

General Development Policies

1 What are the General Development Policies?

The General Development Policies are a set of requirements that help to:

- a) Achieve the Objectives of this Plan.
- b) Deal with the main general development issues in Aberdeenshire.
- c) Make decisions on planning applications.

2 What are the main general development issues affecting Aberdeenshire?

- a) Development being sustainable.
- b) The future of Aberdeenshire's principal towns.
- c) The design of all developments.
- d) Compliance with planning approvals.
- e) The provision of compensation from developers whose proposals impact on communities in a negative way.

3 General Development Proposals

The main General Development issues affecting Aberdeenshire are not only dealt with in this Plan through the following set of policies, but also through a series of proposals. The proposals fall into two categories:

- a) land use allocations shown in Chapter 8 and on the Plan's Main Proposals Maps; and
- b) a set of actions to be undertaken by Aberdeenshire Council during the period of the Plan. These are, in no order of priority:

- To monitor the General Development Policies against the criteria listed in Chapter 1, and to alter these where appropriate.
- To work closely with other Council services, key agencies and the general public throughout the period of this Plan on major relevant planning issues.
- To support preparation of an Enforcement Strategy.
- To consolidate the Council's supplementary planning guidance into a series of harmonised publications and to add to this series where appropriate.
- To develop better links with the development industry, community groups and key agencies on the provision of infrastructure and facilities required as a result of new development.

Sustainability Principles

Development will be assessed against sustainability indicators that relate to the local environment, community and economy, demonstrated by whether the proposal:

- a) is concerned with the long term sustainable use and management of land;
- b) is well related to existing settlements and avoids dispersed patterns of development;
- c) reduces the need to travel using private cars, by being close to existing public transport or allowing safe, easy access by walking and cycling;
- d) protects or enhances any valuable natural resources, including landscapes and wildlife habitats or species;
- e) does not damage built or cultural heritage resources;
- f) does not impact negatively on the character, including landscape character, environment or amenity of the surrounding area;
- g) makes full use of design and technology to maximise the efficient use of energy and resources, and minimise light pollution;
- h) does not prejudice future development opportunities nor create a precedent for inappropriate future development patterns;
- i) reduces the production of waste and manages it as a resource in accordance with the waste hierarchy i.e. Reduce, Reuse, Recover, Dispose;
- j) does not give rise to hazards, pollutants, flooding or nuisances in the surrounding area;
- k) does not compromise public health or safety;
- l) provides new, or helps support existing, local employment;
- m) helps support existing community services and facilities;
- n) provides affordable access to land or housing to people in need and promotes security of tenure.

Where the assessment concludes that there is significant uncertainty as to whether the proposed development would cause substantial harm, the precautionary principle will be applied.

Justification

The aim of this policy is to ensure all new *development* is as sustainable as possible and that developers give increasing consideration to sustainability aspirations in their proposals.

The concept of sustainability was central to the Earth Summit conference held in Rio de Janeiro in 1992. This has been taken forward in Aberdeenshire where a *Local Agenda 21* strategy has been developed in conjunction with the Council's *Sustainable Development Charter*. This policy builds on these further by helping to ensure that development is encouraged in such a way that it conserves the quality of the environment both now and for the future.

This policy conforms to:

- *Development Plan* – Objectives 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 (Chapter 2).
- *NEST* – Policies 3, 11, 21, 24 & 31.

Other main documents:

- *NPPG 1* (The Planning System) – main paragraphs 5 – 7.
- *Sustainable Development Charter and Development within Nature* (Aberdeenshire Council).
- *Down to Earth* (*Scottish Executive*),
- *A better quality of life: a strategy for sustainable development for the UK* (HMSO).

• Terms in *italics* are explained in the Glossary.
 • In determining planning applications more than one policy can apply.

Policy Gen\2

The Layout, Siting & Design of New Development

New development will be approved, in principle, if:

- a) it can be laid out to fit successfully into the site itself and respect the character and amenity of the surrounding area;
- b) its scale, massing, height and density are appropriate, whilst displaying a high standard of design, materials, textures and colours that are sensitive to the surrounding area;
- c) it respects existing natural and built features on or about the site which are worthy of retention;
- d) it respects the characteristics of the landscape in which it will be situated;
- e) it has an environment friendly layout, particularly taking account of energy efficiency;
- f) it respects important public views;
- g) it is a bona fide mixed use development where appropriate;
- h) 'lifetime standards' are adopted by the developer; AND
- i) it conforms to Appendix I.

In larger developments the Council will encourage developers to incorporate art or craftwork projects into new development to provide added amenity or character to an area.

Justification

The aim of this policy is to achieve high quality new *development* particularly of buildings, which respects the environment and provides a sense of place.

The most immediately obvious impact that development has on the environment is in the way it looks. It is therefore very important that the best possible appearance for a development in relation to its surrounding area is achieved. Otherwise, unattractive developments with no respect for the surrounding area (and thereby harmful to the environment) will be developed. In addition, siting must avoid intrusion upon publicly important views or panoramas from established viewpoints.

All new developments must adhere to Appendices I and 5. However, good design does not necessarily mean traditional design. New, carefully considered, innovative and experimental designs will be encouraged in appropriate locations and will be assessed in terms of a) – h) above and their own merits. This may include a 'percent for art' agreement where art or craftwork to the value of about 1% of the development costs is included in the design.

The Council's '*Development Within Nature*' publication will be used to help assess *environment friendliness*, on which further information can be found in Appendix I. Supplementary guidance will also be produced to provide interpretation of individual *settlement* design requirements throughout the lifetime of the Plan.

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This policy conforms to:

- *Development Plan* – Objectives 1, 4, 5, 7 & 8 (Chapter 2).
- *NEST* – Policies 13 & 21.

Other main documents:

- *NPPG 1* (The Planning System) – main paragraphs 15, 16 & 17.
- *PAN 36* (Siting and Design of New Housing in the Countryside) paragraphs 7 & 10.
- *PAN 44* (Fitting New Housing Development into the Landscape).
- *Designing Places*: a policy statement for Scotland (*Scottish Executive*).
- *A Policy on Architecture for Scotland* (*Scottish Executive*).
- *Development Within Nature* (*Aberdeenshire Council*).
- *Landscape Character Assessments for Banff and Buchan, South and Central Aberdeenshire and the Cairngorms* (produced for *Scottish Natural Heritage*).

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Policy Gen\3

Developer Contributions

Development will be approved, in principle, if:

- a) the developer makes a fair and reasonable contribution, in cash or kind, towards the cost of public services, facilities and infrastructure and the mitigation of adverse environmental impacts, that would not have been necessary but for the development; **AND**
- b) in proposed housing developments, such contributions are consistent with the scale and nature of the development, are based on the anticipated necessary requirements set out in accordance with the guidance in Appendix 8, subject to adjustment in light of circumstances at the time the planning application is made.

Justification

The aim of this policy is to ensure, as far as possible, that the burden of additional infrastructure and services required as a result of the *development* proceeding does not all fall on the public purse.

Where these matters cannot be addressed by planning conditions imposed on the planning permission, it may be appropriate to use Section 75 Agreements. In this context Circular 12/1996 gives guidance on the use of planning agreements and states that planning authorities should only seek contributions if, in land use planning terms, it would be wrong to grant planning permission without them. *Developer contributions* can therefore help overcome obstacles in granting planning permission, allowing development to proceed and negative impacts to be reduced, eliminated or compensated

for. Any type of development may give rise to these requirements.

The likely requirements are covered by nine main themes and are expressed on a *settlement* by settlement basis in the developer contributions schedule in Appendix 8. However, it is unrealistic to expect the Council to anticipate every situation where the need for a contribution will arise.

In some cases, the cumulative effect of a number of individual small developments will need to be considered. Contributions may be sought and held by the Council until such time as sufficient funds are available to allow work to progress. Any contribution which has not been used for the specified purpose within five years of the date that it was made, shall be returned to the developer. The terms of these arrangements may also be set out in a *Section 75 Agreement* where necessary.

It is important to note that each Agreement will be negotiated on its own merits and the final level of contribution sought will be based on an assessment, undertaken jointly with the developer, of the impacts on the recipient community. Appendix 8 only provides a guide for the level of contributions as circumstances may change over the lifetime of the Plan.

This policy conforms to:

- *Development Plan* – Objective 7 (Chapter 2).
- *NEST* – Policy 13.

Other main documents:

- *NPPG 3* (Land for Housing) – main paragraph 87.
- Circular 12/1996 (*Scottish Executive*).

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Infill Development

Development on sites within a settlement boundary in the settlement maps in Chapter 8 which have no specific notation will be approved, in principle, if the nature of the development does not erode the character or amenity of the surrounding area through over or under-development and conforms to Policy Gen\2.

Justification

The aim of this policy is to ensure that new *development* does not impact negatively on *character*, *amenity* and neighbouring land uses.

Land which has no specific landuse designation on the Proposals Maps tends generally to offer small and medium-scale opportunities for new development. Such opportunities can usefully contribute to housing and *employment land* requirements within *settlements* and may also improve the character of an area. However, these developments must also respect existing developments and be prevented from having an individual or cumulative negative impact on local environmental assets or the character and amenity of the surrounding area. Appendix 1 (The Design of New Development in Aberdeenshire) and Appendix 5 (Landscape Design Guidance) and where appropriate, Appendix 4 (Listed Buildings, Conservation Areas and Proposed Conservation Areas) provide detailed guidance.

On many infill sites, there is the potential for significant damage to or loss of trees, resulting from insensitive development: this must be prevented.

This policy conforms to:

- *Development Plan* – Objectives 4, 5 & 7 (Chapter 2).
- *NEST* – Policies 3, 11 & 20.

Other main documents:

- *NPPG* 3 (Land for Housing) – main paragraphs 30-36.

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Landscaping Standards

Development will be approved, in principle, if the provision of landscaping and proposals for its subsequent maintenance conform to the requirements in Appendix 5.

Justification

The aim of this policy is to ensure that all *developments* are accompanied by appropriate landscaping to help them fit in with their surroundings, and where possible to enhance the appearance of the surrounding area.

The potential negative impacts a development could have on its environment can be significantly reduced through proper landscaping. Native plant species should be used wherever possible. In some cases it may be possible to identify sites where planting may precede development by a significant period. Without appropriate landscaping, some developments will not be compatible with the positive characteristics of their surroundings and will be refused.

All developments therefore, will normally require landscaping and aftercare proposals, which will be covered by conditions attached to planning permissions.

This policy conforms to:

- *Development Plan* – Objectives 5 & 7 (Chapter 2).
- *NEST* – Policies 11 & 19.

Other main documents:

- *NPPG 2* (Business and Industry) – main paragraphs 31 & 32; *NPPG 3* (Land for Housing) – main paragraph 71.
- *PAN 44*, Fitting New Housing Development into the Landscape (*Scottish Executive*).
- *PAN 36*, Siting and Design of New Housing in the Countryside (*Scottish Executive*).

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Hazardous Developments

Development will be refused if:

- a) it would cause pollution, create a nuisance or present an unacceptable hazard to the public or the environment; OR
- b) the proposed site is in close proximity to existing hazardous development facilities or infrastructure that could cause pollution, create a nuisance or present a hazard to the public.

Where development for or near to hazardous developments is acceptable, satisfactory steps must be taken to mitigate negative development impacts.

Justification

The aim of this policy is to ensure the public and environment are protected from new and existing *development* which could cause pollution or be a nuisance or a hazard.

Pipelines, agricultural buildings, waste water treatment plants and heavy industrial uses are all examples of development which could cause a nuisance, hazard or pollution. It is vitally important that the quality of the environment and the health and safety of the public is not compromised by such development. and the health and safety of the public is not compromised by such development. Therefore, the Council will consult the *Health and Safety Executive* and/or the *Scottish Environment Protection Agency*, as appropriate, on all development proposals which could cause, or be affected by, a nuisance, hazard or pollution. This policy conforms to:

- *Development Plan* – Objectives 1, 3 & 7 (Chapter 2).
- *NEST* – Policy 3.

Other main documents:

- *NPPG 2* (Business and Industry) – main paragraph 48.
- *NPPG 3* (Land for Housing) – main paragraph 18.
- PAN 51, Planning for Environmental Protection (*Scottish Executive*).
- The Planning (Control of Major Accident Hazards) (Scotland) Regulations 2000.

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Contaminated Land

Development on land that is contaminated, or suspected of contamination, will be approved, in principle, if:

- a) the necessary site investigations and assessments are undertaken to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals; AND
- b) effective remedial action is taken to ensure the site is made suitable for any new use, in scale with planning permission given for that particular use.

Justification

The aim of this policy is to support new *development* on *contaminated land*, thereby effectively reducing the number of such sites within Aberdeenshire whilst ensuring public health and safety is not compromised.

Contamination of land may be due to the current or historical use of the site, or of a neighbouring site. Such uses may include former gasworks, sewage treatment plants, domestic or industrial waste tips, engineering works etc.

Whatever the cause, these sites are effective barriers to new development as well as posing possible threats to health and safety and the safe re-use and restoration of these sites is to be encouraged. The Aberdeenshire Contaminated Land Strategy identifies all the known affected sites in Aberdeenshire. The Council will liaise with the *Scottish Environment Protection Agency* and other relevant organisations where appropriate.

This policy conforms to:

- *Development Plan* – Objectives 1, 5 & 7 (Chapter 2).
- *NEST* – Policies 3 & 11.

Other main documents:

- *PAN 33, Development of Contaminated Land (Scottish Executive)*.
- *NPPG 2 (Business and Industry)* – main paragraph 22.
- *Environmental Protection Act 1990 Part IIa: Contaminated Land (Aberdeenshire Council)*.
- *Aberdeenshire Contaminated Land Strategy 2001 (Aberdeenshire Council)*.
- *Circular 1/2000 (Scottish Executive Rural Affairs Department)*.

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Flooding

Development on land at risk from flooding, including any functional flood plain, will be refused unless:

- a) it is for uses such as flood prevention measures that must be located in the flood plain, or for essential transport or utilities infrastructure that suffer least from inundation by floodwater;
- b) it has been designed to minimise risk of flooding and will not contribute to, or significantly increase the risk of, flooding elsewhere;
- c) it has adopted all reasonable measures to improve the management of flood waters on and adjacent to the site and to assist the protection of properties within the vicinity of the site;
- d) it does not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally;
- e) it is designed to avoid damage to, or loss of existing wetland habitat.
- f) it incorporates building, or other design measures and materials to assist the evacuation of people and minimise damage from flooding;
- g) a hydrological survey and flood risk appraisal is provided at the developer's expense when requested;
AND
- h) it can provide for the satisfactory maintenance of any approved privately funded flood defence measures.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by flood water.

Justification

The aim of this policy is to ensure that *developments* likely to increase the risk of flooding or be at risk from inundation themselves are properly considered, and to introduce 'softer' methods of flood risk management wherever possible. The Council has responsibilities in relation to the likelihood of flooding, under the Flood Prevention and Land (Drainage) Scotland Act 1997.

Flooding has had disastrous consequences for many individuals and communities because of previous inappropriate *development*. The uncertainty of flood prediction makes it essential that proper measures are taken to ensure this no longer happens, otherwise lives and property will continue to be put at risk. A standard of protection has been devised, based on return periods and calculations by the Association of British Insurers, that provides a basis for decision-making, this is included in Appendix 15. Sites, which have been identified as at risk from flooding and where the threat of flooding can be managed, will be included in a *flood risk appraisal* register to be held by the Council.

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To help assess development proposals the views of *Scottish Environment Protection Agency, Scottish Water*, the Transport and Infrastructure Flood Prevention Unit and other relevant *key agencies* will be sought. Where it is believed there is a significant risk of flooding additional information such as a hydrological survey or flood risk appraisal may be sought from the developer. Flooding information provided by a developer, or a consultant employed by a developer, needs to be presented in a form that can be understood by laymen. Due to the potential damage to human life and property, developers must be willing to provide additional information as required in relation to flood risk calculations and models. The Council reserves the right to have flood risk information from developers independently assessed to verify their flood risk conclusions.

This policy conforms to:

- *Development Plan* – Objective 7 (Chapter 2).
- *NEST* – Policy 22.

Other main documents:

- *NPPG 7* (Planning and Flooding) – main paragraph 59.
- Flood Appraisal Groups, *NPPG 7* and Insurance (Association of British Insurers).
- Planning Authority Protocol, *Development at Risk of Flooding: Advice and Consultation* (SEPA)
- *Works to Watercourses and their Banks* (Aberdeenshire and Aberdeen City Council).

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Advertisements

Within settlements, advertisements will be approved, in principle, if:

- a) they do not detract from the amenity of the area or character of the building in terms of positioning, scale, design or materials;
- b) they do not result in any road safety or other hazard to the public; **AND**
- c) within Conservation Areas, in addition to the above points, they improve or enhance the area.

Outwith settlements, advertisements will be refused unless they are directional or advance warning signs for business or tourist facilities that are not reasonably visible from any main road. In each case it must be shown that a tourist 'brown sign' is not a suitable first option; **AND** they must also conform to a) and b) above.

Justification

The aim of this policy is to control advertisements allowing for information to be displayed to the public, without loss of character, amenity or safety.

Advertisements, which include freestanding billboards, advance signs, shop fascia and projecting signs are amongst the most lively but also potentially most intrusive elements in our environment. As a result they have always merited their own specific mention in planning legislation and their own set of regulations which require controls to be exercised. If these controls were not exercised, character, amenity and safety may be compromised.

Due to their special nature, *Conservation Areas* require stricter controls. Business and tourist signs, although very important, need to be restricted to those necessary, and existing signs with no operational need should be removed.

This policy conforms to:

- *Development Plan* – Objectives 5, 8 & 10 (Chapter 2).
- *NEST* – Policies 6 & 20.

Other main documents:

- Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland).
- Transportation and Roads Traffic Signing Specification (Aberdeenshire Council).
- Circular 3/1992 (*Scottish Executive*).

Enforcement

Development that has breached planning controls will be investigated and where appropriate subject to enforcement action. This will require unauthorised development to be brought under control or in some cases removed, and the undesirable effects of such activity remedied.

The form of enforcement action taken will be in proportion to the seriousness of the breach.

Justification

The aim of this policy is to ensure that *developments* are undertaken in accordance with planning legislation and any planning conditions applied by the Council.

The Council has a statutory obligation to investigate alleged breaches of planning control, and to pursue *enforcement* action where these occur. Such breaches cannot be allowed to occur where *amenity*, the environment or public safety may be compromised. Therefore to promote *sustainability* and in the public interest, enforcement action must be considered.

This policy conforms to:

- *Development Plan* – Objectives 1, 4, 5, 7 & 10 (Chapter 2).
- *NEST* – Policy 11.

Other main documents:

- *NPPG 1* (The Planning System) – main paragraphs 59, 60 & 61.
- *PAN 54*, Planning Enforcement (*Scottish Executive*).
- Planning Enforcement (Aberdeenshire Council).

Redevelopment and Mixed Use Areas

Development in areas identified for redevelopment or mixed use will be approved, in principle, if:

- a) it complies with a development brief produced in partnership with the Council and reflects the requirements of the settlement proposals maps;
- b) it conforms to Policy Gen\4 (Infill Development) if in a settlement or the relevant Countryside policy if outwith; AND
- c) it does not jeopardise the ability of the site to be redeveloped successfully or mixed use to be achieved.

Justification

The aims of this policy are to support new development on *brownfield sites* and to encourage compatible land uses to coexist.

Redevelopment sites allow for regeneration of previously developed areas for suitable new uses, including housing, employment, environmental improvements and open space provision. Where an opportunity exists for mixed use this should be pursued to ensure compatibility with *sustainable development* aims and *employment land* provision in *settlements*. All new developments should conform with Policy Gen\2.

This policy conforms to:

- *Development Plan* – Objectives 2, 3, 4 & 7 (Chapter 2).
- *NEST* – Policies 3 & 21.

Other main documents:

- *NPPG 2* (Business and Industry) – main paragraphs 22, 23, 35 & 56.
- *NPPG 3* (Land for Housing) – main paragraphs 24, 26 & 28.

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Project Areas

Development in Project Areas will be approved, in principle, if:

- a) it would not prejudice the implementation of that project; OR
- b) the project aim cannot be realised and a better alternative can be implemented; AND IN EITHER CASE
- c) it conforms to policy Gen\4 (Infill Development) if in a settlement or the relevant Countryside policy if outwith a settlement.

Where a Project Area is directly related to a development site, the developer should contribute to the project in proportion with the scale of the development.

Justification

The aim of this policy is to protect designated *Project Areas* from *development* which may prejudice the implementation of schemes to enhance the environment and/or provide new *infrastructure*. Their locations, and boundaries where appropriate are shown on the *settlement proposals* maps.

Project Areas are areas allocated for environmental or infrastructural projects, such as *strategic landscaping*, traffic calming, access improvements or other proposals identified on the settlement maps. These areas should be protected from development which could result in the project or *redevelopment* not being implemented. Otherwise, both the public and environment may not see the creation of schemes which would benefit them.

Where a Project Area has no defined boundaries the Council will advise accordingly.

This policy conforms to:

- *Development Plan* – Objectives 4, 5, 7 & 10 (Chapter 2).
- *NEST* – Policies 3, 11, 13, 17, 19 & 21.

Other main documents:

- *NPPG* 14 (Natural Heritage) – main paragraphs 9-16 & 46-54.

Green Belt

Within the Green Belt, as shown in Appendix 13 and on the Main Proposals Maps, there is a presumption against development unless:

- a) it is necessary for the purposes of agriculture, horticulture, forestry, informal countryside recreation, or mineral or landfill workings; OR
- b) its uses are directly related to nature conservation; AND IN ANY OF THESE CASES
- c) it conforms to Appendix 1.

Justification

Aberdeen's *Green Belt* exists to maintain the identity of the city by establishing a clear physical boundary. Part of this boundary lies within the City of Aberdeen, while the part within Aberdeenshire is shown on the Main Proposals Maps. It exists to provide countryside for informal recreational purposes and to maintain the landscape setting of Aberdeen. The need to protect this *character* from inappropriate *development* is of primary importance.

Allowances are only made for developments considered suitable in Green Belt and which accord to *structure plan* and *national planning policy and guidance*. It is important that all such developments be to the highest standard in terms of siting, scale, design and materials. More detail on the way proposals within the Green Belt will be determined is provided in Policies Hou\3, Emp\2 and Emp\10.

This policy conforms to:

- *Development Plan* – Objectives 5, 9 & 10.
- *NEST* – Policies 27 & 28.

Other main documents:

- *NPPG 11* (Sport, Physical Recreation and Open Space) – main paragraph 58.

