

**ABERDEEN CITY & SHIRE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY**

Date: 23 January 2009

Title : Planning Update

1 Purpose of Report

- 1.1 To advise the Authority of development plan progress within Aberdeen City and Aberdeenshire Councils and other planning issues of interest to the Authority. Matters relating to the progress of the structure plan will be addressed in other reports on this agenda.

2. Aberdeen City and Aberdeenshire Local Development Plans

- 2.1 Since the meeting of the Authority on 3 December 2008, Aberdeenshire Council has prepared a draft Development Plan Scheme which will be put to the Infrastructure Services Committee for approval once the appropriate secondary legislation comes into force at the end of February. A report on Main Issues for inclusion in a Main Issues Report (a key stage in the process of preparing a Local Development Plan) has been considered by Aberdeenshire's six Area Committees and will be put to the Infrastructure Services Committee in January 2009. This will pave the way for a Main Issues Report being published for consultation in the spring.
- 2.2 A process of requesting development proposal from land owners, the development industry and others in Aberdeenshire was undertaken from September to November and over 700 proposals have been received. These are currently being assessed.
- 2.3 With regard to the Aberdeen City Local Development Plan, a report on a 'Development Options' exercise was approved by Planning Committee on 11 December 2008. This is a process to identify and assess potential development sites to meet the structure plan requirements and mirrors a process undertaken in Aberdeenshire in late 2008. The process allows interested parties to put forward their proposals for future development by 1 March 2009. These proposals will subsequently be assessed by planning officers against a set of sustainability criteria for inclusion in the Main Issues Report. This will enable a wide debate among stakeholders and communities over the qualities of particular proposals.
- 2.4 A Development Plan Scheme will be put to Committee for approval in February to meet the deadline set out in 'Scottish Planning Policy' of approval by 31 March 2009. The Development Plan Scheme will subsequently be forwarded to the Scottish Government for information. It is accepted that the timescales in the Development Plan Scheme may be challenging but there is a clear commitment to progress as quickly as possible to a new Local Development

Plan which is consistent with the Structure Plan and implements its positive vision for the North East.

- 2.5 Both Councils are aiming to keep both the process and timescales for the production of the two new local development plans as close as possible.

3 Planning Applications of Strategic Importance

Menie Estate Inquiry

- 3.1 It was reported to the last meeting of the Authority that the Scottish Ministers received the report of the Inquiry on 10 October and announced their decision on 3 November 2008. The decision was that they were minded to grant outline planning permission for the proposed development subject to 46 conditions and the satisfactory conclusion of a planning agreement. The Scottish Government granted outline planning permission on 16 December 2008 subject to these conditions and a legal agreement.

4 Planning etc. (Scotland) Act 2006 – Secondary Legislation

- 4.1 The secondary legislation required to bring into force the development plan provisions of the Planning etc (Scotland) Act 2006 were laid before the Scottish Parliament on 19 December 2008 and come into force on 28 February 2009:

- The Town and Country Planning (Development Planning)(Scotland) Regulations 2008 – *these are the primary development planning regulations and cover the preparation of both strategic and local development plans.*
- The Planning etc. (Scotland) Act 2006 (Development Planning)(Savings, Transitional and Consequential Provisions) Order 2008 – *these cover the legal framework for the approval or adoption of development plans currently in preparation, including the emerging Aberdeen City & Shire Structure Plan.*
- The Town and Country Planning (Grounds for Declining to Follow Recommendations)(Scotland) Regulations 2009 – *these define the grounds on which a planning authority may decline to make modifications to a proposed local development plan as recommended by a Reporter.*

- 4.2 Additional secondary legislation was also laid before the Scottish Parliament in late December 2008 relating to other elements of the implementation of the Planning etc. (Scotland) Act 2006:

- The Town and Country Planning (Amount of Fixed Penalty)(Scotland) Regulations 2009
- The Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009
- The Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008
- The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008
- The Town and Country Planning (Appeals)(Scotland) Regulations 2008

- 4.3 As noted above, the Planning etc. (Scotland) Act 2006 (Development Planning)(Savings, Transitional and Consequential Provisions) Order 2008 sets out the detail for the transitional arrangements applicable to structure plans currently in preparation.
- 4.4 If, as anticipated, the emerging structure plan is submitted to Scottish Ministers on 27 February 2009, the order provides that the plan will be processed in the 'normal' way as if the new legislation had not come into force.
- 4.5 If the emerging structure plan was, for whatever reason, to be submitted to the Scottish Ministers on or after 28 February 2009, the order provides that references in the new regulations to strategic development plans should be read as references to structure plans. As a consequence, the approval process for the structure plan would more closely follow the process for the approval of a strategic development plan. The diagram below sets out the two main paths in summary form:

	1983 Regulations (Path if submission on 27 Feb)		2009 Regulations (Path if submission after 27 Feb)
1	Finalised Structure Plan submitted to Scottish Ministers (SM)		Finalised Structure Plan published for consultation
2	Period for objection to SM		Period for representations to SDPA which contain all the evidence objectors wish to be considered at a mandatory examination
3	SM consider objections and determine whether an Examination in Public (EiP) is required (historical precedent would suggest that this is unlikely)		SDPA identify the issues raised by representations and respond to each of these. Responses need to be comprehensive as there is no right to add to them at an examination. The SDPA may identify any changes it would wish to make to the plan.
	<i>No EiP</i>	<i>EiP</i>	
4		Reporter appointed to conduct an EiP	Documentation submitted to SM who appoint a Reporter to conduct an examination of the plan
5		SDPA and Objectors submit evidence to the EiP	↓
6		Evidence given to the EiP by the SDPA and objectors in a hearing format	Evidence given to the examination by the SDPA and objectors in a format to be determined by the Reporter (formal inquiry, hearing or written representations)
7	↓	Reporter makes a report to the SM identifying any necessary modifications	Reporter makes a report to the SM identifying any modifications considered necessary
8	SM consult on proposed modifications		↓
9	SM consider objections to the proposed modifications		↓
10	SM approve the plan with or without modifications		SM approve the plan with or without modifications

- 4.6 Going down the '2009 Regulations' path would make it unlikely that the plan would be approved by Scottish Ministers in 2009. One consequence of this would be a potential delay to the publication of 'proposed local development plans' by the two Councils. Although it is not possible to be precise, a delay of between three to nine months (a view expressed by the Scottish Government) and six months could be expected. There is a risk that the delay could be even longer.
- 4.7 The secondary legislation will enable both Aberdeen City and Aberdeenshire Councils to formally start their respective local development plans and have clarity about the detail of the legal steps they are required to follow. As anticipated, Article 7 of the order makes provision for the preparation of local development plans in strategic development plan areas in advance of the preparation of a strategic development plan. Where this is done, the planning authorities are to ensure that the local development plan is consistent with the structure plan. This enables both Councils to prepare local development plans to implement the provisions of the emerging structure plan. This provision was specifically requested by the Aberdeen City and Shire Strategic Planning Committee in its response to the Scottish Government consultation on draft regulations in early 2008 and its inclusion on the final regulations is welcome.
- 4.8 It was reported to the last meeting of the Authority that it was likely that a Planning Advice Note (PAN) on development planning would be published at the commencement of the new system (replacing PAN37 and PAN49). It is now understood that this will not be the case, although a circular will contain some of the guidance that would have appeared in a PAN.

5 Infrastructure and Developer Contributions

- 5.1 As agreed by the Authority, a letter was sent to John Swinney MSP (Cabinet Secretary for Finance and Sustainable Growth) in early November outlining concerns regarding the postponement of the review of developer contributions. To date, no substantive response has been received but any response will be reported to a future meeting of the Authority. It is understood that a number of other planning authorities have written to Scottish Ministers in a similar vein.
- 5.2 On 24 December 2008 the Scottish Government published a consultation on a revised Circular 12/96 with a closing date for comments of 27 March 2009. Circular 12/96 sets out the Scottish Government's policy on the use of planning agreements to secure developer contributions in Scotland. The revised Circular does not represent a fundamental review but seeks to provide further clarity and emphasis to the existing system of developer contributions.
- 5.3 It is proposed that any response to this consultation would be put before the meeting of the Authority on 27 March 2009. However, it should be noted that this consultation does not represent a response to the concerns expressed to the Cabinet Secretary by the Authority. This was recognised in a recent 'holding' letter from the Scottish Government.

6 National Planning Framework 2

- 6.1 The National Planning Framework 2: Proposed Framework was laid before the Scottish Parliament on 12 December 2008.
- 6.2 National Planning Framework 2 is being prepared under the Planning etc. (Scotland) Act 2006 and future strategic development plans will need to take account of the framework. The framework can also be a material consideration in the determination of planning applications and defines a number of developments as 'national developments' for the purposes of development management.
- 6.3 The proposed framework continues to identify Aberdeen City and Shire as an area that enjoys a good quality of life with full employment, high incomes and a growing economy. The framework sets out the challenges and opportunities facing the city region, and states that the primary aim is to grow and diversify the economy, and maintain and improve the quality life in the region. Aberdeen City is recognised as taking a key role in the achievement of this, acting as an international gateway, building on its considerable science and research expertise and broadening its economic base. It is further recognised that the City Council is focusing on developing its city centre along with cultural and recreation facilities to enable the growth of the knowledge economy and sectors such as tourism and financial services. Additionally the proposed framework details that the strategic growth is being focused into the city as well as the Aberdeen to Peterhead and Huntly to Laurancekirk corridors. The role of the 'Energetica project' is also emphasised in consolidating and building on the energy expertise in the region.
- 6.4 An aim of the NPF2 is to tackle inequalities between successful and unsuccessful areas, and as such regeneration areas within the city region are identified as priorities including Fraserburgh, Peterhead and certain areas within Aberdeen City.
- 6.5 The proposed framework reinforces the importance of the city region concept and the role of the East Coast corridor in propagating development. To achieve this it is recognised that there is a need to reduce travel times in the corridor, thus making connections to the central belt quicker, increasing the connectivity and underpinning the opportunities that exist in the knowledge economy in the East Coast corridor. The NPF2 also discusses specific transport projects within the city region, mentioning the Aberdeen Crossrail project and the Aberdeen Western Peripheral Route (as a project rather than an ambition as previously). Additionally the importance of both Aberdeen and Peterhead harbours is also emphasised, with Peterhead identified as a deep water opportunity (building on fishing and oil related industries with opportunities for the decommissioning of offshore equipment). Other developments mentioned include the new prison planned for Peterhead.
- 6.6 The proposed framework responds to many of the comments made to the Scottish Government by the two Councils, the Aberdeen City and Shire Strategic Planning Committee and others during 2007 and 2008. In particular, references to Crossrail, the deep water opportunities at Peterhead Harbour and

'Energetica' as well as the inclusion of Aberdeen Airport and Peterhead Power Station as 'national developments' are as a result of these representations.

- 6.7 As of 12 December 2008, Parliament had 60 days to consider the proposed framework and respond to Scottish Ministers. The 60 day period will end on 6 March 2009 and it is likely that a debate in Parliament will be held towards the end of the 60 days. The parliamentary process is being led by the Local Government and Communities Committee (although other Committees are taking evidence on it and will report to the lead Committee). Following the 60 day period, Scottish Ministers will consider any changes recommended by Parliament. Scottish Ministers will approve the final NPF2 and on publication (anticipated Spring 2009) will advise Parliament of any changes made.
- 6.8 The proposed framework presents a positive and optimistic view of the city region and provides considerable synergy with the emerging structure plan so its publication is to be welcomed. The Chair of the SDPA has written to the Clerk to the Scottish Parliament's Local Government and Communities Committee to this effect (Appendix 1).
- 6.9 A number of amendments will be proposed to the draft structure plan in light of the NPF2: Proposed Framework. These will mainly reflect the changes made to the draft framework identified in paragraph 6.6 above and update the strategy map reproduced on page 4 of the draft structure plan.

7 Strategic Transport Projects Review

- 7.1 The Strategic Transport Projects Review (STPR) was published by Transport Scotland on 10 December 2008 and was announced by a Ministerial statement to the Scottish Parliament.
- 7.2 The STPR covers the period 2012 to 2022 and identifies 29 major packages of work ranging from integrated ticketing to a Forth Replacement Crossing.
- 7.3 A number of projects important to the North East were identified in the STPR, many of which are identified in the Regional Transport Strategy prepared by Nestrans and are reflected in the draft structure plan:
- Road safety improvements between Aberdeen and Inverness (Project 4)
 - Targeted investment on A90 between Aberdeen and Fraserburgh (Project 5)
 - Electrification of the rail network to Aberdeen in the longer-term (Project 6)
 - Fast, limited-stop trains between Aberdeen and the Central Belt (Project 7)
 - New strategic Park and Ride sites at Charleston and Dyce (Project 8)
 - Important elements of the Crossrail programme of improvements (Project 19)
 - A replacement Inveramsay Bridge to reduce congestion (Project 22)
 - Rail improvements between Aberdeen and the Central Belt (Project 23)
 - Dundee Northern Relief Road (Project 29)
- 7.4 Nestrans have broadly welcomed the publication of the STPR and are committed to working with the Scottish Government, Transport Scotland and others to help deliver these important transport investments in the area which

will improve safety, make better use of existing capacity on the strategic transport network and increase capacity to meet future needs.

- 7.5 The Aberdeen Western Peripheral Route, improvements to the Haudagain Roundabout and the dualling of the A90 between Balmedie and Tipperty are not included in the STPR because they are schemes which were assumed to be delivered as a basis for the STPR. The Minister for Transport has confirmed that this is the case.
- 7.6 The STPR goes a long way to supporting the strategy of the draft structure plan (and indeed the National Planning Framework) and this is to be welcomed.
- 7.7 Appendix 2 contains an extract from one of the STPR summary documents which focuses explicitly on the projects identified in the North and North East.
- 7.8 A number of minor amendments will be proposed to the draft structure plan in light of the STPR (to recognise its publication and enhance the alignment). The two more substantive changes will be to highlight the replacement of the Inveramsay bridge and strategic park and ride sites as proposals in the structure plan.

8 Scottish Planning Policy (Parts 1 & 2)

- 8.1 It was reported to the last meeting to the Authority that the Scottish Government had published the first two parts of its new Scottish Planning Policy (SPP) and replaced SPP1.
- 8.2 One of the consequences of SPP1 being superseded is that the Scottish Government's target for the approval of structure plans has been removed.
- 8.3 The target was contained in paragraph 35 which stated that:

“The Executive is committed to efficient handling of submitted structure plans. The aim is to give a final decision within 40 weeks of the plan being submitted, unless an Examination in Public (EIP) is necessary.”

SPP1: The Planning System (superseded on 28/10/08)

- 8.4 Although the target itself has been removed, there is no reason to believe that the Scottish Government would not wish to see the structure plan approved within this timescale. This is particularly the case since the Scottish Government are re-emphasising the importance of the speed of plan preparation under the new system.

9 River Basin Management Planning

- 9.1 The preparation of River Basin Management Plans (RBMPs) is one of the requirements of the European Water Framework Directive (2000/60/EC) and they are prepared under the Water Environment and Water Services (Scotland) Act 2003.

9.2 RBMPs set out how the water environment will be managed over a six year period, with the first plans running to 2015. The plans set out what needs to be achieved for all water bodies and specific actions to achieve these objectives.

9.3 A draft RBMP for the Scotland River Basin District was published on 22 December 2008 by the Scottish Environment Protection Agency and was accompanied by a draft 'Area Management Plan' for North East Scotland. Consultation on both documents runs until 22 June 2009 and it is proposed to publish the final documents in December 2009.

9.4 A report on this consultation will be presented to a future meeting of the Authority.

10 Recommendations

10.1 It is recommended that this report be noted.

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