

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

Date: 18 September 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 SDPA Annual Report 2008/09

- 2.1 The first SDPA annual report was considered at the previous meeting in June 2009. It was delegated to the Chair and Vice-Chair with officers to carry out a number of changes; these were approved in mid-July and the report published.
- 2.2 Copies of the annual report were sent to all elected members and selected senior officers in Aberdeen City and Aberdeenshire Councils, MSPs and MPs, key agencies, other SDPAs and local planning consultants. Copies were deposited in all libraries at the same time as the approved structure plan on 14 August 2009.
- 2.3 A number of letters of appreciation have been received in response to the publication and its informative content.

3 Communication Strategy Workshop

- 3.1 An invitation has been received from Nestrans for members of the SDPA to participate in a joint workshop with the Nestrans and ACSEF Boards to discuss a joined-up approach to communicating the integrated nature of the various regional development strategies (the structure plan, regional transport strategy and economic manifesto). Although the three teams are located together and work closely together, this is not always conveyed to the public. The consultation on the draft structure plan in mid-2008 is one example of this.
- 3.2 A proposed date has been set for the afternoon of 2 November 2009 and it is hoped that members will be able to attend this event.

4 Aberdeen City and Aberdeenshire Local Development Plans

- 4.1 Both the Aberdeen City Development Plan Team and the Aberdeenshire Planning Policy Team have continued to progress their first Local Development Plans (LDPs) in line with their published Development Plan Schemes.

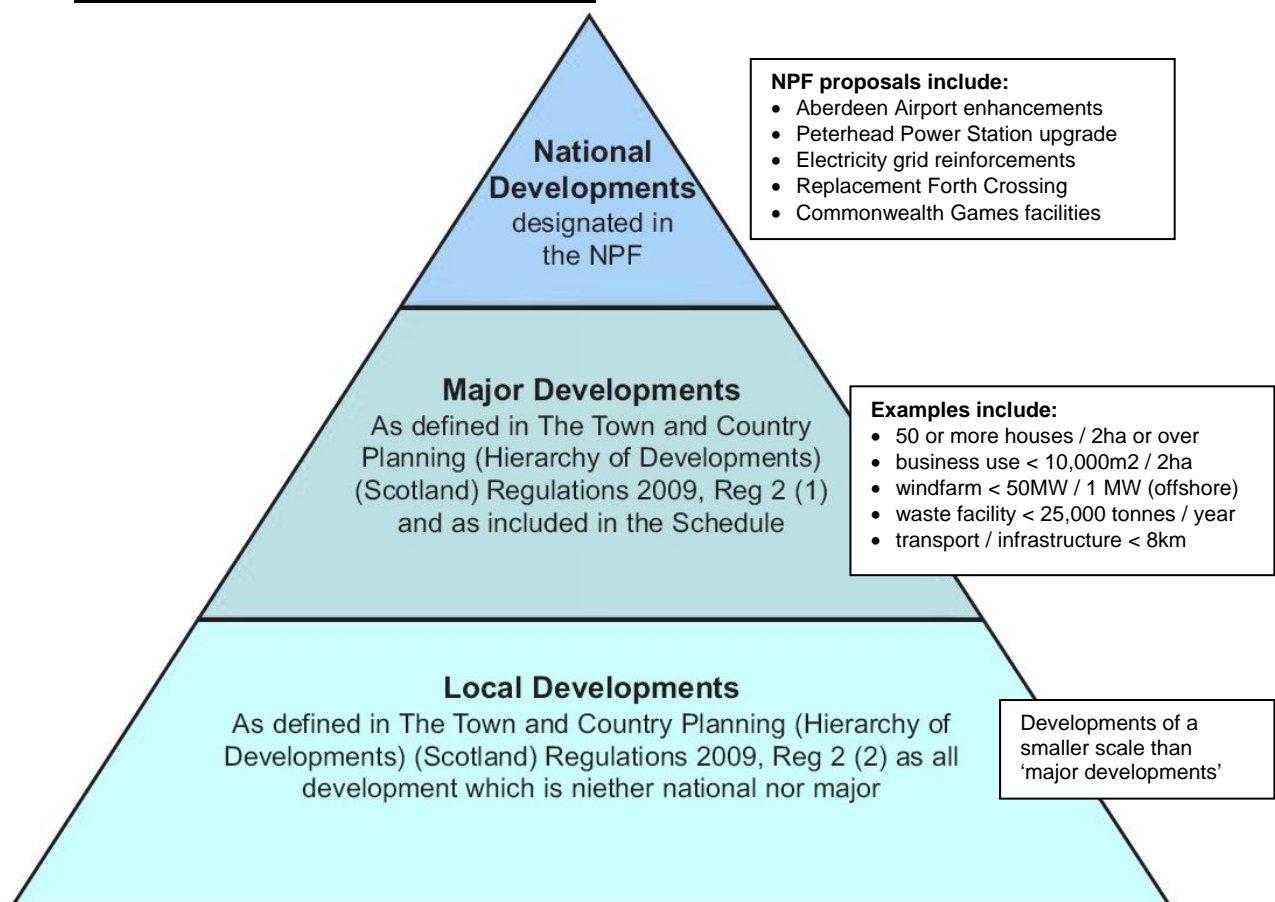
- 4.2 As reported at the last meeting, Aberdeenshire Council published a Main Issues Report (MIR) on 18 May for widespread consultation. This consultation period concluded on 6 July and around 2,765 representations have been received. The Council has employed the services of a contractor to summarise these comments, after which the team will recommend draft responses for elected members to consider. It is anticipated that these will be presented to committees in Aberdeenshire in November and December 2009.
- 4.3 In the meantime, discussions are taking place within Aberdeenshire Council, with Scottish Water, Transport Scotland, NHS Grampian and with developers who have proposed sites on their deliverability. This process adds certainty to the plan in so far that developers will have a much clearer idea of the total cost of their development at this early stage. Developers will be asked to confirm the deliverability of their sites and will be named within the action programme that is to be published at the same time as the Proposed Plan. Extensive traffic modelling work is being undertaken to assist in the assessment of potential allocations, including discussion with Nestrans and Aberdeen City Council on cross boundary impacts.
- 4.4 In Aberdeen City, the team has concluded assessing the 126 sites submitted as development options. They propose to make the preferred sites and the development capacity of these known when their MIR is presented to Council on 30 September. There will follow a period of public consultation lasting 8 weeks. A strategic environmental assessment and other supplementary reports will also be available for comment from this date.
- 4.5 In addition, investigations have begun on the potential transport impact of developing in particular areas through an appraisal group comprising City planning, transportation, roads and public transport officers, representatives from bus companies, Nestrans and Transport Scotland. The results from this group will be considered with other development constraints and opportunities and how sites may be delivered.

5 New development management regulations

- 5.1 The Planning etc. (Scotland) Act 2006 that has created the SDPA and heavily influenced the production of the structure plan and other work of the team, has also brought into force many significant changes to development management through secondary legislation. Many of these changes became effective on 3 August and will be implemented by individual Councils. However, additional obligations have also been placed on developers and opportunities given for communities to get more involved.
- 5.2 The key changes are concerned with the submission and processing of planning applications and the system of appeals. Further information on the changes to the planning system can be found in recently published guidance:
- Circular 4/2009 – Development Management Procedures
 - Circular 5/2009 – Hierarchy of Developments
 - Circular 6/2009 – Planning Appeals
 - Circular 7/2009 – Schemes of Delegation and Local Reviews

- 5.3 A new 'hierarchy of developments' has been created whereby a proposal will be considered as a local, major or national development (see figure 2 below). National developments are projects deemed by the Scottish Government to be of national significance and are designated in the National Planning Framework 2 (NPF2) as a consequence. The structure plan recently approved by Scottish Ministers contains a section on NPF2 and identifies the national developments relevant to Aberdeen City and Shire. These are strategic airport enhancements at Dyce Airport, new non-nuclear capacity at Peterhead Power Station and electricity grid reinforcements.
- 5.4 The process for dealing with national and major developments will feature increased opportunities for pre-application discussions, will put additional obligations on planning authorities and developers and introduce new procedures in the form of 'processing agreements' and 'good neighbour agreements'. The SDPA would expect to be consulted on any planning application for a proposal identified as a national development and for specific categories of major development; although this will be subject to further consideration and discussion.

Figure 2: Hierarchy of Developments



Source: Circular 5/2009

- 5.5 To coincide with these changes, the Scottish Government published a revised version of their 'Guide to the Planning System in Scotland' which is available from their website (<http://www.scotland.gov.uk/Publications/2009/08/11133705/0>).

6 Aberdeen Western Peripheral Route (AWPR)

- 6.1 At the end of June it was noted that Reporters appointed to hear the public local inquiry into technical and environmental aspects of the AWPR had delivered their findings from the 10 weeks worth of evidence to Scottish Ministers. It is anticipated that the Transport Minister will consider the Reporters recommendations and announce a decision this autumn.
- 6.2 The structure plan fully supports the AWPR as a key strategic piece of transport infrastructure, which along with numerous other projects being pursued by Nestrans and the Councils, will provide economic and environmental benefits. In addition, safety is expected to improve on the existing network and integration and accessibility increase in the immediate and wider area.

7 Climate Change Act 2009 and Planning Act

- 7.1 On June 24, 2009 the Scottish Parliament unanimously passed the Climate Change (Scotland) Bill, following a period of Parliamentary scrutiny and amendment. The Bill received Royal Assent on 5 August 2009. One outcome from the passage of this legislation is that a new section is to be inserted into the Town and Country Planning (Scotland) Act 1997. This new section outlines the requirement for the inclusion of a policy on greenhouse gas emissions in local development plans (see figure below). The purpose of this is to avoid increasing carbon emissions and ensure the provision of zero-carbon technologies.

Figure 1: Section 72 of the Climate Change (Scotland) Act 2009

<p>After section 3E of the Town and Country Planning (Scotland) Act 1997 (c.8) insert—</p> <p>“3F Greenhouse gas emissions policies</p> <p>A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies.”</p>
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- 7.2 This reflects Planning Advice Note 84 (PAN84) – Reducing Carbon Emissions in New Development (March 2008) as well as the target in the structure plan for all new buildings to be carbon neutral by 2016 and for local development plans and supplementary guidance to promote a gradual move towards buildings which are carbon neutral.
- 7.3 It is also worth noting that the Scottish Government are currently consulting on amendments to building standards which would see a 30% reduction in carbon emissions beyond current standards for both homes and non-domestic buildings from October 2010.

8 Town Centre Regeneration Fund – First tranche awards

- 8.1 At the end of April 2009 the Scottish Government announced a scheme to award £60 million to identified town and district centres (in cities) as part of an initiative

to support these areas through the current economic situation. Applications were welcomed from any group involved in these areas, although those with established partnership arrangements, match-funding and clear, deliverable projects in the current financial year would be favoured.

- 8.2 Applications were submitted in both Aberdeen City and Aberdeenshire for funding for individual projects for the 5 June deadline. Of these, two were successful, both in Aberdeenshire. Stonehaven Town Hall and environs received over £180,000 and £255,000 went towards the Fraserburgh 'Eyesores Remedy Project'. At just £435,000 out of the £40 million awarded (1%) this was a disappointing result.
- 8.3 A second deadline passed on 28 August and Aberdeen City Council submitted revised bids for funding based on the same projects as previously. In Aberdeenshire, a range of projects were submitted. A number of these are re-submissions, some from the Council and others from community groups and trusts. It is expected that the second round of awards will be made in October for the remaining £20 million of funding. The regeneration areas identified in the structure plan support the principle of a number of the bids submitted.

9 Aberdeenshire Core Paths Plan – response to consultation

- 9.1 Members will be aware that Aberdeen City Councils Core Paths Plan was adopted at the 28 April 2009 meeting of the Policy & Strategy Committee.
- 9.2 The twelve week consultation on the draft Aberdeenshire Core Paths Plan ran between 19 June and 14 September 2009. Following the consultation period if a Public Local Inquiry is not required, Aberdeenshire Councils Core Path Plan should be approved in early 2010.
- 9.3 The Strategic Development Plan Team submitted an officers response to the consultation highlighting the relevant cross boundary matters to promote consistency with the approved Aberdeen City and Shire Structure Plan.

10 Scotland's Zero Waste Plan: Consultation

- 10.1 On 20 August 2009 the Scottish Government published 'Scotland's Zero Waste Plan: Consultation', with the deadline for comments set for 13 November 2009. This consultation gives the SDPA the opportunity to comment on the plan and raise any issues or concerns with the Scottish Government. As the consultation has just been released there has not yet been time to produce a formal response, however, the following paragraphs discuss the key messages from the Zero Waste Plan and consistency with the Aberdeen City and Shire Structure Plan. As the consultation requires a response before the next meeting of the SDPA (4 December 2009) it is recommended that a response to the consultation be prepared (taking into account those of the two councils) and agreed by the chair and vice chair.
- 10.2 The key messages in the consultative draft Zero Waste Plan are well aligned with the material on waste within the structure plan. Both documents emphasise the urgency and magnitude of the change required to achieve a suitable waste

solution and highlight the need to manage waste with respect to the waste hierarchy and proximity principle. The structure plan highlights the need to manage waste as a 'resource' while the Zero Waste Plan further emphasises the environmental and economic opportunity that waste offers. The document states that planning is perfectly positioned to seize this opportunity and realise the potential waste management offers. The Zero Waste Plan considers a holistic approach to waste and a need to consider the mix of different streams of waste produced, in order to design a comprehensive approach to waste management.

10.3 The Zero Waste Plan details two contributions that the planning system can make to facilitate the zero waste aims; firstly through provision of infrastructure such as recycling and treatment facilities as prioritised by the NPF2. It is important that developments plans prepare for all waste streams, including industrial, commercial, construction, as well as municipal waste. Secondly, the planning system must work to ensure that at the earliest stages of new developments waste is considered and the development designed for the minimisation, recycling and management of waste. These key messages accord with the structure plan, however, the breadth of waste streams considered is not emphasised to the same extent within the structure plan. The structure plan recognises that the Scottish Government's waste policy is currently under review (the current consultations) and that the new framework will need to be reflected in the first strategic development plan.

10.4 The structure plan sets a target to reduce bio-degradable waste landfilled to 54,000 tonnes by 2020, reflecting the EC Landfill Directive targets to reduce waste to 35% of 1995 values. However, the Zero Waste Plan contains targets which are more challenging and have a wider scope:

- 70% municipal waste recycled by 2025;
- Max 5% municipal waste landfilled by 2025;
- No growth in municipal waste produced; and
- No more than 25% of municipal waste providing energy from waste.

10.5 This suggests that the scope of structure plan monitoring should be extended beyond that detailed in the plan itself to take a holistic view of municipal waste, including waste landfilled, recycled and sent to energy from waste schemes. Additionally the Zero Waste Plan's emphasis on a holistic approach to waste management suggests that monitoring should include commercial/industrial and construction/demolition sectors considering the proportion of waste produced within these sectors.

10.6 The Zero Waste Plan sets out the national targets, but does not go into detail with regards to a regional or spatial focus of the targets. This, however, is an issue to be explored in the consultation, with questions regarding the future of area waste plans which could clarify this issue.

11 Scottish Planning Policy

11.1 The Scottish Government consulted on a draft consolidated Scottish Planning Policy (part 3) earlier this year with a closing date of 24 June 2009.

11.2 It is understood that a more restricted consultation will take place in the coming months on three or four elements of the policy prior to being published in its final form at the turn of the year. These areas will be largely focused on the implications of emerging legislation on climate change, the marine environment and flooding.

11.3 The timing of this consultation is likely to fall between meetings of the SDPA and it is proposed that any response be authorised by the chair and vice-chair and subsequently be reported to the December meeting of the SDPA.

12 Financial Implications

12.1 There are no financial implications arising from this report.

13 Recommendations

13.1 It is recommended that the SDPA:

- (a) note the content of this report; and
- (b) agree to delegate to the chair and vice-chair to agree a response to the Scottish Government's Zero Waste Plan and Scottish Planning Policy consultations.

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