

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

Date: 27 March 2009

Title : Planning Update

1 Purpose of Report

1.1 The purpose of this report is to advise the Strategic Development Planning Authority (SDPA) of development plan progress within Aberdeen City and Aberdeenshire Councils and other planning issues of interest to the SDPA. 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 Both the Aberdeen City and Aberdeenshire Local Development Plan teams have drafted their first development plan schemes which will be considered by their respective councils for approval on 19 March 2009. These are statutory documents that set out the timetable for the production of the local development plan as well as what will be involved at each stage. It is intended that both schemes will be submitted to the Scottish Ministers by 31 March 2009, the target set in Scottish Planning Policy.

2.2 The finalised structure plan identifies the need for quick progress in preparing both local development plans to be consistent with the emerging structure plan and both councils started this process before the development plan legislation came into force on 28 February 2009 (see section 3 below).

2.3 Aberdeen City Local Development Plan's closing date for submissions of development options closed on Monday 16 March 2009 with a total of 122 responses. This approach mirrors a similar exercise carried out in Aberdeenshire and seeks to bring information about development proposals to the front of the consultation process and raise the quality of those proposals.

2.4 Aberdeenshire Council is well advanced in the preparation of their 'Main Issues Report' which is due to be published for consultation in May 2009 for a period of 6 weeks. Aberdeen City Council intends to publish a main issues report in September 2009, taking submissions from the recently completed development options exercise into account.

2.5 As an expression of the desire for a consistent and efficient approach to the preparation of the two local development plans, a joint meeting with Key Agencies (Scottish Enterprise, Scottish Natural Heritage, the Scottish Environment Protection Agency, Scottish Water, NHS Grampian, Nestrans) and others is taking place on 15 April 2009. The purpose of the meeting is to provide a joint briefing on the two local development plans and provide a forum for discussion on the role that they can play in the preparation of them.

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

- 3.1 The Planning etc. (Scotland) Act 2006 (Commencement No. 6) Order 2009 came into force on 28 February 2009 and brought Section 2 (Development Plans) into force. This replaces the requirement to prepare structure and local plans with the need to produce strategic and local development plans, as well as the preparation of development plan schemes and other associated measures.
- 3.2 Circular 1/2009: Development Planning was published in February 2009 and provides a straightforward description of the legal requirements and the expectations of the Scottish Ministers for the key parts of the development plan process.
- 3.3 The circular breaks down the planning process into its individual components to make it easy to follow and includes a flow diagram showing the amount of time it should take to complete each stage of the Strategic Development Plan process and how it fits with the related processes of strategic environmental assessment and appropriate assessment.
- 3.4 Both of these documents are available by following links from the SDPA website (<http://www.aberdeencityandshire-sdpa.gov.uk/Links/Legislation.asp>).

4 National Planning Framework 2 – Progress

- 4.1 At its meeting of 23 January 2009 it was reported that the Scottish Government had published National Planning Framework 2: Proposed Framework on 12 December 2008.
- 4.2 The Local Government and Communities Committee of the Scottish Parliament published their report on the framework on 2 February 2009 and this was followed by a parliamentary debate on 5 March 2009.
- 4.3 The Committee's report contained 15 recommendations to the Scottish Government which are attached at Appendix 1. These covered issues of the accessibility of the document and the consultation / engagement process through to the flexibility of the document, its impact on the planning system and national developments.
- 5.4 The Scottish Government will now consider the Committee report and parliamentary debate before publishing NPF2 in its final form. This is expected to take place over the next few months and will be followed by the finalisation of an action programme.

6 Housing Supply in Scotland: A Report by the Housing Supply Task Force

- 6.1 In June 2007 a Housing Supply Task Force was formed by the Scottish Government to "identify and tackle impediments to increasing the supply of housing across tenures – all with a view to ensuring that people across

Scotland have the opportunity to access suitable housing that meets their needs and demands”.

- 6.2 Within the report the Task Force has considered the changes in the economic circumstances and the actions announced by the Scottish Government since August. It concludes that the downturn has introduced new challenges but also presents an opportunity to look to the longer-term actions to ensure that the house building industry thrives when circumstances improve.
- 6.3 The Task Force has carried out a number of case studies but none in Aberdeen City or Shire. It concluded that there are four priority areas that require changes to make the necessary improvements to the system, with the two most significant from an SDP point of view being:
 - a) Advanced funding of infrastructure – it recognises that planning agreements will continue to be an important means of funding infrastructure, however it believes that there is now a need to consider alternative means of funding infrastructure especially for larger more complex housing developments. It also believes that the Scottish Government must consider the options for the local authorities, developers and stakeholders in funding. Councils must consider using accelerated funds and all parties must consider existing models of infrastructure delivery.
 - b) Implementing the reformed planning system - the Task Force has commented that experience shows that there is a need for better leadership to drive development forward. One way to do this is improve the effectiveness and efficiency of the planning system, including up-to-date development plans and a smoother planning application process.
- 6.4 Finally, the Task Force made some other recommendations which include the Scottish Government taking steps to improve the processing of Compulsory Purchase Orders to ensure their efficient and effective use.
- 6.5 All of these issues are ones which resonate with the finalised structure plan and the views expressed to the Cabinet Secretary for Finance and Sustainable Growth in relation to the funding of infrastructure.
- 6.6 The Task Force’s report will be considered by the Scottish Government over the next few months and taken forward as appropriate. The Task Force was chaired by the then Minister for Communities and Sport, Stewart Maxwell MSP.

7 Scottish Government Council of Economic Advisors (Annual Report)

- 7.1 The Scottish Government’s Council of Economic Advisors (CEA) published their Annual Report on 5 December 2008.
- 7.2 Chapter 6 (attached as Appendix 2) addresses the planning system in Scotland in terms of both its efficiency and effectiveness.

- 7.3 While the CEA shares the concerns of the business community around the efficiency of the planning system, it also states that “too many new developments are of mediocre quality”.
- 7.4 The CEA's three recommendations to the Scottish Government are that it should:
- demonstrate its commitment and leadership to reforming the planning system, including financially incentivising local authorities to promote and facilitate sustainable development projects;
 - change the culture of planning so that it makes a positive contribution to the Scottish Government's purpose (to increase the rate of sustainable economic growth), starting with planners seeing themselves as facilitators rather than regulators; and
 - develop a clear understanding that a central purpose of the planning system is to facilitate good quality outcomes – well designed buildings and places that enhance their settings.
- 7.5 These recommendations to the Scottish Government are important to note and resonate with the approach being taken in the North East and exemplified through the finalised structure plan in terms of acting as a facilitator for high quality new development.

8 ACSEF Culture Change Workshop

- 8.1 Aberdeen City and Shire Economic Future (ACSEF) held a ‘Culture Change in Planning Workshop’ at the Aberdeen Exhibition and Conference Centre on 6 March 2009. The workshop was attended by 54 people from a variety of academic, business, consultancy and local government backgrounds.
- 8.2 The Scottish Government's chief planner (Jim Mackinnon) gave a presentation on the Scottish Government's reform agenda and welcomed the changes being made in the North East, highlighting the innovation contained in the finalised structure plan. He briefly summarised some of the legislative changes being brought into force but identified that behaviours also need to change to bring about the desired quality of outcome.
- 8.2 The clear message coming out of the constructive event was that culture change in the planning system is the responsibility of all sectors and that although significant progress has already been made, there are significant challenges ahead. A report of the event and the actions arising from it will be available on the ACSEF website in due course.

9 Key Agency Service Improvement Plans

- 9.1 In the Scottish Ministers statement “Delivering Planning Reform” published 28 October 2008, the key agencies were required to produce 'a plan for service improvement with clear milestones' by the end of November 2008. These were completed and are now available to view on the Scottish Government's website (<http://www.scotland.gov.uk/Topics/Built-Environment/planning/modernising/cc>). The plans set out the individual actions and improvements each agency will make to help to deliver the culture change required for planning reform.

9.2 The documents also highlight the areas where there would be benefit in working more closely together in helping to deliver a more joined up, coordinated approach to the new planning system.

9.3 Each section of the improvement plans (except Historic Scotland's) have been separated into the headings as defined in Delivering Planning Reform. The following is a brief summary of the actions under each heading.

Proportionate and Practical Planning Policies:

- General consensus to work together more effectively to speed up the process.
- Try to be more pro-active and resolve issues between the key agencies.
- Better facilitation and education on issues such as transport.
- The SESPlan SDP is being used as a pilot project for all the proposed changes.

Clear and Consistent Planning Advice:

- Agree key joint messages on planning reform.
- Contribute to the 'plan led' approach.
- Scottish Water and SEPA will work together to strengthen their working with Local Authorities and provide a stronger mechanism for advice on drainage infrastructure.

Effective and efficient planning process:

- Look at how to work in a joined up manner on national and major developments particularly at pre-application stage, using Perth and Kinross and North Ayrshire councils as an exploration mechanism.
- SEPA and SNH will also work to simplify protocols to address duplication of planning advice.
- Historic Scotland and A+DS will also agree to minimise duplication of advice on new developments in historic areas.
- Work with the development sector to agree a joined up approach to guidance for the sector.
- Work to streamline the appraisal process.

Developing skills and improving performance:

- Build understanding across professions by engaging in skills training for staff and planning professionals, this will likely include joint training events.
- Agree an aligned performance framework for agency work on development plans, creating an overview to contrast progress against improvements to performance.

9.4 There are already mechanisms and structures in place to ensure deliverability of the improvement plans.

10 River Basin Management Plan

10.1 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.

- 10.2 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.
- 10.3 It was reported to the SDPA at the 23 January 2009 meeting that 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, although initial comments were encouraged before 22 March 2009, with publication of the final document is proposed for December 2009. An draft initial response to the consultation is proposed at Appendix 3.

Draft River Basin Management Plan

- 10.4 The aim of the Draft River Basin Management Plan is to “protect and improve the water environment in the Scotland river basin district, achieve sustainable economic development and protect the interests of those who depend upon our water environment for their quality of life.” The plan confirms that the Scottish river basin district is of a relatively good status with 60% being classified as good quality. Scotland also has fewer problems than most other areas in the UK.
- 10.5 The five key management issues for the Scotland river basin district are:
- Abstraction and flow regulation;
 - Pollution from rural and urban land;
 - Point source pollution i.e. sewage;
 - Changes to the physical habitat i.e. engineering and agriculture; and
 - Invasive non-native species.
- 10.6 The plan recognises the need to manage the water environment in the long term while balancing the interests of those who depend on it. The draft plan seeks to set realistic objectives for the next three river basin planning cycles – 2015, 2021 and 2027. A programme of measures/actions has been developed to ensure the delivery of the objectives. The implementation of these actions will result in 67% of Scotland's water bodies achieving at least good status by 2015.
- 10.7 Any actions required from the SDPA in relation to the RBMP will be identified within the structure plan action programme. A number of actions have already been identified, particularly in relation to water abstraction from the River Dee which will be taken forward over the coming months.

North East Area Management Plan (AMP)

- 10.8 Although there are parts of southern Aberdeenshire which fall into a Tay Area Management Plan, the majority of the area is covered by the North East Area Management Plan. A North East Scotland Area Advisory Group (AAG) was

established in mid 2006, prior to the formation of the Aberdeen City and Shire Strategic Development Plan Team. An Area Advisory Group forum has also been established to allow wider consultation with stakeholders and interested parties.

10.9 The main role of the AAG is to assist and contribute to river basin management planning, with responsibility for producing Area Management Plans for the district. The AMP states that the “area advisory groups will be consulted on the process and priorities for reviewing and refining the classification and objective results for the final plan. For some aspects information provided by the AAG and those they represent may contribute to improving the assessments for the final plan. It is suggested that the Aberdeen City and Shire Strategic Development Plan Team are represented on the AAG or the AAG Forum as appropriate to provide regional, strategic level planning input. This would contribute to the development of close partnership working and to enable the facilitation of information sharing.

11 Recommendations

11.1 It is recommended that the SDPA:

- a) submits an interim response to the consultations on River Basin Management Plan and Area Management Plan to SEPA as set out in Appendix 3; and
- b) otherwise note the content of this report.

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