

Environment Stakeholder Meeting: Issues for the Main Issues Report

16 April 2013

Committee Room 5 Aberdeenshire Council

Attendees:

Piers Blaxter PB (Aberdeenshire Council – Policy)

Ashley Hamilton AH (Aberdeenshire Council – Policy)

Katie Crerar KC (Aberdeenshire Council – Policy)

Sarah MacRitchie SM (Aberdeenshire Council – Policy)

Emma Williams EW (Aberdeenshire Council – Environment Team)

Mary MacLeod MM (Aberdeenshire Council – Environment Team)

Shaun Norman SN (Aberdeenshire Council – Environment Team)

Linda Mathieson LM (Aberdeenshire Council – Environment Team)

Joseph Somevi JS (Aberdeenshire Council –I&R)

Ian Cowe IC (Forestry Commission)

Urszula Szupsynska US (Historic Scotland)

Ewen Cameron EC (SNH)

Justin Irvine JI (Hutton Institute)

Hywel Maggs HM (RSPB)

1. PB introduced the LDP team.

2. PB provided an overview of the local development plan (LDP) process. The previous process and outcomes were outlined. The timetable from the development plan scheme was circulated to show the proposed timescales. It was stated that the expected date of adoption for the next LDP is 2016.

PB advised that the purpose of this meeting is to scope the main issues, and provided a quick overview of the process of identifying these (review, performance of policies).

3. a. Natural Heritage

AH provided an overview of the Natural Heritage policies. In general, the policies accord with national guidance and policy. However, he noted that a new piece of supplementary guidance (SG) is proposed on protected species to remove potential confusion (currently in SG NE2). SG NE2 requires biodiversity enhancement but there is currently no reference to green infrastructure (i.e. green roofs), which could be highlighted under this policy. Although there are some changes proposed, these are to improve clarify and are not a main issue.

EC agreed in the main, as policies for protected sites are quite straightforward & technical. However, green infrastructure is the key issue, but this is about more than green roofs, access and walking routes. It needs to be recognised that green infrastructure can meet a number of objectives.

PB sought clarification with the SNH approach and the use of a range of terms. SNH specifies between green infrastructure and green networks.

The definitions of green infrastructure were discussed between EW, LM, MM and EC. There was some differing opinion on definitions but consensus emerged that; Green infrastructure relates to both design for nature and ecology friendly landscaping (i.e. green roofs and SUDS etc.) and green networks refers to wider infrastructure. Green infrastructure is the skeleton/ backbone required to make everything else work, and that roofs etc. are design. There are internal (i.e. design) and external (wider network) aspects to green infrastructure.

AH highlighted that SG NE2 will tie in green infrastructure.

PB questioned whether there is a need to raise the profile of the issue through the design policy. AH clarified that green infrastructure is mentioned in the technical advice note to SG LSD2. It was agreed that the issue of 'physical' green infrastructure would be strengthened in SG LSD2.

EW stated that in relation to habitat creation we have tried and failed to promote design for nature, the policy doesn't get used. She questioned whether this element would stay in the policy.

AH clarified that it can be kept but will need to work out how to make it work.

The issue of enforcement on biodiversity enhancement was briefly discussed, The issue only comes up when there is a wider ecological issue.

The need to raise the profile of the issue, and get it brought into design statements etc. was agreed.

3.b. Landscape Character

KC provided an overview of the policies. The LDP has significantly changed the way in which landscape is dealt with, bringing the plan inline with landscape character, and the need to take into account all landscapes. The issue which has been identified is with Valued Views (SG LC2), which are not considered to be fit for purpose. The team have no definitive answer, but outlined options: 1) retain and clarify views, OR 2) remove completely and introduce local landscape value (which would require input from landscape professional).

PB raised concern about the length of time that Local Landscape Designation (LLD) could take if the best practice on the SNH website is followed. He clarified that colleagues in DM do not like the "views" approach as it is too 'wooly'. In relation to valued views it was also raised whether it is landscape features / valued landscapes (i.e. Benachie) rather than 'valued views'. Views of settlements could be protected through increased information in settlement statements.

The use of the policy was discussed, and while it is occasionally used, it is also ignored.

EC suggested that landscape tends towards strategic, and therefore valued views are difficult / subjective. The nature of the way landscape is dealt with has changed, as it has moved from preservation to conservation (allowing change, but no alteration of landscape character).

PB raised the issue of protecting the viewpoint rather than the view, or place the value on landscape character.

PF suggested there is no need to identify a formalised list. Views are highly subjective and the list would be never ending. There is a process in place for significant development; to

produce a landscape and visual impact assessment (LVIA). Landscape architects and planners will agree on the most significant visual receptors, then the significance is assessed and the magnitude of change, to give the overall sensitivity of the viewpoint.

PB gave an overview of the background to the policy which was developed under policy Gen\2 in Aberdeenshire Local Plan 2006 and suggested deletion of the policy as an option. There was generally consensus to this view.

The option for a policy which specifically protects tourist viewpoints was discussed but it was decided that these could be protected under SG LC1, if 'cultural heritage' was added to criteria 2)i).

EW questioned whether there would be Areas of Landscape Significance (ALS) or similar?

PB suggested there is no basis for reintroducing the former ALS.

PF clarified that there is basis from a 1963 (or thereabouts) edict from the Scottish Office relating to National Scenic Areas (which involved 'well qualified people driving around the countryside'). The tourist value and beauty of a landscape were considered. The ALS used this process and took it down a level to local /regional. One of the issues is that boundaries are arbitrary (i.e. trunk roads). PB raised concern that the ALS would not comply with the SNH guidance for landscape designation which relates to community value. PB questioned whether the solution is a need for a marker in the plan that LLD's will be developed.

PF outlined that he does not advocate for or against ALS, but that landscape designations are clearly understood by the development industry and clearly show landscape value and sensitivity. Landscape Character Assessments (LCA) are a framework and do not specify value.

PB advised that we have noted sensitivity of parts of Landscape Character Areas within planning advice.

MM suggested that if value was added to LCA it would help – take the LCA framework forward with more sensitive areas.

PB raised concern that this approach does not align with the concept that all landscapes are important.

SM queried whether need for significant developments to do a LVIA means sensitivities are covered?

PF advised the fundamental method of sensitivity is 'does it have a landscape designation?'

The option to redevelop ALS's was briefly discussed / or use them as a basis. It was discussed and agreed that this is a main issue, and further thought will need to be given to it. SNH offered the services of a landscape adviser to assist with the discussion.

3.c. Historic Environment

KC outlined that there are no major issues in relation to historic environment policies. Some minor changes are required; cross reference enabling development policy in SG HE1; improve emphasis on layout, siting and design in conservation areas; and re-word designed landscapes to provide clarity. The issue of battlefields was discussed, and it was questioned whether the should be shown graphically.

US advised that introducing battlefields would do no harm – there are only 4. She was able to give some certainty that there are no changes planned at the moment, but will consult with colleagues to confirm.

3.d. Safeguarding

AH outlined that all policies are generally sound but some changes to add clarity are proposed.

Aquatic Engineering

There was some discussion around aquatic engineering, and whether a CAR licence would cover all relevant issues, and save the need for two Appropriate Assessments.

EC clarified that only one AA would be carried out (by the regulatory authority), and SNH would simply copy comments made from one service to the other, and so there is no duplication of work.

AH suggested that one option would be to require aquatic operations to have a CAR licence. However LM clarified that a CAR licence is not always required and it could be a planning issue.

It was discussed and agreed that the roles and responsibilities need to be clarified (although there was some discussion that it is a Scottish Government issue).

Trees & Woodlands

AH outlined that designs and layouts are not taking account of trees (masterplans etc get to a stage where the layout cannot change). One option is to use settlement statements to identify valued woodland as protected space.

EW advised that sites which are woodland should not be allocated.

PB sought clarification, as ancient woodland was already avoided.

IC advised of the Scottish Government 'Policy on control of woodland removal' (2009) document which has a presumption against the removal of any woodland. There is a gap in the current guidance as this document is not mentioned, and the policy should build in reference to this document.

It was clarified that while there is a presumption against woodland removal, compensatory planting / mitigation can be provided (the ethos of the document is not to stop development but ensure no loss of woodland). Concerns were raised about the difficulties of off-site compensatory planting but IC advised that the Forestry Commission are working on a register of compensatory sites (National Register of Compensatory Planting).

Clarification was sought about how this document fits with the Forestry Commission's objective of economic growth in woodlands, and IC clarified that this would need to comply with the document, each site is considered on its merits.

PB suggested that compensatory planting could constitute part of the 40% open space requirement (off site), but agreed that we cannot have a policy stating no building on woodland.

IC advised there is an even stronger presumption against ancient woodland sites.

There was some discussion about the rationale of the policy, and whether it was for carbon capture. While this is a key reason, the main basis of the policy is to increase forest cover.

The failure of developers to understand that even a plantation would need to be re-stocked was highlighted.

PB suggested that the precautionary principle should be followed, and woodland would be avoided in the allocation of sites.

Discussion took place regarding soil and the potential need for a policy on loss of organic soil. It was clarified that the most commonly used classification is 'land classification', but that there is a new soils directive. EW advised that while SG NE2 makes reference to organic soils, this is not enforced. The importance of protecting organic soils was reinforced by EC and JI. EW raised the issue of connectivity between policies (i.e. this issue is under biodiversity and not climate change). PB advised that reference to other policies had been removed, as all policies apply, but that serious thought will be given to cross referencing.

4. Main Issues

4.a. Climate Change

PB advised that attention would be drawn to climate change by a new policy. The main issue is the need for a new policy. There will be two elements i) mitigation (carbon neutrality, renewable energy) and ii) Resilience (flood resilience, water conservation).

Wind turbines will likely be the most controversial issue, and are essentially a main issue if only because it is so contentious.. The policy conforms with national guidance. Work is ongoing on a capacity for wind and wind strategy with SNH and Angus Council working on cumulative impact. This will result in no-go areas / areas where turbines are encouraged, and areas where there is a criteria approach. There is an issue with anticipating change, as demonstrated by the lack of anticipation of the rapid increase in small scale turbines.

IC wishes to see biomass added to the list. There are already 2 large scale biomass plants in the city and Moray which consume 200% of the available small round wood available in this area. Therefore the scale of biomass should be a key consideration. There is also a regulation on particulate matter (if there is a rapid increase it could affect air quality). Also Scottish Government want more small scale biomass. AH clarified that the current approach is an SG for biomass and energy from waste, and an SG on solar. It was agreed that there is potential for further discussion on this topic.

Flooding

AH advised that a new SG on flood resilience is proposed within this new policy on climate change. The details of this has not yet been developed.

EC advised the need to consider 'ecosystem services'. Also need to be alert to flood risk in dealing with development proposals.

The need to stop development in flood plains was discussed, options such as building in flood resilience (i.e. develop only the first floor in areas of flood risk). There was some discussion about coastal flooding, planned retreat and coastal cells.

LM raised the issue of green infrastructure and its role in providing permeable services. There is a problem with loss of permeable services in housing estates (tarring and decking). There is a need for enforcement, the roads service, and the Flood Prevention Unit to consider this issue.

Carbon Neutrality

AH advised that carbon reductions called for in the plan are higher than building regulations. The proposed SPDA has extended the timetable for carbon neutrality, and provided interim targets. The SDP requires Supplementary Guidance to be prepared jointly with the city (so developers have the same standards in both areas). PB advised that the issue had been considered at the last examination, but no resolution was found. There are issues with getting house builders to conform.

AH outlined that the LDP target is dependent on the SDP target. There is an issue with house builders objecting at a regional level.

It was questioned whether aligning this to sustainable development would assist? PB clarified that the message of sustainable development is in all policies. Also there is an issue with being anti-competitive (i.e. too stringent and turning development away).

Water Conservation

AH advised that there is pressure on the River Dee with water abstraction, and therefore water efficiency is a consideration for development. PB advised that the Scottish Water strategic plan includes additional capacity in the NE, and water conservation is part of the issue.

AH advised that the sustainability labelling scheme is an option, although this only covers domestic properties.

4.b Green Networks

PB raised questions about what green networks are – do they apply to settlements, is it networks along transport routes? While green networks will be highlighted as a consideration, we have core paths, long distance paths and local biodiversity plans, and can achieve green networks through existing provisions.

LM outlined the need for green networks and that an approach/policy was needed in all areas. It was clarified that green networks are wildlife corridors combined with recreation corridor and linking settlements into the network. The land use strategy could be used to pull these together.

PB questioned whether they have a place within the LDP – the LDP can protect open space.

MM suggested that a focus on green networks could stop developers being insular and considering the bigger picture. It was questioned whether linkages could be safeguarded.

EC provided the analogy of design. It is difficult to design a good layout next to a bad road layout.

PB considered the use of a settlement statement objective to deliver networks.

EC advised that there is an issue of habitat fragmentation, and for example, compensatory woodland planting should connect with existing development. There is an issue at Hill of Banchory with isolated pockets of woodland. EW provided the example of Westhill – Arnhall Moss and Cairnie woods are now completely isolated.

PB suggested a settlement approach as the way forward, and have green networks as an objective.

EC agreed that it would be difficult to devise a policy appropriate to rural and urban areas.

There was discussion about whether it is a main issue. More thought will be given to the issue, and potentially a new aim.

4.c. Local Nature Conversation Review Sites (LNCS)

PB advised that the environment team (Judith Cox) is leading on this review. There is a need to make it a main issue, to introduce LNCS to the LDP. It will be consulted on and two potential outcomes are anticipated i) request for removal of sites, ii) consideration of other sites sought. The LNCS would be a replacement of SESA SINS.

EW clarified that at the moment, no one is aware of the LNCS. Landowners are being notified at the moment.

5. Other Main Issues

EC raised ecosystem services. This is an issue which is going rapidly up the Scottish Government agenda. It needs to be thought about. It is recognised in some policies (i.e. flooding).

PB questioned whether it could be an aim of the plan, and advised that further thought will have to be given to the issue.

US raised the issue of the impact on Keithall designed landscape. PB advised that this is not a policy issue, but a debate that will be had in relation to Inverurie.

6. Development Bids

PB advised that large numbers of bids are not expected as theoretically no new land is required. However where development is undeliverable new substitute sites may be required. The majority of new sites are expected to be small sites.

The action programme will be used to determine deliverability. Any site not effective at Jan 2014 will be removed. Also issue of stalled sites or slow build out rates.

The bid assessment will look at constraints, SEA process and 'draft SEA objectives' then possible sites will go through a goal achievement matrix (GAM).

EW queried whether the environment team would be consulted on the sites. PB queried how the team would like to get involved. It was decided to consider the bid assessment process/ discuss and decide next steps.

The draft bid assessment process was circulated.

PB queried with other stakeholders at which stage they would wish to get involved. It was agreed that the MIR stage was fine, and no pre-engagement was required unless major changes proposed (i.e. different to what was discussed).

PB advised of the timetable: Nov 13 for MIR consultation, responses by 1 Feb 2014. PB also encouraged people to use the twitter feed @shireldp.