

Issue 29	POLICY NE1: GREEN SPACE NETWORK	
Development plan reference:	Page 52, Proposals Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Natural Heritage (54) Old Aberdeen Community Council (100) MagTaggart and Mickel Homes (123) Scottish Environment Protection Agency (124) M & G Real Estate (127) AA Webster and Sons (162) MacTaggart and Mickel Homes and Fabrizio Necchi (163) Scottish Government Planning and Architecture Division (164).</p>		
Provision of the Development Plan to which the issue relates:	Provides protection for areas of Green Space and how it should be incorporated within new developments.	
Planning authority's summary of the representation(s):		
<p><u>Green Infrastructure</u></p> <p>54: In line with national guidance on green infrastructure (Green Infrastructure, Design and Place-Making) there is a need to incorporate green infrastructure and integrate with wider green networks.</p> <p><u>Policy Should be Fully Implemented</u></p> <p>100: This Policy should be implemented fully in order to protect vital resources for the enhancement of the quality of life for residents.</p> <p><u>Flexibility</u></p> <p>123, 162, 163: The Council have failed to provide real scope within this Policy to allow for development to take place in tandem with enhancements to the Green Space Network.</p> <p>162: Development of land at Derbeth Farm would not erode the character and function of the Green Space Network.</p> <p>163: Development of the land at Bucksburn would not erode the character and function of the Network. Strong links can be provided within a development area thereby creating and enhancing wildlife corridors and extending the overall network.</p> <p><u>Waterbodies</u></p> <p>124: Welcome the identification of waterbodies as a Green Space Network component.</p>		

New River Dee Crossing

127: Transport Scotland are considering several options to add an additional crossing to the River Dee near Bridge of Dee. One option would require land at Garthdee Retail Park, which currently has a Green Space Network zoning.

Community Growing Spaces

164: Scottish Planning Policy states that Local Development Plans should encourage opportunities for a range of community growing spaces. The Proposed Plan, whilst making reference to allotments, does not refer to community growing, which includes community gardens, community orchards, community market gardens and community farms.

Unused or Underused Land

164: Scottish Planning Policy states that “Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised.” The Proposed Plan does not include text on temporary greening, to comply with this requirement of Scottish Planning Policy.

Modifications sought by those submitting representations:

Green Infrastructure

54: Amend Policy text to read: "Masterplanning/design... briefs for new developments should consider...Masterplans/design briefs will determine"

Flexibility

123, 162, 163: Wording to the following effect should be added to the Policy: "development proposals coming forward on designated Green Space Network sites may be appropriate where such development can be shown to enhance the network and connections therein."

163: Remove the Green Space Network designation at land at Bucksbum to allow for sensitive residential development to take place and green networks to be created and enhanced via a well-designed and appropriate landscape framework.

New River Dee Crossing

127: If the option of the Garthdee Retail site is progressed for the new bridge the Green Space Network designation for this area would need to be reviewed.

Community Growing Spaces

164: On page 52 of the Plan in paragraph 3.96 amend wording to read: "By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of previously isolated habitats and ecosystems. An extensive network of open spaces, together with path networks, will also encourage active travel and healthier lifestyles. Protecting and enhancing the Green Space Network will also provide opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, provide

community growing spaces, reduce the impact of flooding and help us mitigate, adapt to the effects of climate change and support successful placemaking."

On page 54 of the Plan include the following wording at paragraph 3.103 so that it reads: "This Plan aims to ensure that new open space provided as part of new development is functional, useful and publicly desired. For example it may take the form of naturalised areas, green corridors, play space, community growing space or allotments. Rather than provide minimum standards for open space based solely on quantity, requirements are also based on the quality and accessibility of open space."

Unused or Underused Land

164: An additional paragraph should be inserted into the Proposed Plan, on the following lines: "Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term."

The appropriate location for this additional text could be either: - on page 52, in the section on the Green Space Network - after paragraph 3.95 which refers to enhancing green infrastructure networks ; or - after paragraph 3.98, which refers to opportunities for improvement and enhancement; or - on page 54, in the section on Urban Green Space - after the current paragraph 3.100, which refers to promoting and enhancing open space

Summary of response (including reasons) by planning authority:

Green Infrastructure

54: The Council's view is that it is not necessary to add "design brief" to Policy NE1 as this is covered in the supporting Proposed Supplementary Guidance – Natural Environment (CD25) on page 273.

Policy should be fully Implemented

100: We consider that the Policy wording is strong enough to enable Planning Officers to implement and enforce the principles effectively and in full.

Flexibility

123, 162, 163: The Green Space Network applies to land that offers significant value to Green Space Network features (habitat, landscape, recreation etc), or land that offers opportunities to link these areas, and therefore enhance their value further. The Policy seeks to protect, promote and enhance these areas. The Council does not feel it is appropriate to add wording that allows the character or function of the Green Space Network to be destroyed or eroded. It should be noted that the Green Space Network Policy is not a prohibitive policy but seeks enhancements, either on their own merits or as part of development opportunities.

162: Issues raised that relate specifically to the land at Derbeth Farm are covered in Issue 8.

163: Issues raised that relate specifically to the land at Bucksburn are covered in Issue 6.

Waterbodies

124: Support for the Policy is welcomed.

New River Dee crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the Policy Zoning once a potential conclusion has been made and the project comes forward.

Community Growing Spaces

164: To ensure the Policy and supporting text is in accordance with Scottish Planning Policy, paragraph 227 (CD05) then, if the Reporter is so minded, paragraph 3.96 could be amended to read as follows (amendments in bold):

“By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of previously isolated habitats and ecosystems. An extensive network of open spaces, together with path networks, will also encourage active travel and healthier lifestyles. Protecting and enhancing the Green Space Network will also provide opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, provide community growing spaces, reduce the impact of flooding and help us mitigate, adapt to the effects of climate change and support successful placemaking.”

The wording "community growing space" could also be added to paragraph 3.103.

Unused or Underused Land

164: There is a request to include text on temporary greening in order to comply with the requirements of Scottish Planning Policy. It is noted that the Proposed Plan was prepared before the publication of Scottish Planning Policy 2014. If the Reporter is so minded the following text could be added after paragraph 3.95:

"Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term."

Reporter's conclusions:

1. As regards the request to add a reference to design briefs in the fourth paragraph of the policy, I agree with the council that the draft Supplementary Guidance adequately covers the

need for design briefs to take account of the Green Space Network. No change to the policy is therefore necessary.

2. In respect of the full implementation of the policy, I consider that the policy is sufficiently robust and that it provides for new additions to the Green Space Network as well as safeguarding existing features. There is therefore no need to modify the policy to secure full implementation.

3. On the matter of flexibility, the policy does not preclude development of areas forming part of the Green Space Network, only those proposals that are likely to destroy or erode its character and function. If development proposals can be shown to enhance the network and its connections, they would be compatible with the policy. I consider that the policy as drafted provides sufficient flexibility. Site-specific representations are considered under the appropriate issues (Issue 8 for Derbeth Farm and Issue 6 for Bucksburn).

4. As regards the proposed new River Dee crossing, the policy provides that where major infrastructure projects cross the Green Space Network, such developments should maintain and enhance the coherence of the network and provide access for wildlife and outdoor recreation. In this case, it appears to me likely that a bridge at Garthdee (if that were the chosen option) would be sufficiently elevated to allow green space continuity along the riverbank beneath.

5. I agree that the supporting text should be amended to include references to community growing spaces, to bring it into line with Scottish Planning Policy. For the same reason, it should be modified to include reference to temporary greening of unused or underused land.

Reporter's recommendations:

I recommend the following modification:

1. After paragraph 3.95, add the following text:

"Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term."

2. Modify the third sentence of paragraph 3.96 to read as follows:

"Protecting and enhancing the Green Space Network will also provide opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, provide community growing spaces, reduce the impact of flooding and help us mitigate and adapt to the effects of climate change and support successful placemaking."

3. In paragraph 3.103, in the fifth line after "play space" insert ", community growing space".

Issue 30	POLICY NE2: GREEN BELT	
Development plan reference:	Page 53, Proposals Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Craigiebuckler and Seafield Community Council (66) Russell Balsillie and Family (95) MacTaggart and Mickel Homes (123) Ian Suttie (133) Halliday Fraser Munro (144) E Yule (161) AA Webster and Sons (162) MacTaggart and Mickel Homes and Fabrizio Necchi (163)</p>		
Provision of the Development Plan to which the issue relates:	Sets out what development will be considered acceptable in the Green Belt	
Planning authority's summary of the representation(s):		
<p><u>Policy should be more Rigorous</u></p> <p>66: The current Policy does not go far enough in preserving the Green Belt. The Council should be as rigorous as possible in protecting the Green Belt.</p> <p><u>Policy is Restrictive and Does Not Reflect Scottish Planning Policy</u></p> <p>95: During the preparation of the Proposed Plan no consideration was given to Green Belt boundaries. The previous Green Belt Review that was undertaken in preparation of the Local Development Plan 2012 was relied upon even though it no longer fully reflected Scottish Planning Policy, which now takes a more relaxed approach. The Land at Murtle Den has the potential to accommodate development without detriment to the immediate areas or the wider setting. Removing it from the Green Belt would create scope for additional development without coalescence between Bielside and Miltimber. The Green Space Network Policy also provides an additional layer of control and can be maintained notwithstanding the removal of Green Belt.</p> <p>123, 162, 163: The wording of Policy NE2 only partially reflects Scottish Planning Policy, including the requirement for the planning system to be "flexible enough to accommodate changing circumstances and allow the realisation of new opportunities." Policy NE2 does not contain sufficient flexibility to respond to changing circumstances. The current wording is too stringent and acts as a barrier to development in areas where Green Belt designations are no longer appropriate.</p> <p>162: Land at Derbeth Farm, where the designation of Green Belt is not in accordance with the overall thrust of the Scottish Planning Policy. This site is a suitable location to absorb</p>		

development.

163: In relation to the land at Bucksburn, the designation of Green Belt is not in accordance with the overall thrust of the Scottish Planning Policy in relation to appropriateness, expansion of the settlement or boundary markers.

Parklea House, Pitfodels

133: The Proposed Plan identifies Parklea and all land to the rear and east of the house under Policy H1. However, the formal garden ground of Parklea and the related land to the east is covered by the Policy NE2 Green Belt. A Landscape and Green Belt Appraisal of the garden ground of Parklea has been carried out which shows the garden ground does not meet any principles of the Green Belt policy such as to warrant retention of that designation. It demonstrates the removal of the Green Belt designation from Parklea will (1) not affect the important characteristics of the landscape setting of Aberdeen; (2) create a more defensible road boundary to the Green Belt by using an existing road - Baird's Brae and (3) rationalise the Green Belt in this location to reflect the local characteristics of the area.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: There is a discrepancy between Council advice given to householders in the Green Belt compared to those outside the Green Belt. The Supplementary Guidance on the Sub-Division and Redevelopment of Residential Curtilages is a useful document which sets out guidelines for judging proposals of this nature. It sets a presumption in favour of allowing plot subdivisions provided households meet the criteria. However this only applies to property outside the Green Belt. This is unfair and a contravention of the Human Rights Act 1998. There would have to be a significant and over-riding public interest reason to deny householders their right to sub-divide a plot. Provided the terms of the plot subdivision policy are adhered to, this type of development does not threaten the purpose of the Green Belt.

Small Scale Developments

161: An alternative approach to allowing small-scale development in the Green Belt would be to amend Policy NE2 to allow for appropriate infill development in urban fringe locations. The Policy as currently drafted allows for extensions of existing buildings and replacement on a one-for-one basis. However, such extensions or replacements can often have a greater impact over the development of plots than sensitive infill development. Sensitive infill development within suburban areas can play an important role in providing new homes within existing communities and sharing many of the sustainability credentials that that brings including access to services and communication links.

Modifications sought by those submitting representations:

Policy is Restrictive and does not reflect Scottish Planning Policy

95: The Green Belt zoning between Bielside and Milltimber should be removed and rezoned as an existing residential area under Policy H1.

123, 162, 163: There should be more flexibility in the Green Belt policy to better reflect Scottish Planning Policy.

162: The Green Belt boundary should be reviewed to exclude land at Derbeth to create a stronger boundary in line with the Aberdeen Western Peripheral Route.

163: The Green Belt boundary should be reviewed to exclude land at Bucksburn to create a stronger boundary between the built form and the Green Belt beyond.

Parklea House, Pitfodels

133: The use of the Green Belt policy is not required or justified and conflicts with Scottish Planning Policy which requires the Council to critically review the Green Belt boundaries as part of the Local Development Plan process.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: The Green Belt Policy should be amended to make possible plot subdivisions within the Green Belt, provided they comply with the criteria set out in the Supplementary Guidance.

Small Scale Developments

161: Amend the Green Belt Policy to allow for appropriate infill development in urban fringe locations.

Summary of response (including reasons) by planning authority:

Policy should be more Rigorous

66: The function of Proposed Plan Policy NE2 is to maintain the distinct identity of Aberdeen and the surrounding areas by clearly defining their boundaries. The Policy safeguards Green Belt land to help avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. It also directs development to the most appropriate locations such as allocated sites and brownfield sites in the urban area. The Policy offers a strong enough protection of the Green Belt from inappropriate development in line with paragraph 52 of Scottish Planning Policy (SPP) (CD05).

Policy is Restrictive and Does Not Reflect Scottish Planning Policy

95, 123, 162, 163: The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) proposed to not allocate additional greenfield land over and above that already identified in the Aberdeen City and Shire Structure Plan of 2009 (CD20), and the decision to roll over the allocations into the current SDP was accepted by the Reporter during its Examination (CD13). Because of the very limited scope of additional greenfield land release (over and above that already identified in the extant Aberdeen Local Development Plan 2012), the Council did not consider that a review of the Green Belt or Green Space Network was necessary during the preparation of the Proposed Plan. SPP does not contain an automatic requirement to review green belt boundaries, but only when deemed necessary by the Planning Authority (paragraph 50).

Scottish Planning Policy paragraph 52 sets out the type and scale of development that may be appropriate within the Green Belt. New build residential development is not considered to

be appropriate. Proposed Plan Policy NE2 Green Belt complies with this stance. With regards the land at Murtle Den, the site contributes to the landscape setting of the area and should remain as Green Belt. Please see Issue 12 Alternative Sites in Deeside for a further site specific response on this site.

With regards the Derbeth Farm site, the current Green Belt boundary of the Kingswells bypass is both appropriate and easily identifiable. This site should remain as Green Belt. Please see Issue 8 Alternative Sites in Kingswells and Greenferns for a site specific response for this site.

With regards the land at Bucksburn Primary School, the Green Belt boundary is defined by the edge of Bucksburn School and the single track lane to the east. This provides a clearly identifiable and robust boundary. Allowing development on the land to the South of the School would weaken this defensible boundary. The site should remain as Green Belt. Please see Issue 6 Alternative Sites in Dyce, Bucksburn and Woodside for a site specific response for this site.

Parklea House, Pitfodels

133: Parklea forms the western most boundary of the Green Belt on the north side of North Deeside Road and follows the pattern of development and therefore establishes a defensible Green Belt boundary. The Green Belt designation extends to the east and south of the site again reflecting the historic pattern of development of the area, therefore reflecting the local characteristics and maintaining the visual break between the city and Pitfodels. See Issue 12 Alternative Sites in Deeside for a site specific response on Parklea House.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: The sub-division of gardens and plots is not a Human Rights issue. There is no automatic right for anyone to carry out any development other than rights afforded under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ([CD03](#)). All other development is subject to the requirement for planning permission and any such proposals should be considered against the Development Plan.

The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by clearly defining physical boundaries. The Green Belt directs planned growth to the most appropriate locations and supports regeneration. Some residential curtilages in the Green Belt are large and could accommodate much more than just small scale development and even a single house in the wrong location could have a significant impact in a largely rural setting. It would not be appropriate for the same guidance on the sub-division of curtilages to apply to properties within the Green Belt, and it would be inappropriate for the Green Belt Policy to allow for this. A general relaxation in policy in relation to sub-division of existing feus and new development within the curtilage of existing properties would permit the development of housing in the Green Belt which is not supported by Scottish Planning Policy.

Small Scale Developments

161: Policy NE2 allows for development to take place in the Green Belt on an exceptional basis. One of the reasons for having and safeguarding the Green Belt is to avoid coalescence of settlements and sprawling development on the edge of the city. This helps to maintain the individual identity of settlements, protect their landscape setting and provide

access to open space. Allowing for infill development within the Green Belt, even areas classed as ‘urban fringes’ (of which, incidentally, there is no definition) would compromise these objectives of the Green Belt. It would also be contrary to paragraph 52 of Scottish Planning Policy which states clearly the types of development considered appropriate in Green Belt. It is therefore not considered appropriate to amend Proposed Plan Policy NE2 to allow for such developments.

Reporter's conclusions:

1. Scottish Planning Policy (SPP, paragraph 49) states that where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:
 - directing development to the most appropriate locations and supporting regeneration;
 - protecting and enhancing the character, landscape setting and identity of the settlement; and
 - protecting and providing access to open space.

Paragraph 50 states that in developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt. Paragraphs 51 and 52 provide guidance on the form of green belts and on appropriate types of development within them.

2. I consider that Policy NE2 is consistent with SPP. There is no requirement to review boundaries in preparing a local development plan, unless the planning authority considers such a review necessary. The strategic development plan does not call for significant new releases of green belt land for development, and so a general review of green belt boundaries is not necessary. Minor adjustments are considered under appropriate site-specific issues elsewhere in the examination.

3. The reference in representation 123 to the requirement in SPP for flexibility to respond to changing circumstances relates to SPP paragraph 93, which is concerned with supporting business and industrial development and states that the planning system should “allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities”. The plan makes extensive allocations for business and industrial use, and I am not aware of evidence that would justify a weakening of green belt policy to allow such development within the green belt as a matter of general course. Exceptions are always possible where there are over-riding material considerations.

4. I therefore do not support either the representations which argue that the policy should be more rigorous, or those which maintain that it is too restrictive and does not reflect SPP.

5. Site-specific minor adjustments to the green belt are considered under the appropriate issues:

Murtle Den under Issue 12
 Bucksburn under Issue 6
 Derbeth Farm under Issue 8
 Parklea, Pitfodels under Issue 12
 Pitfodels Station Road under Issue 12

6. As regards the lack of guidance on sub-division of curtilages for properties in the green belt, one of the purposes of green belts set out in SPP is to protect and enhance the character, landscape setting and identity of the settlement. This could be undermined by the intensification of built development that would result from a policy in favour of sub-division. There is a public interest in maintaining the integrity of the green belt which over-rides individual property rights, and I do not consider the policy to be incompatible with the European Convention on Human Rights. I agree with the council that there is no automatic right for anyone to carry out development, other than as afforded under the Town and Country Planning (General Permitted Development) (Scotland) Orders, and that all other development is subject to the requirement for planning permission and for proposals to be considered against the development plan.

7. The same principles apply in relation to small-scale infill developments. A general principle of allowing infill would weaken the policy, and would in particular undermine the function of the green belt in relation to protecting and enhancing landscape, setting and identity. I agree with the council that such a concession, even if limited to urban fringe locations, would not be compatible with the guidance set out in SPP (paragraph 52).

Reporter's recommendations:

No modifications.

Issue 31	POLICY NE3 & NE4: EXISTING AND PROPOSED GREEN AND OPEN SPACE	
Development plan reference:	Page 54-55, Proposals Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>sportscotland (41) Dandara LLP (90) M & G Real Estate (127) NHS Grampian (148) Scottish Government Planning and Architecture Division (164)</p>		
Provision of the Development Plan to which the issue relates:	Provides protection for existing areas of greenspace and sets standards for the provision of open space	
Planning authority's summary of the representation(s):		
<p><u>Policy NE3: Urban Green Space</u></p> <p><u>Scottish Planning Policy Reference to 'Outdoor Sports Facilities'</u></p> <p>41, 164: Scottish Planning Policy refers to 'outdoor sports facilities' which includes playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens. This is not reflected in Policy and does not give these spaces and facilities the policy protection expected by national policy.</p> <p><u>NHS Provision</u></p> <p>148: Some areas identified are incorrect. NHS Grampian land that is surplus to requirement has been prohibited for development.</p> <p><u>River Dee Crossing</u></p> <p>127: Transport Scotland are considering several options to add an additional crossing to the River Dee at Bridge of Dee. One of the options would require land at Garthdee Retail Park in order for the new crossing to be constructed.</p> <p><u>Policy NE4: Open Space Provision in New Development</u></p> <p><u>Open Space Provision</u></p> <p>90: Object to open space requirement of 2.8 hectares per 1,000 people. Promotes a 'one size fits all' approach, contradicts other parts of the Policy and ignores the Open Space Audit.</p>		

Brownfield Sites

90: Distinction needed for brownfield sites in urban areas with reduced open space provision compared to greenfield.

Modifications sought by those submitting representations:

Policy NE3: Urban Green Space

Scottish Planning Policy Reference to 'Outdoor Sports Facilities'

41, 164: Make reference to 'Outdoor Sports Facilities' instead of 'playing fields/sports pitches' and include the Scottish Planning Policy definition of 'outdoor sports facilities' in the glossary. Part 7 of the Policy should read as follows: 'Proposals to develop Outdoor Sports Facilities, including playing fields and sports pitches, should also be consistent with the terms of Scottish Planning Policy'.

NHS Provision

148: Provision made within the Policy for the sensitive development of land within the NHS estate.

River Dee Crossing

127: If this option is progressed, Policy NE3 would need to be reviewed.

Policy NE4: Open Space Provision in New Development

Open Space Provision

90: Delete the requirement to provide at least 2.8 hectares per 1,000 people of meaningful and useful open space in new residential development.

Summary of response (including reasons) by planning authority:

Policy NE3: Urban Green Space

Scottish Planning Policy Reference to 'Outdoor Sports Facilities'

41, 164: Two respondents have requested that reference is made to the 'Outdoor Sports Facilities' term used within Scottish Planning Policy 2014 (CD05). If the Reporter is so minded, the point could be clarified within the Policy so that criterion 7 reads: "Proposals to develop Outdoor Sports Facilities, including playing fields and sports pitches, should also be consistent with the terms of Scottish Planning Policy."

NHS Provision

148: Policy NE3 aims to safeguard areas of Urban Green Space from development, unless replacement provision is provided according to the criteria set out in the Policy. It is aligned with Scottish Planning Policy paragraphs 225-227 through seeking enhancement and

promoting new spaces for a range of uses, such as green infrastructure, recreation, play, sports and allotments. The Policy allows for exceptions where an equivalent and equally convenient and accessible area for public use is laid out, therefore, the Council does not consider there a need to provide provision for the sensitive development of NHS land. Nor is it appropriate to amend established policy based on land ownership considerations. This issue was previously addressed during the Main Issues Report, in Issue 22 (CD29). The Policy wording was amended, from the extant Local Development Plan 2012, to improve clarity and ensure Planning Officers are able to implement it as intended.

River Dee Crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the policy zoning once a potential conclusion has been made and the project comes forward.

Policy NE4: Open Space Provision in New Development

Open Space Provision

90: The Council does not consider the open space requirements to be a ‘one size fits all’ approach. The Proposed Open Space Supplementary Guidance, paragraph 8.4.3, (CD25) contains further information on Policy NE4, including the type of developments where the open space standards apply and explains that the level of necessary provision will be applied pro rata. Aberdeen’s Open Space Audit 2010 (CD41) has identified a need for higher quality and more accessible open space and where it demonstrates that the minimum quantity of accessibility standards are met by existing provision, then raising the quality of that provision may be required instead. It is important to provide outdoor, recreational space for communities and it is for these reasons that minimum open space standards have been set for new development.

Brownfield Sites

90: The Proposed Supplementary Guidance on Open Space and Green Infrastructure (CD25), paragraph 8.4.4, contains details for open space requirements in brownfield development. It states that ‘it may not always be appropriate to apply the minimum standards for open space to brownfield developments and that the Council may instead seek a contribution to off-site open space enhancements.’ A distinction has already been made, therefore, the Council does not feel further details are required.

Reporter's conclusions:

Policy NE3 Urban Green Space

1. Paragraph 226 of Scottish Planning Policy (SPP) refers to outdoor sports facilities rather playing fields or sports pitches. The former is a more all-inclusive term which can also encompass, for example, golf courses, tennis courts and bowling greens. The policy should be brought into line with SPP, and this is accepted by the council. I recommend modifying the policy accordingly.

2. The hospital campuses at Foresterhill, Cornhill and Woodend include landscaped green areas. These may have recreational value for staff, patients and visitors and contribute to the provision of green pockets in the urban fabric, though they cannot be regarded as community facilities in the same way as public parks or playing fields. Policy NE3, however, applies to 'all other areas of green space (including smaller spaces not identified on the Proposals Map)'. Neither the Glossary of the proposed plan nor SPP provides a definition of 'urban green space' and so it falls to be construed broadly in line with the normal meanings of the words, and could thus include hospital grounds. I note that the council's Open Space Audit in 2010 identified amenity space at Foresterhill (AN112) and Woodend (AS108), but apparently none at Cornhill.

3. I agree with the council's position that it would not be appropriate to modify the policy to provide an exception for the NHS based on land ownership. Neither would I expect the policy to constrain essential development for health-related purposes by preventing the construction of new hospital buildings without provision of balancing open space elsewhere in the city. However, if land becomes surplus to NHS requirements, I consider it reasonable that redevelopment should retain the existing amount of green space, even if it is differently distributed on the site, or is provided elsewhere. Any exemption from the policy would, for reasons of equity, need to apply to other ownerships and uses (such as education) and could lead to an intensification of built development and the loss of green space across the city. This would not be consistent with SPP paragraph 220, which states that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

4. As regards the proposed new River Dee crossing, if the chosen option is a new bridge at Garthdee, the land there currently zoned as urban green space would need to be reallocated for transport purposes. It would be premature to modify the plan in advance of the conclusion of the transport study.

Policy NE4 Open Space Provision in New Development

5. I note that the proposed Open Space Supplementary Guidance defines the types of development where the open space standards apply and explains that where the minimum quantity of accessibility standards are met by existing provision, then raising the quality of that provision may be required instead. The provision of adequate open space in new development is an important part of successful placemaking, as set out in SPP paragraphs 220-221, and I consider that the requirement set out in Policy NE4 and further explained in the proposed supplementary guidance is necessary and justified.

6. As regards brownfield sites, the policy already contains a distinction in the second paragraph, which provides that where it is not possible to increase the amount of open space on site, commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead. The proposed supplementary guidance states that the necessary contribution will reflect the scale and type of development. I do not therefore consider that any modification of the policy is necessary.

Reporter's recommendations:

I recommend the following modification:

1. In Policy NE3, second paragraph, modify item 7 to read:

'Proposals to develop outdoor sports facilities, including playing fields and sports pitches, should also be consistent with the terms of Scottish Planning Policy.'

Issue 32	POLICY NE5 & NE8: NATURAL ENVIRONMENT	
Development plan reference:	Page 56, 60, 61, Constraints Map	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Natural Heritage (54) Craigiebuckler and Seafield Community Council (66) Scottish Environment Protection Agency (124) Forestry Commission Scotland (126) M & G Real Estate (127) Scottish Government Planning and Architecture Division (164) Forestry Commission Scotland (166)</p>		
Provision of the Development Plan to which the issue relates:	Provides protection for trees and woodland; avoid or reduce negative impacts on natural heritage	
Planning authority's summary of the representation(s):		
<p><u>Policy NE5: Trees and Woodland</u></p> <p><u>Compensatory Planting</u></p> <p>54: The Scottish Government's Control of Woodland Removal Policy sets out the role compensatory planting can make to mitigating woodland removal. Suggest that not explicitly mentioning the role of compensatory planting does not reflect national policy. Policy text at paragraph 3 should be amended.</p> <p><u>Woodland</u></p> <p>126, 166: Recommend more detail is drafted into policy and themes from National Planning Framework 3 and Scottish Planning Policy should be built in, specifically: 1) The principle of woodland expansion 2) General presumption in favour of protecting woodland resources 3) Protection and expansion of priority habitats.</p> <p>66: A woodland strategy should be formalised and planting and felling policies established.</p> <p><u>River Dee Crossing</u></p> <p>127: M & G Retail are owners of land at Garthdee Retail Park and one of the options for an additional crossing to the River Dee would require land under owner's control.</p>		

Policy NE8: Natural Heritage

Support

124: Request additional wording and support the reference to Construction Environment Management Plans. Support the protection of peat and carbon rich soils protecting waterbodies and promoting their enhancement.

Geodiversity

54: Preamble in paragraph 3.119 should be amended. Geodiversity should be recognised in this Policy.

National Designations

54: The wording does not apply the level of protection required by Scottish Planning Policy. The third paragraph regarding national designations (including SSSIs) ends by stating that adverse effects would be acceptable if benefits are of city-wide importance. This is inconsistent with the policy for national designations set out in paragraph 212 of SPP, which states that benefits in such cases must be of national importance.

Non-Bird Species

54: The second paragraph refers to a survey being carried out but does not refer to a Protection Plan. The Policy should seek first to avoid the need for species licenses by requiring species Protection Plans to be submitted with planning applications. The Policy should comply with the Wildlife and Countryside Act 1981 by limiting derogation to non-bird species, hence the suggestion to include the words 'non-bird species'.

Peatland and Carbon Rich Soils

54: Scottish Planning Policy does not prohibit development affecting peatland or carbon rich soils.

Natura

164: The second paragraph should add that development that would have an adverse impact will only be permitted where compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. The policy should be amended to ensure it is in accordance with Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy NE5: Trees and Woodland

Compensatory Planting

54: Where trees may be impacted a Tree Protection and Mitigation Plan will need to be submitted and agreed before development activity begins. This should include details of compensatory planting, temporary earth works and site preparation.

River Dee Crossing

127: If this option is progressed Policy NE5 would need to be reviewed within the immediate location as the character would change with the construction of a new bridge.

Wording Amendments

166: Policy NE5 and the supporting text should be amended to cover the following: - The principle of woodland expansion - General presumption in favour of protecting woodland resources - Protection and expansion of priority habitats

Policy NE8: Natural Heritage

Text Amendments

54: Amend the text in paragraph 3.119, second sentence as follows: "All new development should seek to protect geodiversity and enhance biodiversity."

Amend the text in the third paragraph, final sentence to read: ". . .they must be clearly outweighed by social, environmental or economic benefits of national importance."

Amend the text in the second paragraph of the protected species section to read:

"Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless; for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution. Please see relevant Supplementary Guidance for more information regarding Protected Species and licensing."

Replace "development which could involve draining or disturbing peatland or carbon-rich soil will be refused" with "there will be a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil." In addition reference should be made to mapping for carbon-rich soils, deep peat and priority peatland habitat as provided by the SNH Carbon and Peatland Map.

124: Request additional wording to Policy NE8 carbon-rich soils as follows: "New development should avoid areas of peatland or carbon-rich soil. Development which would involve draining or disturbing peatland or carbon-rich soil will be refused unless appropriate mitigation is agreed by the Planning Authority in consultation with SEPA".

The following text should be incorporated into the Policy: "There is a presumption against development which would impact on groundwater dependent terrestrial ecosystems."

The following text should be added: "A Construction Environmental Management Plan may be required to address any 'potential' negative impacts on designated sites, protected species, 'peatlands or carbon rich soils, waterbodies or local biodiversity' during the construction phase of a development."

164: The final sentence of the second paragraph of Policy NE8 should be amended as follows: "Development that would have an adverse effect will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected."

Summary of response (including reasons) by planning authority:

Policy NE5: Trees and Woodland

Compensatory Planting

54: Scottish Planning Policy (SPP) (CD05 paragraph 218) states that "Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting." In order to reflect SPP more comprehensively if the Reporter is so minded the text 'compensatory planting' could be added to the last sentence of the third paragraph of the Policy so it reads: "This includes compensatory planting, temporary earth works and any site preparation." This will ensure the Policy reflects national policy, and in particular the Scottish Government's Control of Woodland Removal Policy.

River Dee Crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the policy zoning once a potential conclusion has been made and the project comes forward.

Woodland

126, 166: The Council takes the view that Scottish Planning Policy will be considered alongside local policy and that Policy NE5 does broadly reflect the themes covered in SPP. Where paragraph 217 of SPP says that "planning authorities should seek opportunities to create new woodland", Policy NE5 reflects this approach through paragraph two by stating that "appropriate measures should be taken for the protection and long term management of existing trees and new planting." The Policy takes a general presumption in favour of protecting woodland through the first paragraph of the Policy which states: "There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation." In relation to the protection and expansion of priority habitats the Proposed Supplementary Guidance - Natural Heritage (CD25) covers the protection of habitats through paragraph 8.1.5, therefore it is deemed unnecessary to include these details within Policy NE5.

Woodland Strategy

66: Currently, there is the 'Forest and Woodland Strategy for Aberdeenshire and Aberdeen City' (RD30) and the intention is to review this Strategy in due course. This review could take the form of a stand-alone strategy or integration into a wider climate adaptation strategy. The work is on-going however it will undoubtedly include revised planting and re-stocking policies and be adopted as a Council strategy.

Policy NE8: Natural Heritage

In light of the comments made in relation to compliance with Scottish Planning Policy, if the Reporter is so minded the following amendments could be made to the Policy and accompanying text:

54: The term 'geodiversity' can be added to the last sentence in paragraph 3.119 to read: "All new development should seek to protect geodiversity and enhance biodiversity." This will align with the terminology used in the Natural Heritage Supplementary Guidance.

54: The term 'national importance' can replace 'city-wide importance' in the last sentence of the third paragraph of Policy NE8 to apply the level of protection required by Scottish Planning Policy.

54: The Council considers that the second paragraph in the Protected Species section of Policy NE8 provides adequate requirements to avoid the need for species licenses. However, it is acknowledged that further details in relation to non-bird species could be of benefit as well as stronger emphasis on protection. It is felt that the level of detail expressed in the representation would be best addressed in the Supplementary Guidance on Natural Heritage.

54: It is considered that the suggested text on carbon rich soils is reasonable. Reporters may wish to consider replacing "development which could involve draining or disturbing peatland or carbon-rich soil will be refused" with "there will be a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil."

124: The reference to appropriate mitigation in relation to peatland or carbon-rich soil is already addressed through point 1 of the Policy. Therefore, the Council does not feel it necessary to add additional text. It is felt that the supporting text, in particular paragraph 3.120 "the need for healthy ecosystems", the Policy and Supplementary Guidance combined provide adequate protection for groundwater dependent terrestrial ecosystems.

124: The following text could be added: "A Construction Environmental Management Plan may be required to address any 'potential' negative impacts on designated sites, protected species, 'peatlands or carbon rich soils, waterbodies or local biodiversity' during the construction phase of development."

164: The reference to compensatory measures in the second paragraph of Policy NE8 is already addressed through points 1, 4 and 5 of the Policy. It is felt that this reflects Scottish Planning Policy. Therefore, the Council does not feel it necessary to add additional text.

Reporter's conclusions:

Policy NE5 Trees and Woodland

1. Scottish Planning Policy (SPP, paragraph 218) states that where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. This should be reflected in Policy NE5. The plan required from developers would then more accurately be described as a Tree Protection and Mitigation Plan. I recommend that the text should be modified to incorporate these changes.

2. As regards the proposed new River Dee crossing, if the chosen option is a new bridge at Garthdee, the current policy zoning for that locality would need to be reviewed. It would be premature to modify the plan in advance of the conclusion of the transport study.

3. SPP (paragraph 217) states that where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. Policy NE5 as drafted, while containing references to new planting in the second and fifth paragraphs, does not quite convey the principle of actively promoting new woodland. I agree with Forestry Commission Scotland that the policy should be strengthened in this respect, and I recommend the addition of the sentence shown below.

4. On the other hand, I agree with the council that the first paragraph of the policy, considered with paragraph 3.105 of the supporting text, does adequately convey the principle of a general presumption in favour of protecting woodland resources. I also agree with the council that the protection and expansion of priority habitats is sufficiently covered in the proposed Supplementary Guidance - Natural Heritage, and that there is no need to amend Policy NE5 in this respect.

5. As regards woodland strategy, I note the intention to review the existing 'Forest and Woodland Strategy for Aberdeenshire and Aberdeen City', and that this review will include revised planting and re-stocking policies. I do not consider that there is any need to modify the proposed plan in this respect.

Policy NE8 Natural Heritage

6. In regard to the supporting text, I agree that it would be appropriate to add a reference to geodiversity in paragraph 3.119, as proposed by Scottish Natural Heritage (SNH, representation 54) and accepted by the council.

7. In the section of the policy dealing with designated sites, I do not consider that the text of the last sentence of the second paragraph as drafted adequately reflects SPP (paragraph 208), particularly with regard to explicit mention of compensatory measures. I therefore recommend that this sentence is redrafted as proposed by the Scottish Government (representation 164). In the third paragraph, last line, I agree with SNH and the council that 'city-wide' should be replaced by 'national' to reflect SPP.

8. In respect of protected species, the policy as drafted does not refer to the need for species protection plans and their role in avoiding the need for licences. The alternative version proposed by SNH emphasises the need to avoid detrimental impact on protected species, and is no longer than the present draft. I do not accept the council's view that the SNH version contains a level of detail more appropriate to supplementary guidance. I therefore recommend that the second paragraph of this section should be replaced by the SNH proposed text.

9. As regards carbon-rich soils, the first paragraph of this section as drafted goes beyond SPP, and I agree with SNH and the council that it would be better redrafted to state a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil. Any reference to the SNH Carbon and Peatland Map would be more appropriate to supplementary guidance. It is not necessary to add a reference to mitigation, as suggested by the Scottish Environment Protection Agency (SEPA, representation 124) since this is covered by the first of the numbered requirements at the end of the policy.

10. In relation to SEPA's request for a presumption against development that would impact on groundwater dependent terrestrial ecosystems, I note that paragraph 3.120 in the supporting text refers to the need for healthy ecosystems. Rather than single out one category of ecosystem for particular mention in the policy, I consider it would be more appropriate to deal with the protection needs of specific kinds of ecosystem in supplementary guidance.

11. I agree with SEPA and the council that a reference to peatlands or carbon rich soils should be added to requirement 3 regarding Construction Environmental Management Plans.

Reporter's recommendations:

I recommend the following modifications:

1. Modify the third paragraph of Policy NE5 to read as follows:

'Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. This should include details of compensatory planting, temporary earth works and any site preparation.'

2. At the beginning of the fifth paragraph of Policy NE5, add the following sentence:

'Where appropriate, the Council will seek to promote the creation of new woodland and the planting of native trees in association with development.'

3. In paragraph 3.119, modify the first part of the second sentence to read as follows:

'All new development should seek to protect geodiversity and enhance biodiversity...'

4. In Policy NE8, section headed 'Designated Sites', modify the final sentence of the second paragraph of to read as follows:

'Development that would have an adverse effect will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.'

5. In the final line of the third paragraph, delete 'city-wide' and insert 'national'.

6. In Policy NE8, section headed 'Protected Species', modify the second paragraph to read as follows:

'Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless: for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981

(as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution. Please see relevant Supplementary Guidance for more information regarding protected species and licensing.'

7. In Policy NE8, section headed 'Carbon-rich soils', modify the second sentence of the first paragraph to read as follows:

'There will be a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil.'

8. In Policy NE8, in the numbered requirements at the end of the policy, modify item 3 to read as follows:

'3 A Construction Environmental Management Plan may be required to address any potential negative impacts on designated sites, protected species, peatlands or carbon-rich soils, waterbodies or local biodiversity during the construction phase of a development.'

Issue 33	POLICY NE6 & NE7: FLOODING, AND COAST PLANNING	
Development plan reference:	Page 58-59	Reporter: Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Natural Heritage (54) Craigiebuckler and Seafield Community Council (66) Scottish Water (76) Scottish Environment Protection Agency (124) Scottish Government Planning and Architecture Division (164)</p>		
Provision of the Development Plan to which the issue relates:	Ensures no negative impact from flooding due to development; Assess development on coastal areas	
Planning authority's summary of the representation(s):		
<p><u>Policy NE6: Flooding, Drainage and Water Quality</u></p> <p><u>Policy Approach</u></p> <p>66: The Policy should be rigorously applied to developments. Support the presumption against excessive engineering and culverting of watercourses. Hazlewood development is an example of a failure to implement the Policy. Applications should include a Water Management Plan.</p> <p><u>Sewers for Scotland</u></p> <p>76: Preamble (page 57) - note that Sewers for Scotland 3rd Edition now released.</p> <p><u>Wording of Policy and Text</u></p> <p>124: Object and request several amendments as follows: The end of sentence at point 4 to be removed. If development requires new flood defences then there is a strong flooding risk; Paragraph 3.112 incorrectly implies that all flood risk can be managed through SUDS. Request text to clarify and reflect Supplementary Guidance; Recommend inserting text in relation to the functional floodplain; and insert waterbodies so it reads "...presumption against excessive engineering and culverting of waterbodies."</p> <p><u>Support</u></p> <p>66, 124, 76: Support the presumption against excessive engineering and culverting of watercourses. Support precautionary approach to flood risk, use of SUDS and protection and improvements to waterbodies.</p>		

Policy NE7: Coastal Planning

National Marine Plan

54, 164: Currently no reference to the National Marine Plan. The preamble to the Policy should reflect this.

Marine Noise Modelling

54: Marine noise modelling only required for certain developments and not all.

Modifications sought by those submitting representations:

Policy NE6: Flooding, Drainage and Water Quality

Sewers for Scotland

76: Update references to Sewers for Scotland 3rd Edition.

Wording of Policy and Text

124: Text changes: The following of the end of sentence, point 4 to be removed: "that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse."

Following text is added: Development on the functional floodplain will only be permitted where its location is essential for operational reasons "and it must be designed and constructed to remain operational during floods and not impede water flow."

Text amendment: There is a presumption against excessive engineering and culverting of "waterbodies."

Amendment to paragraph 3.112: Sustainable Drainage Systems (SuDS) provide multiple benefits including managing "surface water" flood risk. . .

Policy NE7: Coastal Planning

National Marine Plan

54: Amend text in paragraph 3.116, sentence 2 to read: "The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies". The statement regarding the role of Supplementary Guidance should be revised in light of the publication of the National Marine Plan to avoid the suggestion that it has no current application. Amend text in paragraph 3.117 to clarify that the National Marine Plan applies from Mean High Water Springs to avoid implication that the principles of integrated zone management is the only management direction which apply in the intertidal area.

Marine Noise Modelling

54: Amend text to read: "Development proposals may be required to demonstrate through appropriate marine noise modelling that the adverse impacts on bottlenose dolphins and

Atlantic salmon are avoided."

Summary of response (including reasons) by planning authority:

Policy NE6: Flooding, Drainage and Water Quality

Support

66, 124, 76: The support for the Policy is welcomed.

Policy Approach

66: The Policy is clear about managing and reducing flood risk by ensuring that new development does not take place on areas susceptible to flooding without the need for the inclusion of Water Management Plans. This was dealt with during the planning application process for the Hazlewood site mentioned ([130820](#)).

Sewers for Scotland

76: While the policy makes reference to 'Sewers for Scotland 2 and its successors' in paragraph 3.114 we will amend this to read "Sewers for Scotland 3 and its successors". We will make this change as a Non-Notifiable Modification (CD26).

Wording of Policy and Text

124: Policy NE6 is in accordance with Scottish Planning Policy (CD05) and in particular paragraph 255 which states that "the planning system should promote flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection. ..." The policy is clear about avoiding development in areas at risk from flooding and the Council is of the opinion there is not a requirement to remove the end of the sentence at point 4.

The Proposed Supplementary Guidance: Flooding, Drainage and Water Quality (CD25) includes more information to support Policy NE6. It stipulates that in relation to flood risk it is important to consider siting, design and in some cases the overall principle of development in a certain location. Further to that it also encourages pre-application advice from the local authority. Therefore the Council does not feel it is necessary to emphasise further detail in relation to the functional floodplain.

There is a request to alter "watercourses" to "waterbodies" in Policy NE6 so it reads: "There is a presumption against excessive engineering and culverting of waterbodies". We will make this change as a Non-Notifiable Modification (CD26).

It is not considered that paragraph 3.112 implies that all flood risk can be managed through Sustainable urban Drainage Systems (SuDS) but rather it reflects Scottish Planning Policy paragraph 255, in promoting the avoidance of surface water flooding through the requirements of Sustainable urban Drainage Systems in all new development.

Policy NE7: Coastal Planning

National Marine Plan

54, 164: It is noted that the Proposed Plan was prepared before the adoption of the National Marine Plan 2015 (RD15). If the Reporter is so minded, the Council would accept the need to make two amendments to the text on page 56. The first is to update the relevant reference in paragraph 3.116, sentence two to read as follows: "The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies. . ." The second is to amend the text in paragraph 3.117 to clarify that the National Marine Plan applies from Mean High Water Springs as set out in Circular 1/2015 (RD22). The sentence could read: "Terrestrial planning law extends to the mean low water mark of ordinary spring tides, whereas, marine spatial planning applies from Mean High Water Springs."

Marine Noise Modelling

54: If the Reporter is so minded, the council would accept the need to make a small amendment to point 4 in the policy text, replacing the word 'will' with 'may', to read as follows: "Development proposals may be required. . ."

Reporter's conclusions:

Policy NE6 Flooding, Drainage and Water Quality

1. In relation to the need for Water Management Plans, I agree with the council that the policy is clear about managing and reducing flood risk by ensuring that new development does not take place on areas susceptible to flooding without appropriate mitigation. I note that the council proposes to include a reference to Sewers for Scotland 3 as a non-notifiable modification.

2. As regards point 4 of the first paragraph of Policy NE6, I agree with the Scottish Environment Protection Agency (SEPA, representation 124) that flood risk should be avoided in the first instance. That requirement is covered by point 2 of the paragraph. However, Scottish Planning Policy (SPP, paragraph 255) says that the planning system should promote flood reduction by, where appropriate, undertaking natural and structural flood management measures, including flood protection. SPP paragraph 263 states that for medium to high risk areas, where built development is permitted, measures to protect against or manage flood risk will be required.

3. While avoidance of flood risk is to be preferred, therefore, there could still be circumstances in which development requiring flood protection measures may be permitted, and in those cases it would be appropriate to avoid damaging natural heritage interests. I therefore do not consider that there is any need to modify point 4.

4. In relation to development on the functional floodplain, I agree that the text should be expanded as proposed by SEPA to bring it into line with SPP paragraph 263 and require development to be designed and constructed to remain operational during floods and not impede water flow. I recommend the modification shown below.

5. I note that the council proposes to alter ‘watercourses’ to ‘waterbodies’ as a non-notifiable modification.

6. As regards paragraph 3.112, I do not agree with SEPA that Sustainable Drainage Systems (SuDS) can contribute only to managing surface water flood risk. By slowing the rate at which run-off enters watercourses, SuDS can also reduce the risk of fluvial flooding. I agree with the council, however, that the paragraph does not imply that all flood risk can be managed through SuDS, and I do not consider there is any need for change.

Policy NE7 Coastal Planning

7. I agree with the representations, accepted by the council, that the proposed plan should recognise the publication of the National Marine Plan and clarify the limits within which the terrestrial and marine planning systems operate. I recommend the modifications suggested by the council for this purpose. I also recommend the proposed small change to the final point 4 of the policy, to replace ‘will’ with ‘may’, to accord with the comment by Scottish Natural Heritage (representation 54) that marine noise modelling is required only for certain developments, and not for all.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy NE6, modify the second paragraph to read as follows:

‘Development on the functional floodplain will only be permitted where its location is essential for operational reasons, and it must be designed and constructed to remain operational during floods and not to impede water flow.’

2. In paragraph 3.116, modify the first part of the second sentence to read as follows:

‘The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies. . .’.

3. In paragraph 3.117, modify the first sentence to read:

‘Terrestrial planning law extends to the mean low water mark of ordinary spring tides, whereas marine spatial planning applies from Mean High Water Springs.’

4. In Policy NE7, under the heading ‘In all cases’, modify the first line of point 4 to read as follows:

‘Development proposals may be required...’.

Issue 34	POLICY R2, R3 & R4: CONTAMINATED LAND, AND WASTE	
Development plan reference:	Page 63-66	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
SITA UK (91) Scottish Environment Protection Agency (124) Buccmoor LP (160)		
Provision of the Development Plan to which the issue relates:	Remediation of contaminated land; identifying and safeguarding sites for waste related uses and identifying criteria for waste facilities within different developments.	
Planning authority's summary of the representation(s):		
<p><u>Policy R2: Degraded and Contaminated Land</u></p> <p>124: Request text is added into Policy to clarify the Scottish Environment Protection Agency's position.</p> <p><u>Policy R3: New Waste Management Facilities</u></p> <p>91: Endorse the general direction of the "Waste Management Facilities" section. Highlights that reference is made to minimising transport of waste from its source (paragraph 3.128 and Policy R3) but Scottish Planning Policy places an emphasis on need over proximity.</p> <p><u>Policy R4: Sites for New Waste Management Facilities</u></p> <p>91: Strongly support Policy R4 and the allocation of land at OP54 for a waste facility.</p> <p>124: Support Policy R4 and the identification of waste management facilities to support the delivery of the Zero Waste Plan objectives including an energy from waste facility with potential links to users.</p> <p>160: More explicit references should be made to qualify the nature and extent of use of the Household Waste Recycling Centre at OP13.</p>		
Modifications sought by those submitting representations:		
<p><u>Policy R2: Degraded and Contaminated Land</u></p> <p>124: Request the following text (in capitals) is inserted into Policy R2 to clarify the Scottish Environment Protection Agency's position:</p> <p>The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.</p>		

This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. THE CITY COUNCIL WILL LIASE WITH SEPA Where there is potential for pollution of the water environment AND/OR SEPA HAS A REGULATORY ROLE AT THE SITE OR WITH THE DEVELOPMENT PROPOSED.

Policy R4: Sites for New Waste Management Facilities

160: Make more explicit references to the nature and appropriateness of any such uses across the site being determined/guided by the Development Framework for OP13. The process may determine that other sites are more appropriate for any such development.

Summary of response (including reasons) by planning authority:

Policy R2: Degraded and Contaminated Land

124: Whilst the Scottish Environment Protection Agency's (SEPA's) suggested amendments do not constitute a change in policy direction, it is not considered necessary to expand the scope in which the Planning Authority will consult with SEPA. The circumstances in which SEPA must be consulted prior to determining an application is embodied in statute (including but not exclusively The Development Management Procedure (Scotland) Regulations 2013 (Schedule 5) (RD11). The current inclusion of text within the Policy relating to liaison with SEPA is not intended to be an exhaustive list.

Policy R3: New Waste Management Facilities

91: Endorsement is noted.

Whilst it is accepted that paragraph 3.128 and Policy R3 refer to minimising transport from its source this is not considered contrary to Scottish Planning Policy (CD05).

Policy R3 also specifies that proposals for waste management facilities must "meet a clear need for the development to serve local and/or regional requirements for the management of waste" (criterion 2). Scottish Planning Policy paragraph 182 (CD05) also states that the planning system should support the provision of a network of infrastructure and advises that as the network grows there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

Aberdeen City Council are expanding upon their existing network of infrastructure and whilst emphasis is placed on need, proximity to waste arisings is a legitimate consideration as per Policy R3.

Policy R4: Sites for New Waste Management Facilities

91, 124: Support is noted. Facilities at Proposed Plan Sites OP54 and OP107 are key priorities of the Aberdeen City Waste Strategy 2014 - 2025 (RD31) - Site specific comments are covered in Issue 13: Loirston and Cove.

160: A response to comments relating to the location of the recycling centre within Opportunity Site OP13 is dealt with in Issue 3: Allocated Sites in Bridge of Don/Grandhome.

Reporter's conclusions:

Policy R2: Degraded and Contaminated Land

1. The Scottish Environment Protection Agency (SEPA) requests an addition to this policy to refer to consultation with SEPA when it has a regulatory role. Regulation 25 and Schedule 5 of the Development Management Procedure (Scotland) Regulations 2013 describe the legal requirements relating to consultation with SEPA on planning applications. It is not the role of the local development plan to repeat or summarise these statutory requirements. The principal role of policies in the development plan is to provide a guide the acceptability of planning applications, rather than to describe the council's procedural arrangements in the handling of those applications. Other policies in the plan do not routinely describe the consultation arrangements for the range of development types and impacts that may occur. For these reasons I conclude that the additional wording proposed by SEPA is not necessary.

Policy R3: New Waste Management Facilities

2. Paragraph 182 of Scottish Planning Policy refers to both meeting the need for a network of waste management facilities, and on meeting this need nearby (proximity). It also states that, at least for the time being, the emphasis should be on need over proximity. However, it is clear that both are factors that the planning system is expected to take into account, and therefore I conclude that it is appropriate for Policy R3 to refer to minimising the transport of waste.

Policy R4: Sites for New Waste Management Facilities

3. I discuss those representations relating to the specific waste management facilities at East Tullos gas holder (OP107) and at Aberdeen Exhibition and Conference Centre (OP13) under issues 13 and 3 respectively.

Reporter's recommendations:

No modifications.

Issue 35	POLICY R7 & R8: EFFICIENT AND RENEWABLE DEVELOPMENTS	
Development plan reference:	Page 66-69	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Shell UK Limited (38) Scottish Natural Heritage (54) Craigiebuckler and Seafield Community Council (66) Scottish Water (76) Stewart Milne Homes (85) Dandara LLP (90) Scottish Environment Protection Agency (124) Homes for Scotland (149) Scotia Homes (152) Scottish Government Planning and Architecture Division (164) Bancon Developments (183)</p>		
Provision of the Development Plan to which the issue relates:	Requirements to reduce carbon emissions using low and zero carbon generating technology, and water efficiency, and assess applications for renewable and low carbon energy schemes.	
Planning authority's summary of the representation(s):		
<p><u>Policy R7: Low and Zero Carbon Buildings and Technology</u></p> <p><u>General Comments</u></p> <p>66, 76, 124: Support for the Policy.</p> <p>66: Suggest that the Policy it is not being applied by developers.</p> <p><u>Cost, Complexity and a Fabric First Approach</u></p> <p>85, 90,149,152: Object to the Policy on the grounds of cost and complexity.</p> <p>85,152,183: The issues should be addressed through a fabric first approach.</p> <p><u>Building Standards</u></p> <p>85, 90,152,183: This issue should be dealt with through Building Standards. 152,183: The fifth annual report on the operation of the Climate Change Act suggests that the planning system may not need the Low and Zero Carbon Generating Technology requirement in the face of future Building Standards review which will potentially examine 'net zero carbon standard' and 'nearly zero energy'.</p>		

Allowable Solutions

152: That Low and Zero Carbon Generating Technology is not sustainable and that the policy pre-empts research underway and proposals such as 'Allowable Solutions'.

Policy Wording Contradiction in Policy

183: The first sentence of the Policy is ambiguous, as it reads as requiring emissions reductions additional to targets specified by Building Standards. This is contrary to paragraph 3.139 of the supporting text.

149,183: The wording is contrary to the Climate Change Act. Compliance with the current Building Standards is sufficient to achieve a reduction.

Policy Should be Updated to Reflect Building Standards and Scottish Planning Policy

164: Suggestion that paragraph 3.137 of the Plan should be amended to reflect the introduction of the new Building Standards in October 2015 and paragraph 3.136 of the Plan should be amended to reflect a change in current Scottish Planning Policy in relation to energy efficiency. Policy should include future targets and more detail from the Supplementary Guidance should be in the Policy.

164: Suggestion that the Policy should include at least one increase in the proportion of emissions to be saved through the use of Low and Zero Carbon Generating Technology.

54: The requirements of the Policy should be written into the Policy not just the Supplementary Guidance and the requirements should match those of the Aberdeenshire Gold sustainability level for domestic buildings and Building Research Establishment Environmental Assessment Methodology level 5 standard for non-domestic buildings.

Terminology

54: It is noted that Scottish Environment Protection Agency issue 'abstraction licences' not 'extraction licences'.

Water Abstraction from the River Dee SEA

54: Suggest that the Local Development Plan must ensure no increase in the level of water being abstracted from the River Dee (Submission also made to Issue 44: Habitats Regulation Appraisal).

Policy R8: Renewable and Low Carbon Energy Developments

Support

124: Support for the policy.

Safety Consultation Zones

38: Policy should be amended to make reference to the Pipeline Consultation Zones.

Wording

164: The term “negatively impact” should be altered in criteria 2 and 3 of the Policy as a development may have some negative impact but in the round be acceptable.

164: The term 'areas of search' in paragraph 3.142 of the Proposed Plan should be replaced with 'Group 3: Areas with potential for wind farm development' in line with Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

85, 90: Re-written to focus only on those matters which can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction, achieved by installing low and zero carbon generating technologies in new developments, should be removed.

152: Policy R7 should align with the building standards and should accord with current policy thinking, including that of the Scottish Government, on energy reduction targets. A flexible planning policy approach should be adopted in accordance with the principles of 'Fabric First + LZCT + Allowable Solutions' and not dictated by a single restrictive policy approach which may not be achievable and would be unlikely to provide for a solution that can be fulfilled on all sites.

149: First sentence: delete "must install Low and Zero-Carbon Generating Technology (LZCGT) to reduce the predicted carbon dioxide emissions by at least 20% below that." Replace with "must meet at least 20% of the carbon dioxide emissions reduction target by installing Low and Zero-Carbon Generating Technology (LZCGT)". Add additional sentence: "planning conditions may be used to deliver this policy while the detailed design and technical matters are being considered through the Building Standards process."

183: Policy R7 should be amended to read: “All new buildings must meet the Building Standards energy requirement. In complying with the Building Standards, they must meet a proportion of the carbon dioxide emissions Target by installing Low and Zero Carbon Generating Technologies. The proportion of the reduction which is met by Low and Zero Carbon Generating Technologies will be determined on a site by site basis by the Building Standards and will change over time as the Building Standards are updated in 2015 and 2019. Planning conditions may be used to deliver this Policy while the detailed design and technical matters are being considered through the Building Standards process.”

54: Add text to the Policy outlining the requirement for Gold sustainability level for domestic buildings and Building Research Establishment Environmental Assessment Methodology level 5 standard for non-domestic buildings from the date of the adoption of the Plan. Amend the text in paragraph 3.140 and in Policy R7 to remove the word ‘extraction’ and replace this with ‘abstraction’.

164: The third sentence of paragraph 3.137 should be amended to read as follows: "While the 30% improvement applies from October 2010, in view of the economic downturn, Scottish Ministers requested that the Sullivan Panel reconvene to revisit some of their original recommendations. The output was the publication of a 2013 update to the Sullivan

Report. In accordance with recommendations of the update, revised building standards will be introduced from October 2015." If the above amendment is inserted then the fourth sentence of paragraph 3.137 is no longer necessary and should be deleted.

The final sentence of paragraph 3.136 should be removed and replaced with: "Scottish Planning Policy supports the planning system in reducing emissions and energy use in new buildings, promoting development that is resource efficient, and maximises the efficiency of the use of resources through natural or technological means."

The first sentence of Policy R7 should be amended to read as follows: "All new buildings, in meeting building regulations energy requirements, must install Low and Zero Carbon Generating Technology (LZCGT) to ensure they provide for at least 20% of the carbon dioxide savings required by the Scottish Building Regulations at the time of the application" The final sentence of the first paragraph of Policy R7 should be amended to read as follows: "This percentage requirement will be increased as specified in the table below". Insert Table 1 from Aberdeen Local Development Plan draft Supplementary Guidance 'Topic Area 9 – Resources, Energy and Resources.'

54: "To avoid having to increase the amount of water Scottish Water are licensed to take from the River Dee, as a result of the new developments proposed in the Plan. For all new developments to use water-saving technology."

Policy R8: Renewable and Low Carbon Energy Developments

38: A new criteria should be inserted as point 5 within Policy R8 which states, "Any turbines proposed within Pipeline Consultation Zones must accord with the requirements of the Health and Safety Executive's PADHI Guidelines and the Guidance prepared by the United Kingdom Onshore Pipeline Operator's Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines. Further details are set out in the Supplementary Guidance on Wind Turbine Development."

164: We recommend that the wording in Policy R8, parts 2 and 3 is changed from: Criteria 2 - "Do not negatively impact on air quality". Criteria 3 - "Do not negatively impact on tourism". to Criteria 2 - "Do not result in a significant adverse impact on air quality". Criteria 3 - "Do not result in a significant adverse impact on tourism".

In paragraph 3.142 the term "areas of search" should be replaced with: "Group 3: Areas with potential for wind farm development".

Summary of response (including reasons) by planning authority:

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

Section 72 of the Climate Change (Scotland) Act (RD07) is clear in relation to the requirement for Local Development Plans to incorporate Low and Zero Carbon Generating Technology (LZCGT) within developments. While Scottish Planning Policy 2010 (RD20) paragraph 44 directly supported this, the extant Scottish Planning Policy 2014 (CD05), paragraphs 152 to 168, do not directly reference LZCGT and put greater emphasis on reducing demand and on energy saving or "fabric first" approaches. This reflects recommendations from expert groups such as the Sullivan Panel (RD21) and many representations from the development industry.

As such the Proposed Plan and the supporting Proposed Supplementary Guidance 'Topic Area 9 – Resources for New Development' (CD25) must take a pragmatic approach. The Proposed Plan is clear in the requirement for LZCGT and this will also be referenced within the Supplementary Guidance with increasing LZCGT targets. However, the Supplementary Guidance also recognises that if better performance can be reached through a “fabric first” approach, this will be supported in line with Scottish Planning Policy (CD05) and the Sullivan Panel’s recommendations (RD21). While the aim of the consultation on the Supplementary Guidance will be to strike a balance that will address these differing approaches, the Proposed Plan must include LZCGT requirements in line with the Climate Change (Scotland) Act (RD07).

General Comments

66, 76, 124: Support for the Policy is welcomed. Concern over the application of the Policy is noted. While the Policy has been implemented it is recognised that in its current format the policy is very complex, as are the calculations to show compliance with the Policy. The policy has been amended to help reduce this complexity while marrying a strong requirement to support a reduction in emissions. Supplementary Guidance will also be revised to reflect this including future targets for emissions reductions.

Cost and Complexity

85, 90, 149, 152, 183: Section 72 of the Climate Change (Scotland) Act 2009 (RD07) is clear in requiring all developments identified in the Local Development Plan, to "avoid a specified and rising proportion of the projected greenhouse gas emissions from their use...through the installation and operation of Low and Zero-Carbon Generating Technologies". The complexity and associated cost of the technology is however recognised. The current Scottish Planning Policy (SPP) (CD05) places greater emphasis on energy efficiency over LZCGT and paragraph 154 of SPP notes the importance of energy efficiency, heat recovery, and efficient energy supply and storage. Proposed Supplementary Guidance Resources for New Development (CD25) in support of this Policy will include an option to satisfy Policy R7 by other means that achieve a CO2 saving greater than that required by the Policy. This is to be carried over from the current Supplementary Guidance which currently includes this option. In this way developments can satisfy the requirements of SPP though passive means, such as a fabric first approach, while still satisfying the requirements of the Climate Change (Scotland) Act 2009 by reducing greenhouse gas emissions.

Building Standards

85, 90, 152, 183: As noted above, the Climate Change (Scotland) Act 2009 (RD07) is clear on the requirements set for local authorities in relation to LZCGT. It is recognised that the current Policy R7: Low and Zero Carbon Buildings, in the extant Local Development Plan 2012 (CD42) is complex, as is the process to show compliance. The proposal in the Proposed Plan to make the policy requirement a percentage of the current Building Standard is hoped to simplify the process. Allowing for energy saving alternatives through Supplementary Guidance is also being considered, as this is identified in Scottish Planning Policy. The suggestion that the fifth annual report on the operation of the Climate Change (Scotland) Act 2009 questions the need for the LZCGT requirement with future improvements in Building Standards is noted. Until such time as the Climate Change (Scotland) Act 2009 is changed or other guidance is provided by Scottish Government, Local Authorities are required to comply with the Act. As noted earlier, it is however proposed that alternative means of satisfying the Policy such as fabric first will be considered as part of a

Supplementary Guidance consultation.

Allowable Solutions

152: Allowable Solutions have been suggested by the Sullivan Panel (RD21) as a possible option to satisfy Section 72 of the Climate Change (Scotland) Act 2009. To date there is no policy on this issue and Scottish Planning Policy does not include this as an option. As such there is currently no option of using such solutions to satisfy the Policy. If this situation were to change these could be included within Supplementary Guidance and therefore could be addressed in the intervening period between Local Development Plans. This would however would only be possible where specific direction was given from the Scottish Government.

Wording

183: The Policy on LZCGT is a complex issue involving several different policy strands including the Climate Change (Scotland) Act 2009, Building Standards, and Scottish Planning Policy, as well as review groups such as the Sullivan Panel. Many of these have had a significant impact on the Proposed Plan in the intervening period since the Main Issues Report consultation 2014. While the overarching aim of these national policies is the same, to reduce our impact on climate change, they operate to different time frames and have different primary objectives. An example of this can be seen in the difference between Section 72 of the Climate Change (Scotland) Act 2009 and Scottish Planning Policy. The Climate Change (Scotland) Act 2009 requires Local Development Plans to include policies requiring all developments identified in the Plan to "avoid a specified and rising proportion of the projected greenhouse gas emissions from their use...through the installation and operation of Low and Zero-Carbon Generating Technologies". While the previous Scottish Planning Policy from 2010(RD20) reflected this closely, the current SPP has changed the emphasis to reducing the need for energy through energy saving measures such as a fabric first approach.

Contradiction in Policy

149, 183: The concern over an impression of ambiguity between the first sentence of the Policy and paragraph 3.139 of the supporting text is noted. The extant Local Development Plan 2012 (CD42) set a target of achieving a 15% reduction in CO2 emissions over the 2007 Building Standards (RD12). To show compliance with this Policy a complex set of calculations involving the 2007 Building Standards, the building standards applicable at the time of the application (with and without LZCGT) and a percentage calculation between the results was required. The outcome of this was significant confusion from the development industry. To simplify this process, and in discussions with our Building Standards service, paragraph 3.139 was used to set out the Council's aim of making the CO2 reduction a percentage of the Building Standard applicable at the time of the application.

This approach also allows Building Standards to support the Council's Development Management Team in assessing submissions and engages Building Standards at an earlier stage. This also aligns with the approach of our neighbouring Local Authority, Aberdeenshire Council, and a simplified calculation process as well as future reduction targets will be included in a revised Supplementary Guidance.

The Respondent has noted that the first line of the Policy suggests the reduction is "additional to targets specified by Building Standards", this was not the aim of the Policy as clearly set out in paragraph 3.139. However it is recognised that the inclusion of the word

"below", a carry-over from Policy R7: Low and Zero Carbon Buildings, of the extant Local Development Plan 2012, can be construed as an additional target. As noted earlier, any modification that can bring clarity to a complex issue is welcomed. The clarity sought by the Respondent is reasonable. If the Reporter is so minded the sentence could be amended to substitute "below" for "of" thereby reflecting the supporting text of the policy.

Changes in Relation to Scottish Planning Policy

183: The suggestion that paragraph 3.137 of the Proposed Plan should be amended is noted. The proposed change does not appear to correct any inaccuracy in the Proposed Plan and would remove reference to the Strategic Development Plan in the final sentence. As such this is seen as retrograde step in terms of setting the document in context. The proposed change is therefore not supported.

The suggestion that paragraph 3.136 of the Plan should be amended to reflect a change in the current Scottish Planning Policy (CD05) in relation to energy efficiency is noted. The modification seeks to replace the final sentence of the paragraph. This sentence references the active support shown for Low and Zero Carbon Generating Technology in the previous Scottish Planning Policy 2010 (RD20) paragraph 44, which in turn supported Section 72 of the Climate Change (Scotland) Act (RD07). As the explicit support for LZCGT has been removed from the current Scottish Planning Policy (CD05) paragraph 152 to 168, the modification sought by the respondent in relation to paragraph 3.136 is reasonable. If the Reporter is so minded the sentence could be amended as indicated above.

Policy should Include Future Targets and More Detail from the Supplementary Guidance should be in the Policy

54, 164: The suggestion that the Policy should include future increases in the emissions savings and more detail of the Policy is not supported. As noted earlier, and in a number of submissions, there have been changes in both Policy and recommendations from expert groups such as the Sullivan Panel since the adoption of the extant Local Development Plan 2012. These include a change in Scottish Planning Policy from directly referencing LZCGT to an emphasis on energy efficiency and heat recovery, and greater emphasis in the Sullivan Report on a fabric first approach. By including future increases in supporting Supplementary Guidance it allows the flexibility to react to any future changes identified by Scottish Government. The issue of suggested changes to the target requirements of the Policy will be considered within the review of the Supplementary Guidance but it is the view of the Council that this should align with Aberdeenshire Council's Policy where possible.

54: The suggestion that more detail from the Supplementary Guidance should be included in the Policy would run contrary to Planning Circular 6/2013: Development Planning (CD10). The Circular is 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. The Policy in this case sets out the requirements and the Supplementary Guidance will detail the options available for satisfying the Policy.

Incorrect Terminology

54: The incorrect use of the term 'extraction' in place of 'abstraction' is noted. This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in CD26.

Water Abstraction from the River Dee SEA

54: This issue has been dealt with under Issue 44: Habitats Regulation Appraisal.

Policy R8: Renewable and Low Carbon Energy Developments

Support for the Policy

124: Support for the Policy is welcomed.

Safety Consultation Zones

38: Concern over the Pipeline Consultation Zones is noted. These Zones are shown on the Proposed Plan's Additional City Wide Proposals Map (CD24) and are considered through the planning application process as set out in Proposed Plan Policy B6 – Pipelines, Major Hazards and Explosives Storage Sites. There is therefore no need for each individual Policy to highlight the Consultation Zones as under Policy B6 all development which is subject to the planning process, and that is notifiable to the Health and Safety Executives, is screened against any impact on these Zones during the planning process.

Wording of the Policy

164: The recommendation that the term 'areas of search' in paragraph 3.142 of the Proposed Plan is replaced with 'Group 3: Areas with potential for wind farm development' is noted. This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in (CD26).

Reporter's conclusions:

Policy R7: Low and Zero Carbon Buildings and Technology

1. I acknowledge the argument made in a number of representations that the use of a 'fabric first' approach and energy efficiency measures can be a more effective means of reducing the carbon dioxide emissions from buildings than the use of low and zero carbon generating technologies. However, Section 72 of the Climate Change (Scotland) Act 2009 remains in force, and requires the local development plan to include policies requiring all developments to be designed so as to avoid a specified and rising proportion of the projected greenhouse gas emissions through the installation and operation of low and zero-carbon generating technologies. Although the emphasis of the current version of Scottish Planning Policy has changed from its predecessor, paragraph 160 still encourages microgeneration (at least in circumstances where heat networks are not viable). For these reasons I conclude that the requirement to install low and zero carbon generating technology must remain in the plan.

2. There is a strong relationship between the requirements set out in this policy and the role of building regulations. Building regulations require a level of savings in carbon emissions, and this level is increasing over time. The various methods used by developers to achieve these savings (for instance a 'fabric first' approach or 'allowable solutions') are largely beyond the scope of the planning system. The role of planning is mainly limited to ensuring that low and zero carbon generating technology forms a part of the mix of measures used to achieve the required savings. Therefore I consider there is no requirement to refer to

specific approaches other than low and zero carbon generating technology in the plan.

3. Paragraph 8.14 of the Scottish Government's Fifth Annual Report on the Operation of the Climate Change (Scotland) Act (as quoted in the representations from Homes for Scotland and others) is clear that there is no legal requirement for the emissions savings achieved through low and zero carbon generating technology to be additional to the target emissions set by Scottish building standards. The requirement in Policy R7 for this technology to reduce emissions 20% below those required by building regulations is therefore at odds with this understanding. Above, the council accepts that it is not its intention to set an additional target beyond those specified in building standards. I agree that this would not be reasonable and therefore recommend a modification to clarify that the role of low and zero carbon generating technology is to contribute towards achieving the established emissions reduction target.

4. I note the provisions in the proposed Supplementary Guidance: Resources for New Developments relating to a potential relaxation of the policy in circumstances where CO2 savings in excess of those required by building standards are achieved. Whatever the theoretical merits of this approach, it does not appear to reflect the requirement in Section 72 of the Climate Change (Scotland) Act, at least as regards the policy in the local development plan. Therefore I do not consider it is appropriate to include these provisions in the headline local development plan policy.

5. I agree with the value of identifying development sites in the plan that lend themselves well to the incorporation of energy efficiency measures such as heat networks and combined heat and power plants, and to solar gain. These approaches are encouraged in paragraphs 45, 158 and 159 of Scottish Planning Policy. However the value of these approaches does not take away from the legal requirement to include a policy relating to low and zero carbon generating technology. Both the using of available sources of heat and solar gain are covered in the final box on page 20 of the proposed plan, and therefore captured by Policy D1. No further change is therefore required to Policy R7 regarding these matters.

6. The suggestion that the detailed assessment of a building's energy efficiency and emissions reduction measures is best carried out through building standards (albeit within the context of a planning condition) has some merit. This is the stage at which detailed design specifications are more likely to be available. It appears that this approach is supported in the Fifth Annual Report on the Operation of the Climate Change (Scotland) Act. However, I am conscious 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 (Circular 6/2013: Development Planning, paragraph 117). I consider this to be a matter of detail that could appropriately be covered in the accompanying supplementary guidance, and that a change to the policy is not therefore required. However the council may wish to consider including such a provision in the final version of the guidance.

7. The Scottish Government suggests some updates to the supporting text to reflect the revision of building standards and the latest version of Scottish Planning Policy. Regarding the review and update of the Sullivan Report, the wording of paragraph 3.137 as proposed is somewhat confusing. There is a reference to the postponement of a review, whereas I believe it was a tightening of the standards that was postponed. In general I find the form of words suggested in the representation to be clearer, as well as being more up-to-date, and I therefore recommend that this change be made.

8. As regards the reference to Scottish Planning Policy in paragraph 3.136, this has now been overtaken by the publication of the revised policy in 2014. A revised wording, as suggested in the representation and supported by the council above, is therefore required.

9. It is suggested that water efficiency is also an issue that should be left to building regulations. However it is clear from paragraph 3.140 of the proposed plan and page 31 of the strategic development plan, that there is a particular issue in North East Scotland around water extraction from the River Dee. This is a planning issue as it affects the ability to service the high levels of building that are proposed in the region. I am thus satisfied that requiring the use of water saving technologies is a reasonable policy topic for the local development plan.

10. Scottish Natural Heritage seeks the inclusion of more detailed environmental standards in the plan to provide reassurance that water extraction from the River Dee will not exceed currently licensed levels. Since the date of its representation, Scottish Natural Heritage has confirmed (email dated 27 July 2015) that, in terms of the Habitats Regulations Appraisal, the plan will not adversely affect the integrity of the relevant sites. This opinion was based on statements from Scottish Water (letter dated 30 June 2015) regarding its confidence that extraction levels are not forecast to exceed current licence limits.

11. It is not generally appropriate to include detailed environmental standards in a local development plan, but I would have been prepared to consider such a measure if necessary to ensure that the integrity of European sites was not adversely affected. However given Scottish Natural Heritage's conclusion that there will be no such adverse effect, I conclude that no addition to the plan is necessary.

Policy R8: Renewable and Low Carbon Energy Developments

12. The local development plan is to be read as a whole, and it is therefore unnecessary to repeat policy statements made in one part of the plan within other relevant policies. Policy B6 covers the approach in pipeline consultation zones, and these are illustrated on the Additional City Wide Proposals Map. Although Policy B6 requires consultation with the Health and Safety Executive and taking account of its advice (as opposed to accordance with its requirements) and does not mention wind turbines specifically, I nevertheless conclude that it broadly captures the concerns expressed in the representation. It would not be appropriate to single out wind turbines among the range of potentially conflicting development types, in relation to development near pipelines. For these reasons I conclude that no change to the plan is required.

Reporter's recommendations:

I recommended that:

1. The final sentence of paragraph 3.136 be replaced with: "Scottish Planning Policy supports the planning system in reducing emissions and energy use in new buildings, promoting development that is resource efficient, and maximising the efficiency of the use of resources through natural or technological means."

2. The third and fourth sentences of paragraph 3.137 be replaced with: "While the 30% improvement applies from October 2010, in view of the economic downturn Scottish Ministers requested that the Sullivan Panel reconvene to revisit some of their original

recommendations. The output was the publication of a 2013 update to the Sullivan Report. In accordance with the recommendations of the update, revised building standards will be introduced from October 2015.”

3. The first sentence of Policy R7 be replaced with: “All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology”.

Issue 36	POLICY CI1: DIGITAL INFRASTRUCTURE	
Development plan reference:	Page 69	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
Scotia Homes (152) Scottish Government Planning and Architecture Division (164)		
Provision of the Development Plan to which the issue relates:	Promote digital infrastructure in new residential and commercial developments	
Planning authority's summary of the representation(s):		
<p>152: It is unreasonable for the planning system to expect that all new residential and commercial development have high speed communication infrastructure. This does not satisfy Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Funding and mechanism's are already in place for this infrastructure at a national level with Fibre To The Cabinet.</p> <p>164: The Plan does not encourage opportunities for home-working, live-work units, micro-businesses and community hubs.</p>		
Modifications sought by those submitting representations:		
<p>152: Delete the Policy</p> <p>164: Amend the Plan to include supportive text to encourage opportunities for home-working, and live-work units, micro-businesses and community hubs in order to reflect paragraph 95 of Scottish Planning Policy.</p>		
Summary of response (including reasons) by planning authority:		
<p>152: The Vision and Objectives for the Proposed Plan are the same as in the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12). The role of the Strategic Development Plan is to "set clear parameters for subsequent Local Development Plans and inform decisions about strategic infrastructure investment." (Circular 06/2013 (CD10) Paragraph 41). It sets a clear strategy for development in Aberdeen. An objective of the Strategic Development Plan is to promote economic growth with one of the targets being, "For all new development to have the use of modern, up-to-date high-speed telecommunications networks, such as fibre optics." (page 25).The Proposed Plan reflects this requirement through Proposed Policy C11. It also reflects the policy principles supporting digital connectivity in paragraph 293 of Scottish Planning Policy (CD05) and the development planning requirements set out in paragraph 297.</p>		

164: The Plan does not preclude/prejudice/prevent the development of home-working, and live-work units, micro-businesses and community hubs. Proposed Policy CI1 indirectly supports this by providing opportunities for flexible working arrangements as is outlined in the Policy preamble in paragraph 3.143.

Reporter's conclusions:

1. High quality digital infrastructure is an increasingly important requirement for modern working and lifestyles. Paragraph 293 of Scottish Planning Policy states that the planning system should support the inclusion of digital infrastructure in new homes and business premises. Paragraph 297 calls on local development plans to encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises (in consultation with service providers) as an integral part of development. These references are therefore to the integration of digital infrastructure in new development but fall short of stating this as a firm requirement.
2. The approach of Policy CI1 is for new development to 'have access to' modern communications infrastructure. From paragraph 3.144 it appears that the intention is to ensure that new development is located in the vicinity of a superfast broadband exchange connection and telecommunication masts, not that a broadband connection is necessarily provided directly to each property as part of the initial development. The policy is therefore primarily about the location of new development, though presumably developers could overcome poor existing levels of connectivity through enabling new provision if they chose.
3. Scottish Planning Policy and proposed Policy CI1 therefore take slightly different approaches. Nevertheless it is the case that national policy is supportive of local development plans addressing the issue of digital infrastructure.
4. The approved strategic development plan contains a target (on page 25) for all new development to have the use of modern, up-to-date high speed telecommunications networks, such as fibre optics. Policy CI1 addresses this matter and so fulfils the legal requirement for the local development plan to be consistent with the strategic development plan.
5. It is argued that Policy CI1 fails the policy tests in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. These tests relate to planning obligations and not to development plan policies such as this, which appears to be mainly concerned with the location of development. That said, given the increasing importance of digital infrastructure to everyday life and work, it is at least arguable that good standards of connectivity could now be considered necessary for a reasonable modern standard of life to be achieved.
6. For these reasons I conclude that the approach of Policy CI1 is reasonable and no changes are required.
7. Paragraph 95 of Scottish Planning Policy calls upon development plans to encourage opportunities for home-working, live-work units, micro-businesses and community hubs. However I consider it is possible for local development plans to achieve this in a number of ways beyond the inclusion of a dedicated policy or a specific reference to these opportunities. For instance, I note that Policy CF2 supports new community facilities, Policy H1 allows for non-residential uses in residential areas where these are complementary to residential use, and policy CI1 supports access to high-speed communications

infrastructure.

8. The achievement of this aim of Scottish Planning Policy is also not wholly down to the local development plan. For instance individual masterplans (which, if adopted as supplementary guidance also form part of the development plan) may be well placed to encourage the provision of live-work units etc. in more direct and practical ways. For these reasons, although the local development plan could certainly usefully have said more on this topic, I consider that it is more encouraging than discouraging towards these forms of development, and that no change is required.

Reporter's recommendations:

No modifications.

Issue 37	PROPOSALS MAPS	
Development plan reference:	City Wide Proposals Map, Additional City Wide Proposals Map and City Centre Proposals Map	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Ken Hutcheson (9) Scottish Enterprise (120) Barratt North Scotland (125) Aberdeen Harbour Board (137) Kenneth Hutcheon (182)</p>		
Provision of the Development Plan to which the issue relates:	City Wide Proposals Map, Additional City Wide Proposals Map and City Centre Proposals Map	
Planning authority's summary of the representation(s):		
<p><u>Aberdeen Western Peripheral Route</u></p> <p>9: Maps 1-5 give an unrealistic and false impression of the roads transport infrastructure due to the omission of the Aberdeen Western Peripheral Route.</p> <p><u>Cross Boundary Issues</u></p> <p>120: To provide a clear context consideration needs to be given to expressing the interdependency with the Aberdeenshire area, by indicating the locations of the important Strategic Growth Zones, policy zones and employment areas. Areas where there are cross overs should be shown on the Proposals Maps.</p> <p>As Energetica extends in to the City and Shire all plans showing Energetica should show that part within the neighbouring authority.</p> <p><u>Sites</u></p> <p>120: Remove zoning B2 from the Aberdeen Energy Park and reallocated as B1. Planning Permission in Principle (131483) was approved for the extension to the Aberdeen Energy Park to allow for development of Class 4, 5 and 6 uses.</p> <p>125: Object to Non-Allocation of B0924, Thornhill and non-allocation of B0306 Newton East.</p> <p><u>Coastal Management Areas</u></p> <p>137: The 'Developed Coastal Management Areas' and the 'Undeveloped Coastal Management Area' appear to be drafted the wrong way round.</p>		

Core Paths

137: The Core Path will be need to be diverted around the new harbour.

182: Query the Core Paths strategy in the Proposed Plan Map and the Supplementary Guidance. There appears to be a Core Path through Queens Cross/Harlaw Community Council; it turns right at Anderson Drive and down to Queens Road then straight onto Union Street. However, having walked the route there is little that can be described as a Core Path, especially when compared to the description by Scottish Government in 'Core Paths Plans - A Guide to Good Practice'.

Modifications sought by those submitting representations:

Cross Boundary Issues

120: Wider context to the City Wide Proposals Map including identification of Energeica and other growth areas, and the entirety of allocations, where sites are bisected by the Councils' boundary lines.

Sites

120: Rezone the Energy Park as B1.

125: Remove Newton East and Thornhill from Green Belt and rezone as LR1.

Coastal Management Area

137: The Legend on the Additional City Wide Proposals Map should be amended to reverse the colours used to indicate areas of 'Developed Coastal Management Area' and 'Undeveloped Coastal Management Areas'. These should be denoted in the Legend as dark green and light green respectively.

Core Paths

137: Amend the maps to show the Core Path network being outwith the area proposed as operational Harbour.

182: Clarification and correction to Core Paths information.

Summary of response (including reasons) by planning authority:

Aberdeen Western Peripheral Route

9: It may be that the Respondent is referring to the maps in the Main Issues Report as they do not show the line of the Aberdeen Western Peripheral Route (AWPR). However the line is shown on the Proposed Plan Proposals Map and the Compulsory Purchase Areas are shown on the reverse Additional City Wide Proposals Map (CD23 and CD24).

Cross Boundary Issues

120: It is considered that the City Wide Proposals Map provides an adequate representation of the Spatial Strategy in that it shows the allocations, Opportunity Sites and zonings for the whole city area. There are no settlements bisected by the city boundary, although two Opportunity Sites at OP53 Aberdeen Gateway and OP34 East Arnhall comprise developments that extend into Aberdeenshire. The boundary and extent of Energetica is shown in the Proposed Supplementary Guidance on Energetica (CD25). It is considered that the Aberdeen City and Shire Strategic Development Plan 2014 (CD12) is the appropriate vehicle for showing cross boundary issues.

Sites

120: The policy zoning of Aberdeen Energy Park in Bridge of Don is dealt with in Issue 3 Allocated Sites in Bridge of Don/Grandhome.

125: The site at Newton East is dealt with under Issue 8 Alternative Sites Kingswells and Greenferns. The site at Thornhill is dealt with under Issue 12 Alternative Sites Deeside.

Coastal Management Areas

137: This is a drafting error on the key of the Additional City Wide Proposals Map. The Council will correct this error as a Non-Notifiable Modification (CD26).

Core Paths

137: The Proposed Plan shows the current Core Path network as outlined in the Core Path Plan 2009 (RD35). The diversion of Core Paths is not dealt with through the Proposed Plan but through a separate statutory process – specifically the Land Reform Act 2003.

182: The urban routes included in the Core Path Plan are mainly concentrated on existing streets that pass by or link visitor attractions such as those promoted through the City Trails leaflets. The route described is Core Path 96 Castlegate to Anderson Drive. This passes through many City Centre and West End neighbourhoods and is a key strategic link from the City Centre towards the paths network on the west of the City. Various schools and other facilities and services are located along the way. The route provides access to various sites of historical and cultural importance, including destinations on Aberdeen’s Granite and Sculpture Trails.

Reporter's conclusions:

1. Regarding the route of the Aberdeen Western Peripheral Route, this is shown schematically on the City Wide Proposals Map, with the precise boundary of the compulsory purchase area shown on the reverse Additional City Wide Proposals Map. I therefore conclude that the location of this route is clearly shown in the plan, and that no change is required.
2. I have some sympathy with the representation from Scottish Enterprise that the cross-boundary nature of some proposals is not apparent from looking at the proposed plan in isolation. In the cases of OP34 East Arnhall I note that the need to involve Aberdeenshire Council is at least referenced in Appendix 2, and it might have been possible to have taken a

similar approach for the other cross-boundary proposal at OP53 Aberdeen Gateway. However, while the law allows local development plans to contain any maps the planning authority thinks appropriate, the proposals map is only required to illustrate the policies and proposals of the plan itself. Also, I am only tasked with modifying those parts of the plan that are clearly inappropriate or insufficient (Circular 6/2013: Development Planning, paragraph 117), and in this case I do not consider such an addition to be essential. For these reasons I conclude that no change is required.

3. As regards the Energetica initiative, this is more strategic in nature, and on balance I agree with the council that the illustration of the concept would be better located in the strategic development plan. The detailed proposals map does not lend itself well to the illustration of broad area initiatives such as Energetica. The principal role of the local development plan is to make any land allocations required to implement this initiative. Finally I note that the Energetica area is illustrated in the relevant piece of supplementary guidance. For these reasons I am not persuaded that it is necessary to show the extent of the Energetica area in the local development plan.

4. The status of the sites at Newton East and Thornhill are considered under Issues 8 and 12 respectively.

5. Regarding the depiction of the Developed and the Undeveloped Coastal Management Areas on the Additional City Wide Proposals Map, the council has acknowledged that the colours shown in the map key are inaccurate and require reversing. This has already been done by means of a pre-examination non-notifiable modification, and so no further action is required from me.

6. As regards the core paths shown on the Additional City Wide Proposals Map, it is for the Core Path Plan process to discuss the routes of these and their management. The routes shown on the proposals map are intended as a factual reproduction of the routes established through the Core Paths Plan, and are shown to assist in the interpretation of local development plan Policies T3 and NE9 which refer to core paths. I do not consider that any change to the proposals map is required.

Reporter's recommendations:

No modifications.

Issue 38	APPENDIX 1 - BROWNFIELD SITES	
Development plan reference:	Pages 77-78	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
Stewart Milne Homes (85) Old Aberdeen Community Council (100)		
Provision of the Development Plan to which the issue relates:	Lists Brownfield Sites	
Planning authority's summary of the representation(s):		
<p><u>Appendix 1 – Brownfield</u></p> <p>85, 100: Table 1 and 2 in Appendix 1 dealing with brownfield sites require to be up-dated. Table 2 is based on the 2011 Housing Land Audit when the more recent 2014 Audit is available. Many of the sites listed already have approved planning consent and are being developed. These should not be counted as available sites and the table should be updated to reflect the current status.</p>		
Modifications sought by those submitting representations:		
<p>85: The following sites should be removed for the reasons stated:</p> <ul style="list-style-type: none"> • Bankhead Academy- to be redeveloped for a new primary school; • Bankhead Infant School- to be retained for education; • Causewayend Primary School- to be redeveloped for student accommodation; • Dunbar Halls- to be retained by the University of Aberdeen for its own use; • John Street- to be redeveloped to provide student accommodation; and, • Craigieburn House- restricted to over 55's. 		
Summary of response (including reasons) by planning authority:		
<p><u>Appendix 1 – Brownfield</u></p> <p>85, 100: The Tables presented in this Appendix will always show a snapshot in time as new applications and new proposals for these sites come forward. It is inevitable that more, as yet unidentified, brownfield sites will continue to emerge over the lifetime of the Local Development Plan, and that some of the sites identified will be developed out. We will continue to monitor ongoing consents and brownfield potential through regular updates of the Brownfield Potential Study.</p>		

Table 1 is taken from the Brownfield Potential Study 2014 (CD36) and Table 2 is based on the Housing Land Audit from 2011 (RD37) as that is the baseline information that is used by the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) in setting out the housing allowances in Schedule 1 (page 42).

Our response to Issue 2 - Housing Land Supply discusses our approach to meeting the targets for brownfield land set by the SDP. The SDP identifies the number of brownfield units required for Aberdeen City in its Schedule 1. These are over and above those units identified as being part of the effective supply of 2011. The list of sites and numbers identified in Appendix 1 Table 2 of the Proposed Plan are those which have been given planning consent since 2011 but do not include any of the 1188 units considered effective by the 2011 Housing Land Audit. They are therefore eligible to be counted towards meeting the targets set by the SDP.

Section 2.2 of the Brownfield Potential Study shows that brownfield housing completions have averaged 688 a year for the period 1993 to 2013. Only for the three years following the financial crash (2008-10) have there been fewer than 500 brownfield units completed (which is what the SDP requires).

Reporter's conclusions:

1. Firstly it is important to be clear about the purposes of Tables 1 and 2 in Appendix 1 of the proposed plan, and what the status of the sites listed is intended to be. The sites in Table 1 arose from the Brownfield Potential Study 2014, and are largely shown as opportunity sites on the proposals map. The table goes some way towards demonstrating that the strategic requirement for brownfield housing development can be met, but I have already accepted under Issue 2 that representations throw considerable doubt on the early effectiveness of some of these sites. The representation from Stewart Milne Homes also throws doubt on the likelihood of some of these sites coming forward for housing development. Nevertheless, at Issue 2 I concluded that the range of evidence (and in particular historic brownfield completion rates) indicates that the housing allowance for brownfield development in the city will be met.

2. I have considered the merits of removing those sites no longer expected to come forward for housing development from Table 1. It is somewhat misleading to include such sites in this list. However I do not have detailed information about the status of all the sites in the table. Also, as the council states, a list such as this is inevitably something of a moving target, as new sites emerge and proposals for others change. It may be that some sites on this list that are not currently proposed for housing may revert to housing in due course. The inclusion of sites in this table does not necessarily imply that housing development will occur, but that the council considers there is a potential for housing use. Finally, most if not all of these sites are associated with an opportunity site marked on the proposals map and described in Appendix 2. Even if some sites do not come forward for housing, it may nevertheless remain appropriate to signal their appropriateness for some form of redevelopment in the plan. For these reasons, and on balance, I consider that it is most appropriate not to amend Table 1.

3. It may be that there are some sites in Table 1 that now have planning consent or are being developed. In the main, sites with recent planning permissions for housing should have been captured in Table 2, but it is possible that some additional sites from Table 1 have received consent after the proposed plan was prepared. In any event, the key point is

that such sites have been identified as having potential for brownfield development over-and-above those sites already accounted for as part of the effective land supply in Schedule 1 of the strategic development plan.

4. The situation with Table 2 is somewhat clearer. These are brownfield sites that have received planning consent for housing since the 2011 Housing Land Audit. It is important that the 2011 audit is used because this ensures that all sites not already accounted for in Schedule 1 of the strategic development plan (which was based on the 2011 audit) are properly included in the housing land calculations. This is explained in paragraph 2.12 of the proposed plan. I therefore do not agree that this table should be based on the 2014 audit. As discussed under Issue 2, the council has accepted that some individual sites in Table 2 are not currently effective.

Reporter's recommendations:

No modifications.

Issue 39	APPENDIX 2 - OPPORTUNITY SITES	
Development plan reference:	Pages 79-90	Reporter: Stephen Hall Michael Cunliffe
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Shell UK Limited (38) Scottish Natural Heritage (54) Telereal Trillium (78) Stewart Milne Homes (85) Leto Limited (89) Moorfield Group Limited (94) The Grandhome Trust (101) North East Scotland College (109) Scottish Environment Protection Agency (124) Aberdeen Football Club (146)</p>		
Provision of the Development Plan to which the issue relates:	List the Opportunity Sites	
Planning authority's summary of the representation(s):		
<p><u>Pipeline Consultation Zones</u></p> <p>38: Specific reference to, and standardized wording used, to draw attention to Policy B6 and the Pipeline Consultation Zone and PADHI Guidelines should be made in Appendix 2 to sites OP23: Dyce Drive, OP24: A96 Park & Ride, OP34: East Arnhall, OP44: North Last Quarry, and OP63: Prime 4 Business Park Phase 5 Extension. If any site boundaries are reviewed or any new or expanded development allocations made following Examination then full recognition must be given to the existence of any Pipeline Consultation Zones and development allocations, and new development must be undertaken in accordance with PADHI Guidelines.</p> <p><u>Strategic Environmental Assessment Mitigation</u></p> <p>54: The Respondent considers that a link should be provided between this part of the Local Development Plan and the Strategic Environmental Assessment. Appendix 2 includes some mitigation measures for allocated sites under 'Other factors'. However there is a danger that the further mitigation measures set out in the SEA (especially within Appendix 4b Greenfield Preferred Options) and Appendix 5b Brownfield Preferred Options) will get overlooked, if not listed here.</p> <p><u>Flooding</u></p> <p>85: The "Other Factors" relative to sites OP30, Kingswells D and West Huxterstone and OP38, Countesswells should be up-dated to reflect that permissions are in place and flood risk issues have been satisfactorily addressed.</p>		

128: Object to the following Opportunity Site allocations unless the following text is added to OP1, OP24, OP31 and OP80: "Flood Risk Assessment required to accompany development proposals".

128: Recommend that text to identify that surface water flooding may be an issue at the following sites (OP75, OP86, OP32, OP108, OP107, OP110 and OP35) and that any Drainage Impact Assessment should address this issue is incorporated into the Proposed Plan.

128: Support the identification of potential flood risk and the requirement for flood risk assessments.

Retail

89: The Plan does not offer a list of proposed retail allocations.

OP52 Malcolm Road, Peterculter

54: This site is included in the Ancient Woodland Inventory (Long established of plantation origin) and the Scottish Semi-Natural Woodland Inventory. Although part of it appears to have been cleared in the recent past, approximately 80% of the woodland remains intact. The cleared area would be unlikely to be able to accommodate the number of houses currently proposed.

The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland. The policy also states that woodland removal should be allowed only where it would 'achieve significant and clearly defined additional public benefits'. It is not clear how the proposal meets that test or any of the other 'acceptability criteria for woodland removal' in Annex C of the policy. Even if it did, the policy still requires appropriate compensatory planting is carried out, which is not an explicit requirement for this site.

OP52 Woodend, Peterculter

54: The woodland within this site is included in the Ancient Woodland Inventory and the Scottish Semi-Natural Woodland Inventory. It is also part of Aberdeen City Green Network. The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland.

Although the allocation does not necessarily imply woodland will need to be removed, it is difficult to see how 19 houses could be accommodated without some level of impact on the woodland. In addition, the woodland is also part of Aberdeen's Green Space Network. As such (in line with Policy NE1) this development is required to "maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation".

OP62: Nigg Bay Harbour Expansion

54: Text should be added to allow for the Habitats Regulations Appraisal (HRA) conclude there will be no adverse effects on the integrity of Natura sites.

Land at Froghall Terrace

78: Land at Froghall Terrace should be retained as an Opportunity Site. The site is existing OP104 in the current Local Development Plan. The western part has been built out as a residential development by Barratt Homes. The site is identified as mixed use; the Main Issues Report Schedule 4 stated site OP104 will be retained as a brownfield opportunity site. The site is in a highly sustainable location, and is capable of being redeveloped and delivered in the Plan period. There is potential for student accommodation or residential development.

OP9 Grandhome

101: Grandhome Trust objects to the description of OP9 in terms of the level of retail floor space which identifies that Grandhome Town Centre will comprise approximately 7,500 square metres in retail floor space. The wording is contradictory to the intention of Proposed Policy NC8.

The figure in Appendix 2 is significantly below that which has been approved in the Planning Permission in Principle and does not align with the details in the Grandhome Development Framework.

OP87 Pittodrie Park

146: Aberdeen Football Club welcomes the allocation of OP87 for a proposed residential development. Planning Permission in Principle has been granted and the redevelopment of Pittodrie stadium is linked to the construction of a new stadium on site OP59.

OP3 Findlay Farm, Murcar

94: Reference relating to Scottish Enterprise's involvement should be deleted and all remaining references in the plan correctly refer to the site being the Aberdeen Energy Park. Scottish Enterprise no longer have involvement at the Energy Park.

OP62: Nigg Bay Harbour Expansion

54: The recommended text should be added to allow for the Habitats Regulations Appraisal (HRA) to conclude there will be no adverse effects on the integrity of Natura sites.

Modifications sought by those submitting representations:

Pipeline Consultation Zones

38: Wording modified in Appendix 2 for OP23: Dyce Drive, OP34: East Arnhall and OP44: North Last Quarry and wording added to Appendix 2 for OP24: A96 Park and Ride and OP63: Prime 4 Business Park Phase 5 Extension. The text should read: "The site lies within a pipeline consultation zone and all development should conform to the terms of Policy B6: Pipelines, Major Hazards and Explosive Storage Sites".

Strategic Environmental Assessment Mitigation

54: Under 'Other Factors 'add the text: "(see also mitigation requirements in SEA

Environmental Report)”

Flooding

128: Object to the following Opportunity Site allocations unless the following text is added to OP1, OP24, OP31 and OP80: "Flood Risk Assessment required to accompany development proposals".

128: Recommend that text to identify that surface water flooding may be an issue at the following sites (OP75, OP86, OP32, OP108, OP107, OP110 and OP35) and that any Drainage Impact Assessment should address this issue is incorporated into the Proposed Plan.

OP52: Malcolm Road, Peterculter

54: We advise that: The number of houses proposed for this site be reduced to a number that could be accommodated in the area currently cleared of trees. If housing is allocated for the area that has been cleared, a Site Brief and a Woodland Management Plan should be required to secure the protection and management of the remaining woodland in the longer term.

OP109: Woodend, Peterculter

54: We advise that the boundary of this site allocation is redrawn to exclude remaining areas of woodland. An alternative approach to securing the woodland would be for the Plan to require a Development Brief to be provided that would set out how the existing woodland within the site would be protected and managed in the long term for the benefit of the residents and the wider public.

Land at Froghall Terrace, Aberdeen

78: Identify the site as a brownfield Opportunity Site. The delineation of the site from the extant Local Development Plan could be amended to remove the western part which has now come forward as residential development.

OP9 Grandhome

101: Request that the details in Appendix 2 are amended to reflect the Development Schedule submitted as part of the Planning Permission in Principle which indicates approximately 20,000 square metres of retail floor space, and in turn warrants the Tier 2 Town Centre status sought.

OP5 Balgownie Centre, Bridge of Don

109: Appendix 2, page 79, should refer to the planning permission for the demolition of the existing college buildings and the erection of 30 dwelling houses, 42 townhouses and 99 flats, together with car parking and public open space which was issued on 11 June 2013.

OP87 Pittodrie Park

146: The extant planning permission should be noted in the description of OP87 on page 89.

OP3 Findlay Farm, Murcar

94: The reference to "Aberdeen Science and Energy Park" under OP3 Findlay Farm in Appendix 2 - Opportunity Sites should be deleted and replaced with "Aberdeen Energy Park".

OP62: Nigg Bay Harbour Expansion

54: The following text should be added: "No adverse effect on the integrity of Moray Firth SAC through construction or operational activities causing non-physical disturbance to bottlenose dolphin due to elevated underwater noise and vibration levels, and also the displacement of prey species. No adverse effect on the integrity of the River Dee SAC through construction or operational activities affecting the qualifying interests or the habitats supporting them (including water quality)."

Summary of response (including reasons) by planning authority:

Pipeline Consultation Zones

38: Pipelines will continue to be protected through Proposed Plan Policy B6 and it is not considered necessary to add a specific reference to this Policy within the 'Other Factors' column in relation to the sites mentioned. Pipelines are already clearly marked on the Proposed Plan Additional City Wide Proposals Map for consideration by Planning Officers, and therefore the need to consider Policy B6 is highlighted.

Strategic Environmental Assessment Mitigation

54: A decision has been taken by the Council to include the Strategic Environmental Assessment (SEA) Mitigation measures within the Proposed Action Programme (CD21) in order to afford greater flexibility. We also consider that it would have been premature to state the mitigation measures through the Proposed Plan given as the SEA Environmental Report is technically not finalised and hasn't been approved.

Flooding

85: With reference to OP30: Kingswells D and West Huxterstone and OP38: Countesswells, it is not considered appropriate to document that planning permission has been achieved and flood risk issues have been addressed on these sites as development on these sites has not been completed.

128: With regards the suggestion from the Respondent that additional text regarding Flood Risk Assessments is added to sites OP1, OP24, OP31 and OP80, the suggested wording seems reasonable if the Reporter is so minded to include the text into the 'Other Factors' column.

The Council also considers the suggestion to highlight that surface water flooding may be an issue at Sites OP75, OP86, OP32, OP108, OP107, OP110 and OP35 to be reasonable and, if the Reporter is so minded, would be content for additional wording referring to the need for this matter to be addressed via a Drainage Impact Assessment to be included in the 'Other Factors' column.

Retail

89: The Schedule makes it clear which sites are allocated for retail and it is considered that, although a separate list may be helpful, it is unnecessary. There is no reason for the Council to do this for retail, and not for other uses.

OP52: Malcolm Road, Peterculter

54: A detailed response to matters raised in relation to this site is provided in Issue 11. Any development would be required to mitigate for loss to established Woodland and comply with Policy NE5 of the Proposed Plan. These issues do not preclude development and can be dealt with at the planning application stage. The site's capacity in terms of the number of houses to be developed is indicative and will only be finalised after any Masterplan/planning application is approved. There is no over-riding justification for altering what is stated or shown in the Proposed Plan. The issues raised in regard to compensatory planting have been dealt with under Issue 33.

The Council takes the view that Scottish Government Policy will be considered alongside local policy and that Policy NE5 does broadly reflect this. The Policy takes a general presumption in favour of protecting woodland through the first paragraph of the Policy which states: "There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation." Policy NE5 then goes on to state that "appropriate measures should be taken for the protection and long term management of existing trees and new planting."

As this site is to be developed for more than 50 homes, the developer will be required to prepare a Masterplan prior to applying for planning permission. At the start of the Masterplanning process, consideration has to be given to retention of existing trees and the planting of new trees. Initial surveys should examine the existing tree cover and how this relates to existing trees on adjacent sites. The issues raised in regard to compensatory planting have been dealt with under Issue 33.

Regarding the Green Space Network, the terms of Policy NE1 make it clear that it is for the Masterplanning process to determine this in detail. In doing so, it should reflect the particular purpose and function of the green space designation and the circumstances of each site.

OP109: Woodend, Peterculter

54: A detailed response to matters raised in relation to this site is provided in Issue 11.

Land at Froghall Terrace

78: The Opportunity Site designation has been removed from this site as a reasonable proportion of the site benefits from planning permission, with construction underway. It is noted that the Respondent has suggested that the site is capable of being redeveloped and the Council agrees with this statement. The Respondent suggests that the site may be suitable for student accommodation or residential development, both of which could be considered as an appropriate use in the context of the existing Mixed Use Allocation. Although Officers may have considered carrying forward the OP Site during its consideration of the responses received at Main Issues Report stage (CD29), it now no longer considered that the remaining part of the site (i.e. that area not subject to planning permission) in itself warrants designation as an individual Opportunity Site.

OP9 Grandhome

101: It is not considered that there is a need to include details of individual Development Frameworks or planning permissions within this Appendix. The Development Framework referred to is currently [Supplementary Guidance](#) to the extant Aberdeen Local Development Plan 2012 and the Council would intend to readopt this document as Supplementary Guidance to the next Local Development Plan, as outlined in Appendix 4 of the Proposed Plan. Specific details regarding retail provision are present, and therefore approved, within this document. With regards the Respondent's comment that the detail in this Appendix is contrary to Policy NC8, we would disagree as the intention of this Policy is to allow the provision of new retail development to serve the larger Masterplan Zones, such as Grandhome.

OP5 Balgownie Centre, Bridge of Don

109: It is not considered that there is a need to include details of individual planning permissions within this Appendix.

OP87 Pittodrie Park

146: It is not considered that there is a need to include details of individual planning permissions within this Appendix.

OP3 Findlay Farm, Murcar

94: This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in CD26.

OP62: Nigg Bay Harbour Expansion

54: Nigg Bay Harbour Expansion is identified in National Planning Framework 3 (CD04) as a project of national importance. The Proposed Plan has therefore supported the delivery of the project through its identification within the Plan as an Opportunity Site, OP62, and supporting Policy B5 Aberdeen Harbour. The project is also being supported by the creation of a [Development Framework](#) and subsequent Masterplans which we would intent to adopt as Supplementary Guidance to the Proposed Plan further to its adoption. These processes allow for detailed scrutiny of the project by the public, prescribed bodies and the Planning Authority.

It would be impractical to insert the suggested paragraph into Appendix 2. It is likely that a development of this scale will have some impact on the Moray Firth Special Area of Conservation and the River Dee Special Area of Conservation. Table 4.3 of the attached Habitats Regulations Assessment (CD27) to the Proposed Plan identifies the risks and notes the mitigation measures required, including: "Phasing to allow impacts to be adequately managed, insuring adequate infrastructure is in place for each phase of development and that the relevant HRA and EIA for individual developments address there likely impacts."

Reporter's conclusions:Pipeline Consultation Zones

1. The local development plan is to be read as a whole, and it is therefore unnecessary to include significant cross-referencing between the notes on the opportunity sites listed in Appendix 2 and the many policies that will apply to each. We do not consider that an exception to this principle need be applied to the proposals within pipeline consultation zones. Therefore we do not support adding references to the need to conform with Policy B6 into the entries for sites OP23 and OP34.
2. The pipeline notification areas are clearly shown on the Additional City Wide Proposals Map. However, because this is a separate map from the main Proposals Map, it is not immediately apparent which sites fall within these areas. It is therefore helpful for sites' locations within notification zones to be highlighted as part of the individual site notes within Appendix 2. Such references are already included for sites OP23, OP34 and OP44.
3. There is an inconsistency in wording in that only site OP44 also cross-refers to the local development plan policy. The policy referred to is also misnamed, though we note this has already been rectified by means of a pre-examination non-notifiable modification. Although, as noted above, we do not consider that such a cross-reference is necessary, it is not so clearly inappropriate as to require further modification.
4. The representation also points to sites OP24 and OP63 as falling within notification zones. From our reading of the two proposals maps, it appears to us that site OP24 is wholly outwith the notification area. However the western edge of site OP63 does fall within a notification area. We therefore conclude that this fact should be referenced in the entry for that site in Appendix 2.
5. We note that sites OP108 and OP29 also appear to fall within notification zones. However, we have separately recommended the deletion of site OP108 from the plan, and in any event, as this matter has not been raised in any representation, we consider it to fall outwith the scope of this examination.

Strategic Environmental Assessment Mitigation

6. We note the council's position that strategic environmental assessment mitigation measures have been included within the proposed action programme, and agree that this is worthwhile. However, as we note below, most of the identified mitigation measures involve compliance with established policies, rather than positive actions. We also acknowledge that technically the environmental report has yet to be finalised. However it will inevitably be the case that mitigation measures will be included in the final environmental report.
7. The fifth column of Appendix 2 is clearly intended to summarise some of the key site specific factors that will influence the development of the opportunity sites. However nearly all the mitigation measures identified in Section 7 of the draft environmental report are not site specific but apply generally across the plan area. The only exceptions are references to Nigg Bay and to Ness Solar Farm. Nigg Bay is considered further below. For Ness Solar Farm, the comment in the draft environmental report is that the mitigation of potential ground contamination impacts is not a matter for the planning system. Furthermore, the vast majority of the mitigation measures identified in Section 7 of the draft environmental report

refer to compliance with established legal requirements, with policies of the proposed plan, or with relevant supplementary guidance.

8. We do not consider that Appendix 2 is the place to repeat or refer to area-wide legal and policy requirements that are largely already stated elsewhere in the main body of the plan. The need for development proposals to take account of the mitigation measures highlighted in the strategic environmental assessment is already referenced at paragraph 2.6 of the proposed plan. For these reasons we therefore do not consider that a general reference to the mitigation measures listed in the environmental report is required in Appendix 2.

Flooding

9. The need for flood risk assessments has already been highlighted for a number of the opportunity sites in Appendix 2. It would therefore be consistent to add this requirement for the other sites highlighted by the Scottish Environment Protection Agency. Given the possibility of surface water flooding at a number of other sites, we are also content to add the references to drainage impact assessments suggested in the representation. We note that the council agrees these changes are reasonable.

10. Regarding the suggested need to update the entries for opportunity sites OP30 (Kingswells D and West Huxterstone) and OP38 (Countesswells), we consider that the existing text, including the need for flood risk assessments remains accurate. As with several of the opportunity sites, it may be that progress has been made since the plan was prepared, but it is inevitable that Appendix 2 will represent a snapshot in time. So long as the information remains factually correct, we do not therefore consider that further changes are necessary.

Retail

11. The plan's approach in Appendix 2 has been to split the opportunity sites into different geographical areas. It would have been possible to have taken a different approach and arranged the sites according to their proposed uses, including for retail. Separating out proposals for one particular use would not be consistent unless this were done for all proposed uses. However this would not have been straightforward as in many cases a range or mix of uses are likely to be acceptable. We consider that the approach taken in Appendix 2 has a logic to it, and that a change in the way the sites are arranged is unnecessary.

OP52 Malcolm Road, Peterculter

12. The matter raised in this representation is covered under Issue 11.

OP109 Woodend, Peterculter

13. The matter raised in this representation is covered under Issue 11.

OP62 Nigg Bay Harbour Expansion

14. The Habitats Regulations Assessment (CD27) concludes that site OP62 Nigg Bay Harbour Expansion has the potential for likely significant effects on Natura 2000 sites. A further Appropriate Assessment was therefore undertaken, which identified a range of mitigation measures associated with this site. In the light of these and of the assessment

carried out, the Appropriate Assessment concluded that the plan would not adversely affect the integrity of Natura 2000 sites.

15. The mitigation measures relevant to site OP62 Nigg Bay Harbour Expansion are set out in Table 6.1 of the Habitats Regulations Assessment. These include a wide range of measures including a number of prohibitions, case-specific explicit policy restrictions, contributions to the council's mitigation strategy, case-specific policy caveats, management plans, other provisions and lower-tier assessments. Of particular note are the following references:

- to Policy NE6's requirement for all development to be connected to the public sewers;
- to Policy NE7's requirement for developers to demonstrate through appropriate marine noise modelling that adverse impacts on bottlenose dolphins and Atlantic salmon are avoided; and
- to the requirement on developers to submit a construction method statement that would, among other things, include pollution prevention safeguards.

16. It appears that the necessary mitigation measures to ensure that this development will not adversely affect the integrity of Natura 2000 sites are already in place, largely within the existing text of the proposed plan. On this basis we conclude that the suggested additional text within the Appendix 2 entry for this site is not necessary.

Land at Froghall Terrace

17. This brownfield site has a history of having been identified as part of a larger opportunity site in the current adopted local development plan. It is identified as part of the mixed use policy designation in the proposed plan, but is largely contained by residential development. The council accepts above that student accommodation or residential development (as proposed in the representation) could both be considered to be an appropriate use for the site. The fact that a Proposal of Application Notice for redevelopment has been submitted to the council provides a strong indication that the site may become available for development.

18. In this context we are not clear why the opportunity site designation has not been carried forward from the existing adopted plan. Although part of the larger site identified at that time has now been redeveloped for housing, the remaining portion is quite substantial (around 1.6 hectares), and larger than many of the opportunity sites that are identified in inner parts of the city in the proposed plan.

19. For these reasons we conclude that the land at Froghall Terrace should be identified as an opportunity site on the proposals map and in Appendix 2.

OP9 Grandhome

20. It does appear that there is a significant difference between the retail floor areas identified for this site in Appendix 2, and those allowed for in the planning permission in principle. The council states that it is unnecessary to include details of individual permissions in Appendix 2. We agree, but in this case the disparity between the text in the plan and what has been approved appears to be particularly marked. We therefore consider that the specific floorspace figures in Appendix 2 are potentially misleading, and should be removed from the plan. However we do not recommend substituting alternative figures based on an individual planning permission, as this may not perfectly reflect the council's aspirations for the site.

OP5 Balgownie Centre

21. Appendix 2 has not been used to describe extant planning permissions, but rather the nature of the site, the opportunity and some key constraints. On this basis we do not consider it necessary to include details of the planning permission granted at the Balgownie Centre.

OP87 Pittodrie Park

22. Appendix 2 has not been used to describe extant planning permissions, but rather the nature of the site, the opportunity and some key constraints. On this basis we do not consider it necessary to include details of the planning permission granted at Pittodrie Park.

OP3 Findlay Park, Murcar

23. We note that the council has already changed the reference to the 'Aberdeen Science and Energy Park' to the 'Aberdeen Energy Park' through a pre-examination non-notifiable modification. No further action is therefore required from me on this matter.

24. The suggestion that the designation of this site should be changed from 'specialist employment area' to 'business and industrial land' is covered under Issue 3.

Reporter's recommendations:

Regarding Appendix 2, we recommend that:

1. The following words be added to the Other Factors for sites OP1 Murcar, OP31 Maidencraig South East and OP80 Bon Accord Masterplan: "Flood Risk Assessment required to accompany development proposals."
2. The following words be added to the Other Factors for sites OP75 Denmore Road, OP86 Dyce Railway Station, OP32 Maidencraig North East, OP107 East Tullos Gas Holder, OP110 Wellington Circle (Former Macro) and OP35 Granitehill Road: "Drainage Impact Assessment accompanying development proposals should address any surface water flooding issues."
3. The following words be deleted from the Other Factors for site OP9 (Grandhome): "... comprising of approx. 7,500 sq. m. total floorspace (4,000 sq. m. supermarket, 3,500 sq. m. other comparison and local shops and retail services)".
4. The following words be added to the Other Factors applying to site OP63 Prime 4 Business Park Phase 5 Extension: "The site lies within a pipeline notification zone."
5. The land shown in representation 78 from Telereal Trillium at Froghall Terrace be included as an opportunity site on the proposals map, and as a new entry in the City Centre and Urban Areas section of Appendix 2, with the appropriate site size, Policy: "Mixed Use", and Other Factors: "Depot. Suitable for residential or student accommodation".

Issue 40	APPENDIX 3 - INFRASTRUCTURE REQUIREMENTS FOR MASTERPLAN ZONES	
Development plan reference:	Pages 91-93	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Water (76) Stewart Milne Homes (85) The Grandhome Trust (101) NHS Grampian (148) Homes for Scotland (149) Bancon Developments (183)</p>		
Provision of the Development Plan to which the issue relates:	Lists Infrastructure Requirements for the Masterplan Zones	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>148: Action Programme and Local Development Plan need to be consistent. Stoneywood has been removed from the Action Programme as a Masterplan Zone but it is still identified in Appendix 3.</p> <p><u>Cumulative Transport Infrastructure</u></p> <p>183: It is not clear from the text what this is. On the basis that it is a reference to the Supplementary Guidance on Strategic Transport Fund (STF), it should be noted that the 'schemes' which STF fund are not listed in the Supplementary Guidance. This requires to be clarified so that there is clearly no overlap with the requirements listed under 'Roads' or 'Public Transport' and accordingly no 'double counting' of contributions.</p> <p><u>Update to Reflect Masterplans/Planning Permissions/Legal Agreements</u></p> <p><u>General</u></p> <p>149: Appendix 3 sets out obligations for Masterplan areas. These are all sites allocated in the extant Local Development Plan 2012. However, the developer requirements have changed and increased since 2012 which is unacceptable in a context where landowners and developers are well-advanced with Masterplans and Section 75 negotiations.</p> <p><u>Roads</u></p> <p>101: The Grandhome Trust has undertaken extensive assessment and negotiation and propose revised wording for Grandhome Masterplan Zone in line with the Planning Permission in Principle.</p>		

Education

183: Various educational requirements are highlighted for the Maidencraig Masterplan Zone. However this has been overtaken by events and the Section 75 associated with the planning application for the site sets out the final requirements.

Health

85: The infrastructure requirements for Masterplan Zones need to be up-dated in respect of health.

85: Countesswells should be amended to reflect the scale of provision agreed through the Section 75 agreement which significantly exceeded the initial anticipated requirements.

85: Friarsfield should be deleted as the medical centre at Cults is privately owned and developers should not be expected to fund such businesses.

148: Amendments to reflect changes in NHS Grampian's requirements since the extant Local Development Plan was prepared and followed through to Action Programme.

Strategic Wastewater Infrastructure

76: Scottish Water is exploring opportunities to deliver a more holistic approach to providing strategic wastewater infrastructure as well as water infrastructure to meet the cumulative demands of developments.

Modifications sought by those submitting representations:

Update to Reflect Masterplans/Planning Permissions/Legal Agreements

General

149: Revert to the requirements for Masterplan areas set out in the current adopted Plan.

Roads

101: Modify Appendix 3 in respect of Masterplan Zone:

"Localised road upgrades as set out in Planning Permission in Principle Ref 131535 with regards to site OP9 in addition to any supplementary requirement as identified for site OP8 - East Woodcroft North."

Health

85: Reflect scale of provision of provision agreed through the Section 75.

148: Amendments to "Health" section of Appendix 3. The respondent has highlighted amendments from Proposed Plan in bold:

<p>Extension (s) to Primary Care facilities such as Bridge of Don Clinic, Scotstown Medical Practice and Oldmachar Medical Practice within the development catchment area to accommodate additional GP's, support Staff and other primary care support services. One new Community Pharmacy.</p>	<p>Zone 1 – Dubford OP10 (and contribution from other residential site at East Woodcroft North OP8, Dubford Community Facilities OP4, Balgownie Centre OP5, Balgownie Primary School OP6, Aberdeen College OP7, Balgownie Home Farm OP11, "One" Sport Centre OP12 and AECC Bridge of Don OP13)</p>
<p>New 16 GP Health Centre (including land) to accommodate existing four GP Practice with 12 additional GP's, support staff and other primary care support services. Two new six chair Dental Surgeries. Four new Community Pharmacies.</p>	<p>Zone 2 – Grandhome OP9</p>
<p>New 11 GP Health Centre (including land) to accommodate eight existing GP's with 3 additional GP's, support staff and other primary care support services. One new Community Pharmacy</p>	<p>Stoneywood OP17, Former Carden School Dyce OP15, (Support from housing development in Newmachar within the Aberdeenshire LDP is also sought as primary care services are provided from Dyce)</p>
<p>New 15 GP Health Centre (including land) to accommodate 6 existing GP's with 9 additional GPs, support staff and other primary care services. Two new Community Pharmacies.</p>	<p>Zone 3 – Newhills Expansion – Craibstone South OP20, Rowett South OP21, Greenferns Landward OP22 along with contributions from Bankhead Academy OP14, Davidson Papermill OP16 (Support from housing development in Blackburn within the Aberdeenshire LDP is also sought as primary care services are provided from Bucksburn Practices)</p>
<p>Provision of Healthy Hoose in Woodside area</p>	<p>Contributions from Woodside Op25, Haudagain Triangle OP65, Manor Walk OP66, Hilton Nursery OP84 and Smithfield Primary OP89</p>
<p>New 6 GP Health Centre (including land) to accommodate 4 existing GPs with 2 additional GPs, support staff and other primary care services including dental chairs</p>	<p>Zone 4 – Greenferns OP28 and OP33</p>
<p>Extension at Kingswells Health Centre to accommodate 2 additional GP's, support staff and other primary care services.</p>	<p>Kingswells OP30</p>
<p>New 9 GP Health Centre (including land) to accommodate 7 existing GPs with 2 additional GPs, support staff and other primary care services.</p>	<p>Zone 5 – Maidencraig South OP31 and Maidencraig OP32, along with contributions from Grenfern Infant OP27, Burnside OP37, Summerhill Academy OP93</p>
<p>New 7 GP Health Centre (including land) including support staff and other primary care services to support the population in this new community. Two new Community Pharmacies.</p>	<p>Zone 6 – Countesswells OP38</p>
<p>Extension to the existing Cults Health Centre to support the General Medical Services with an additional GP, support staff and other primary care services in the Cults community.</p>	<p>Zone 7 – Friarsfield OP41, along with contributions from Braeside OP39, Cults and Pumping Station OP40</p>
<p>Extension to Peterculter Health Centre to accommodate one additional GP, support staff and other primary care services. One new Community Pharmacy.</p>	<p>Oldfold OP48 along with contributions from Kenerty Mill OP42, Milltimber Primary OP43, Peterculter East OP45, Culter House OP46, Edgehill Rd OP47, Petercultuer Burn OP51, Malcolm Rd OP52, Mid Anguston OP108 and Woodend Peterculter OP109</p>
<p>Extension to Cove Bay Health Centre to accommodate 3 additional new GPs, support staff and other primary care services. One new Community Pharmacy in the Loirston development.</p>	<p>Zone 8 – Loirston OP59 along with Cove OP56, Stationfields OP58</p>

Summary of response (including reasons) by planning authority:Background

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 (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 that "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 agree 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 within the Proposed Plan has not changed significantly from Appendix 4 within the extant Plan.

General

148: Stoneywood has been removed as a Masterplan Zone as it is well progressed in its construction. However, it remains appropriate to retain the infrastructure requirements for Stoneywood within Appendix 3 as not all of the requirements have been met or completed.

Cumulative Transport Infrastructure

183: A description is provided within Appendix 3, underneath the Cumulative Transport Infrastructure heading, as "Contributions required in order to address the cumulative impact of development on the transport network". The Strategic Transport Fund schemes referred to by the resposdee are listed on page 36 of the Proposed Plan under section "Managing the Transport Impact of Development" at paragraph 3.44. The projects were identified by the Aberdeen City and Shire Strategic Development Planning Authority (SDPA) in conjunction with both Aberdeen City and Aberdeenshire Councils, the North East of Scotland Transport Partnership (Nestrans) and Transport Scotland. The issue raised by the Respondent was covered by the Aberdeen City and Shire Strategic Development Planning Authority in response to a representation to the Draft Strategic Transport Fund Supplementary

Guidance. The Supplementary Guidance (CD19) was adopted by the SDPA on 25 June 2015 and has since been ratified and is being implemented by both constituent Councils. Section 4 of the Supplementary Guidance "Who will be expected to contribute" provides further detail. An additional paragraph (4.9) was added to the draft Supplementary Guidance prior to its adoption, in response to representations received during its consultation period, to clarify the issue raised by the respondent with regards to local vs strategic contributions and "double counting".

Update to Reflect Masterplans/Planning Permissions/Legal Agreements

General

149: When comparing Appendix 4 of the extant Local Development Plan and Appendix 3 of the Proposed Plan there are two differences in the requirements listed for Masterplan Zones. Both changes relate to Newhills expansion and a reduction in the requirement for education. The Proposed Plan clarifies that there is no requirement for a new secondary school at Newhills, and that only two new primary schools are now required (not three as stated in the extant Plan). This change has been made through extensive consultation with the Council's Education Service, and reflects the updated position as stated within the [Newhills Development Framework](#) Supplementary Guidance which was adopted on 9 January 2015. 85, 101, 149, 183: The majority of the Proposed Plan sites have been 'rolled forward' from the extant Local Development Plan (CD42), and the majority of these have agreed Development Framework/Masterplans, planning consents and/or have begun construction. Similarly, the infrastructure requirements for Masterplan Zones have also been 'rolled forward'. As discussed above, the identification of infrastructure requirements listed in Appendix 3 was part of a proactive approach to highlight infrastructure requirements as a result of new development at an early stage in order to inform the development industry of areas where contributions may be required. Appendix 3 provides a snap shot in time of up-front likely infrastructure requirements which would then be assessed and evaluated further through the Masterplanning and planning application processes. Subsequent site specific detail is provided in the Proposed Action Programme (CD21) which outlines detail regarding the delivery of supporting infrastructure. The Proposed Action Programme also reflects the detail of planning permissions and legal agreements signed under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended ('Section 75 agreements') (CD02) with regards to the provision and phasing of infrastructure. It is therefore not considered necessary to amend Appendix 3 of the Proposed Plan to reflect specific planning permissions/Section 75 agreements as they supersede the information contained within the Appendix. The Action Programme remains the most appropriate vehicle to provide up to date "live" information with regards to the delivery of sites in the Local Development Plan.

Health

148: As detailed above, the vast majority of sites identified in the Proposed Plan have been 'rolled forward' and, as such, Appendix 3 of the Proposed Plan has not changed significantly from the extant Plan. The FIRS group (including NHS Grampian) were engaged with during the Plan preparation process. Infrastructure requirements were assessed in conjunction with a range of organisations through the FIRS group. It is not considered appropriate to now amend the requirements identified in Appendix 3 where the majority of sites already have agreed Development Frameworks/Masterplans/Planning Permissions and Section 75s. Furthermore, the Development Frameworks/Masterplans have been agreed as statutory Supplementary Guidance to the Local Development Plan 2012. It would therefore not be reasonable to apply different requirements to sites which are already considerably

progressed and have their infrastructure requirements firmly established. As detailed above, the Action Programme reflects the most up-to-date position with regards to infrastructure delivery.

Strategic Wastewater Infrastructure

76: Scottish Water’s comments regarding exploration of opportunities in delivering strategic wastewater infrastructure in addition to water infrastructure to meet cumulative demands of developments are noted.

Reporter's conclusions:

General

1. The council presents Appendix 3 as a snapshot in time that need not be updated at this stage to reflect agreements reached in subsequent masterplans/ planning permissions/ legal agreements. I agree that it is inevitable that the detail of the infrastructure required to serve major development will be subject to some change over time as baselines change and further detail emerges about the form of the developments. As a relatively static document (subject only to five-yearly review) the local development plan is not well placed to reflect these changes. As the council suggests, the action programme (being reviewed more frequently) is better able to respond to new information regarding infrastructure requirements.
2. However the local development plan has a statutory status in decision-making, and the contributions itemised in Appendix 3 are characterised as requirements. Therefore it would not be helpful if the information in Appendix 3 were demonstrably wrong.
3. There may be occasions where different requirements have been agreed with regard to particular applications , but possible alternative future proposals for the same site might give rise to requirements more akin to those set out in Appendix 3.

Cumulative Transport Infrastructure

4. It appears that the schemes listed under ‘Roads’ and ‘Public Transport and Walking and Cycling Infrastructure’ in Appendix 3 address local measures, largely the direct connection of new developments to the existing transport network. I take the separate entry relating to ‘Cumulative Transport Infrastructure’ to be to ‘higher order’ infrastructure required to address the cumulative impacts of a number of developments. It does not therefore appear to me that there is ‘double-counting’ between these separate entries in Appendix 3.
5. Though not mentioned explicitly in Appendix 3, it appears likely that these cumulative infrastructure requirements are addressed in the supplementary guidance adopted in connection with the strategic development plan relating to the Strategic Transport Fund. References in the plan to this guidance, particularly in the light of recent court decisions, are discussed under Issue 22. However I note that the transport interventions that are intended to benefit from contributions to the Strategic Transport Fund are listed in section 7 of this supplementary guidance, and at paragraph 3.44 of the proposed plan.
6. Circular 3/2012: Planning Obligations and Good Neighbour Agreements states that in assessing contributions “planning authorities may take into account the cumulative impact of

a number of proposed developments”.

7. For these reasons, I am content for the reference to contributions being required to address the cumulative impact of development to remain in the plan.

Update to reflect Masterplans/Planning Permissions/Legal Agreements

8. Regarding health provision at Countesswells, the representation does not suggest what alternative wording should be included in the plan, and therefore I recommend no change. Regarding the contribution from the Friarsfield development, I consider that an extension to the existing health centre could be justifiable, regardless of its ownership, if it can be demonstrated that this is necessary because of the increased pressure on services occasioned by the development.

9. As regards Grandhome, I am not attracted to the proposed alternative wording suggested in the representation as it is much less specific than that set out in the proposed plan, and refers to details of a separate planning permission that will not be readily accessible to most users of the plan. I therefore conclude that no change should be made.

10. Homes for Scotland argues that the development requirements described in Appendix 3 have increased relative to those set out in the 2012 plan. However I find that the requirements are largely unchanged with the exception of some lowering of education requirements relating to Newhills Expansion. On this basis I conclude that no change is required.

Health

11. NHS Grampian suggests substantial changes are required to the health section of Appendix 3 to reflect changes in its requirements since the plan was prepared. However no detailed evidence has been submitted to demonstrate how the developments concerned give rise to the amended health requirements. I am conscious that these additional requirements could have significant implications for development financing, and yet the development industry has not had an opportunity to comment on them. The council has granted planning permissions or agreed masterplans for many of these sites that do not reflect the changes suggested to this appendix by NHS Grampian. In these cases it may not be possible or reasonable to change the requirements relating to health contributions at this late stage. For these reasons I conclude that there should be no change to the plan.

Strategic Waste Water Infrastructure

12. It is not clear that the representation from Scottish Water is seeking any change to the plan. In any event, no insufficiency in the existing wording is highlighted, and on this basis I conclude that no change is required.

Reporter's recommendations:

No modifications.

Issue 41	APPENDIX 4 - MASTERPLANS	
Development plan reference:	Page 94	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Water (76) Robert Gordon University (77)</p>		
Provision of the Development Plan to which the issue relates:	List of Masterplan sites	
Planning authority's summary of the representation(s):		
<p>76: Scottish Water support the use of the Masterplanning process to aid the delivery of larger or complex sites.</p> <p>77: The Robert Gordon University Garthdee Campus Masterplan document should be retained as Supplementary Guidance. There are still a number of sites within the Masterplan which need to be built out.</p>		
Modifications sought by those submitting representations:		
<p>77: Add the Robert Gorgon Masterplan: Garthdee Masterplan to the list of Supplementary Guidance.</p>		
Summary of response (including reasons) by planning authority:		
<p>76: We acknowledge the support for the Masterplan process.</p> <p>77: With regard to The Robert Gordon University Garthdee Campus Masterplan this document has been removed from the list of Supplementary Guidance in Appendix 4. The decision was taken to rationalise the number of supplement documents attached to the Local Development Plan. The site Supplementary Guidance documents taken forward are those in multiple ownership and/or when development has yet to take place on site. The Robert Gordon University Garthdee Masterplan will still be associated to the Local Development Plan and will have the status of local planning advice. The document will be a material consideration when determining planning applications in this location.</p>		
Reporter's conclusions:		
<p>1. The council does not dispute the ongoing applicability of the Robert Gordon University Gathdee Campus Masterplan. However its view is that the masterplan should no longer have the statutory status of supplementary guidance. It apparently takes this view at least</p>		

partly because the site is in a single ownership and development is largely complete.

2. Paragraph 139 of Circular 6/2013: Development Planning states that masterplans are a suitable topic for supplementary guidance. However there is no compulsion on planning authorities to adopt masterplans as supplementary guidance, and I consider that this is largely a matter for planning authorities' individual discretion.

3. In this case, I note the points the council makes in Appendix 4 itself about masterplanning being beneficial where development sites are large and/ or complex, have multiple developers/ owners, have long development periods, and require significant levels of infrastructure investment. Some, but not all, of these factors will apply to the Garthdee campus. However the site is in the control of a single party, and much (though by no means all) of the development has now been completed. I agree with the council that these factors mean that maintaining statutory supplementary guidance status for the masterplan is perhaps less critical than it is for certain other development proposals that are at an earlier stage and have more complex patterns of ownership and development.

4. For these reasons I conclude that, while it would not have been inappropriate for the council to have maintained the supplementary guidance status of this masterplan, this is not essential. No change is therefore required.

Reporter's recommendations:

No modifications.

Issue 42	ACTION PROGRAMME AND MONITORING	
Development plan reference:	Paragraphs 1.12, 3.33, 3.34, and 4.3. Policy I1 and page 73.	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Water (76) Culter Community Council (98) Cults, Bieldside & Milltimber Community Council (102) The New Aberdeen Mosque and Community Centre Project (116) Scottish Enterprise (120) NHS Grampian (148)</p>		
Provision of the Development Plan to which the issue relates:	Continual monitoring and reviewing of the Plan and associated documents.	
Planning authority's summary of the representation(s):		
<p><u>Water/Wastewater</u></p> <p><u>OP8 - East Woodcroft North</u></p> <p>76: This small development will have no real impact on water or wastewater infrastructure.</p> <p><u>OP9 - Grandhome and OP31 – Maidencraig</u></p> <p>76 The developer does not need to wait until they have received full planning permission to submit an application to connect. We would actively encourage developers to submit a Pre Development Enquiry form.</p> <p><u>OP18 - Craibstone North and Walton Farm and OP20 - Craibstone South</u></p> <p>76: OP18 and OP20 have been combined in the Action Programme but a separate comment has also been duplicated for OP18 and this could perhaps be removed. Scottish Water's Development Impact Assessment has now been superseded by our Pre Development Enquiry form. The developer will be notified if a Water Impact Assessment or Drainage Impact Assessment is required for their site in our response to the enquiry.</p> <p><u>OP21 - Rowett South</u></p> <p>76 The water and wastewater comments for this site appear to be under a duplicate entry of OP20. As the site is still named Rowett South it is most likely the reference number just needs to be updated.</p>		

OP41 - Friarsfield and OP59 - Loirston

76: The developer has completed a Water Impact Assessment for this site.

OP59 - Prime Four Extension

76: A Water Impact Assessment and Drainage Impact Assessment will be required for this site.

OP108 - Mid Anguston

76: This site may require a flow and pressure test as it is situated at the end of the network. Internal water storage would also be recommended within each property. There is a small septic tank here but there is currently zero capacity. Should the development wish to connect, Scottish Water will initiate a growth project once our 5 Growth Criteria are met.

OP109 - Woodend Peterculter

76: Each property will require internal water storage. There is no sewer infrastructure in the vicinity, so a sewer mains extension will be required to connect to the public system.

Planning Gain/Developer Contributions

98 Vital to collect data on planning gain/developer contributions to ensure they are being developed and in the required time frame.

Other Infrastructure

OP41 – Friarsfield

102: A sentence should be added outlining the completed condition of the full link road between Kirk Brae and Craigton Road. And the provision of affordable housing under planning application 140272.

OP85 – Mosque

116: The phrase “with interested parties” does not properly reflect the position.

City Centre Masterplan and Delivery Programme

120: Greater emphasis needs to be placed on the on the fact that funding mechanisms are to be identified and the Delivery Plan is to be implemented as a matter of urgency, along with funding and delivery of better public transport to and around the city centre.

Aberdeen Airport

120: Support identification of land for employment use and the identification of necessary infrastructure. The Plan needs to provide a more proactive positive framework to highlight the importance of the employment land allocations adjacent to the Airport.

Harbour Extension

120: Measures should be introduced to seek delivery of the necessary infrastructure to facilitate the Harbour Expansion.

Healthcare

148: The Action Programme does not provide enough detail in relation to the contributions required to have healthcare facilities in housing sites out with the Masterplan Zones.

Modifications sought by those submitting representations:

OP85 – Mosque

116: The wording for the entry on page 57 should be changed to: “The New Aberdeen Mosque and Community Centre: negotiations to progress the project are being advanced”.

City Centre Masterplan and Delivery Programme

120: Amend the Plan to place greater emphasis on identifying and securing funding mechanisms and delivery of essential infrastructure to secure the implementation of the City Centre Masterplan.

Aberdeen Airport

120: Revisions to the Action Programme to give priority to the implementation of the Masterplans within this growth zone, ensuring the delivery of the necessary infrastructure with innovative funding mechanisms

Harbour Expansion

120: Revisions to give priority to the implementation of the Masterplan for the Nigg expansion and development of associated employment land, ensuring the delivery of the necessary infrastructure with innovative funding mechanisms

Healthcare

148: Healthcare requirements for housing sites outwith the Masterplan Zones should be specifically recognised in the Action Programme.

Summary of response (including reasons) by planning authority:

The Proposed Action Programme (CD21) itself is not subject to Examination but it was felt the comments submitted on this topic should be passed to the Reporters’ Unit to ensure a holistic approach was taken. The Proposed Action Programme will be update and adopted within three months of the adoption of the Aberdeen Local Development Plan 2016, as is required by Regulation 21 (8) of Planning etc. (Scotland) Act 2006 (RD08). Should the sites below still be included in the Plan post the Examination period then the information below will be inputted as noted. Our intention is to update the Action Programme three to four times a year to ensure it becomes a user friendly, workable, fit for purpose document.

Monitoring will be carried out on a regular basis to assess policies and their usefulness.

Water/Wastewater

76: We note the small impact OP8 - East Woodcroft North will have on water or wastewater infrastructure. We note that OP9 - Grandhome and OP31 - Maidencraig can submit a Pre-Development Enquiry form and are actively encouraged to do so. We note the duplication of information regarding OP18 - Craibstone North and Walton Farm and we will rectify this. The reference to Scottish Water's Development Impact Assessment will be changed to Pre-Development Enquiry Form and will note that the developer will be notified if a Water Impact Assessment or Drainage Impact Assessment is required for their site in Scottish Waters response to the enquiry. We note the misnaming of site OP21 - Rowett South as OP20 - Rowett South and will rectify this. We note OP41 - Friarsfield and OP59 - Loirston have completed a Water Impact Assessment. We note a Water Impact Assessment and Drainage Impact Assessment are required for site OP59 - Prime Four Extension. We note site OP108 - Mid Anguston may require a flow and pressure test as it is situated at the end of the network. Internal water storage would also be recommended within each property. There is a small septic tank with no capacity - should the development wish to connect Scottish Water will initiate a growth once the 5 Growth Criteria are met. We note OP109 – Woodend, Peterculter will require internal water storage. There is no sewer infrastructure therefore a sewer mains extension will be required to connect to the public system.

Planning Gain/Developer Contributions

98: Aberdeen City Council monitor policy usage on a monthly basis. The data collection and monitoring of planning gain/developer contributions is captured from legal agreements prepared under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended ('Section 75 agreements') once these are signed. This information is then inputted in to the Action Programme. With regard to affordable housing we intend to continue this practice. Further monitoring is also been investigated, such as the capture of the types and tenure of affordable housing being developed onsite, this will be a joint monitoring between the Council's Local Development Plan Team and Housing Teams.

Other Infrastructure

OP41 – Friarsfield

102: We note a reference should be added outlining the completion of the planning application condition relating to the full link road between Kirk Brae and Craigton Road, and the 12 affordable units.

OP85 – Mosque

116: The change of wording to read, "The New Aberdeen Mosque and Community Centre: negotiations to progress the project are being advanced" has been noted. The Action programme will be updated accordingly.

City Centre Masterplan and Delivery Programme

120: The delivery of the City Centre Masterplan and Delivery Programme (CCMP&DP) is to be carried out by a specific City Centre Masterplan Delivery Team. The projects identified within the CCMP&DP are expected to be programmed into a number of future Local

Development Plans, as the CCMP&DP runs beyond the scope of a Local Development Plan. The relevant Action Programmes will be updated, taking their lead from the City Centre Masterplan Delivery Team.

Aberdeen Airport

120: It is the Council’s intention that the Masterplans within the area around Aberdeen Airport, including the [Newhills Development Framework](#), will be (re)adopted as Supplementary Guidance to the Aberdeen Local Development Plan 2016 once adopted. The Newhills Development Framework outlines phasing and delivery within Section 6 of the document. Appendix 3 of the Proposed Plan outlines the infrastructure required in this area. The delivery of the infrastructure will be through a combination of Section 75 agreements, Strategic Transport Fund (CD19) (Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan 2014) contributions, input from the National Health Service and the Council. It is expected that the Newhills Development Framework will be implemented; therefore prioritising the implementation of the document would not be required. All development areas in the city contribute to the overall aim of ensuring Aberdeen is an even more attractive, prosperous and sustainable European City Region and an excellent place to live, visit and do business. The Action Programme will not be updated to give priority to this Development Framework.

Harbour Extension

120: The Aberdeen Harbour Board are currently preparing a [Development Framework](#) for an extension of Aberdeen harbour at Nigg Bay. This document will outline phasing. The delivery of the infrastructure will be through a combination of Section 75 agreements, Strategic Transport Fund contributions, and the Council’s commitments. It is expected that the Development Framework will be implemented therefore prioritising the implementation of the document would not be required. All development areas in the city contribute to the overall aim of ensuring Aberdeen is an even more attractive, prosperous and sustainable European City Region and an excellent place to live, visit and do business. The Action Programme will not be updated to give priority to this Development Framework.

Healthcare

148: The healthcare requirement detail in the Action Programme is provided by the NHS Grampian. Data on healthcare facilities from non-Masterplan Zone sites when forthcoming from the NHS will be programmed into the Action Programme.

Reporter's conclusions:

1. It has been helpful to have seen the representations submitted regarding the proposed action programme. These have provided some useful context for some of the other issues raised in representations on the proposed plan. However the action programme does not form part of the development plan, and issues raised in representations relating to the proposed action programme are beyond the scope of this examination.
2. The need to monitor the plan is set out in legislation, and paragraph 60 of Circular 6/2013: Development Planning states that “information gathering and analysis should serve efficient high quality plan-making”. Though the future monitoring of the plan also falls outwith the scope of this examination, I note the council’s intentions in this area.

Reporter's recommendations:

No modifications.

Issue 43	HABITATS REGULATIONS APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT ENVIRONMENTAL REPORT	
Development plan reference:	Paragraph 2.6	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Scottish Natural Heritage (54) The New Aberdeen Mosque and Community Centre Project (116) Historic Scotland, Scottish Natural Heritage and Scottish Environment Protection Agency (184)</p>		
Provision of the Development Plan to which the issue relates:	Identifies key environmental issues, assesses significant effects and mitigations where appropriate	
Planning authority's summary of the representation(s):		
<p><u>Strategic Environmental Assessment</u></p> <p><u>General Support for Scope and Content</u></p> <p>54, 184: Key environmental issues have largely been correctly identified, and the assessment of likely significant effects has largely been carried out satisfactorily.</p> <p>54: The Strategic Environmental Assessment correctly identifies a clear need for the plan to address possible adverse effects on the River Dee Special Area of Conservation.</p> <p><u>Assessment of Impact OP85 King Street/Beach Esplanade</u></p> <p>116: Believe that the negative impact of development this site on all of the indicators has been overstated, and that a number of factors have not been considered which would serve to lessen or remove such impacts. In some cases, the development would actually have a positive effect.</p> <p><u>Minor Amendments Requested by Consultation Authorities</u></p> <p>54, 184: A number of minor amendments and wording changes to the Report and the assessment of Policies and sites are recommended, as detailed in representations. These relate primarily to Mitigation Measures identified and the treatment of individual site assessments.</p> <p><u>Habitats Regulations Appraisal</u></p> <p><u>Assessment of Impact of Water Abstraction on River Dee Special Area of Conservation</u></p> <p>54: Do not consider that the Habitat Regulations Appraisal Record has demonstrated that there would be no adverse effect on the integrity of the River Dee Special Area of</p>		

Conservation. Supporting information from Scottish Water and/or Scottish Environment Protection Agency on future abstraction levels may enable a future iteration of the Habitat Regulation Appraisal Record to demonstrate that there will be no adverse effect on the integrity of River Dee Special Area of Conservation.

Modifications sought by those submitting representations:

Strategic Environmental Assessment

Assessment of Impact OP85 King Street/Beach Esplanade

116: The assessment of this site should be changed to indicate that the impact of development will have no detrimental impact, or be minimal.

Minor Amendments Requested by Consultation Authorities

54, 184: Various minor amendments and detailed wording changes requested.

Summary of response (including reasons) by planning authority:

Strategic Environmental Assessment

General Support for Scope and Content

54, 184: Support noted.

Assessment of Impact OP85 King Street/Beach Esplanade

116: The assessment of this site was carried out by Officers in accordance with internal guidance and was consistent with the assessment of all other sites in the Proposed Plan. Although the assessment identifies some potential negative impacts, this is to be expected as all development will have some degree of negative impact on the environment. Overall, these effects were not considered to be very significant. As such, the site is considered to be suitable for development and has been allocated as a Proposed Opportunity Site within the Proposed Plan.

Minor Amendments Requested by Consultation Authorities

54, 184: All of the suggested amendments have been assessed and actioned. See RD01 Strategic Environmental Assessment and RD02 Habitats Regulations Appraisal for a full account of the changes required and how the changes have been made.

Habitats Regulations Appraisal

Assessment of Impact of Water Abstraction on River Dee Special Area of Conservation

54: Aberdeen City Council met with and wrote to Scottish Water asking if they could address concerns over the amount of proposed development in both Aberdeen City and Aberdeenshire and the possible impact this may have on licenced water abstraction levels from the River Dee. Scottish Water confirmed in writing (RD73) that taking into consideration

all proposed developments in the two Local Development Plans, the amount of water required from the River Dee is forecast to still fall below the current volume that Scottish Water is licensed to abstract. The following passage has been added to the relevant sections of the Habitats Regulation Appraisal (CD27), "Taking into consideration all proposed developments in both the City and Shire Local Development Plan's, the amount of water required from the River Dee is forecast to still fall below the current volume that Scottish Water is licensed to abstract. Therefore, we do not foresee the need to change the CAR Licence limit in response to growth anticipated in the North East."
 SHN confirmed by email that they are satisfied with this approach (RD74) and that the Proposed Plan will not adversely affect the integrity of the sites listed in this assessment.

Reporter's conclusions:

Strategic Environmental Assessment

1. The Strategic Environmental Assessment does not form part of the local development plan. Therefore detailed comments regarding the content of the assessment are outwith the scope of this examination, except insofar as they impact directly on an issue that has been raised in respect of the plan itself. I note that the changes sought by the consultation authorities have been made by the council.

2. As regards the treatment of site OP85 King Street/ Beach Esplanade in the environmental report, I have no locus to recommend changes to this document. However I would comment that it is not unusual, in my experience, for the possibility of some negative environmental impacts from many development proposals to be noted in environmental reports. These possible impacts are to be balanced against the potential benefits of development. In this case, the council has clearly concluded that this proposal is worthy of support.

Habitats Regulations Appraisal

3. The Habitats Regulations Appraisal does not form part of the local development plan. Therefore detailed comments regarding its content are outwith the scope of this examination, except insofar as they impact directly on an issue that has been raised in respect of the plan itself.

4. The suggestion that the Habitats Regulations Appraisal record failed to demonstrate that the proposed plan would have no adverse effect on the integrity of the River Dee Special Area of Conservation could clearly have a direct impact on the acceptability of aspects of the plan's content. However, I note that following this representation from Scottish Natural Heritage, Scottish Water have confirmed in writing that "*Taking into consideration all proposed developments in both the City and Shire Local Development Plans, the amount of water required from the River Dee is forecast to still fall below the current volume that Scottish Water is licensed to abstract. Therefore, we do not foresee the need to change the CAR Licence limit in response to growth anticipated in the North East.*" The council has added this passage to the Habitats Regulations Appraisal. On this basis, Scottish Natural Heritage confirmed (in its email of 27 July 2015) that the proposed plan would not adversely affect the integrity of the sites listed in the assessment.

5. It therefore appears to me that this exchange of correspondence has resolved this matter, and I am content that the Habitats Regulations Appraisal does not raise any issues

that require further modification of the proposed plan.

Reporter's recommendations:

No modifications.

Issue 44	MISCELLANEOUS	
Development plan reference:	N/A	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (reference no.):		
<p>Mhairi Johnston (69) Stewart Milne Homes (85) F&C REIT Asset Management (87) Old Aberdeen Community Council (100) Scottish Environment Protection Agency (124) Homes for Scotland (149)</p>		
Provision of the Development Plan to which the issue relates:	N/A	
Planning authority's summary of the representation(s):		
<p><u>Mitigation, Public Consultation and Equalities Assessment</u></p> <p>69: It is concerning that the public consultation stage of planning is meaningless, if all concerns can be answered by "mitigation measures" to address adverse effects. What is the point of allowing representations, and how is it a "fair hearing" if all concerns can be answered in this way? 'Mitigation' is a way of getting round objections. There is a lack of clarity and accountability to the process.</p> <p>69: Equality and Human Rights Impact Assessment (EHRIA) appears to have been completed as a 'tick box' exercise and not given any serious and meaningful consideration. It is clearly not true to say that there will be no impacts on people with protected characteristics, or that there will be no potential to interfere with the human rights highlighted. It is completely inaccurate to suggest that the very fact of consultation is satisfactory evidence for no likely impact on citizens, with protected characteristics or otherwise.</p> <p><u>Supplementary Guidance</u></p> <p>85: Proposed Plan is concise and relatively easy to read, when taken with the Supplementary Guidance it becomes a cumbersome document.</p> <p>149: Generally, 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. There is also no justification in the Supplementary Guidance for the costings for facilities.</p> <p>The Reporters are requested to scrutinise all Supplementary Guidance to ensure that policy requirements are included in the Plan.</p>		

Retail Study

87: Over reliance on achieving the quantitative capacity or 35,000 square metres may lead to pressure to grant permission to retail floorspace in out-of-centre locations. A spatial balance is required to meet this large scale retail capacity in order that parts of the city centre are not disadvantaged by over concentration in one location and that the entire city centre strategy is taken into account in such decisions on large scale investment. This is particularly the case in terms of the long term future of Union Street as a retail and visitor location.

Transport

100: Many of the headings in this Plan relate to traffic movements and a holistic plan for all traffic within the Aberdeen area is long overdue. As part of this plan, Aberdeen City Council and other bodies should undertake long-term traffic management planning for the whole area and design meaningful traffic routing to allow the development of co-ordinated traffic routes throughout the area.

100: Section 2.20 lists the Aberdeen Western Peripheral Route, Third Don Crossing and Haudagain roundabout improvements, although these are essential to development they are not the ultimate transport solution. Emphasis must be placed on the city's links to these routes and more importantly to public transport, rail links and dedicated cycle routes.

Website Links

124: Links to SEPAs website pages in the Proposed Plan no longer work as SEPA's website has been updated. Reference should be made to the Scottish Environment Protection Agency (not Environmental as at para 3.110).

Modifications sought by those submitting representations:

Equality and Human Rights Impact Assessment

69: That this assessment is completed more fully and accurately, with reference to more specific evidence which would demonstrate that the Assessor has taken time to reflect meaningfully on impacts before completing the assessment, and which would result in a document that actually serves the purpose for which it was intended.

Supplementary Guidance

149: The Reporters are requested to scrutinise all Supplementary Guidance to ensure that policy requirements are included in the Plan.

Summary of response (including reasons) by planning authority:

Mitigation, Public Consultation and Equalities Assessment

69: Virtually all development, from replacement windows to new roads and communities, will have some impact. Many of these impacts are positive – providing homes to live, employment areas to work, open spaces to play, places to shop and roads, paths and

cycleways to move between these places. Development will also have negative impacts. Mitigation is the term we use to describe the policies and processes we apply to either eradicate or reduce these impacts.

The planning system looks to respect the rights of the individual whilst acting in the interest of the wider community. In doing so, we assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

An Equality and Human Rights Impact Assessment (EHRIA) is a tool that helps to systematically consider relevant evidence that we can test against proposals that may have an unfair or unequal effect on different groups of people within the community. It is not designed to test the effects of a proposal on the public as a whole. Instead, it asks us to:

- Ensure that the proposal does not discriminate;
- Consider how the proposal might better advance equality of opportunity; and
- Consider whether the proposal will affect relations between different groups.

We do not consider that the Proposed Plan, or the consultation process around it discriminates against any groups with protected characteristics. Our consultation arrangements are set out in the Participation Statement (CD48) and are considered robust. The amount of background information accompanying the Proposed Plan is substantial. This reflects the importance of a document which will guide the development of Aberdeen for the next five years and which will have consequences well beyond that. Checks and balances are inherent in the system to ensure fairness – from the assessment by professional Officers, consideration by democratically Elected Members, through to the scrutiny of independent Reporters. Further opportunities to comment on proposals also exist at the Masterplan stage (when carried out) and when planning applications are submitted.

Supplementary Guidance

85: We acknowledge that our Supplementary Guidance (CD25) can be difficult to penetrate due to the number and length of the documents. The extant Local Development Plan 2012 has 30 associated Supplementary Guidance documents covering individual topic areas such as affordable housing, flooding, and householder development. The Scottish Government has recently raised concerns with Planning Authorities over the volume of Guidance that is being produced. We believe that the policy content of the documents we have remains relevant and helps to ensure a consistent approach in dealing with planning applications. However, having 30 separate documents means that there is currently a lot of repetition in terms of introductions, preambles, contact details and so on. We have therefore merged the Supplementary Guidance into one suite of documents, ordering the individual Supplementary Guidance into broader topic areas which reflect those in the Local Development Plan. This means that the detailed policy content of the Guidance remains intact, but the overall volume is much reduced. This should make it easier to find those parts of the Supplementary Guidance which are relevant to a particular proposal.

We also propose to reduce the number of Planning Briefs and Masterplans which will be adopted as Supplementary Guidance. These are listed in Appendix 4 of the Proposed Plan (on page 94) and are generally restricted to very large and often complex sites. All other Masterplans and Planning Briefs will be taken forward as non-statutory planning advice.

Retail Study

Paragraph 5.27 of the Aberdeen City and Aberdeenshire Retail Study 2013 (CD16) acknowledges this issue. It states that the scale of potential floorspace for Aberdeen city centre identified in this quantitative analysis is 60-65,000 square metres (gross floor area) by 2017. This is a result of both significant available expenditure growth and market forces favouring major centres. The Study (paragraph 5.27) explains that over the past decade, the net increase in comparison floorspace in the city centre has been approximately 37,000 square metres (gross floor area). However, with lower growth rates forecast it is difficult to consider that this scale of new floorspace could be developed in the city centre over this period. It is more likely that the limitations imposed by the numbers of operators interested in investing in Aberdeen (either now or in the future) and the practical difficulties associated with bringing new floorspace forward will act as a constraint to new floorspace development rather than the growth of expenditure.

The Study looked at various scenarios to deal with this issue with Scenario 3 being favoured (paragraphs 5.40 to 5.58). This looks to address deficiencies plus allow city centre development. This includes all development identified within the “Do Minimum” scenario plus meeting all retail deficiencies identified together with 30,000 square metres (gross floor area) floorspace for comparison goods within the city centre. The reduced figure represents a realistic assessment of bringing forward additional floorspace in the city centre balanced against potential market pressure to identify additional new retail locations and the need to protect other existing centres. The details of this preferred retail development strategy are described in the final Section of the Study (Section 6).

The Proposed Plan identifies potential city centre retail opportunities at OP102, OP91, OP67 and OP96. The City Centre Retail Core has been reduced in extent, particularly along the west end of Union Street, to provide more focus. A proposed West End Shops and Cafes policy area (Policy NC3) has been identified to encourage more specialised uses in the area, and the Mixed Use zoning for the west of Union Street should encourage a greater flexibility of uses there. There are also considered to be opportunities to expand the existing centres with a proposal to expand Union Square ([151362](#)) pending for example. The focus of Proposed Plan Policies NC1 to NC6 is very much focussed on retaining Aberdeen City Centre as the Regional Centre and directing development to and protecting this and other existing Centres. New retail development is proposed for some of the new communities at Newhills, Grandhome and West Aberdeen/Countesswells (see Proposed Plan paragraph 3.28) and at a bulky goods retail park at Denmore Road (OP75). Overall it is considered that this represents a realistic and balanced approach to retail planning in Aberdeen over the lifetime of the Plan which serves to:

- Retain and expand the City centre’s regional status;
- Protect existing centres;
- Identify appropriately scaled retail opportunities related to major new communities; and,
- Resist out of centre and speculative development.

Transport

100: Overall transport policy is dealt with in the North East of Scotland Transport Partnership (Nestrans) Regional Transport Strategy (2014) (CD15) and the Aberdeen Local Transport Strategy (LTS) (2008) (RD34). The Consultative Draft Aberdeen City Local Transport Strategy (Draft LTS) 2015-2020 (CD34) has been developed to set out the policies and interventions adopted by Aberdeen City Council to guide the planning and improvement of the local transport network over the next five years. It must take into account

national and regional transport, planning and economic development policies, as well as being fully integrated with the Council's wider objectives and outcomes.

LTS objectives are reflected in the Proposed Plan, and although an important part of this is the considerable investment in road infrastructure which is now underway. There are proposals to improve public transport outlined in Proposed Plan Policy T1 – Land for Transport and likely projects arising from the Strategic Transport Fund (Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan 2014) are outlined in paragraph 3.44 of the Plan. In addition, Proposed Plan Policy T3 – Sustainable and Active Travel requires new development to be accessible by a range of transport modes, with an emphasis on sustainable and active travel.

The current LTS was adopted in 2008 and focussed on delivery of the Aberdeen Western Peripheral Route (AWPR) and the opportunities that this new road capacity would afford to reorganise and improve the use of the City's overall road network. Although the current LTS has come to the end of its intended life span, as Aberdeen remains in a pre-AWPR state, much of the content is still relevant and will continue to be so going into the period 2015 to 2020. It has therefore been determined that a fundamental change in the overall policy approach is not required; instead a refresh, reflective of changes to national, regional and local policy more appropriate.

Website Links

124: We will correct the error in paragraph 3.110 and refer to the main SEPA website www.sepa.org.uk only by removing the additional pages. We would regard these changes as Non-Notifiable Modifications, as listed on CD26.

Reporter's conclusions:

Mitigation, Public Consultation and Equalities Assessment

1. Concern is expressed about the reliance on mitigation measures to render otherwise unacceptable proposals acceptable to decision-makers. It is the case that most developments will have a range of impacts, and that a role of the planning system is to, where possible, enable development to happen while ensuring that measures are taken to limit any negative impacts to an acceptable level. The avoidance of any negative impacts is unlikely to be feasible, but the expectation is that that the benefits of a development will outweigh these. Paragraph 28 of Scottish Planning Policy states that the planning system should enable development that balances the costs and benefits of a proposal over the longer term.
2. If it is not possible to mitigate unacceptable negative impacts, then the development should be refused. However if potential mitigation measures were not to be considered, many otherwise beneficial developments would not be built. Clearly it is important that agreed mitigation measures are carried out, and this is an important role for the council's planning service.
3. The arguments raised about mitigation are perhaps critical of the operation of the Scottish planning system in general, rather than seeking any particular change to the proposed plan. I conclude that no modification is required.

4. The Equalities and Human Rights Impact Assessment is a background document to the local development plan, but does not form part of it. Therefore suggestions for changes to the assessment fall outwith the scope of this examination. However it is the case that the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 place specific duties on Scottish public authorities to enable the better performance of the public sector equality duty. These include a duty to assess and review the impact of policies and a duty to publish in a manner that is accessible.

5. The council describes above that its intention for the Equalities and Human Rights Impact Assessment was not to test the effects of a proposal on the public as a whole, but to test whether a proposal discriminated, advanced equality of opportunity, and affected the relations between different groups. The representation does not indicate that the plan is deficient in these terms.

6. As regards human rights more widely, the Scottish planning system builds in provisions for, among other things, public engagement and the involvement of people who may be affected by proposed developments (such as neighbours). The planning authority appears to have complied generally with these provisions. It is beyond the scope of this examination to consider the relationship between the Human Rights Act and Scottish planning system as a whole

7. I have separately examined the planning authority's conformity with its participation statement, and concluded that the authority did consult on the plan and involve the public in the way it said it would in its participation statement. It also appears that the authority has complied with the statutory requirements for consultation as set out in planning legislation. However I have not tested the quality of the authority's actings with regard to consultation and involvement. In this regard, the council may wish to consider if their engagement processes around the next iteration of the plan could be improved in the light of Ms Johnston's comments.

Supplementary Guidance

8. The inclusion of policy detail in supplementary guidance is an inherent part of the modernised Scottish planning system. The Development Planning Regulations require there to be a specific reference in the local development plan to any connected supplementary guidance; a point emphasised in the letter from the Chief Planner highlighted in the representation. A certain amount of cross-referencing is therefore inevitable. The council has indicated above the action it is taking to reduce the volume and complexity of its suite of supplementary guidance. The proposed supplementary guidance itself does not form part of the local development plan, and so is outwith the scope of this examination.

9. A recasting of the local development plan and the supplementary guidance to either limit the scope of the latter or include more detail in the plan itself would be a major undertaking that I would only contemplate if the proposed arrangements were clearly inappropriate. For the reasons stated above, I do not consider that this is the case with the proposed plan, and therefore recommend no change with regard to this matter. Individual references to particular pieces of supplementary guidance are covered under various other issues.

Retail Study

10. The local development plan, as a land use planning document, is perhaps understandably focussed on the identification of sites for new retail development, and thus

the means of quantitatively increasing the amount of retail floorspace in the city. The City Centre Masterplan and Delivery Programme is better placed than the local development plan to address qualitative issues, and is highlighted in Policy NC1 as containing the vision that development in the city centre must contribute to delivering. As mentioned in paragraph 3.20 of the proposed plan, the Masterplan and Delivery Programme identifies five key themes: urban design, cultural vision, Union Street, north/ south access and links to the sea. These appear to me to be the type of qualitative issues that the representation is seeking to have addressed. The inclusion of Union Street as a key theme meets the particular concern regarding this part of the city centre raised in the representation. For these reasons I consider that the proposed plan adequately addresses qualitative issues in the city centre insofar as is appropriate for a land use planning document.

11. As regards the spatial balance of proposals in the city centre, the plan includes the four retail opportunity sites identified in the Aberdeen City and Aberdeenshire Retail Study. However it also includes, as site OP80, the much broader Bon Accord Masterplan area, covering a significant part of the city centre retail core and neighbouring parts of the city centre. Therefore I do not accept that the plan is overly focussed on just a few sites in the city centre.

Transport

12. The proposed plan addresses traffic and transport at paragraphs 3.37 to 3.48. However the main focus of a local development plan is likely to be on the transport implications of new development and on safeguarding land for new transport infrastructure. Other documents, in particular the local and regional transport strategies, are better placed to take a lead on developing initiatives for new transport schemes and addressing traffic management, including improving the provision and attractiveness of public transport.

Website Links

13. I note that the corrections to the name of the Scottish Environment Protection Agency, and to the associated weblinks, have already been made by the council as a pre-examination non-notifiable modification. Therefore, no further action is required from me.

Reporter's recommendations:

No modifications.