. See planning appeal in England (Planning Inspectorate Ref: 2157515: Moat House Farm, Elmdon Road).

Water and Drainage

76: Respondent is pleased to see developers are encouraged to approach the appropriate provider. There could be more of an emphasis on the benefits of early engagement. The Development Impact Assessment process has been superseded by Pre-Development Enquiry (PDE) forms. It is recommended that all developments of more than a single house submits a PDE form.

Discounts/Mixed Use Sites

136: There is a desire to build single use sites. Mixed use allows for some traffic mitigation as it gives people the opportunity to live and work in the same area, possibly within walking distance. In calculating the need for developer contributions relating to a mixed use scheme, some form of allowance should be made for the fact that it is mixed use and this could be a reasonable deduction in planning obligations relating to transport. This would be one way to encourage the delivery of mixed use areas.

Page 33

76: Developers are responsible for providing water and wastewater infrastructure needed to support their site rather than make financial contribution towards Developer Obligations. Page 33 of the Proposed Plan includes water and drainage in the list of possible areas requiring a financial contribution.

132: Clarification is needed that contributions will not be required from all developments towards all of the items listed and will be considered on a site by site basis. Concerned that, when read in conjunction with the Policy, this will provide statutory support for requests

towards all items. It must be clear that contributions sought under each heading will relate directly to the impact which the development has, in scale and kind, and not just to a general need.

Area specific issues

98: There are continuous concerns on traffic and transport infrastructure on A93 and B979, lack of parking and regular drainage and flooding problems. Respondent would appreciate developer contributions to be maximised to ease traffic and transport problems with regards to all OP sites included in the LDP.

Modifications sought by those submitting representations:

Circular 03/2012

85: References should be included in the Policy, supporting text to Circular 03/2012. It should be highlighted that contributions " ... must always be related and proportionate in scale and kind to the development in question as set out in the Circular".

152: Insert after "The precise level of infrastructure requirements and contributions will need to be agreed with the Council and other statutory agencies." "in accordance with the policy tests contained in Circular 03/2012: Planning Obligations and Good Neighbour Agreements.

Policy

183: Omit "or exacerbate deficiencies in existing provision" from the first paragraph. Clarity in Policy to ensure that all developer obligations are "must always be related and proportionate in scale and kind to the development in question".

Strategic Transport Fund

85: The requirement for contributions to the Strategic Transport Fund should be removed from the Plan.

Health

85: The requirement for contributions to healthcare facilities should be removed from the Plan.

149, 183: Remove all references in the Community Facilities section and Appendix 3 to developers making financial contributions to healthcare facilities.

157: Respondent agrees with comments made by Respondent 149 and request that the entire policy wording set out under community facilities should be removed in total from the Plan, and any references made elsewhere also removed.

148: Policy amended to make specific reference to healthcare facilities. The first paragraph should read: "Where development either individually or cumulatively will place additional demands on community facilities or infrastructure, 'including healthcare facilities' that would necessitate new facilities or exacerbate deficiencies in existing provision. . ."

148: It should also refer to infrastructure requirements relating to Appendix 1 (Brownfield) and 2 (Opportunity Sites), as well as windfall sites.

148: A table of amendments to Appendix 3 are detailed in the response submitted which are necessary to reflect changes in NHS Grampian's requirements since the extant Local Development Plan was prepared.

Water & Drainage

76: More emphasis on early engagement.

Page 33

76: Page 33 of the Plan requires clarification

Summary of response (including reasons) by planning authority:

From the outset of the review of the extant Local Development Plan (CD42), the Council has taken a proactive approach by identifying infrastructure required to support new development. This process has involved working with a range of organisations through the Future Infrastructure Requirements for Services (FIRS) Group to assess the capacity of existing infrastructure and its ability to cope with new development in each area of the City, and to then assess additional infrastructure required.

Proposed Plan Policy I1 – Infrastructure Delivery and Planning Obligations and Appendix 3 set out the broad principles including the items for which contributions will be sought and the occasions when they will be sought. Additional detail on the methodology used and the criteria that should be used to calculate developer contributions is provided in the Proposed Supplementary Guidance: Planning Obligations Manual (CD25). The Proposed Action Programme (CD21) outlines further details on the delivery of supporting infrastructure. Both the Proposed Supplementary Guidance and Action Programme can be updated to take account of changing circumstances as sites come forward. We propose to carry forward the same broad approach and principles from the extant Local Development Plan into the Proposed Plan, with some minor updates and wording changes.

The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) proposed not to allocate additional land, but to 'roll forward' the allocations from the Aberdeen City and Shire Structure Plan 2009 (CD20) into the SDP, and this was accepted by the Reporter during the SDP's Examination (Issue 5 pages 54 – 74) (CD13). The Reporter's conclusion stated "Drawing all of these matters together, I conclude that the scale and distribution of growth provided for in the housing allowances is appropriate and sufficient, in accordance with the requirement of paragraph 117 of Circular 6/2013." Aberdeen City Council agrees with these conclusions. As a reflection, the vast majority of sites identified in the Proposed Plan have also been 'rolled forward' and, as such, Appendix 3 with the Proposed Plan has not changed significantly from Appendix 4 within the extant Plan.

We propose to carry forward the same approach and principles from the extant Local Development Plan 2012 into the Proposed Plan with regards to infrastructure delivery and planning obligations. The principle and detail of the policy approach was examined in depth at the Aberdeen City Local Development Plan 2012 examination under Issue 90 (CD44). The approach adopted in the Proposed Plan is appropriate as the detail has been previously

examined, it is a 'tested policy approach' and there has been no material change in the interim.

Developer Obligations Assessments undertake a detailed review of the impact of a development on local infrastructure in line with the Development Plan, policy tests set out in Circular 03/2012 Planning Obligations and Good Neighbour Agreements (CD11) and baseline data. Any contributions sought therefore require to be fully justified.

Support

59, 76, 98, 124, 153: Support for the principle of the approach taken by Aberdeen City Council in assessing infrastructure requirements associated with new development and publishing these in the Proposed Plan and Proposed Action Programme is noted and welcomed.

General Objection

85: As detailed above, the approach promoted in the Proposed Plan is the same as was promoted in the extant Local Development Plan 2012. Whilst there has been a review/rationalisation of the topic areas for contributions as part of the Supplementary Guidance drafting process, there has been no expansion of services and infrastructure which developers may be requested to contribute towards. Bearing in mind that the majority of the Proposed Plan sites have been 'rolled forward' from the extant Local Development Plan, and the majority of these have agreed Development Framework/Masterplans, planning consents and/or have begun construction it would not be reasonable to apply different requirements to these sites. As detailed above, the Proposed Action Programme reflects the most up to date position with regards to infrastructure delivery.

Circular 03/2012

85, 132, 152, 183: The issues raised were considered at the Examination into the extant Local Development Plan 2012 (Issue 90) and Circular 01/2010 (RD23) (superseded by Circular 03/2012).

85, 132, 152, 183: It is agreed that developer contributions can only be sought where they comply with the requirements of Circular 03/2012 Planning Obligations and Good Neighbour Agreements. Circular 03/2012 paragraph 2 states "Planning authorities should promote obligations in strict compliance with the tests set out in the circular". The Council considers it inappropriate and unnecessary to repeat the contents of SPP or Scottish Government circulars or refer to them explicitly in the policy or supporting text. This would lead to unnecessary repetition and the references could become outdated within the five year lifespan of the Local Development Plan.

132, 183: Proposed Plan Policy I1 is clear that the level of provision required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact. This is in line with Circular 03/2012.

132: Circular 03/2012 (paragraph 32) recommends that methods and exact levels of contributions should be included in supplementary guidance and this is the approach taken with both the extant Local Development Plan and the Proposed Plan. Opportunities for discussion about the precise need for infrastructure and the process for delivery are identified in both the Proposed Plan and the Proposed Supplementary Guidance.

132: Proposed Plan Policy I1 and the Proposed Supplementary Guidance are clear that existing deficiencies in public services, facilities or infrastructure can be made worse by new development and new deficiencies created. However, contributions are intended to address only matters arising from new proposals, not existing deficiencies. In terms of contributions being necessary, the Policy again clearly states "Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would NECESSITATE (emphasis added) new facilities....". Page 33 summarises the content of Proposed Supplementary Guidance - Planning Obligations and clearly states "Contributions will be sought, where necessary, for ..". The Proposed Supplementary Guidance details when and where a contribution may apply and how the contribution would be calculated.

In light of the robust and previously examined policy framework detailed above it is not considered necessary to expand upon Proposed Plan Policy I1 or the supporting text at paragraphs 3.32 - 3.35.

Policy/SG Split

149: In line with Circular 06/2013 (paragraph 139) items for which financial or other contributions will be sought and the circumstances where they will be sought have been identified in the Proposed Plan. Exact levels of contributions or methodologies for their calculations have been included in the proposed supplementary guidance as per Circular 06/2013 (paragraph 139). Procedural matters such as retention of monies, mechanisms for holding and accounting for monies are matters of detail best left to supplementary guidance. Procedural details can be subject to change and to include such information in the Local Development Plan with a five year lifespan would be unnecessarily restrictive for both the council and applicant. This approach conforms to Circular 03/2012 (paragraph 35) which advises that information on how monies will be held, how they will be used and, if applicable, how they will be returned to the developer should be included in supplementary guidance where standard charges and formulae are being used.

Policy

183: As detailed above Proposed Plan Policy I1 and the Proposed Supplementary Guidance are clear that existing deficiencies can be made worse by new development. However, contributions are intended to address only matters arising from new proposals and not the existing deficiencies. It is unrealistic to argue that an existing shortfall nullifies the need for intervention. Circular 03/2012 (paragraph 21) states "It is inappropriate to grant planning permission for a development which would demonstrably exacerbate a situation which was clearly already unsatisfactory."

183: It is appropriate that the Council consult with other statutory agencies regarding the precise level of infrastructure requirements and contributions. Whilst the Council worked with various infrastructure providers to assess the overall infrastructure requirements for the Proposed Plan during its preparation, the Council are not responsible for delivering all of the items of infrastructure - such as health, transport and water infrastructure. The Proposed Plan and Proposed Supplementary Guidance both advocate early and continued engagement and there are ample opportunities at both Masterplanning and planning application stages for negotiations to take place. The Proposed Action Programme outlines further details on the delivery of supporting infrastructure and as a "live" document can be updated to take into account changing circumstances.

Preamble (3.32 - 3.25)

183: Circular 03/2012 (paragraph 30-31) recognises that the plan led approach allows for early consideration of likely contributions that might be sought from developers. However it also recognises "Development plans cannot, however, anticipate every situation where the need for a planning obligation will arise". As detailed above the approach taken by the Council aimed to provide as much certainty as possible, as early as possible, to identify infrastructure required to support development. It is not reasonable to assume that the level of contributions and circumstances (for both the Council and developer) will not change over the lifetime of the Plan and the allocations (which for some of the larger sites can be 15-20 years). For example the cost to provide a primary school will not be the same in 15 years as it is today. Equally, changes in education provision/school roll forecasts may show that a new school might not be required and that an extension would suffice thus reducing infrastructure costs. The Proposed Action Programme and associated Supplementary Guidance to Policy I1 provide the appropriate vehicle to reassess where circumstance requires it.

183: In the vast majority of cases a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, (CD02) does need to be agreed with the Council prior to a decision notice being issued. It is not the intention of the Proposed Plan to cover all circumstances of when a decision notice can be issued. The most common use of planning obligations is to ensure the provision of infrastructure to make a development acceptable in planning terms. Without a signed agreement the development would not be acceptable in planning terms and as such, decision notices are not normally issued prior to the receipt of an agreed and signed legal agreement.

Discounts/Mixed Use Sites

136: While acknowledging that there may be circumstances where contributions could be waived or reduced, this would be achieved through negotiations between the Council and other statutory agencies and should only happen in exceptional circumstances.

Strategic Transport Fund

85: Since the publication of the Proposed Plan; Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan (SDP): Strategic Transport Fund (CD19) has been adopted (25th June 2015) by the Aberdeen City and Shire Strategic Development Planning Authority and following ratification by both constituent councils came into force on 28 August 2015. The new statutory guidance replaces the non-statutory guidance which had been in force for the last three and a half years. The Strategic Transport Fund is a contribution which is identified in the Proposed Plan and associated SDP Supplementary Guidance and can be requested from eligible sites going through the planning process. The principle of this contribution is outwith the remit of this Examination.

Health

There are policies and guidance in place at local, regional and national level to ensure that development mitigates against negative impacts and all proposals are expected to conform to these. The requirement for healthcare contributions meets the policy tests as set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements and the principle of contributions towards healthcare facilities is clearly set out in the Proposed Plan. Further detail is provided through Proposed Supplementary Guidance: Planning Obligations. The

methodology and approach developed ensures that there is a clear link between the development and the proposed contributions, basing this on national guidelines on floorspace (Scottish Health Planning Note 36 Parts 1-3) (RD14) and patient numbers anticipated from a development.

85, 149, 157, 183: Responsibility for the National Health Services in Scotland is a devolved matter and therefore rests with the Scottish Government. The Scottish Government allocates health care funding to the 14 NHS Territorial Boards covering the whole of Scotland and the seven national or 'special' NHS Boards. The Scottish Government sets national objectives and priorities for the NHS, signs delivery plans with each NHS Board and Special NHS Board, monitors performance, and supports Boards to ensure achievement of these key objectives. The NHS Boards in Scotland plan, commission and deliver NHS services for their populations. The majority of new healthcare facilities are being delivered and funded by the local health board (NHS Grampian).

85, 149, 157, 183: Given the above; where there are clear and statutory requirements placed on the NHS to provide healthcare and similarly on Local Authorities to provide public services, such as education and social care, there is no difference between contributions to health, community, education etc as long as it meets the criteria set out in the Circular 03/2012. All developers will be required, where necessary, to contribute towards their provision, in order to mitigate the impact of development.

85, 149, 157, 183: New development places additional requirements on existing healthcare infrastructure. Additional population growth within an area, results in additional residents utilising healthcare facilities, generating a requirement for additional capacity. Developer contributions are therefore sought to mitigate the impact of development where an existing healthcare facility (either general GP medical service, dental facility, community pharmacy) is at capacity or the scale of the development would trigger the requirement for such a facility. Contributions are solely identified for capital works for the provision of additional capacity (e.g. extension to an existing health centre) and are not used for any associated revenue costs or furniture costs of which other funding is directed towards.

85, 149, 157, 183: Developer contributions for healthcare facilities are held by the Local Authority and drawn down by NHS Grampian when required. Prior to the release of funds the Local Authority would review the details of the proposed project to ensure that it met the relevant criteria and ensure all appropriate invoices and paperwork are provided, in line with normal practice.

85, 149, 157, 183: These contributions recognise the wider remit of contributions that are required as a result of new development. It is acceptable to include contributions towards health care provision (in terms of capital costs) due to the impact that new development has on healthcare facilities. This matter was considered through the Examination into the extant Local Development Plan 2012 (Issue 90, 'Reporter's conclusions' paragraph 38) where the Reporter stated "Where the evidence gathered shows the proposed development would create a need for the health facility, I consider that that is a direct relationship between the two and the requirement meets the tests in paragraph 11 of Circular 01/2010" (now superseded by paragraph 14 of Circular 03/2012).

85, 149, 157, 183: The detail of requirements for health facilities arising because of development was provided by NHS Grampian. NHS Grampian has assessed the capacity and catchment areas of existing services and facilities, and have recommended where new or improved facilities are required. The Council considers that it is reasonable to highlight

where new development would trigger the need for new services such as health facilities. The delivery of health facilities will need to be discussed and agreed with NHS Grampian at the Masterplanning and planning application stages.

149, 183: Contributions towards infrastructure outwith the control of the Council are identified in Appendix 3 of the Proposed Plan.

148: Bearing in mind that the majority of sites in the Proposed Plan have been carried forward from the extant Local Development Plan 2012 and are considerably progressed (and have their infrastructure requirements established through adopted development frameworks/masterplans) it would not be reasonable to apply different requirements to these sites. The opportunity was provided to NHS Grampian during the Plan preparation process and in consultation with all FIRS members. As detailed above, the Proposed Action Programme reflects the most up to date position with regards to infrastructure delivery.

148: It is not accepted that the Proposed Plan is not sufficiently clear relating to contributions being sought for OP sites, brownfield and windfall sites. Paragraph 2 of Proposed Plan Policy I1 clearly states that infrastructure requirements to Masterplan Zones and other allocated sites are set out in Appendix 3 and 4. Infrastructure requirements and level of contributions for other development (this includes windfall sites) will be assessed using the criteria set out in the Proposed Supplementary Guidance: Planning Obligations. Healthcare is specifically mentioned as a contribution topic area on page 33 of the Proposed Plan and is detailed in the Proposed Supplementary Guidance. Additional sites which may arise through the lifetime of the Proposed Plan will be assessed using the robust policy framework highlighted through Policy I1 and the associated Supplementary Guidance. The healthcare requirement detail is provided by the NHS who input data into the Action Programme regarding healthcare facilities. Data on healthcare facilities from non-masterplanned zoned sites when forthcoming from the NHS will be programmed into the Action Programme.

148: Appendix 1, Table 1 and 2 provides an evidence base relating to meeting the housing requirement identified in the Aberdeen City and Shire Strategic Development Plan. It is not intended to be used as a means to identify infrastructure requirements arising from the listed sites as these sites may not have been put forward as a bid for development and limited certainty would be gained through assessing them.

Water and Drainage

76: Page 33 of the Proposed Plan summarises the content of Proposed Supplementary Guidance - Planning Obligations and lists the contribution areas where contributions may be sought. The Proposed Supplementary Guidance details when and where a contribution may apply and how the contribution would be calculated. Proposed Supplementary Guidance - Planning Obligations clarifies the issue raised by the respondent. In respect of water and drainage the contribution relates to creation/provision of Regional Sustainable urban Drainage Systems (SuDS) and this is an optional contribution area. Regional SuDS could be built by Aberdeen City Council, on land owned by the Council and 'space' made available either through planning agreements or as commercial agreements, between the Council and developers.

Area Specific Issues

98: There are policies and guidance in place at local, regional and national level to ensure that development mitigates against its impact and all proposals are expected to conform to

these. Proposed Plan Policy I1 will apply to all sites and all developers will, where necessary, be required to provide infrastructure or services, or a contribution towards their provision, in order to mitigate the impact of development. Whilst we appreciate the concern raised by the Community Councils, the Proposed Plan and associated Proposed Supplementary Guidance provide a robust basis for ensuring that contributions are sought to mitigate the negative impacts of proposed new development. There is no order of priority or preference for contributions e.g. transport as priority, then education, health etc. Contributions are sought as they are required to make the development acceptable in planning terms.

Reporter's conclusions:

General objection

1. Scottish Government policies recognise the general principle that it is reasonable to expect the promoters of development to contribute to the cost of infrastructure improvements that are made necessary by that development and are directly related to it, either on an individual or a cumulative basis. Policy tests are set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements, and in Circular 4/1998: The Use Of Conditions In Planning Permissions.

2. I deal separately below with the specific issues of the Strategic Transport Fund and contributions to health facilities. In general, however, I consider that the approach taken by the proposed plan is consistent with Scottish Government guidance as set out in Circular 3/2012, in that it seeks only contributions that are necessary to make the proposed development acceptable in planning terms, relate to the direct or cumulative impact of the development, and fairly and reasonably relate to it in scale and kind. In my view, the council's approach represents a continuation of policies in the existing local development plan, and does not amount to a 'roof tax'. The headings in Appendix 3 (Infrastructure Requirements for Masterplan Zones) of the proposed plan repeat those in Appendix 4 of the existing plan, which includes healthcare facilities. I do not consider that the proposed plan extends the principle of developer contributions into new categories of infrastructure.

Circular 3/2012

3. A number of representations seek an explicit reference to Circular 3/2012 and in particular to the requirement that planning obligations must fairly and reasonably relate in scale and kind to the proposed development. The proposed plan, however, does not stand alone but has to be read in the context of Scottish Government policies, including a number of relevant circulars and other policy documents. This is recognised in paragraph 1.11 of the proposed plan. It would be anomalous to single out one particular circular for mention in the text, and the reference could become out of date if the circular were superseded during the lifetime of the plan.

4. The 'scale and kind' test is reflected in the wording of the third paragraph of Policy I1, which states that the level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact. It appears to me that Policy I1 and the supporting text are consistent with the requirements of Circular 3/2012, and that modifications to mention the circular explicitly or to quote selectively from its contents are not required.

Policy/SG split

5. The section of the proposed plan on page 33 headed ‘Supplementary Guidance: Planning Obligations’ lists the matters that are to be covered by the supplementary guidance (SG). These include the way in which monies are managed and secured. It appears to me that the periods for which the council will retain monies and the mechanisms for holding and accounting for monies would be covered by supplementary guidance under that policy heading, and that it is not necessary to list these matters separately on page 33. It also appears to me that the split between Policy I1 and the SG is consistent with the guidance set out in Circular 6/2013: Development Planning.

Policy

6. Representation 183 seeks the removal of the words “or exacerbate deficiencies in existing provision”. In my view it is entirely reasonable that where development results in an incremental negative impact which adversely affects the users of existing infrastructure, the developer should contribute to remedying that impact. The contribution, in accordance with Circular 3/2012, must fairly and reasonably relate in scale and kind to the proposed development. It would not be reasonable to expect the developer to pay for remedying the existing deficiency as well as addressing the incremental impact caused by the development. This is recognised in the third paragraph of the policy. I do not consider that there is any need to remove the reference to deficiencies in existing provision.

7. Representation 183 also objects to the requirement in the third paragraph of Policy I1 that the level of infrastructure requirements and contributions will need to be agreed with other statutory agencies as well as the council. While it is appropriate for the council to consult with other statutory agencies in setting the requirements and contributions, planning obligations under Section 75 of the 1997 Act are either by agreement with the planning authority alone, or are unilateral. They cannot require the formal agreement of another statutory body. The wording of the policy should therefore be modified to refer to consultation between the council and other statutory agencies, rather than agreement with such agencies.

Preamble

8. Representation 183 objects to the sentence in paragraph 3.34 which refers to circumstances where development imposes additional pressures and requires more extensive contributions to those identified in the local development plan and action programme. In general, the planning system should strive to provide certainty in an uncertain world, but it is not possible to foresee all the changes in circumstances which could arise during the lifetime of the plan. The words concerned recognise the reality of an unpredictable future, and are part of a sentence which encourages developers to enter into early discussion with the council. This appears to me eminently sensible.

9. Paragraph 3.35 reflects normal practice, which is to issue a notice of intention but to withhold the issuing of planning permission until a planning obligation (where one is required) has been completed. There is no need to amend the wording to take account of exceptional cases.

Discounts/Mixed-use sites

10. Where a development produces offsetting benefits, the possibility of a reduction from

the normal level of contribution is one that can be explored through negotiations. I do not consider there is any need for an explicit reference in the plan.

Strategic Transport Fund

11. Representation 85 argues that there are no grounds for contributions to the Strategic Transport Fund (STF). The STF is not mentioned in Policy I1 or its supporting text, but appears on page 36 of the proposed plan in the context of Policy T2: Managing the Transport Impact of Development. Paragraph 3.45 states that the STF will be adopted as supplementary guidance in support of the strategic development plan. The relevant SG was adopted by the strategic planning authority in June 2015, but was quashed by the Court of Session in April 2016. The court found the SG to be in conflict with Circular 3/2012.

12. A further information request was sent to the council inviting comment on any implications for the content of the proposed plan arising out of the court's decision. The council responded that it did not consider that there were any implications for the content of the plan, and that the strategic planning authority had sought leave to appeal the court's decision.

13. Given the Court of Session (Inner House) judgement, the uncertainties of the appeal process, and the length of time it would take to produce amended SG compliant with Circular 3/2012, I consider it appropriate to modify the plan's references to the STF, the SG, and contributions. Paragraph 3.44 should refer in general terms to the strategic development plan's proposal to set up a Strategic Transport Fund, but omit the reference to securing contributions (the basis for which was the subject of the court judgement). Paragraph 3.45 should not refer to the SG, but should instead be expressed in more general terms that make provision for proportionate contributions to support strategic projects that are related to the developments concerned and that are necessary to make those developments acceptable in planning terms. Paragraph 3.46 should not refer to contributions towards the STF.

14. The modified text would, in my view, still be compatible with the broad STF concept set out in the strategic development plan, and with any future SG that might be reinstated, or redrafted, in support of the policy. It would ensure that in the meantime, the council could still seek proportionate contributions towards specific strategic transport projects which are necessary to make the relevant developments acceptable.

Health

15. Representations 85, 149, 157 and 183 seek the removal of requirements for contributions to healthcare facilities from the proposed plan. It is argued that such facilities should be funded by the NHS out of central government revenues. Representations quote an English planning appeal case (2157515 Moat House Farm, Eldon Road) regarding the provision of healthcare and use of financial contributions. The inspector in that case found that provision is a matter for the healthcare authorities, funded through general taxation, and that planning's role is to ensure that land is available as and when new facilities are brought forward.

16. Both planning and health are devolved responsibilities. While I am not aware of any specific Scottish legislative or policy framework for healthcare contributions, neither does there appear to be anything to prevent such contributions being sought. I have seen no evidence that it is unlawful or improper for the NHS to utilise such contributions. There

appears to me to be a well-established mechanism whereby the council (and the same applies to Aberdeenshire Council) obtains developer contributions which can then be drawn down by NHS Grampian to assist in meeting the needs of an expanding population for additional healthcare facilities.

17. There should be a clear link between a particular new or expanded healthcare facility and the development that gives rise to the need for it. Appendix 3 on pages 92 and 93 of the proposed plan sets out the facilities required in relation to masterplan zones. The SG for Housing and Planning Obligations provides a basis for calculating healthcare contributions, and the action programme identifies site-specific requirements. As regards the point made in representations that many medical centres, dental facilities and community pharmacies primarily operate as commercial ventures and should not expect to receive funding from developers, NHS Grampian has a responsibility to ensure that services are provided, and where the related facilities are in private ownership it would be possible to operate claw-back arrangements to ensure that developer contributions are returned to the NHS to enable it to make alternative provision in the event that a facility is sold or ceases to be used for its original purpose.

18. The matter of healthcare contributions was considered by the reporters who examined the existing local development plan. While acknowledging that contributions towards such facilities may not have been asked for in other plans, they did not consider that this made the requirement for such facilities unnecessary or unreasonable. Where the evidence gathered showed that a proposed development would create a need for the health facility, they considered that there would be a direct relationship between the two and the requirement would meet the tests in Circular 01/2010 (now replaced by Circular 3/2012). I am of the same view, and do not accept that provision for contributions to healthcare facilities should be removed from the proposed plan.

19. As regards the representation from NHS Grampian (148), I agree with the council's responses. Healthcare is mentioned on page 33 of the proposed plan as one of the areas for which contributions will be sought. I do not consider it necessary to add a specific reference in the policy itself. Contributions for OP sites, brownfield and windfall sites will be assessed in accordance with the SG. Requirements for healthcare facilities relating to non-masterplanned zoned sites will be added to the action programme.

20. I note that NHS Grampian proposes a number of detailed changes to Appendix 3. Details are constantly changing, and it appears to me that the suggested modifications (which would have been submitted by 1 June 2015) are already likely to be out of date, and will be subject to further change during the lifetime of the plan. The healthcare facilities relating to masterplanned sites will be the subject of ongoing discussions between the council, NHS Grampian and the developers, who will be aware of the latest position. I therefore do not recommend modifying Appendix 3. This matter is considered further under Issue 40.

Water and Drainage

21. While early engagement of developers with Scottish Water is to be encouraged, I do not think a modification of the plan to emphasise this is necessary. Such engagement is a matter of good practice, but does not bear directly on the development management functions of the council for which the local development plan provides the basis. I do, however, agree with Scottish Water (representation 76) that the reference on page 33 of the proposed plan to water and drainage being a potential area for planning obligations is

misleading. These services are provided on site by developers themselves, with Scottish Water providing connections to main networks. It seems clear that the only case where the council might seek contributions to drainage infrastructure is for regional sustainable drainage systems (SuDS). The text should be amended to reflect this.

Area Specific Issues

22. In relation to representation 98, I agree with the council that Policy I1 will apply to all sites, including those in the Peterculter area, and that developers will be required to provide or contribute to the cost of infrastructure in order to mitigate the impact of development.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy I1: Infrastructure Delivery and Planning Obligations on page 32, in the third paragraph modify the first sentence to read:

“The precise level of infrastructure requirements and contributions will need to be agreed with the Council, in consultation with other statutory agencies where appropriate.”

2. On page 33, text headed ‘Planning Obligations’, fourteenth line, delete “water and drainage/regional SUDS”, and insert: “regional SuDS”.

3. Modify paragraph 3.44 as follows:

At the end of the twelfth line, insert a full stop after “impact”.

In the thirteenth line, delete the words, “and a Strategic Transport Fund (STF) set up to secure contributions to fund the delivery of this infrastructure”, and substitute, “The Aberdeen City and Shire Strategic Development Plan proposes the setting up of a Strategic Transport Fund for the delivery of this infrastructure”.

4. In paragraph 3.45, delete the existing text and substitute the following:

“In appropriate cases, the Council will seek proportionate contributions to support strategic projects that are related to the developments concerned and that are necessary to make those developments acceptable in planning terms.”

5. In paragraph 3.46, delete the first line reading “Alongside contributions towards the STF”, so that the paragraph begins “Development proposals...”.

Issue 23	POLICY T1, T2 & T3: TRANSPORT AND ACCESSIBILITY	
Development plan reference:	Page 35-38, Proposal Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>North East of Scotland Transport Partnership (59) Craigiebuckler and Seafield Community Council (66) BP Midstreams Pipelines (108) Derek Webster (112) Aberdeen Cycle Forum (115) Aberdeen Civic Society (136) John Lewis (139) British Airways (153) Hammerson plc (158)</p>		
Provision of the Development Plan to which the issue relates:	The viability and need for future transport infrastructure, assessing & managing the transport impacts of new developments and supporting and encouraging active and sustainable travel.	
Planning authority's summary of the representation(s):		
<p><u>Policy T1: Land for Transport</u></p> <p><u>General Support</u></p> <p>59: Supports Raith's Farm Rail Freight Facilities as reservation for transport related activities</p> <p>153: Supports safeguarding of land for transport projects, specifically A96 Park and Ride, Dyce Railway Station and the Aberdeen Western Peripheral Route which will improve connectivity to Aberdeen Airport.</p> <p><u>Berryden Corridor Improvements</u></p> <p>112: Objects to the design of the Berryden Corridor scheme. The associated road infrastructure such as pedestrian and cycle paths and traffic signals are not clear on the plans. Concerned about the health, safety and quality implications and is interested to know whether the Infrastructure Committee was presented the right information during the design and construction permission stage. There has been no adequate response to impact on properties.</p> <p><u>Sustainable Transport Infrastructure</u></p> <p>115: Sustainable transport infrastructure for new developments such as walking and cycling facilities should be given equal priority to car transport if a modal shift is desired. Consultation should be undertaken with national and local groups to ensure infrastructure is</p>		

suitable for intended users.

Raith's Farm Rail Freight Facility

108: Land at Raith's Farm Rail Freight Facility is within the pipeline consultation zone. Planning Advice for Developments near Hazardous Installations regulations state that any proposed transport links within the inner consultation area will result in an 'advise against' response from the Health and Safety Executive. This should be included in the Policy or supporting text.

158: This site should be rezoned as business and industrial land as it will not be required for future expansion of the rail freight facility. It would be suitable for business and industrial uses given its proximity to road and rail networks. The landowner requires the site for Class 6 storage and distribution uses associated with the operation of Union Square shopping centre. Aberdeen City Council should ensure there is a range of marketable allocated sites for businesses in the Local Development Plan.

Policy T2:Managing the Transport Impact of Development

General Support

153: Supports sufficient measures being taken to minimise traffic generation and maximise opportunities for sustainable and active travel. Supports the need to manage traffic generation in the Aberdeen but this should not be at the expense of building upon the Airport's future role.

158: Supports utilising existing transport network in Aberdeen.

Consultation

115: Groups experienced in using and designing facilities should be consulted before the process of maximising opportunities for sustainable and active travel is taken forward to ground-breaking.

Increased Traffic

136: Concerned about increased traffic at peak times as a result of new development such as the single-use Prime Four development. Aberdeen City Council should consider the impact of such schemes on existing neighbourhoods for example by carrying out a walkable neighbourhood analysis before committing to particular transport proposals. Supports how employment opportunities created by the development of new communities reduce the need to travel.

City Centre Car Parking

158: Easy access to the City Centre Retail Core is crucial to minimising generated traffic and maximising sustainable and active travel. Union Square acts as a strategic city centre car park and so to help meet this function and to facilitate its floorspace growth, additional parking capacity should be provided. Creating strategic car parking in the North Dee business district would multiply commuter car trips, which would be harmful to the City Centre Masterplan aims.

Policy T3: Sustainable and Active Travel

General Support

59: Supports the objective of reducing congestion and improving air quality in the city centre, and encouraging sustainable travel.

139: Supports improvements to Aberdeen’s transport network to make movement around the city centre easier for shoppers. Supports emphasis on links between residential, employment, recreation and other facilities for non-motorised transport users.

153: Supports the need for new developments to demonstrate sufficient measures have been taken to minimise traffic generation and to maximise sustainable and active travel opportunities. Supports the need to manage traffic generation in the Aberdeen but this should not be at the expense of building upon the Airport’s future role. Supports the recognition that there will be instances in which people will be required to travel by car in order to access the Airport.

Developer Contributions

66: Aberdeen City Council should subsidise unprofitable routes because industries such as catering and entertainment are losing revenues due to a lack of evening bus services. Developers should be required to contribute to public transport and liaise with public transport providers, as well as providing paths and cycle routes.

Sustainably Accessible Developments

115: Would like to see the emphasis on all developments to be ‘accessible with an emphasis on active and sustainable transport’.

City Centre Connectivity

139: This Policy should act as a catalyst for improving connectivity between the streets and shopping centres of Bon Accord, Union Square and Trinity Shopping Centre. Developments in the city centre should be expected to provide or promote links with other facilities in the centre to ensure convenient and safe access for people. This Policy and the forthcoming City Centre Masterplan should ensure new retail developments are integrated with existing transport networks and different modes of transport. Measures should be introduced to strengthen the relationships between shopping areas and transport hubs in Aberdeen.

City Centre Car Parking

139: Caution should be applied towards restrictions on car parking/car access to a significant level as this could deter future shoppers from visiting the city centre and in turn impact upon its vitality and viability, particularly in the face of out-of-town developments with free car parking.

Modifications sought by those submitting representations:

Policy T1: Land for Transport

Berryden Corridor Improvements

112: The design of the road has not factored a satisfactory design that was promised in 2010 such as the appraisal of impacts on 1 Belmont Gardens on Ashgrove Road; this is the most affected property in the scheme. Aberdeen City Council has not adequately addressed the impacts on this property. Tender issues should not be issued until addressed.

Raith's Farm Rail Freight Facility

108: Reference the presence of pipeline included in the Policy in relation to Raith's Rail Freight facility.

158: Site should be rezoned as Business and Industrial land and recognised as an Opportunity Site.

Policy T2: City Centre Car Parking

158: Acknowledge and confirm that Union Square provides the optimum location for the provision of additional car parking at the southern gateway to the city centre.

Summary of response (including reasons) by planning authority:

Policy T1: Land for Transport

General Support

59, 153: Support is welcomed and noted.

Berryden Corridor Improvements

A preliminary design was prepared, based on the relevant design standards for all road users, to assess the impact of improving the Berryden Corridor and, once the decision was taken to progress with this improvement, the preliminary layout was used as the base within the Proposed Plan. One of the purposes of a Local Development Plan is to safeguard land for particular uses, and the route shown does not necessarily dictate the finished detailed layout. Once a more detailed design is prepared, which will reference factual information as well as ground surveys, the direct impacts will be available for presentation as part of technical submissions and for discussion with affected parties as well as those in the wider area.

Sustainable Transport Infrastructure

115: The Proposed Plan fully supports sustainable transport infrastructure such as walking and cycling not only for new, but also for existing, developments. Aberdeen City Council recognises that high quality facilities that enable and encourage people to walk, cycle or use public transport for a variety of journey purposes (including work and education trips and for recreation) must be delivered in tandem with new development. The Council therefore works

with developers to ensure that appropriate infrastructure is in place to enable this from the very first day of occupation. Developers are required to ensure that new developments are accessible by walking, cycling and public transport, and that the internal layout of developments also favours these modes. There are policies in place (including Designing Streets: A Policy Statement for Scotland 2010 (CD06) and Cycling by Design 2010 (RD16)) which new developments are required to adhere to, that promote pedestrian and cycle friendly design, and aim to ensure that the needs of those on foot or bike take precedence over those driving vehicles. The Proposed Plan takes cognisance of, and aligns itself with the aspirations of the Consultative Draft Aberdeen Local Transport Strategy 2015 (Draft LTS) (CD34), the North East of Scotland Transport Partnership (Nestrans) Regional Transport Strategy 2013 (RTS) (CD15) and the National Transport Strategy 2006 (NTS) (CD09), all of which prioritise walking, cycling and public transport. With regards to consultation being undertaken with national and local groups, the preparation of the Proposed Plan included public consultation during the Main Issues Report (MIR) (CD29) and Proposed Plan stages, of which Aberdeen City Council consulted national, regional and local bodies and the public regarding Policies contained within the Plan. Furthermore, consultation with a wide range of stakeholders and the general public is normally undertaken during the Masterplanning (where appropriate) and planning application stages when the details of the proposed development have been further investigated.

Raith's Farm Freight Facility

108: The function of Proposed Plan Policy T1 is to safeguard land for transport projects that are listed therein. The Raith's Rail Freight Facility is zoned under Policy T1 (Improved Rail Services) for the future expansion of the rail facility. With regard to the presence of the pipeline on the site, consultation with the appropriate body would be undertaken as and when necessary consents are required for this expansion. Pipeline notification is already covered in Proposed Plan Policy B6 and the notification zones are shown on the Additional (reverse) City Wide Proposals Map. It is not considered necessary to repeat this in Policy T1 or the supporting text.

158: Both Transport Scotland and the North East of Scotland Transport Partnership (Nestrans) support the retention of this site for the future expansion of the rail freight facility. Aberdeen and surrounds are currently experiencing considerable growth, particularly in relation to employment land and the Council wishes this growth to continue. There are substantial opportunities to develop employment land elsewhere but nowhere else has been identified for rail freight expansion should it be required in future. In this context, it would be prudent to retain the current zoning of Land for Transport and retain the site as an opportunity for rail freight expansion. With regards to Aberdeen City Council ensuring there is a range of marketable allocated sites for businesses, the Proposed Plan has already allocated a significant amount of land for business and industrial development, in line with the Aberdeen City and Shire Strategic Development Plan 2014 (CD12). This land is located in a wide range of mixed use developments that support Class 4, 5 and 6 uses, as well as single-use business parks. The employment land allocations required by the Strategic Development Plan are set out in Figure 6 of the SDP. This requires the Aberdeen Local Development Plan to allocate 105 hectares of employment land to 2026 and a further 70 hectares of Strategic Reserve Land for the period 2027-35. Table 2 of the Proposed Plan (on page 9) shows that we have allocated 143 hectares to 2026 (it reads 130 hectares which is an error addressed by the Council as a Non-Notifiable Modification (CD26)) and a further 66 hectares to 2035. We therefore consider that the employment land requirements of the Strategic Development Plan have been fully met and that there is ample opportunity to develop storage and distribution facilities.

Policy T2: Managing the Transport Impacts of Development

General Support

153, 158: Support has been welcomed and noted.

Consultation

115: Aberdeen City Council undertakes consultation with relevant appropriate Key Agencies during the Masterplanning, pre-application and planning application stages when the details of the proposed development have been further investigated.

Increased Traffic

136: The existing Prime Four business development has been very successful, with exceptional demand for office space within its location. The issue of traffic as a result of the business park's development was examined during the planning application process. Consultation with Aberdeen City Council's Roads Projects Team was undertaken. Moreover, a Transport Statement and Travel Plan were submitted as part of the planning application process. Where a development proposal could lead to a significant increase in road traffic, a worsening of air quality or potential sources of pollution, it will not be permitted unless it can be demonstrated that measures will be implemented to minimise or manage the impacts to an appropriate level. The suggestion to carry out a walkable neighbourhood analysis has been noted.

City Centre Car Parking

158: Easy access to the City Centre Retail Core by sustainable transport modes and careful consideration of the balance and location of car parking is crucial to minimising traffic. The city centre is highly accessible by public transport and the density of population relative to the mixture of land uses (retailing, employment, etc.) allows for a large proportion of pedestrian and cycle journeys. Availability of on-street parking, public off-street parking, public transport hubs and Park and Ride opportunities are also available. These factors therefore allow for low levels of parking associated with new and existing developments within the city centre, such as Union Square. The recently approved [City Centre Masterplan and Delivery Programme](#) (CD33) promotes the improvement of sustainable transport and limiting the movement of private vehicles in the city centre. This includes applying stricter parking standards within the city centre boundary to enforce 'zero parking' for new developments as additional parking encourages trips by car and will exacerbate traffic problems in the area. Any forthcoming planning application to extend Union Square will therefore be considered within this strategic context. If a requirement for additional car parking is established and can be accommodated by the network this this will be considered on a cumulative and strategic basis for the North Dee and Union Square area as per the Transport, Air Quality and Noise Supplementary Guidance (CD25) where demand for car parking is at different times of the day/year.

Policy T3: Sustainable and Active Travel

General Support

59, 139, 153: Support has been welcomed and noted.

Developer Contributions

66: The Proposed Plan supports the provision of necessary infrastructure to maximise the use of sustainable transport modes. In line with paragraph 273 of Scottish Planning Policy (SPP) (CD05), where public transport services required to serve a new development cannot be commercially provided, Aberdeen City Council works with the developers to seek an appropriate contribution towards an agreed level of service. Aberdeen City Council also coordinates discussions with public transport providers and developers in order to agree on a way forward. Aberdeen City Council does not subsidise unprofitable routes at present but would rather work with the North East of Scotland Transport Partnership (Nestrans) and public transport providers to ensure that commercial services are as attractive as possible to users (in terms of lower fares, improved journey times, reliability and frequency). By attracting more passengers to commercial services, operators will have the incentive and resources to improve and extend those services, thereby ensuring the long-term sustainability of the commercial network.

Sustainably Accessible Developments

115: Proposed Plan Policy T3 reflects the modal hierarchy set out in paragraph 273 of Scottish Planning Policy (CD05) and it also reflects the aims and objectives of the Consultative Draft Aberdeen Local Transport Strategy 2015 (Draft LTS) (CD34) on page 91, which sets out the framework for the transport network in the city. The Proposed Plan and the Draft LTS both prioritise the provision of a comprehensive network for sustainable travel and the delivery of modal shift. Sustainable travel will be maximised through careful attention to the design and layout of development, giving priority to those on foot, cycling or using public transport ahead of car user requirements, and measures to improve infrastructure and services to encourage sustainable travel within the catchment area of the development. New developments will need to reflect the principles of Scottish Government's Designing Streets (CD06).

City Centre Connectivity

139: Aberdeen City Council recognises that high quality facilities that help to improve connectivity between the city centre streets and shopping centres are important. Proposed Plan Policy T3 encourages developments to be accessible by a range of transport modes, with an emphasis on sustainable transport. Retail developments in the city centre will therefore be required to provide convenient and safe access for people and will be required to integrate with existing transport networks. Any developments within the city centre will also be required to comply with Policy D1 – Quality Placemaking by Design, which states that proposals will be assessed against six essential qualities: (i) distinctive; (ii) welcoming; (iii) safe and pleasant; (iv) easy to move around; (v) adaptable; and (vi) resource efficient. In addition to this, the [City Centre Masterplan and Delivery Programme](#) promotes a range of projects that will enhance the public realm and strengthen the relationships between shopping areas and transport hubs. The projects, which include the Bon Accord Centre, St Nicholas Centre, Trinity Centre and Union Square, contain schemes that will retain open grid streets and promote pedestrian priority to improve the pedestrian environment. This will help to establish a strong pedestrian linkage between the shopping areas and the rest of the city centre.

City Centre Car Parking

139: The proposals for restricting levels of car parking only apply to new developments and,

as such, are unlikely to have an impact on existing usage. Continuing to provide high levels of car parking in the city centre will encourage private vehicle use and therefore undermine Aberdeen City Council's aspiration to promote sustainable modes of transport. The city centre is one of three Air Quality Management Areas (AQMAs) in Aberdeen, where the volume of particulate matter (PM) detected, which is largely caused by the presence of motor vehicles, is of a level that could be harmful to human health. The city centre is currently highly accessible by walking, cycling and public transport and a number of proposals within the [City Centre Masterplan and Delivery Programme](#) should further improve accessibility by non-car modes of transport in future years. The [City Centre Masterplan and Delivery Programme](#) promotes a 'walkable Aberdeen', where the number of private cars is limited and the city is made more attractive and safer for pedestrians. Furthermore, the City Centre Masterplan and Delivery Plan also contains projects that include applying stricter parking standards within the city centre boundary to enforce 'zero parking' for new development.

Reporter's conclusions:

Policy T1: Land for Transport

Berryden Corridor Improvements

1. Policy T1 safeguards land (shown on the proposals map) for the Berryden Corridor improvements. The proposed plan does not set out a detailed design for these improvements. There are other processes through which the council will promote a detailed scheme and consider comments on its impacts. These are not matters that can appropriately be dealt with in this examination.

Sustainable Transport Infrastructure

2. It appears to me that the proposed plan gives due prominence to promoting sustainable and active travel. Paragraph 3.42 does not suggest that walking and cycling facilities are any less important than roads. Policy T3 sets out a range of principles that will be followed to promote quick, convenient and safe travel for pedestrians and cyclists.

Raith's Farm Freight Facility

3. Representation 108 draws attention to the presence of the BP Forties pipeline in the vicinity of the land reserved for the proposed freight facility. This will need to be the subject of consultations about the location and design of the facility, and could constrain the layout. Consultation zones are shown on the Additional City Wide Proposals Map and proposals for development within these zones are subject to Policy B6: Pipelines, Major Hazards and Explosives Storage Sites. I do not consider that there is any need to add a reference in Policy T1 (whose purpose is confined to safeguarding the land) or its supporting text.

4. Representation 158 requests that the site be re-zoned for business and industry. It is claimed that the land will not be required for any future expansion of the rail freight facility, but the basis for this claim is not explained. I agree with the council that there are substantial allocations of employment land elsewhere in the city. However, rail freight expansion, should it be required in future, can only take place on sites with rail access. It would therefore be prudent to retain the current safeguarding of the site for this purpose.

Policy T2: Managing the Transport Impacts of Development

Consultation

5. I agree with representation 115 that consultation with user groups should inform the design of facilities. I accept the council's response that it undertakes appropriate consultations, and I do not consider that any change to the proposed plan is necessary.

Increased Traffic

6. Policy T2 already requires new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Representation 136 accepts that some additional traffic arising from development is unavoidable, and I consider that the proposed plan and the associated supplementary guidance adequately provide for the impact of such traffic to be taken into account and for mitigation measures to be put in place.

City Centre Car Parking

7. Proposals for increased car parking provision at Union Square (representation 158) will need to be judged against the policies in the proposed plan, the supplementary guidance and the City Centre Masterplan. Such expansion would not be acceptable if it led to significantly increased traffic congestion or encouraged car journeys in preference to walking, cycling or public transport. I consider that the plan and its supporting documents provide a sufficiently robust framework for the evaluation of such proposals, and that it would not be appropriate to pre-empt matters by specifying that Union Square provides the optimum location for the provision of additional car parking at the southern gateway to the city centre.

Policy T3: Sustainable and Active Travel

Developer Contributions

8. Representation 66 calls for developers to contribute to the provision of paths, cycle routes and public transport, and for the council to subsidise unprofitable bus routes. I agree with the council that the proposed plan supports the provision of necessary infrastructure to maximise the use of sustainable transport modes. Policies I1, T2 and T3, with the associated supplementary guidance, enable developer's contributions to such infrastructure in cash or in kind to be sought and provided. The subsidisation of bus routes is not a development planning matter, and I note the council's response regarding its approach to this issue.

Sustainably Accessible Developments

9. Policy T3 gives priority to walking, cycling and public transport. Representation 115 wishes to see this emphasis applied to all future developments. That is a matter for masterplanning and development management. I endorse the council's approach as set out in its response.

City Centre Connectivity

10. Representation 139 seeks improved connections among the different retail centres in central Aberdeen, and between them and the main transport hubs. I note that the City Centre Masterplan promotes a range of projects that will strengthen the relationships

between shopping areas and transport hubs, retain open grid streets and improve the pedestrian environment. These should help to strengthen the connections between the various retail and transport elements in the city centre.

City Centre Car Parking

11. Representation 139 urges caution in relation to restrictions on car parking and car access. A balance needs to be struck, in which due priority is given to non-car modes of transport as required by Scottish Planning Policy (paragraph 273). The City Centre Masterplan includes proposals for:

- Park and ride, maximising the potential offered by existing and proposed park and ride sites in order to reduce the overall number of vehicles entering the city centre;
- Off-street parking, maximising the potential offered by existing car park capacity by promoting a ring of car parks around the Urban Relief Route; and
- New development parking, applying stricter parking standards within the city centre boundary to enforce 'zero parking' for new development.

I consider that the proposed plan as drafted achieves an appropriate balance.

Reporter's recommendations:

No modifications.

Issue 24	POLICY T4 & T5: AIR QUALITY AND NOISE	
Development plan reference:	Page 38-40	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Dandara LLP (90) The Theatres Trust (92) Old Aberdeen Community Council (100) Aberdeen Cycle Forum (115) Scottish Environment Protection Agency (124) British Airways (153)</p>		
Provision of the Development Plan to which the issue relates:	Presumption against developments that will have a negative impact on amenity and/or air quality	
Planning authority's summary of the representation(s):		
<p><u>Policy T4: Air Quality</u></p> <p><u>General Support</u></p> <p>124: Support Policy requiring an Air Quality Impact Assessment.</p> <p><u>Air Pollution Reduction</u></p> <p>100: Traffic based air pollution can only be improved with free flowing traffic and a reduction in traffic movements, especially single occupancy cars.</p> <p>115: Air quality and noise are unaffected by cycle modal share and would contribute towards lowering the air and noise pollution, particularly in the city centre.</p> <p><u>Policy T5: Noise</u></p> <p><u>General Support</u></p> <p>92: Supports Policy</p> <p>153: Supports Policy requirement stating that housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses.</p> <p><u>Flexibility</u></p> <p>90: Policy needs a flexible approach reflecting individual site and locational circumstances. Policy wording is ambiguous and does not reflect PAN 1/2011: Planning and Noise, which advocates a flexible approach where the level of detail should be balanced against the</p>		

degree of risk.

Future Conflicts

92: New developments should recognise that cultural and business uses such as theatres and pubs often create noise. Therefore the design of new developments near these sites should address this issue to ensure no future conflicts. Existing uses should not have unreasonable restrictions put on them at a later stage as a result of changes nearby since they were established.

Noise Pollution Reduction

115: Noise and air quality are unaffected by cycle modal share and would contribute towards lowering the air and noise pollution, particularly in the city centre.

Modifications sought by those submitting representations:

Policy T5: Noise

90: The term ‘significant mitigation’ should be amended to remove the word ‘significant’ as it is inappropriate and unnecessary.

Summary of response (including reasons) by planning authority:

Policy T4: Air Pollution

General Support

124: Support is welcomed and noted.

Air Pollution Reduction

100, 115: Air quality problems in Aberdeen are predominantly a result of emissions from road vehicles and this is reflected in the locations of the Air Quality Management Areas (AQMAs). The declared AQMAs are:

- (i) City Centre (including Union Street, Market Street, Commerce Street, Guild Street and Bridge Street, and parts of Holburn Street, King Street and Victoria Road);
- (ii) Anderson Drive (incorporating the whole of Anderson Drive, the area around the Haudagain roundabout and the A96 to Howes Road); and,
- (iii) Wellington Road (from Queen Elizabeth II Bridge to Balnagask Road).

The Aberdeen Air Quality Action Plan (CD37) recommends a range of initiatives to address air quality problems, which include increasing awareness of air quality issues, promoting sustainable transport, reducing the need to travel, improving traffic management and transport infrastructure, and consideration of the impact of a Low Emission Zone. A subsequent study to appraise the different scenarios of the Air Quality Action Plan ranked their impact on predicted emission reductions and this concluded that no intervention measure alone could address the air quality problems in Aberdeen; a combination of measures will be required (that will include free flowing traffic, reduction in traffic movements

and cycle infrastructure).

Policy T5: Noise

General Support

92, 153: Support is welcomed and noted.

Flexibility

90: Policy T5 and relevant Proposed Supplementary Guidance: Noise, was prepared with PAN 1/2011 Planning and Noise (RD25) as a guide and is considered to be in alignment with national advice. PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The flexible nature of this Policy is reflected in that it advocates Noise Impact Assessments (NIA) to be carried out only for development proposals that are likely to generate significant noise. This also includes proposals that may affect noise sensitive receptors or affect noise levels in and around a Noise Management Area (NMA) or Quiet Area (QA), or where a noise-sensitive development is proposed which may be affected by existing noise sources. The Policy also makes comment on the protection of QAs and NMAs. Aberdeen City Council appreciates the fact that the location and design of a development plays a significant role in preventing, controlling and mitigating the effects of noise. Early discussions with the Council will therefore help to determine the suitability of the site for a proposed development and the level of detail required from an applicant in respect of noise. With reference to the term 'significant mitigation' we agree that there may be instances where the term 'significant' would be inappropriate. Therefore, if the Reporter is so minded we would propose that the word 'significant' is removed from the second paragraph of Policy T5 – Noise.

Future Conflicts

92: The location and design of any new development plays a significant role in preventing, controlling and mitigating the effects of noise. Aberdeen City Council's preferred approach is to plan for good environmental quality, including the noise climate, from the outset of a proposed development, rather than to try to mitigate the effects in retrospect. Good environmental quality remains an aim of the Council irrespective of existing neighbouring uses.

Noise Pollution Reduction

115: Aberdeen City Council acknowledges that cycling does not contribute towards noise and air pollution and therefore contributes to reducing this pollution when taken in lieu of other forms of transport such as private cars.

Reporter's conclusions:

Policy T4: Air Quality

1. There are no representations that seek any change to Policy T4. I agree with Old Aberdeen Community Council's comments that the free flow of traffic, and lower levels of motorised traffic in the city, are likely to lead to a reduction in air pollution. In this regard the completion of planned transport interventions including the Aberdeen Western Peripheral

Route may be expected to significantly reduce congestion in parts of Aberdeen.

2. Measures to encourage people to use less polluting modes of transport (including cycling as pointed out by the Aberdeen Cycle Forum) are largely the province of documents beyond the local development plan, such as the local and regional transport strategies. However, insofar as new development can affect the use of different transport modes, I note that Policies T1, T2 and T3 of the proposed plan all include provisions aimed at supporting the increased use of more sustainable modes of transport and/ or minimising congestion. No change to the plan is required.

Policy T5: Noise

3. As drafted, Policy T5 requires ‘significant’ mitigation to be put in place as a prerequisite for approving noise-sensitive development close to noisy land uses. While I would not necessarily describe the use of the term ‘significant’ here as being ambiguous, as claimed by Dandara LLP, it could certainly be taken as implying that major mitigation works will be expected to be undertaken.

4. However it may be the case that relatively straightforward mitigation measures will be adequate to resolve identified noise issues, or that the potential for noise issues to arise can be avoided altogether through noise-conscious design measures, such as the arrangement of buildings on a site. I therefore agree that ‘significant’ is not the correct choice of word in this context, and I note that the council is also content for this word to be removed from this part of the policy. However I consider it is necessary to replace the word ‘significant’ with the word ‘suitable’, in order to be clear that it is not just any mitigation measures that will be required to reduce the impact of noise.

5. I acknowledge the point made by the Aberdeen Cycle Forum that cycling does not create problem noise, but no need to amend the plan flows from this.

Reporter's recommendations:

I recommend that the word ‘significant’ in the second paragraph of Policy T5 be replaced with the word ‘suitable’.

Issue 25	POLICY B1, B2 & B3: SUPPORTING BUSINESS AND INDUSTRY	
Development plan reference:	Page 41-43, Proposals Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Moorfield Group Limited (94) Scottish Enterprise (120) Aberdeen Civic Society (136) British Airways (153) Persimmon Homes (157) Buccmoor LP (160)</p>		
Provision of the Development Plan to which the issue relates:	Ensure that business and industrial use is supported in the correct location	
Planning authority's summary of the representation(s):		
<p><u>Policy B1 - Business and Industrial Land</u></p> <p><u>General Support</u></p> <p>153: Supports the identification of land for Class 4, 5 and 6 uses. Supports the safeguarding of existing industrial and business land from other development pressures, which is particularly important for sites in strategic locations.</p> <p><u>Flexibility of Policy</u></p> <p>160: Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of such areas.</p> <p><u>Separation of Uses</u></p> <p>136: It is better to have areas that contain a mix of uses, rather than separate commercial uses from residential using buffer zones. Single use business and industrial areas have proliferated around the city in recent years (e.g. at the airport, Kingswells, Murcar), which encourage additional car trips to and from work. These sites are often low density, which negatively impacts the landscape. Higher density development should be encouraged.</p> <p><u>Employment Land on Allocated Sites</u></p> <p>157: New sites allocated for employment use, where evidence shows there is no developer interest for employment development, should be allowed to be developed for alternative use. There should be more pressure to re-use existing business allocations first, rather than delivering on new allocations.</p>		

Impact of Airport

153: Notes the constraints that airport operations impose on new developments. These are noise standards, airport safeguarding areas and Circular 08/2002 guidance.

Policy B2 - Specialist Employment Areas

General Support

120: Supports provision of generous land for employment and economic growth, and the retention and promotion of land for knowledge-driven industries.

Flexibility of Policy

120, 160: Policy should be flexible enough to accommodate other uses within areas identified as B2, where they are ancillary to the prime Class 4 use. For example, Class 4, 5 and 6 uses are often required to be located on the same site.

94: Policy should have more flexibility in order for the Energy Park to grow. Policy is in conflict with recently granted consent for the Energy Park extension which allows Class 4,5 and 6 uses.

Scottish Enterprise Involvement

94, 120: Paragraph 3.62 is not accurate. Buccmoor LP now controls Aberdeen Energy Park. Scottish Enterprise no longer have involvement at the Energy Park.

Impact of Airport

153: Supports complementary employment uses in OP19. Part of the site however, falls within the Aberdeen Airport Public Safety Zone. Respondent notes the constraints that airport operations impose on new developments. These are noise standards, airport safeguarding areas and Circular 08/2002 guidance.

Policy B3 - West End Office Area

General Support

120: Supports policy and paragraph 3.63. Implementation should be positive for office development, and avoid imposing constraints on development.

Type of Use

136: Both residential and commercial uses should be encouraged to remain in the area, to retain vitality during times when the offices are not occupied. This area of Aberdeen should remain mixed use, both residential and commercial uses.

Modifications sought by those submitting representations:

Policy B1: Business and Industrial Land

Flexibility of Policy

160: Flexibility should be introduced into the Policy, so that proposals for alternative uses on sites identified for Business and Industry are considered on their own merits.

Employment Land on Allocated Sites

157: Policy should have similar wording for new allocations as the Plan already has for existing business use land (with respect to alternative uses being permitted where there is no developer interest in employment land).

Policy B2: Specialist Employment Areas

Flexibility of Policy

120: Modify the wording of the Policy so that Class 5 and/or Class 6 uses will be permitted where required to facilitate the Class 4 development. Wording should also be included to state that Class 5 and 6 uses will only be considered if it can be shown that respective uses can co-exist without eroding amenity.

160: Flexibility should be introduced into the policy that allows proposals for appropriate alternative uses in areas of Specialist Employment to be considered on their own merits.

Scottish Enterprise Involvement

94, 120: Remove the following sentence “the parks are an essential component of Scottish Enterprise’s Economic Development Strategy”. Update all other references in the Plan.

Policy B3: West End Office Area

General Support

120: Modify the wording of the Policy so that proposals for Change of Use to residential, or any new residential development, will be approved provided it can be demonstrated that the proposed residential use will not harm any existing or future potential for office use in the area.

Summary of response (including reasons) by planning authority:

Policy B1: Business and Industrial Land

General Support

153: Note the support received for the Policy.

Flexibility of Policy

160: The Policy states that facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land.

Separation of Uses

136: The Proposed Plan has allocated significant amount of land for business and industrial development, in line with the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) and as discussed under Issue 1 Vision and Spatial Strategy. Some of this land is located within new mixed use developments as well as single-use employment land allocations. However it is sometimes necessary to maintain an appropriate separation of business/industrial/commercial uses and residential uses, in the interests of residential amenity in terms of noise, traffic impacts, smell or other nuisance.

Employment Land on Allocated Sites

157: The SDP requires the Aberdeen Local Development Plan to maintain a ready supply of employment land in the right places. Therefore in accordance with the SDP, a phased large allocation of employment land has been identified to meet the diverse needs of different types and sizes of businesses. It is important that larger development sites contain a mix of employment land and other uses, in the interests of creating sustainable, mixed communities.

Impact of Airport

153: The Proposed Plan notes the constraints that airport operations impose on new developments. Policy B4 in the Proposed Plan deals specifically with matters relating to safety and developments within the airport's operational area.

Policy B2: Specialist Employment Areas

General Support

120: Note the support received for the Policy.

Flexibility of Policy

94, 120, 160: The aim of Proposed Policy B2 is to encourage development that contributes to a high quality environment, and it is considered that Class 5 and 6 uses would be likely to compromise this. The Plan already identifies areas as Policy B1, where Class 4, 5 and 6 uses are supported. Policy B2 does state that facilities that directly support business use may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area.

94: With regards to the comment about Policy B2 being in conflict with the recently granted consent for Aberdeen Energy Park, the planning application ([131483](#)) limited Class 6 uses to 20% of the site area. The 20% limit was set in order to preserve amenity levels and to ensure an appropriate focus and high standard of development within the Aberdeen Science and Energy Park. Additional information concerning this site has also been provided in Issue 3.

Scottish Enterprise Involvement

94, 120: Aberdeen City Council appreciates that Scottish Enterprise no longer has involvement at the Aberdeen Energy Park. We would propose to remove the text ““The parks are an essential component of Scottish Enterprise’s Economic Development Strategy” from paragraph 3.62 as a Non-Notifiable Modification (CD26).

Impact of Airport

153: The Proposed Plan notes the constraints that airport operations impose on new developments. Policy B4 in the Proposed Plan deals specifically with matters relating to safety and developments within the airport’s operational area.

Policy B3: West End Office Area

General Support

120: The support for Proposed Policy B3 West End Office Area is welcomed. The Policy states that new developments that do not protect existing residential amenity will be refused.

Types of Use

136: Proposed Policy B3 makes it clear that the Council will encourage and promote the continual development of this area as a high quality office location. The Policy further states that proposals for Change of Use to residential will be considered on their merits, but the main focus is to promote this area for office use.

Reporter's conclusions:

Policy B1: Business and Industrial Land

1. I consider that the policy as drafted provides sufficient flexibility to allow uses (in addition to Classes 4, 5 and 6) which may be suited to a business and industrial location to be treated on their own merits, and to be accommodated in areas allocated for Policy B1 development where appropriate.

2. While there are benefits in promoting mixed use development, for example by reducing the need for travel, some types of industrial and commercial use do not sit comfortably with the safeguarding of residential amenity. I consider that the proposed plan strikes an appropriate balance between mixed use development areas and limited-use areas, where industrial and distribution activities can be accommodated without adversely impacting on residential neighbours.

3. As regards re-allocation of undeveloped employment land for other types of development, I concur with the council’s view that the plan needs to maintain a sufficient supply of employment land in appropriate places, as required by the SDP. It would not be right to re-allocate such land for other uses simply because current market conditions have not favoured its early development for employment purposes.

4. The matter of safeguarding around the airport is dealt with at Issue 26.

Policy B2: Specialist Employment Areas

5. In general, I consider that the proposed plan draws an appropriate distinction between Policy B1 areas (suitable for Classes 4, 5 and 6) and Policy B2 areas (suitable only for Class 4 business use). The impacts (such as noise and heavy goods traffic) associated with industrial and distribution uses could undermine the high-quality environment that the council is seeking to create within dedicated business parks. Introducing flexibility into Policy B2, as suggested in representations, would erode the distinction from Policy B1 and create a grey area in which difficult judgements about the acceptable degree of environmental impact would be required.

6. As regards the Aberdeen Energy Park, however, I acknowledge the recently granted consent allowing a degree of Class 6 use, and I consider that the nature of the energy support sector requires some flexibility to accommodate complementary elements of Classes 4, 5 and 6 on the same site. This would enable the park to respond to market demand and help to ensure that Aberdeen continues to attract and retain businesses in this sector. I therefore recommend that the second paragraph of the policy should be modified to include a reference to Class 6 (Storage and Distribution). The existing qualification, that it can be shown that the respective uses can co-exist without eroding the amenity of the park, would remain. This would enable the council to control the relative proportions of the different uses.

7. I am satisfied that the council has addressed the matter of Scottish Enterprise’s involvement in the Aberdeen Energy Park adequately by means of the non-notifiable modification described above.

Policy B3: West End Office Area

8. The area contains a mix of uses, with business predominating but also a significant residential element. It is also an area of high conservation value for its architectural and townscape character. I consider that the policy as drafted strikes an appropriate balance among the various uses and conservation requirements.

Reporter's recommendations:

I recommend the following modification:

1. In Policy B2 Specialist Employment Areas, redraft the second paragraph as follows:

‘The exception is proposals at the Aberdeen Energy Park where a mix of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses will be considered if it can be shown that the respective uses can co-exist without eroding the amenity of the park.’

Issue 26	POLICY B4,B5 & B6: AIRPORT, HARBOUR, PIPELINES	
Development plan reference:	Page 43-45, Proposals Map, Constraints Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>National Grid (12) Shell UK Limited (38) NATS Safeguarding Office (42) BP Midstreams Pipelines (108) Scottish Enterprise (120) Aberdeen Harbour Board (137) British Airways (153)</p>		
Provision of the Development Plan to which the issue relates:	Support growth and development at the harbour and airport, and ensure developments follow safety procedures for pipelines, major hazards and explosives storage sites	
Planning authority's summary of the representation(s):		
<p><u>Policy B4 - Aberdeen Airport</u></p> <p><u>General Support</u></p> <p>42: Supports inclusion of Perwinnes Radar in the Policy.</p> <p>120: Supports protection of land within the vicinity of Aberdeen Airport for employment use and also supports measures to seek delivery of the necessary infrastructure to facilitate economic development.</p> <p><u>Safeguarding and Public Safety Zones</u></p> <p>120: Policy doesn't provide sufficient clarity in relation to Safeguarding Zones. Aberdeen City Council should continue discussions with NATS to remedy this.</p> <p>153: Supports inclusion of Public Safety Zones and the safe operation of the Airport. The Council should not allow an increase of population in these Zones and future neighbouring development must be fully assessed.</p> <p><u>Wind Turbines</u></p> <p>42: The NATS information pack for wind turbine applicants should be referenced.</p> <p><u>Promoting Economic Growth</u></p> <p>120: The Local Development Plan needs to have a more proactive, positive framework highlighting the importance of employment land allocations adjacent to Airport.</p>		

Supporting Airport-Related Uses

153: Supports presumption in favour of compatible uses within areas zoned for Aberdeen Airport. There should also be a presumption in favour of airport-related uses such as hotels and car hire facilities, which have an important role to play in supporting airports.

Policy B5 - Aberdeen Harbours

General Support

120, 137: Welcomes the Policies and proposals which support Harbour operation, development and expansion, and the continued recognition of its role as an economic driver.

Economic Development

120, 137: The Plan does not give sufficient priority to the potential of the harbour to contribute to the economic development of the Region.

120: Measures should be introduced for the delivery of necessary infrastructure to facilitate the Harbour expansion.

Reference to Nigg Bay in Policy

120: Revised wording and/or new Policy regarding the proposed harbour expansion should indicate how the wider area beyond Nigg Bay could benefit from a Masterplan.

Protection of Harbour Operations

137: Paragraph 3.70 makes reference to the Aberdeen Harbour Development Framework, stating that the Development Framework explores how a greater mix of uses can be accommodated at the Harbour. In fact, the Framework affords varying degrees of protection to Harbour operations dependent on the proximity of new developments to the operational Harbour.

137: In its present wording, Policy B5 appears to indirectly promote amenity of new development over Harbour activity and safeguarding.

Extent of B5 Allocation at OP62 Nigg Bay

137: Harbour proposals for Nigg Bay have evolved, and the proposed Harbour footprint is now different to that of National Planning Framework 3 and the Proposed Plan. Land zoned under Policy B5 should be subject to further adjustment, taking into account these changes. The draft Harbour Revision Order Boundary Plan shows the most up to date site layout. The 'Developed' and 'Undeveloped' Coastal Management Area's have been drafted the wrong way round. The Core Path will need to be diverted around the new Harbour.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

General Support

38, 108: Support Policy and identification of various Pipeline Consultation Zones. Wording is appropriate and Constraints Map is supported.

MAH Pipelines

12: High Pressure Major Accident Hazard Pipelines (MAHP) should be taken into account when developing site options.

Modifications sought by those submitting representations:

Policy B4 - Aberdeen Airport

Promoting Economic Growth

120: Policy should include expanded wording or include additional Policy for Airport Employment Growth Zones, making cross references to other policies in the Plan.

Safeguarding and Public Safety Zones

120: Amend Policy wording and supporting text to provide greater clarity in relation to safeguarded zones requirements.

Policy B5 - Aberdeen Harbour

Protection of Harbour Operations

137: The Local Development Plan should make reference to the Objective Area of the Harbour Development Framework and should make clear that the maintaining the Harbour's viability is of paramount importance and will take precedence over potentially conflicting developments.

Extent of B5 Allocation at Nigg Bay

137: Policy B5 allocation at Nigg Bay should be amended to reflect accompanying draft Harbour Revision Order boundary plan.

The legend on the Additional City Wide Proposals Map should use dark green and light green respectively to indicate 'Developed' and 'Undeveloped' Coastal Management Areas.

Economic Development

120: Expand wording or include additional Policy that is in favour of development or expanded harbour and associated employment land.

137: Reword Paragraph 3.69 to make reference to offshore energy first, rather than trade, offshore energy and passenger ferry service. Policy should be reworded to make the locations of new developments within the harbour's vicinity clear.

Summary of response (including reasons) by planning authority:

Policy B4 - Aberdeen Airport

General Support

42, 120: Note the support received for Policy B4 Aberdeen Airport.

Safeguarding and Public Safety Zones

120: Aberdeen City Council has continued discussions with National Air Traffic Services (NATS) regarding Safeguarding Zones for Perwinnes Radar. Detailed guidance on this subject is contained in the Technical Advice Note (TAN): Land Use Planning and Aberdeen Airport (RD42).

153: Comment on support of inclusion of Public Safety Zones is noted. Proposed Plan Policy B4 already notes that there is a presumption against certain types of development resulting in an increase of people living, working or congregating in Public Safety Zones.

Wind Turbines

42: Aberdeen City Council appreciates the fact that the NATS information pack for wind turbine development is important. Reference is given to this in the Proposed Wind Turbine Development Supplementary Guidance (CD25). It notes that NATS are a statutory consultee and are responsible for ensuring that all of their assets are protected from interference.

Promoting Economic Growth

120: Paragraph 3.57 of the Proposed Plan notes that business and industrial development sites can be located in strategic locations such as Aberdeen Airport. Furthermore, paragraph 3.65 also notes that the Airport is vital to the success of the North East economy. The Proposed Plan therefore recognises the importance of employment land in in proximity to the Airport because of its strategic location and the ability to ensure Aberdeen remains competitive.

Supporting Airport-Related Uses

153: Proposed Plan Policy B4 deals specifically with matters relating to the safety and efficiency of Airport operations, and developments within the Airport's operational areas. The Policy makes clear that uses such as hotels and car-hire facilities that are airport-related, will be treated and judged on their merits during the planning application stage.

Policy B5 - Aberdeen Harbour

General Support

120, 137: The support received for Policy B5 Aberdeen Harbour is welcomed and noted.

Economic Development

120, 137: Paragraph 3.69 of the Proposed Plan makes reference to the Harbour's critical

role in both Aberdeen and Scotland's economy. The expansion of Aberdeen Harbour has been established at a national level by the National Planning Framework 3 (CD04), on the grounds of strengthening its key role in supporting the economy of the North East. A new [Development Framework](#) for Nigg Bay is also being produced which will focus on the Harbour expansion and will address aspects such as environmental improvements, economic development regeneration, the co-ordination of essential infrastructure delivery and strategic improvements to the road and rail network.

Reference to Nigg Bay in Policy

120: Paragraph 3.72 of the Proposed Plan states that a Development Framework will be prepared and adopted as Supplementary Guidance for the new harbour at Nigg Bay and its surrounding area.

Protection of Harbour Operations

137: We consider the existing policy wording to be appropriate. It does not imply that the Proposed Plan privileges new development over harbour operations. The policy was written with the consideration and regard to the existing Harbour Development Framework.

Extent of B5 Allocation at Nigg Bay

137: As this issue relates to an Opportunity Site, OP62, it has been addressed separately in Issue 13 – Allocated Sites Loirston and Cove.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

General Support

38, 108: The support received for Proposed Plan Policy B6: Pipelines, Major Hazards and Explosive Storage is noted.

MAH Pipelines

12: Pipelines will continue to be protected through Proposed Plan Policy B6: High Pressure Major Accident Pipelines and will be used next time as part of the Sustainability Criteria for assessing new sites. They are already marked on the Proposed Plan Additional City Wide Proposals Map for consideration by Planning Officers when assessing development proposals.

Reporter's conclusions:

Policy B4 - Aberdeen Airport

1. In relation to safeguarding and Public Safety Zones (PSZs), I sought further information from the council about possible runway extensions, whether these could require expansion of the existing PSZ, and whether the planning permission granted for the new Aberdeen Exhibition and Conference Centre (AECC) restricted development within the existing safety zone, which crosses the site. The council provided clarification that any runway extensions would be accommodated within the area zoned for airport use in the proposed plan; that any consequent need to expand the safeguarding zone would be set and determined by the Civil

Aviation Authority, which has the ultimate responsibility for this; and that the part of the AECC site within the Aberdeen runway PSZ would be an overspill long-stay car park to be used during larger conferences when the subterranean and surface car parks are full. Such conferences are expected to occur a limited number of times in a year. In terms of Circular 8/2002, long-stay car parking is an acceptable use within a PSZ.

2. Taking account of this further information, I consider that the policy as drafted, taken together with the Technical Advice Note on Land Use Planning and Aberdeen Airport, provides sufficient detail and clarity in relation to safeguarding requirements. I also note that the Proposed Wind Turbine Supplementary Guidance contains a reference to the NATS information pack for wind turbine development, and consider that this adequately addresses the NATS representation on this matter.

3. As regards the importance of employment land allocations adjacent to the airport, I note the council's response and consider that the proposed plan provides sufficient recognition of the significance of such allocations and of their contribution to the Aberdeen economy.

4. On the matter of airport-related uses, I sought further information from the council on the reasons for the distinction between different types of such uses in the first paragraph of the policy. The council responded that there has been a considerable amount of development activity in and around the airport over the last 4 years, particularly in relation to offices and hotels. Because of this pressure, the distinction within Policy B4 was drawn to ensure that developments at the airport that are required for operational purposes are given priority, and are not pushed out by competing uses which may not be required for operational needs. There are also potential conflicts between existing business and industrial users and uses such as hotels. The council therefore believes it is desirable to assess hotels on their merits, and that they should not have an automatic policy presumption in their favour. The council accepts, however, that such conflicts are unlikely to arise in respect of car hire facilities.

5. Taking account of this further information, I agree with the council that there should be no automatic presumption in favour of hotel development within the airport zone. However, I consider that car hire facilities are an integral part of the operational needs of an airport, and are unlikely to conflict with other existing uses. Accordingly, I recommend removing the reference to car hire facilities in the last sentence of Policy B4 paragraph 1, and instead inserting a reference into the list of uses in the second last sentence which are subject to a presumption in their favour.

Policy B5 - Aberdeen Harbour

6. I agree with the council that paragraph 3.69 of the proposed plan refers to the critical role of the harbour in the economy of the city and of Scotland. I consider that the paragraph provides sufficient emphasis of the harbour's economic importance, and I do not see any need to strengthen it. While I accept that offshore energy is the most significant use, I do not regard any re-ordering within paragraph 3.69 as necessary.

7. Paragraph 3.72 makes it clear that a Development Framework will be prepared and adopted as Supplementary Guidance for the new harbour at Nigg Bay and its surrounding area. The extent of the allocation for harbour uses at Nigg Bay is considered under Issue 13.

8. I agree with the representation that the present wording of the second paragraph of

Policy B5 suggests that compromise is required between the amenity of new development and the operational efficiency of the harbour, with both potentially having to make concessions. This appears to be at odds with the statement in paragraph 3.69 about the harbour's critical role in the city's economy, and I consider that the needs of the harbour and its associated businesses should take precedence. It is new housing or mixed-use development in the surrounding area that needs to adapt to the existence of a working harbour, and if necessary adopt mitigation measures to enable it to co-exist with its established neighbours.

9. Development guidance contained in the Aberdeen Harbour Development Framework 2012 (page 58) sets out three objectives, the first two of which are:

Objective One: Consideration of land use, policies, proposals, access and connectivity within the harbour and adjoining areas must be aimed at safeguarding the supply of existing industrial and business land.

Objective Two: Housing and mixed use development within this area must take account of the character of the surrounding area to avoid undue conflict with adjacent land uses. Specifically, residential and mixed use development proposals must be comprehensive, shaped by a consultative masterplan approach and must not impinge upon the viability or operation of existing business in the vicinity.

10. I sought further information from the council about the rationale for the present wording of the policy. The council responded that Aberdeen Harbour is located within the heart of the city centre and adjacent to Aberdeen's largest shopping centre, Union Square. The area has seen a significant amount of new office development in recent years and the North Dee area (around Poynerook Road and south of Union Square) is an important part of the new Aberdeen City Centre Masterplan. Important transport routes also run adjacent to the harbour and both the main bus and rail stations are situated in close proximity. The council recognises and supports the importance of the harbour as an important component of the city's economy, but must also have due regard to the amenity of other residents and business within the city centre. The policy, in the council's view, attempts to ensure that judgements are made in a way that is fair to existing uses but which also allows potential new developments the opportunity to mitigate effects which they may have on the harbour, or to adapt to those effects which arise from it.

11. The areas of new development adjacent to the city centre are separated from the operational harbour area by Market Street, which carries heavy traffic including harbour-related traffic. It appears to me that new development in this area would in any case need to be designed to adapt to a noisy environment. I do not think that a change of emphasis to Policy B5 to give precedence to the harbour would in practice deter development in the area west of Market Street, or impose additional requirements for mitigation measures beyond those already needed.

12. I therefore recommend replacement of the second paragraph of Policy B5 by the redrafted text shown below.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

13. I agree that High Pressure Major Accident Hazard Pipelines (MAHP) should be taken into account when developing site options. This is accepted by the council, which notes that such pipelines are marked on the Proposed Plan Additional City Wide Proposals Map.

However, it appears to me that in the key to the map, the Inner Zone and Outer Zone have been reversed. The council should consider whether this needs to be corrected as a printing error. Subject to that, I am satisfied that the map and Policy B6 as drafted adequately cover the need to consult about pipeline hazards and take them fully into account in planning decisions.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy B4 Aberdeen Airport, modify the first paragraph as follows:

In the eighth line, after “distribution facilities” insert “, car hire facilities”.

In the penultimate line, delete “and car hire facilities”.

2. In Policy B5 Aberdeen Harbour, delete the second paragraph and replace as follows:

‘Residential and mixed use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.’

Issue 27	POLICY H1, H3 & H4: MEETING HOUSING AND COMMUNITY NEEDS	
Development plan reference:	Page 46-47, Proposals Map	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Stewart Milne Homes (85) Dandara LLP (90) MacTaggart and Mickel Homes (123) CALA Homes (North) Ltd (131) Aberdeen Civic Society (136) Homes for Scotland (149) Scotia Homes (152) British Airways (153) Persimmon Homes (157) AA Webster and Sons (162) MacTaggart and Mickel Homes and Fabrizio Necchi (163) Bancon Developments (183)</p>		
Provision of the Development Plan to which the issue relates:	Supporting residential development in the correct location, with appropriate density and housing mix, and supports mix use development in the correct location	
Planning authority's summary of the representation(s):		
<p><u>Policy H1: Residential Areas</u></p> <p><u>Support for the Policy</u></p> <p>123, 157, 162, 163: General support for the Policy.</p> <p><u>Character Areas</u></p> <p>123, 162, 163: Request for a description of the character areas and definition of what is meant by 'surrounding area'.</p> <p><u>Development and the Airport</u></p> <p>153: The Council must ensure that development permitted in close proximity to the airport complies with polices in the Plan relating to the safe and effective operation of Aberdeen Airport.</p> <p>157: The lack of definition of 'over development' creates uncertainty in terms of identifying sites. More clarity is required.</p>		

Alternative Sites

162: Proposal to include a site a Derbeth Farm.

163: Proposal to include a site a Bucksburn.

Policy H3: Density

136: Support for the Policy but urges caution in striking a balance between higher density developments and creating attractive places and that the Policy should be extended to office developments.

152: The density of a development should be determined by the site not a Policy.

Policy H4: Housing Mix

Support for the Policy and Lowering the Policy Threshold.

136: Support for the Policy and suggestion that it should apply to developments smaller than 50 units. The market should determine the mix.

85, 90, 183: Object to the Policy on the basis the market should determine housing mix.

90: A mix is not justified by the Housing Need and Demand Assessment and if housing is needed for elderly people and people with particular needs then contributions via the affordable housing policy should be used to deliver this.

131, 149,157: Object to the Policy on the basis that a site may be brought forward aimed at a particular market and the Local Development Plan should identify a particular mix if one is required.

157: It is not appropriate for any Planning Authority to predict house sizes - this is an issue for the market.

149, 157, 183: Object to the Policy on the basis that housing mix should be determined at settlement/city level rather than on a development basis as there is no clear definition of what a community is as set out in Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy H1: Residential Areas

123, 157, 162: Set out clarifications regarding the character area descriptions - if any exist - and what specific radius applies to 'surrounding areas'.

157: Request a definition of over development is included within Policy H1.

162: Include land at Derbeth Farm as a viable residential development location as identified in the supporting information.

163: Include land at Bucksburn as identified in the supporting information.

Policy H3: Density

152: Remove criterion 1 from Policy H3

Policy H4: Housing Mix

85, 90, 149: Policy should be amended to reflect that of the extant Local Development Plan

85, 90: The final sentence requiring the provision of smaller 1 and 2 bedroom units should be deleted. The supporting text in paragraph 3.79 should be amended to remove the emphasis on the needs of an ageing population.

85, 149: Amend the Policy - line 2 - replace 'achieve' with 'contribute to'; Line 3 - remove ' in line with a masterplan'; Line 3 after 'sizes' add 'within the wider community or neighbourhood'; Line 8 replace 'smaller 1 and 2 bedroom units' with ' a range of house sizes'.

183: Reword Policy to read: “Housing developments of larger than 50 units are required to contribute to an appropriate mix of dwelling types and sizes within the wider community or neighbourhood, reflecting the accommodation requirements of specific groups, in particular families, older people and people with particular needs. This mix should include a range of house sizes and should be reflected in both the market and affordable housing contributions.”

Summary of response (including reasons) by planning authority:

Policy H1: Residential Areas

Support for the Policy

123, 157, 162, 163: Support for the Policy is welcomed.

Character Areas

123, 162, 163: In the context of Policy H1 “character” and “surrounding area” do not refer to specific geographic areas, they relate to a development’s acceptability in the context of the surrounding built and natural environment. The sphere of influence of any development will be determined by the Planning Case Officer on the basis of the scale of development, its location and the expected level of impact. Other Policies in the Proposed Plan such as Policy D1 – Quality Placemaking and Design will also play an important role in such an assessment based on the importance placed on Placemaking in Scottish Planning Policy (SPP) (CD05). One of the principal policies in SPP (paragraph 37) states that “Planning should take every opportunity to create high quality places by taking a design-led approach.” As such it would not be practical to identify what type or style of development would be suitable in every area across the city and this may indeed discourage innovative development from coming forward. In all cases the opportunity to discuss possible new developments and the appropriateness of sites with a Planning Officer or the Local Development Plan Team, is available to all members of the public. This policy is carried forward from the extant Local Development Plan 2012 (CD42) with only one change. That change is the substitution of a reference to specific Supplementary Guidance with a reference to all Supplementary Guidance due to concerns that other guidance, not directly

referenced, was not being considered.

Development and the Airport

153, 157: All development allocated in the area of the Airport have gone through a Development Options Assessment (CD28/29/30) and Strategic Environmental Assessment (CD27) prior to their allocation in the Proposed Plan. This development will also be required to go through the planning application process where all relevant Policies in the Plan, including those related to the Airport, will be used to assess the acceptability of such development. A Technical Advice Note (TAN) Land Use Planning and Aberdeen Airport (RD42), regarding development in and around the airport has also been prepared by the council. This TAN was prepared in consultation with the Airport Authorities and consultation bodies as highlighted in para 284 of Scottish Planning Policy (CD05) which notes that Planning Authorities, Airport Operators and other stakeholders should work together on issues relating to the Airport including safety. The purpose of this TAN is to provide developers with additional information in relation to safety at the Airport.

Alternative Sites

162, 163: Please see Issue 8 - Alternative Sites: Kingswells & Greenferns for a response to the proposal to include a site at Derbeth Farm. Please see Issue 6 – Alternative Sites: Dyce, Bucksburn & Woodside for a response to the proposal to include a site at Bucksburn.

Policy H3: Density

136: Support for the Policy is welcomed.

136, 152: Land is an extremely important and valuable resource and its efficient use is fundamental to a plan led planning system and our sustainable future. Higher density developments prevent the loss of valuable agricultural land and can reduce infrastructure costs associated with transport. They can also support the viability of business by providing additional footfall and support the provision of services within new communities. The efficient use of land is highlighted in Scottish Planning Policy Para 40 where it notes that ‘planning should direct the right development to the right place’ and higher density development can support the creation of better places. It also notes that higher density development supports the principles of a low carbon place by reducing transport emissions SPP Para 158. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD12) reflects this by requiring new developments over one hectare to have ‘generally no less than 30 dwellings per hectare’ (page 37). This in turn has been included in the Proposed Plan in Policy H3. The Policy does however recognise that this must be done while having due regard to the character of the site and the importance of creating attractive residential environments. By providing a minimum density the Plan provides clear guidance to prospective developers of what is expected from each site. The density is also carried forward from the extant Local Development Plan 2012 (CD42).

136: The suggestion that office developments should be included within the Policy is noted. It has not been the Council's experience that office development proposals do not try to maximise the density available on development sites. Creating a Policy on density that addresses all forms of Business and Industrial development would also be difficult due to the varied nature of the uses even within different development classes.

Policy H4: Housing Mix

Support for the Policy and Lowering the Policy Threshold

136: Support for the Policy is welcomed. The suggestion that the Policy should apply to developments smaller than 50 units has been considered. The provision of different unit types does have a financial implication on developers and it is felt that the economy of scale to achieve such variety is more appropriate at developments of 50 units or more.

Determining Housing Mix

85, 90 131, 136, 149, 157, 183: The population of Scotland is continuing to age with the group over 65 expected to be one of the fastest growing age groups. The Aberdeen City and Shire Housing Needs and Demand Assessment (HNDA) 2011 (CD14) identified that this group would grow to 35% of the population by 2030. Catering for this age group is therefore extremely important as it is the decisions we take now that will be felt by 2030. The SDP (CD12) reflects this and requires new developments to meet the needs of the entire community through ‘an appropriate mix of types and sizes of homes’ (page 37). Proposed Policy H4 does not set a prescribed mix - it simply requires that all developments over 50 units provide a mix of types including smaller one and two bedroom units. These are seen as particularly important as they satisfy two ends of the market. They provide an opportunity for young families to get started in the housing market and allow older people to downsize. By not setting a prescribed target the Policy provides the flexibility for the Masterplanning/planning application process to adapt to market trends. This supports Scottish Planning Policy’s aim of supporting the creation of sustainable mixed communities.

Where sites are brought forward for specialist housing which is specifically identified for one user group, such as housing for the elderly or student accommodation, the appropriateness of applying the Policy will clearly be considered as part of the determination of the application. The Policy is also carried forward from the extant Local Development Plan 2012 with the addition of the requirement to provide a mix of types including smaller one and two bedroom units.

Scottish Planning Policy does not determine what a community is as setting a ‘one size fits all’ definition to community would be impractical and even counterproductive. Regardless of what a community is considered to be, it is the aim of this Policy to provide a range of housing types in all developments over 50 units, as it is these developments which together or alone will build to form a community. The Policy provides the flexibility for the Masterplan or planning application to consider context when determining the appropriate level of mix. However the HNDA has shown a strong demand for all house types meaning that regardless of what scale is chosen, there will still be a demand for a range of house types and sizes. As noted above this Policy is carried forward from the extant Local Development Plan 2012 which had the same benchmark of 50 units.

Reporter's conclusions:

Policy H1: Residential Areas

1. Policy H1 refers to avoiding an unacceptable impact on the character and amenity of the surrounding area, and some representations seek greater specificity as to what will constitute ‘the surrounding area’. However I agree with the council that it would be

impractical and unhelpful to attempt to define a particular distance within which impacts are to be considered. Every site and development proposal will have its own characteristics that will affect the area over which impacts might be felt. A single development might generate different impacts (for instance noise and visual) that would be experienced in different ways over different geographical areas. For these reasons I conclude that the policy is correct in not defining closely the area within which the impacts of proposed development will be assessed.

2. As regards defining the term ‘over development’, while I agree that this term might not be current in everyday English, I consider that it is well-understood among planning and development professionals who will be the main users of the plan. Policy H1 is clearly intended to provide a broad set of criteria against which proposals in residential areas will be assessed. It is not intended to be a detailed design guide, and indeed it points to supplementary guidance (further described in the paragraph following the policy) where more detailed policy on extensions etc. may be found. I consider the policy criterion relating to over-development to usefully capture a range of concerns including those relating to backland development, privacy and overshadowing, which may then be described more fully in supplementary guidance. On this basis I conclude that no change is required.

3. The development plan must be read as a whole, and it is therefore unnecessary to repeat policy approaches that have been clearly established in one part of the plan in other related policies. As regards the airport, Policy B4 of the proposed plan already covers matters including public safety zones, airport safeguarding and the approach to development in areas with high aircraft noise levels. These matters do not require to be repeated in Policy H1.

4. As regards the various residential allocations close to the airport, I note the council’s evidence above regarding the relevant assessments these sites have already been subject to. There is no indication in the representation from British Airways that these sites are unacceptable in terms of their relationship with the airport. On this basis I conclude that no change is required to these parts of the plan.

5. The site-specific proposals for development at Derbeth Farm and Bucksburn are considered under Issues 8 and 6.

Policy H3: Density

6. It is suggested that density should be guided by individual site considerations and placemaking, rather than the setting of a standard. The site-based and placemaking considerations highlighted in this representation are captured in the text of criteria 2 and 3 of Policy H3. However I consider that the identification of a minimum density standard is also helpful in ensuring that scarce development land is efficiently utilised, that the strategic housing requirements are achieved within the sites allocated to meet them, and in giving greater certainty to developers as to what will and will not be acceptable. It is also the case that the strategic development plan sets a target for all housing developments in Aberdeen City of over one hectare to generally have no fewer than 30 dwellings per hectare. The local development plan is legally required to be consistent with this statement. For these reasons I conclude that the identification of a minimum density standard is justified.

7. As regards the desirability of also avoiding excessively high densities, I agree that this may sometimes also be an important consideration. However I do not believe that it would be practicable or useful to set a specific maximum level, as this could conceivably be very

high on some accessible city centre sites. Such a high limit would be of little applicability, and could serve to mislead, in most of the city where such high densities are likely to be less appropriate. Instead, I consider that the controlling of high densities at the upper end is better achieved through the application of general principles, such as those set out in criteria 2 and 3 of the proposed policy, relating to such matters as the character of the surrounding area and the creation of an attractive residential environment.

8. In response to the suggestion that the density policy should also be applied to commercial development, the council states above that excessively low density office developments have not proved to be a problem in Aberdeen. I consider that it is important that all types of development use land efficiently. However I am reluctant to introduce stronger density controls on business development without stronger evidence that these are necessary, particularly given the potential impacts for economic development of restricting the form that new business parks can take. I therefore conclude that the policy should remain unchanged.

Policy H4: Housing Mix

9. A range of arguments are made suggesting that this policy's requirement for developments of over 50 houses to provide a mix of housing types and sizes is unreasonable. However I note the policy is largely unchanged (with the exception of the new explicit requirement for 1 and 2 bedroom units) from the policy in the adopted 2012 plan, and that the policy was considered in the examination of that plan. I have read and agree with the conclusions reached by the reporter at that time, and have identified no change in circumstance that suggests I should reach a different view now. Since 2012 a new version of Scottish Planning Policy has been published, but no significant changes with regard to the matters covered by this policy have been pointed out to me.

10. Paragraph 44 of Scottish Planning Policy indicates that development should contain a mix of building typologies taking into account how people use places differently, for example depending on age and degree of personal mobility. I therefore consider that Policy H4 continues to be broadly in line with national policy in this area. Specifically, there is national policy support for the planning system intervening in the matter of housing type to secure a mix.

11. Page 37 of the approved strategic development plan (with which the local development plan is required to be consistent) sets a target for new housing to meet the needs of the whole community by providing an appropriate mix of types and sizes of homes. I consider that Policy H4 of the proposed plan serves to deliver on this target at the local development plan level.

12. The council has set out its reasons why it considers there is a particular need for more 1 and 2 bed dwellings, primarily relating to the growing elderly population and the importance of providing a first step on the housing ladder for younger people. I accept that meeting the needs of these groups is a reasonable objective for the planning system. 1 and 2 bedroom units can be provided in a variety of building forms from blocks of flats to detached houses, and so I do not consider that this policy requirement unduly constrains the design approaches that can be taken in new developments, or the market segment at which developments are aimed. For these reasons I conclude that the reference to including some 1 and 2 bedroom units in the mix is acceptable.

13. In relation to other points raised, because Aberdeen City forms part of a single housing

market area, the existing housing mix in the immediate locality does not necessarily provide a guide as to the types of houses required. Any number-based policy threshold can be criticized as being somewhat arbitrary, but I consider that a threshold of 50 achieves a good balance between avoiding unduly constraining the design approaches to small developments and yet capturing a sufficient number of developments in order to achieve the policy aims. The affordable housing policy is designed to achieve different ends from this housing mix policy. It would therefore not be appropriate to direct monies received as affordable housing contributions to support the delivery of a housing mix, unless those houses also met identified affordable needs.

Reporter's recommendations:

No modifications

Issue 28	POLICY H5, H6 & H7: AFFORDABLE HOUSING, AND GYPSY AND TRAVELLER SITE PROPOSALS	
Development plan reference:	Page 48-50	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>University of Aberdeen (63) Stewart Milne Homes (85) Dandara LLP (90) Culter Community Council (98) Old Aberdeen Community Council (100) Barratt North Scotland (125) CALA Homes (North) Ltd (131) Aberdeen Civic Society (136) NHS Grampian (148) Homes for Scotland (149) Scotia Homes (152) Persimmon Homes (157) Bancon Developments (183)</p>		
Provision of the Development Plan to which the issue relates:	Requirement for new development to provide affordable housing; and make provision for the development of Gypsy and Traveller Sites	
Planning authority's summary of the representation(s):		
<p><u>Policy H5: Affordable Housing</u></p> <p><u>Requirements for Affordable Housing</u></p> <p>85, 149: Affordable housing requirements must be realistic and take into consideration the Strategic Development Plan, affordable housing targets and the provisions of PAN 2/2010 - Affordable Housing and Housing Land Audits.</p> <p><u>Wording and Scottish Planning Policy</u></p> <p>85, 90, 125, 131, 152, 157, 183, 149: Object to the wording of the Policy on the basis it does not reflect the current Scottish Planning Policy (SPP) by setting a minimum level of 25% Affordable Housing, that it does not include reference to a reduction in this requirement in exceptional cases and that reference to benchmarking should also be removed as it is not included in SPP.</p> <p>131: The 25% level may cause confusion where the result is not a whole number.</p> <p><u>Development Viability and Flexibility</u></p> <p>90, 157: The consideration of development viability should be set out in the Policy. It should</p>		

be clear that viability is a significant consideration and that the affordable housing requirement should not jeopardise the overall delivery of a development.

157, 183, 149: The availability of funding is crucial to the delivery of affordable housing and this should be considered in setting targets.

90: Greater flexibility should be shown to the delivery of affordable housing including offsite delivery.

Thresholds

131, 90: The threshold of five units is below the figure set out in PAN 2/2010.

131: A suggestion that 10 units is more appropriate.

85, 90: The threshold for onsite delivery should be increased to 20-50 units. Active steps should be taken to support delivery

90: The Plan should allocate affordable housing sites including plots for self-build. Use compulsory purchase powers to support the delivery of greenfield and brownfield as well as making surplus Local Authority land or buildings available for affordable housing.

Key Workers and Universities

63, 148: Students and Key Workers (NHS Staff) should be identified as affordable housing.

63: The Universities should be allowed to retain affordable housing as on-site or off-site new or refurbished Student and Key Worker accommodation. The Council has been willing to accept this on Balgownie Farm.

148: Affordable housing on NHS sites should be ring fenced for NHS Key Workers.

Tenure

90: The Plan should give an indication of preferred tenures on sites.

Supplementary Guidance

149: There are Policies within the supporting Supplementary Guidance which should be within the Policy.

Commuted Payments

90: There should be wider use of commuted payments and they should not be reviewed annually.

98, 136: Object to the acceptance of commuted payments, developers should deliver units.

149, 157: The Council should revert to the previous approach on commuted sums of a commuted sum based on transaction evidence in the market as this represents the values which both developers and Registered Social Landlord's find practical and viable.

Policy H6: Gypsy and Traveller Caravan Sites

100: Suggest that the delivery of Gypsy and Traveller Caravan Sites must be a priority.

Modifications sought by those submitting representations:

Policy H5: Affordable Housing

Wording and Scottish Planning Policy

85, 90: The term "no less than" should be removed from Policy as the wording does not reflect Scottish Planning Policy

131: Plan should be altered to read "a target of 25% of the total number of units".

125: "For market housing developments of five units or more, no more than 25% of the total number of units should be for affordable housing"

149: On housing developments of five units or more, a target of 25% of the total number of units should be affordable housing"

152: Delete "no less than" and insert "up to"

157: Request that the wording of Policy H5 is changed to replace "contribute no less than 25" with "approximately 25%"

183: It is proposed that the first sentence of Policy H5 be re-written as follows: "On housing developments of five units or more, the total number of affordable housing units should generally be no more than 25% of the total number of houses."

Development Viability and Flexibility

131: It should be made clear that the percentage requirement of affordable housing may be reduced as part of discussions but cannot be increased other than if the applicant proposes a greater provision than required by Policy.

Active steps should be taken to support delivery

85: Consideration should be given to the allocation of specific sites for affordable housing and in particular, surplus Local Authority owned land or buildings should be identified for affordable housing.

Supplementary Guidance

149, 157: The Council should revert to the previous approach on commuted sums of a commuted sum is based on transaction evidence in the market as this represents the values which both developers and Registered Social Landlord's find practical and viable.

149: The Reporters are requested to examine the Supplementary Guidance on Affordable Housing to determine which elements of the Supplementary Guidance are in fact Policy and therefore should be included in the Plan itself.

Key Workers and Universities

63: Students and Key Workers should be included within the definition of affordable housing: "where Universities or comparable institutions are providing new or up-dated accommodation for students or groups with similar characteristics, such provision may therefore be an acceptable alternative destination for affordable housing contributions from mainstream housing built on land owned by the institutions."

148: Additional paragraph should be added which states: "This meets the flexible approach to the delivery of affordable homes that Aberdeen City Council favour and more importantly understanding that there are distinct differences between affordable housing and key worker housing."

Summary of response (including reasons) by planning authority:

Requirements for Affordable Housing

85, 149: The Aberdeen City and Shire Housing Needs and Demand Assessment (HNDA) (CD14) was updated in 2011 to support the preparation of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD05). The 2011 update of the HNDA was submitted to the Centre for Housing Market Analysis (CHMA) in March 2011 and the CHMA determined it to be 'robust and credible' on the 2nd of June 2011 (RD18). The SDP identified an affordable housing need of 38% across the Aberdeen Local Development Plan area, with the updated HNDA showing the Aberdeen Housing Market area need, standing at 40%. These figures show the scale of the challenge facing the city in terms of affordability pressure, and the chronic level of housing need.

The HNDA identified that that the figures were being driven by a decline in supply of affordable lettings, the difficult housing market and an increase in house prices relative to income, at the low and modest end of the market. They also showed that the supply would likely continue to fall short of the demand and that a "combination of policy tools" would be required. The 40% demand clearly outstrips the 25% requirement identified in Proposed Plan Policy H5. However, as noted in paragraph 3.82 of the Proposed Plan, the provision of affordable housing should not jeopardise the delivery of housing as this would only compound the problem. The Plan and supporting Proposed Supplementary Guidance 'Affordable Housing' (CD25) therefore aim to create a broad flexible policy approach that can deliver the maximum level of affordable housing, while recognising the financial pressure on development. The Policy is therefore set at 25% of units for sites over five units to support both the delivery of affordable housing while recognising these financial pressures. The Proposed Supplementary Guidance on Affordable Housing, which has been consulted on separately, supports Policy H5 by setting out a broad range of approaches to the delivery of affordable housing.

This range of options includes different tenures types such as, social rent, shared ownership, shared equity, discounted low cost sale, housing without subsidy and mid-market rented accommodation, as well as options for onsite, offsite and commuted payments. Other options such as housing without subsidy will also play a role and the Supplementary Guidance also includes an option to consider types of affordable housing which have not yet been identified.

Policy H5: Affordable HousingWording and Scottish Planning Policy

85, 90, 125, 131, 152, 157, 183, 149: In line with PAN 2/2010: Affordable Housing and Housing Land Audits (RD26), Policy H5 sets out a clear threshold for developments to provide “no less than 25% affordable housing”. This is done to provide a clear and unambiguous requirement from each development. A prospective developer who allows for this level of affordable housing within their Business Plan can be confident that that this will satisfy the Council’s requirement for affordable housing. Altering this requirement to “approximately” or “up to” would introduce an element of ambiguity from the outset and would not provide the clarity which the Planning Circular 6/2013: Development Planning (CD10) and PAN 2/2010 (RD26) aim to achieve. This 25% requirement is also in line with Scottish Planning Policy (CD05) which states in paragraph 129 “contribution within a market site should generally be no more than 25% of the total number of houses”. This is also reflected in the Strategic Development Plan which similarly has a target of “around 25%”. Notwithstanding the discussion in the previous paragraph, that the requirement for affordable housing in Aberdeen far outstrips the 25% requirement in the Policy, 25% has been set to ensure the viability of developments as stated in paragraph 3.82 of the Plan. This figure is also carried over from the extant Local Development Plan 2012 which also requires 25%, thereby providing consistency and certainty for the development industry.

Development Viability and Flexibility

90, 149, 157, 183: Affordable housing, like any obligation, cannot be considered in isolation and in line with PAN 2/2010 Affordable Housing and the Housing Land Audit 2015 (RD26), paragraph 3.82 of the Proposed Plan states clearly that the provision of affordable housing should not jeopardise the delivery of housing. Therefore if there are constraints on-site, or the affordable housing requirement affects the viability of the development, it will be addressed through the individual planning application. The Policy is therefore clear in what is expected, “no less than 25% affordable housing”, but flexible in order to deal with individual site circumstances. The supporting Proposed Supplementary Guidance ‘Affordable Housing’ (CD25) also provides a range of delivery options to provide flexibility which can aid in this process, as well as details on what is expected from the application in order to prove that a development is unviable. A draft Viability Statement is also included within Proposed Supplementary Guidance. Paragraph 3.82 of the Proposed Plan discusses the importance of Scottish Government funding in providing affordable housing. This year (2015) funding has outstripped the availability of sites, but it nevertheless remains an important factor. To address this, a broad range of options are proposed in the supporting Supplementary Guidance, as outlined in the text below Policy H5 in the Proposed Plan. These options aim to ease the reliance on government funding and include the transfer of serviced land to the Council.

Thresholds

85, 90, 131: The threshold of five units or more has been set as many of the developments which come forward within the city are smaller brownfield sites or Change of Use developments. To set a target higher than five units would exclude a significant number of developments across the city, and place more reliance on larger developments which can often have significant other developer obligations. The viability of these smaller developments is nevertheless still taken into consideration and there is no requirement for such developments to deliver affordable housing on site. A commuted payment or

alternative delivery mechanism can be considered for developments up to 20 units. In line with PAN 2/2010 (RD26) developments of 20 units and above are expected to deliver affordable housing on site. This is done on the basis that 25% of 20 units equates to five affordable units, a figure which would be effectively manageable for any form of affordable housing. Raising the threshold for onsite delivery from 20 to 50 would move away from one of the central tenants of Scottish Planning Policy, creating successful places through sustainable mixed communities. It would also run contrary to PAN 2/2010 which states that “Affordable housing should ideally be integrated into the proposed development and wider community”. These thresholds are also carried over from the extant Local Development Plan 2012.

Active Steps to Support Delivery

90: A number of sites across the city, which are in Council ownership, are being actively progressed with our Housing Team and a new dedicated housing joint venture. This joint venture is one of the mechanisms the Council is proposing to use to close the gap between the 40% identified affordable housing need and the 25% which Policy H5 seeks from private housing developments.

Alternative approaches such as compulsory purchase have not to date been necessary. However this is a mechanism that the Council has and will continue to consider if it is unlikely that a site is going to come forward for development.

Finally, the identification of sites solely for the delivery of affordable housing is a more complex issue. While some smaller sites, particularly Council owned sites, are being progressed for affordable housing, it is not the Council’s Policy to do this on a large scale. The allocation of sites purely for market or affordable housing does not support the Council’s aims, or those of Scottish Planning Policy or the Strategic Development Plan, of creating sustainable mixed communities.

Key Workers and Universities

63, 148: Key Worker accommodation is recognised as a growing issue within Aberdeen. It impacts on the ability of a business to both attract and retain staff vital to the success of the region. A number of pilot projects within the city are currently underway and these projects will provide an evidence base which may inform future guidance, but at present no allowance for key worker accommodation has been included within the Housing Needs and Demand Assessment (CD14). These pilot projects will be considered under Categories of Affordable Housing (4) Other Options, within the Proposed Supplementary Guidance on Affordable Housing (CD25). This section identifies that there may be other methods of meeting housing need within the city and that these will need to be considered on an individual basis. The Proposed Supplementary Guidance therefore gives the flexibility to consider such methods. In the absence of an allowance in the HNDA or an evidence base from the pilot projects, it would be premature to form a policy at this stage. The housing needs of universities cut across both Key Worker accommodation, for certain academic and non academic staff, and the student population. Student accommodation is identified as Specialist Housing in Supplementary Guidance (CD25) and is exempt from the requirement to provide 25% affordable housing. To “ring fence” affordable housing requirements from NHS or University developments would not be practical. Unlike housing allocations, the future supply or scale of such development is unknown, as is the level of demand with no allowance made for key workers in the HNDA. Applications will however continue to be examined under the flexibility provided by the Supplementary Guidance and it is the

Council's aim to support the NHS and Universities where possible.

Tenure

90: A wide selection of tenures is identified in the Proposed Supplementary Guidance - Affordable Housing and the appropriate tenure for a site is determined on a site by site basis. The preferred option as set out in the Supplementary Guidance is social rent but, as discussed earlier, funding can be an impediment. Other options such as Low Cost Home Ownership and mid market rent are becoming more popular and are also used to get a broader mix of tenures where there is demand. To set a tenure type for each site would be both difficult, due to the time frame for delivery on larger sites, and would impede the flexibility which both the Council and the development industry benefit from.

Supplementary Guidance

149: The review of Supplementary Guidance – Affordable Housing (CD25) is subject to a separate consultation process, and is not subject to Examination. It is however accepted that the Policy on affordable housing and the supporting Supplementary Guidance are clearly linked and interrelated. The suggestion that the detail from the Supplementary Guidance should be included within the Policy is not supported. As stated earlier the Policy is clear in the requirement expected from all developments. The detail available within the Supplementary Guidance effectively identifies how that should be delivered or how the burden can be reduced by allowing for commuted payments, offsite delivery, different tenure types or indeed instances where viability may call into questions the level of affordable housing contribution. Circular 6/2013: Development Planning (CD10) is also clear that the purpose of Supplementary Guidance is to allow Plans to focus on Vision, the Spatial Strategy, overarching and other key policies and proposals, and allow supporting detail to be provided within Supplementary Guidance. In this case the policy clearly sets out the financial implications of the Policy, with the Supplementary Guidance detailing how the affordable housing can be delivered or how the overall level of contribution can be reduced.

Commuted Payments

90, 98, 136, 149, 157: Commuted payments are the least desirable option to the Council in terms of satisfying the requirements of Policy H5. There are however instances such as in developments of less than 20 units or developments where the 25% results in a fraction of a unit where commuted payments may be the only realistic option. They can also be used to cross subsidise the delivery of units where funding is a constraint. While the review of commuted payments is subject to a separate consultation process, and is not subject to Examination, it clearly cannot be considered in isolation.

The reason for reviewing the commuted payments on an annual basis is to ensure that payment sought is fair and equitable. It is not the desire of the Council to penalise the development industry if the value of land falls or jeopardise development delivery. But equally the Council must be able to use the commuted payment to purchase an alternative site where a development is not providing on site delivery of affordable housing. A commuted payment which does not allow the Council to purchase a comparable site on the open market would clearly not be equitable and any suggestion that affordable housing should be moved to areas where land prices are lower would be contrary to the Scottish Planning Policy's and Strategic Development Plan's aim of creating sustainable mixed communities.

The annual review is to be undertaken by the District Valuers as set out in PAN 2/2010 and details of this will be consulted on as part of the Supplementary Guidance consultation process. An option is also being provided, where a developer disagrees with the commuted payment level for their development, to do an individual site valuation. The suggestion that the Council should revert back to the previous approach to commuted payments is not supported. The previous figure of £25,000 identified in Supplementary Guidance was not based on any evidence base and has remained unchanged for a considerable number of years. The suggested “transaction evidence in the market” is therefore based solely on the markets acceptance of this figure. It cannot be concluded by extension that this is an appropriate figure, only that it is a figure that the market is currently using for affordable housing sites. The work which was undertaken by the District Valuers Office (RD19) to update these figures shows they were significantly out of date. In a market where the average house price currently stands at £223,291 in the City and £235,361 in Aberdeenshire (RD66), the figure identified in the Supplementary Guidance grossly undervalued the cost of land. As stated earlier, a commuted sum that does not allow the Council to secure a site on the open market is not fit for purpose and to provide flexibility, the option of an individual site valuation is being included where the applicant disagrees with the commuted sum.

Policy H6: Gypsy and Traveller Caravan Sites

100: The Council currently has three sites allocated within Masterplan Zones in the Proposed Plan, one of which, Loriston, has recently been granted planning permission, pending Section 75 legal agreement ([141441](#)). The Council will continue to support the delivery of Gypsy and Traveller Caravan Sites within these Masterplan Zones and outwith these Zones through Policy H6: Gypsy and Traveller Caravan Sites and the Proposed Supplementary Guidance - Gypsy /Traveller Sites (CD25).

Reporter's conclusions:

Policy H5: Affordable Housing

1. Policy H5 requires housing developments to contribute ‘no less than 25%’ of the units as affordable housing. This has been interpreted in some representations as allowing the council to seek a contribution of more than 25% in some cases. This is contrasted with the statement at paragraph 129 of Scottish Planning Policy that the affordable housing contribution should generally be no more than 25%.
2. I am clear from the council’s evidence above, from the supporting text in the proposed plan, and from the supplementary guidance that the council’s expectation is that the level of contribution will generally be 25%. This level of contribution is not challenged in representations, would be consistent with national policy, and has been justified with reference to evidence in the current housing needs and demand assessment. I am therefore content with a 25% contribution being sought.
3. The inclusion of the words ‘no less than’ could arguably serve to clarify that the council would not resist affordable contributions exceeding 25% (for instance traditional housing association development). Conversely, the substitution of this phrase by the words ‘no more than’ would imply a wide range of contribution levels might be acceptable, which is not the intention and so would serve to confuse. On the other hand it is clear from the Affordable Housing Supplementary Guidance that, in exceptional circumstances, the council may accept contributions that fall below 25%.

4. On balance I consider that the most straightforward reading of the policy as proposed is that the council will not require more than 25% of units to be affordable, though higher contribution rates will also be acceptable. On this basis I conclude that the requirement for 'no less than 25%' of the units to be affordable may remain.

5. As noted above, the Affordable Housing Supplementary Guidance allows for contributions below 25% in exceptional circumstances, such as where development would otherwise be unviable. I would not necessarily expect the headline policy in the local development plan to cover how the policy should be applied in exceptional circumstances: rather I consider this to be a matter of detail best described in supplementary guidance. I note that paragraph 139 of Circular 6/2013: Development Planning states that detailed policies where the main principles are already established, and exact levels of developer contributions and methodologies for their calculation are both suitable topics for inclusion in supplementary guidance. For these reasons I do not consider that Policy H5 requires amending to set out the exceptional circumstances in which the 25% requirement might be reduced. For similar reasons I am content for aspects of policy detail such as discussion of the type and tenure of affordable housing and the annual review of commuted sum payments to be contained in supplementary guidance and not in the headline local development plan policy.

6. Paragraphs 3.84 and 3.85 of the proposed plan describe a sequential approach whereby affordable housing provision is preferred to be on-site, with off-site provision only considered when on-site is not possible, and the payment of a commuted sum as the least favoured option. Some representations argue that off-site provision and commuted sums should be supported more widely. Conversely others argue that commuted sums fail to provide much-needed affordable housing.

7. It is clear from paragraph 21 of Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits that national advice is that off-site provision and commuted sums should only be used exceptionally, when a site is unsuitable for on-site provision. Commuted sums in particular are to be used sparingly, but the rationale for accepting them is to be set out locally by the planning authority. Within this context, I find that the sequential approach to off-site provision and commuted sums set out in the plan is consistent with national advice, and that no change is therefore required.

8. As regards the policy threshold of five units beyond which developments are expected to make an affordable housing contribution, I note that the proposed Supplementary Guidance: Affordable Housing clarifies that for developments of fewer than 20 units provision may be off-site or through a commuted sum. This reflects the statement at paragraph 16 of Planning Advice Note 2/2010 that on-site provision can normally be expected for developments of 20 or more units, but for smaller developments off-site provision or a commuted sum may be appropriate. I conclude that national advice therefore indicates that a policy threshold below 20 may be appropriate. The proposed threshold figure of five units appears to me to be high enough to ensure that at least one affordable unit is secured. However it is low enough to ensure that significant numbers of developments are not excluded, thus diluting the effectiveness of the policy. The threshold figure therefore represents a balance that I consider to be reasonable.

9. The allocation of some small publicly owned sites for 100% affordable housing may occasionally have merit, and is mentioned as an option at paragraph 128 of Scottish Planning Policy. In this context I note that some opportunity sites are identified in Appendix 2 of the proposed plan as forming part of the 'Strategic Infrastructure Plan Affordable

Housing Programme' (for instance sites OP72, OP90 and OP94). However the potential role of developer contributions in meeting affordable housing needs is clearly envisaged in paragraph 129 of Scottish Planning Policy; and the provision of affordable housing within general housing releases will contribute to the creation of mixed communities as sought by paragraph 122 of Scottish Planning Policy.

10. Regarding student and key worker housing, I note that the proposed Supplementary Guidance: Affordable Housing sets out the types of provision that will be accepted as an affordable housing contribution. These include various forms of 'intermediate housing', which might be suitable for key workers. The guidance also clarifies that student housing developments will not be subject to the affordable housing requirement, which may provide some incentive for this form of development. Beyond this, while I recognise the possibility that there may be shortfalls in the housing supply for students and key workers, there is no firm evidence before me sufficient to justify the introduction of a new policy requirement relating to these groups. As regards 'ring-fencing' land for the provision of housing for NHS workers, I can identify no reason for prioritising these workers ahead of workers in other key public services.

11. It is true that in most cases the 25% policy will not produce a whole number. However I consider that the approach to be taken in such cases (i.e. whether to round up or down) is a matter of detail that can appropriately be dealt with in supplementary guidance or through the development management process.

Policy H6: Gypsy and Traveller Caravan Sites

12. The single representation relating to this policy does not appear to be seeking any change to the plan.

Reporter's recommendations:

No modifications.