

# **Aberdeenshire Local Development Plan 2016**

## **Review of LPD 2012 Policy and identification of “Main Issues”**

**20 June 2013**

## Aberdeenshire Local Development Plan

### 1 Policy review

- 1.1 As part of the assessment for “Main Issues” for the Local Development Plan the Planning and Building Standards Policy Team of Aberdeenshire Council has undertaken a review of the policies and supplementary guidance within the current (2012) Local Development Plan (the “policies”). Within the review process it has been assumed that continuity of policy between the current plan and the future plan is an important objective to deliver long term certainty for communities and developers alike.
- 1.2 The review has consisted of critically assessing the policies against two specific controls:
  - o Whether there has been change in the national or regional context that warrants a change in the policy;
  - o Whether there has been a change in the wider environment in which the policy is designed to operate.
- 1.3 Policies have been compared against Scottish Planning Policy and the Proposed Strategic Development Plan. In addition an assessment of the wider legislative background has been undertaken, scanning for elements of new legislation which will have an impact on what the policies should seek to deliver.
- 1.4 Drivers are identified that originate from elsewhere and that may necessitate a change to the policy. This includes matters of clarification of the wording of the policy to aid understanding or modifications of the supporting text to bring it up to date.
- 1.5 Review of the policies can result in four possible outcomes:
  - o The observation that the policy remains sound and **no change** is required;
  - o Minor changes to the policy that do not impact on the intended outcome, but do aid **clarity** and ease of interpretation. In some cases this includes the splitting of a policy into two or more distinct policies;
  - o Minor change to the **thresholds** set within the policy itself; that is, it does not change what the policy is trying to achieve, but either raises or lowers the point at which the policy becomes operational, or raises or lowers the requirement on development required by the policy. For example review has identified that seeking masterplans for all developments over 50 houses is only having the effect of slowing down development, and a threshold of, perhaps 100 houses, is more appropriate. An example of the second circumstance is the target for carbon dioxide emissions which may need to be reviewed to ensure compliance with the Proposed Strategic Development Plan.
  - o Identification of fundamental failings with the policy, or major areas of debate that require to be addressed resulting in the possibility of a radically modified policy. In these cases we believe that these policy topics are likely to be “**Main Issues**” and deserving of a wider debate on the options and alternatives available.
- 1.6 Table 1 on the following page lists the policies within the Local Development Plan and which one of these four categories review has identified is applicable. Following the table is a summary of the issues that arose for each policy through the review process, and an indication of the nature of the changes that are thought appropriate.
- 1.7 Further analysis will be undertaken on the publication of revised Scottish Planning Policy, and on adoption of the Strategic Development Plan to confirm if further revision is required. This will take place in the period following the publication of the Main Issues Report and will inform the Proposed Local Development Plan.

Table 1 Review of Policies in the Local Development Plan

Policy	Change	Comments
Policy 1 Business development	Clarity	Remove reference to Simplified Planning Zones, Provide link to SG Bus 5 Development in the Energetica Framework Area.
BUS 1 Development of business land	Clarity	Provide clarity that the policy applies to both BUS allocations and EMP allocations but not to strategic reserve land. Change title to reflect both business and employment land.
BUS 2 Office development	<b>Main Issue</b>	Introduction of a sequential approach for class 2 office uses.
BUS 3 Working from Home	Clarity	Alteration is recommended for criteria 2, so it reads: "it does not <b>significantly</b> change the overall character, appearance and perception of the property's use as a single dwelling" to allow for minor change to the physical impact of the house. Criteria 3 should be deleted as any home extension would be assessed using SG LSD2 and SG LSD3. Criterion 3 is unnecessary as it is a duplication of criteria 2.
BUS 4 Tourist Facilities and accommodation	Threshold	Removal of the restriction to require an accessible location for rural tourist facilities. Provide clarity on the difference between a tourist attraction and tourist accommodation and the implications of this for cumulative impacts.
Policy 2 Town centres and retailing	<b>Main Issue</b>	Introduction of a sequential approach for class 2 office uses.
Retail 1 Town Centres	<b>Main Issue</b>	Introduction of a sequential approach for class 2 office uses.
Retail 2 Retail development in the countryside	Clarity	Minor changes to the supporting text to emphasise the desirability of developments to be both accessible and related to tourist sites.
Policy 3 Development in the countryside	No Change	
RD1 Housing & business	<b>Main Issue</b>	Among other minor issues there is a need to consider the sustainability of the settlement pattern and the impact on traditional buildings being promoted by the current Policy.
RD2 Wind Farms	<b>Main Issue</b>	A spatial framework for wind turbines will be produced. Wind energy may be more appropriately considered in the context of a climate change policy.
RD3 Other renewables	<b>Main Issue</b>	Additional supplementary guidance on biomass and large photovoltaic arrays may need to be developed.
RD4 Minerals	Clarity	Update references and emphasise the benefits of reinstatement and use of transport other than road haulage in the supporting text.
Policy 4 Special rural land	Clarity	Amend Policy 4 to emphasise STRL1 as the principal means for considering development in the coastal zone.
STRL 1 Coastal zone	Threshold	Review of coastal zone boundaries.
STRL 2 Green belt	Threshold	Amendment to allow the replacement of existing non-vernacular dwellings which could contribute to the improvement of the green belts character and setting/place.
Policy 5 Housing Land	Clarity, Thresholds	The policy requires updating to reflect the updated housing allowances for the period 2017-2021. Clarification should be provided that Aberdeenshire Council aspires to a 7 year "capable of becoming effective" land supply.
Hou1 Housing Land allocations 2007-16	Thresholds	Redrafting to take into account updated housing allowances for the period 2017-2021.
Hou 2 Housing land allocations to 2023	Clarity, Thresholds	Re-wording and re-sequencing to clarify that all proposals other than for housing on phase 2 sites will be refused. Redrafting to take into account updated housing allowances for the period 2017-2021.
Policy 6 Affordable Housing	<b>Main Issue</b>	Lack of certainty and failure of the policy to achieve identified outcomes requires revision of the approach.

AH 1 Affordable Housing	<b>Main Issue</b>	Lack of certainty and failure of the policy to achieve identified outcomes requires revision of the approach.
Policy 7 Other Housing needs	No Change	
SNH1 Development for Particular needs	Clarity	Clarification in the supporting text that that the “special needs” appropriate to the application of this policy are associated with the need to overcome physical and social barriers within the environment.
SNH 2 Residential Caravans	Clarity	Clarification in the supporting text as to what would constitute an economic need for a caravan
SNH 3 Gypsies / travellers	Clarity	Clarification in the supporting text to promote the bringing forward of transit sites by the GT community themselves and on the process of transit site provision.
Policy 8 Layout siting and design		
LSD1 Masterplanning	Clarity	Reinforce requirement for compliance with approved masterplans/ frameworks and require masterplans / frameworks for unallocated sites.
LSD 2 LSD	Clarity	Revision of some of the language being used within the policy to achieve “plain English.” Addition of requirement for biodiversity enhancement.
LSD 3 extensions	Clarity	Clarify that the policy applies to all other ancillary developments for domestic use such as garages and boundary treatment.
LSD 4 Infill development	Clarity	Minor modifications to clarify that it also applies to ‘change of use’ applications.
LSD 5 Open space	Threshold and clarity	Reduction in POS requirements for flatted and small-scale developments, removal of requirement for Open space from minor windfall sites. Move the safeguarding element of the policy, which protects open space from further development, into a new supplementary guidance under Policy 14.
LSD 6 Public Access	Clarity	Incorporation of access issues in design statement.
LSD 7 Community facilities	No Change	
LSD 8 Flooding and erosion	<b>Main Issue</b>	Removal to a new policy on “Climate change adaptation and mitigation”. Decrease in levels of risk accepted for new development.
LSD 9 Hazardous development	Threshold	Adoption in the policy of a precautionary approach for when significant negative impacts may arise, but the nature of those impacts are unclear due to lack of information.
LSD 10 Contaminated land	Clarity	Provide clarity on what constitutes pollution of the water environment, to reference ‘special sites’, and highlight the need for resubmission of a bid to the LDP if remediation costs are unexpectedly high.
LSD 11 Carbon neutrality	<b>Main Issue</b>	Removal to a new policy on “Climate change adaptation and mitigation”. Set a minimum percentage level for low and non carbon generating technology in partnership with Aberdeen City.
Policy 9 Developer Contributions	Clarity	Minor changes to ensure consistency with the supporting supplementary guidance.
DevCon 1 Developer contributions	Clarity	Introduce clarity in the policy and reasoned justification to reflect actual ways of working.
DevCon 2 Access to new development	Clarity	Expansion of the policy to address access for small and individual sites.
DevCon 3 Water and waste water drainage infrastructure	Clarity	Revision to take account of the most recent technical advice and resolve anomalies associated with Drainage and development impact assessments.
DevCon 4 Waste Management	Clarity	Amendment to make reference to the ZWP vision and objectives, and ‘all’ wastes. Waste reduction and recycling/composting should be preferred in the justification text.
DevCon 5 Developer Contributions		
Policy 10 Enabling development	Clarity	Clarity should be introduced to remove any ambiguity related with the financial aspects of enabling development.

Enable 1 Enabling development	No Change	
Policy 11 Natural heritage	<b>Main Issue</b>	Introduction of concept of “Green Networks” into the plan, new SG on protected species.
NH1 Protection of Nature conservation sites	<b>Main Issue</b>	Introduction of new regime of Local Nature Conservation sites.
NE2 Wider biodiversity	Clarity	Add reference list of protected species and habitats, and cross reference standards to be used in ecological survey.
Policy 12 Landscape	Clarity	Reference to Planning advice. Possible inclusion of supplementary guidance on Special Landscape Areas and / or valued views.
Land 1 Landscape Character	No Change	
Land 2 Valued Views	<b>Main Issue</b>	Consideration of removal, amendment or replacement by Special Landscape Areas.
Policy 13 Historic environment	Clarity	Definition of “Historic Environment” and updated reference to the Historic Environment Strategy.
HE1 Listed Buildings	Clarity	Introduction of cross reference to SG Enabling development 1.
HE2 Conservation Areas	Clarity	Update statement on the programme for review of conservation areas and include greater reference to high quality design.
HE3 Historic Gardens	Clarity	Revise text of part 1 of the policy reflect national guidance, cross reference to SG Landscape 1 “Landscape Character”.
HE4 Archaeological sites	Clarity	Introduce reference to the Inventory of Historic Battlefields in the reasoned justification.
Policy 14 Safeguarding Resources and Areas of Search	No Change	
Safe 1 Water environment	Clarity	Addition of a new criterion which requires aquatic engineering works associated with a development to be licensed under CAR.
Safe 2 Agricultural Land	Clarity	Update references and cross reference to other policies.
Safe 3 Trees and woodlands	Clarity	Multiple changes to the supporting text to add clarity and reflect best practice in tree and woodland replacement.
Safe 4 Transportation Facilities	Clarity	Add an additional criterion to include “operational areas of ports and harbours.
Safe 5 Safeguarding employment land	Clarity	Change title to reflect both business and employment land. Divide the supplementary guidance into two parts relating to Schedule 2 sites and other employment land. Add at end of the first paragraph of the policy (Part A) when development on strategic reserve land would be supported.
Safe 6 Oil and Gas sites	Clarity	Delete policy as unnecessary. Content found in other policies and repetition does not make the plan clear
Safe 7 AoS Minerals	Clarity	Recognition that small scale development could be accepted in areas of search for sand and gravel, and on the definition of “outcrops” of hard minerals.
Safe 8 AoS Waste	Clarity	Amended supporting text to cover all waste, align more closely with the waste hierarchy and the proximity principles, clarify ‘need’ for waste management facilities and how buffer zones should be considered.

## 2.1 Policy 1 Business Development

- 2.1.1 The North East of Scotland boasts an array of important economic sectors. Agriculture and fishing were previously dominant, and now the oil and gas industries advance our economy forward. The energy sector in Aberdeen City and the Shire contributes greatly to the regions robust economic positioning.
- 2.1.2 Policy 1 within the Aberdeenshire Local Development Plan 2012 focuses on business development and the economic health of Aberdeenshire. The policy seeks to ensure that the region is promoted as being 'open for business' and that development management are positive about economic development proposals. In order to maintain a strong economy and an enhanced quality of life in Aberdeenshire there is a need for planning to be more flexible and responsive to proposals for economic development.
- 2.1.3 Scottish Planning Policy encourages local authorities to take a flexible approach to economic development ensuring that the needs of different businesses can be met. The removal of unnecessary planning barriers is promoted within SPP to remain positive for business development. The overall aim of SPP is to encourage economic development in accordance with sustainability objectives.
- 2.1.4 The policy refers to the following Supplementary Guidance to satisfy the needs of different business types: SG Bus1: Development of business land; SG Bus2: Office development; SG Bus3: Working from home; and SG Bus4: Tourist facilities and accommodation.
- 2.1.5 SG Bus1 governs the development of designated employment sites within the Local Development Plan. It is suggested from the review of this SG that clarity could be provided to demonstrate that the policy applies to both existing (BUS) allocations and new (EMP) allocations, but not to strategic reserve land and to amend the title of the policy to *SG Bus1: Development of business and employment land*. SG Bus1 remains consistent and in line with Scottish Planning Policy in that it identifies and maintains a varied selection of employment land designations throughout the region.
- 2.1.6 A further policy which comes under the umbrella of business development is SG Bus2: Office development. The aim of this policy is to promote the appropriate location of office development, ensuring there is no detrimental impact on the surrounding settlement. New office development should be easily accessible by public transport in sustainable locations, which is promoted by SPP. The introduction of a sequential test for new office developments to favour town centres may be appropriate, but would require to be discussed within the Main Issues Report. Such an approach is neither promoted nor prohibited by Scottish Planning Policy.
- 2.1.7 SG Bus3: Working from home currently complies with national and regional legislation. It promotes working from home as long as there is no detrimental impact on neighbouring properties and it must ensure that the property remains primarily as a residential dwelling house. Small business start up is encouraged as a driver of economic growth and setting up from home is a sustainable way to achieve this. Minor alterations to the policy are suggested to remove duplication and allow for minor changes to a house.
- 2.1.8 It is important to recognise the importance of the tourism industry within the Scottish and regional economy. SG Bus4: Tourist facilities and accommodation aims to promote sustainable tourism ensuring that it does not damage any of the resources it is exploiting, for example the environment. Tourism proposals will only be approved if it has been demonstrated that it would not have an adverse impact on the landscape character, nature conservation or amenity value of the surrounding area. SG Bus4 is currently deemed to be too restrictive, especially in the requirement for a tourist facility to be co-located with a specific attraction or to be in a sustainable location, and modifications are suggested in the policy review to resolve this.

## 2.2 Policy 2 Town Centres and Retailing

- 2.2.1 Policy 2: *Town centres and retailing* seeks to manage the location of shops and other commercial proposals in order to safeguard the vitality and viability of existing town centres. The policy currently conforms to national and regional policies and forms a sound basis to inform planning decisions regarding town centre and retail developments. However, the review of SG Bus2 and SG Retail1 has demonstrated a need to actively regenerate existing town centres to ensure they retain their vitality and viability by accommodating a mixture of uses. As such, it is anticipated that 'Town Centres and Retailing' will be a topic for inclusion in the Main Issues Report to investigate options to apply a sequential test for site selection for class 2 and possibly class 4 office developments.
- 2.2.1 SG Retail1 remains a robust policy although town centres and retailing as a whole may appear as a main issue. Whilst SPP has replaced SPP8 which formed the base on which SG Retail1 was established, the ethos still intends to achieve the same broad objectives – protect and enhance the vitality and viability of town centres. It is envisaged that the Aberdeen Western Peripheral Route (AWPR) will have a significant effect on the retail sector and increased demand for out of town developments associated with this route can be anticipated. Novel means of regeneration of existing town centres will have to be promoted and delivery mechanisms realised to ensure they retain their vitality and viability by accommodating a mixture of uses.
- 2.2.2 SG Retail2 remains a robust policy with one minor amendment: changing retail impact assessment to retail impact analysis to ensure consistency with Scottish Planning Policy. However, in the reasoned justification text, larger 'destination' retailing should only be supported if it is associated with tourism, as it is envisaged the AWPR will have a significant effect on the retail sector with an anticipated demand for out-of-town developments. Furthermore, as the Proposed Strategic Development Plan seeks to reduce car journeys more emphasis should be placed on accessibility in the justification text.

## 2.3 Policy 3 Development in the countryside

- 2.3.1 Policy 3 addresses development in the countryside out with Aberdeenshire's settlements. It sets out the overarching objectives for development in these areas and provides the context for four pieces of supplementary guidance
- 2.3.2 Policy 3 is welcoming of development in the countryside, whilst recognising the potential impact rural living can have on climate change and sustainable development. This informs a policy approach whereby greater control is placed on development in the Aberdeen Housing Market Area (AHMA) to limit unsustainable commuting, and a more welcoming approach is taken to small-scale development, especially business development, in the Rural Housing Market Area (RHMA).
- 2.3.3 This difference in approach is reflected in constituent supplementary guidance SG Rural Development 1: Housing and business development in the countryside' (SG RD1). SG RD1 limits development in the AHMA whereas a more permissive stance is taken in the RHMA. Modifications to SG RD1 could be considered to ensure that the policy is clearer and therefore more effective. Given the sum of the minor changes proposed and the significant number of applications submitted to Aberdeenshire Council for development in the countryside, it has been proposed that the amended policy will also be the subject of debate in the Main Issues Report
- 2.3.4 SG Rural Development 2 (SG RD2) supports medium and large scale wind energy developments across Aberdeenshire subject to them meeting a robust set of criteria. These criteria cover a range of issues including health and safety; amenity, and; aviation. Other key issues including the landscape and natural heritage impact of turbines are addressed by separate pieces of supplementary guidance.

- 2.3.5 SG Rural Development 3 (SG RD3) addresses the development of renewable energy resources, with the exception of medium-large scale wind turbines and wind farms, in Aberdeenshire. It sets out three criteria for the assessment of renewable energy applications relating to their relationship to the relevant renewable sources; the protection of public health, safety and amenity, and; the mitigation of any negative impacts on occupiers of nearby properties.
- 2.3.6 The need for a greater policy focus on climate change has been highlighted in other policy reviews. This suggestion takes cognisance of both national and regional policy which highlights the urgent need to take action to mitigate and adapt to climate change. Given the relevance of SG RD2 and SG RD3 to the mitigation of climate change, it is suggested that these pieces of supplementary guidance should be dealt with under a new policy heading. The approach taken in the climate change policy will likely be a main issue in the forthcoming LDP Main Issues Report 2013.
- 2.3.7 The Aberdeenshire Local Development Plan 2012 takes a criteria based approach to wind energy development, and lacks the spatial approach envisaged in SPP. This omission requires a change in approach which will also be the subject of debate in the LDP Main Issues Report 2013. The policy review for SG RD2 has also highlighted the need for minor modifications to the policy, including the consideration of all wind turbines under this policy rather than just those of an operating capacity of 10KW or more. This is reflective of Circular 1/2012 which highlights the need for the MOD and NATS to be consulted on even the smallest turbines which are considered permitted development.
- 2.3.8 It has been highlighted in the review of SG RD3 that further guidance on specific types of renewable energy development is required. In particular, new policy guidance is needed for biomass developments and large photovoltaic arrays. This may be addressed as part of the broader discussion of climate change within the Main Issues Report.
- 2.3.9 SG Rural Development 4 (SG RD4) supports minerals development in Aberdeenshire where negative impacts on the road network, the environment and communities can be minimised and mitigated effectively. It provides a clear policy approach for mineral development within Aberdeenshire. It remains a sound tool for assessing mineral development applications. Minerals are a high value economic resource and their extraction must be tightly governed by the local planning authority. There have been various changes regarding mineral development within both the national and regional context since this policy was last reviewed and these should be reflected in a minor revision of this supplementary guidance.

## 2.4 Policy 4 Special types of Rural Land

- 2.4.1 Local Development Plan Policy 4 focuses on special types of rural land which comprise the coastal zone and green belt. The policy identifies that the intrinsic value of these areas must be protected and there should be a 'presumption against development' that would negatively affect the special character of the green belt or coastal zone.
- 2.4.2 The policy refers to Supplementary Guidance STRL type 1: *Development in the coastal zone* (STRL1) and STRL type 2: *Greenbelt* (STRL2) for detailed guidance regarding what is permissible in the respective areas.
- 2.4.3 STRL1 governs what is permissible within the coastal zone. It permits development within the identified coastal areas subject to other policies where it is within an identified settlement boundary, requires a coastal location, is the redevelopment of an existing building or within the curtilage of an existing building for which there is no alternative. In addition, controls are in place to ensure development in coastal locations is not at risk from coastal erosion, will not impact on water quality, or natural coastal processes or habitats.



- 2.4.4 The aim of STRL2 is to conserve Aberdeen's natural landscape setting and promote development that will enhance the Greenbelt whilst protecting its special characteristics. STRL2 stipulates that development will only be permitted in the green belt where it is necessary for the purposes of agriculture, forestry, horticulture, nature conservation, essential infrastructure or to provide accommodation for an essential worker associated with one of these primary industries. Development may also be permitted where it is for the sensitive restoration or conversion of an existing vernacular building or is for the extension of an existing building, subject to other policies.
- 2.4.5 Scottish Planning Policy identifies green belt designations as an important means of directing development to the most appropriate locations in order to manage the growth of cities. It also promotes the green belt as an accessible means of recreation, only permitting development that contributes to the protection and enhancement of the green belts character. SPP identifies types of development appropriate in the green belt as being predominantly those associated with agriculture, nature conservation and recreation.
- 2.4.6 SPP also provides guidance relating to the development of coastal areas along with National Planning Framework 2. They emphasise the local and national significance of coastal areas in terms of landscape and ecology as well as being desirable locations for tourism and recreation. This has created a potential conflict between the need to protect the need to support the economic benefits of tourism. A balance is required and SPP identifies that "*existing settlements and substantial free standing industrial and energy developments, particularly where development is linked to regeneration or the re-use of brownfield land*" as suitable for development in the coastal zone. Coastal zone policy is also under the direction of the Marine (Scotland) Act which is introducing a National Marine Plan (currently in progress). It is proposed that this will sit alongside and work with land use plans.
- 2.4.7 The Aberdeen City and Shire Structure Plan (2009) provides guidance relating to special types of rural land at the regional level. The Structure Plan identified the need to undertake a green belt boundary review which has been completed as well as designating large areas of Aberdeenshire's coast as 'Regeneration Priority'. The revised green belt boundaries have been adopted under the current LDP and there continues to be some conflict between the coastal zone as a protected area and those where regeneration and tourism are being promoted.
- 2.4.8 In light of this review, it is recommended that the coastal zone boundaries identified in STRL1 are reviewed to more accurately reflect the sensitive coastal areas that the policy was designed to protect. The current boundaries extend over 2kms inland in some areas, and often conflict with other policies such as Rural Development 1 (RD1). It is therefore also proposed that STRL1 will be the principal policy guiding development in the coastal zone and RD1 will no longer apply in this area.
- 2.4.9 It is also recommended that an amendment to STRL2 is considered to permit the replacement of non vernacular dwellings in the green belt. There is currently no provision for the replacement of a poor quality dwelling, and the aim of this would be to further improve quality and design standards in the green belt. This would only be on the basis that the replacement dwelling is of a scale consistent with the existing house and is no more intrusive than the previous. In addition, the new dwelling must demonstrate a significant improvement in design to that of the existing house.
- 2.4.10 Finally, it is considered that Policy 4 is currently sound and compliant with national and strategic policy. However, it is proposed that Policy 4 stipulates that STRL1 is the principal basis for considering development in the coastal zone and RD1 would not apply. In addition, it is recommended that the green belt and coastal zone maps are both located in the supplementary guidance or same location for ease and consistency.

## 2.5 Policy 5 Housing Land

- 2.5.1 Local Development Plan Policy 5 focuses on Housing Land Supply. The policy supports the Structure Plan allowances and the Local Development Plan allocations for phase 1 2007-2016 and 2017-2023. The policy is also designed to support the Spatial Strategy which aims for 75% of homes to be built in areas identified for Strategic Growth.
- 2.5.2 It is considered that Policy 5 is currently sound and compliant with national and strategic policy. No major changes to the Policy are recommended. The policy will need to be redrafted for the next local plan so that it supports the new Strategic Development Plan. Clarification should be provided that Aberdeenshire Council has an aspiration of maintain a 7 year supply of housing.
- 2.5.3 SG Housing 1 Supports the Structure Plan requirements and the ALDP allocations for the period 2007-2016 by safeguarding housing land from other forms of development and ensures that allocation numbers are adhered to. It also supports the ALDP's flexible approach to non-allocation in the Rural Housing Market Area. This requires clarification in the supporting text.
- 2.5.4 SG Housing 2 aims to safeguard future housing land to meet the Structure Plan requirements for the 2017-2023 period. SG Housing 2 also enables the early draw down if it is identified that a five year effective supply is not being maintained. Land is safeguarded from development until it is drawn down. Again clarification is needed to make it clear that land is safeguarded from other forms of development and development in general until such a time it is drawn down.
- 2.5.5 The issue of Scotland's current economic climate and its impact on effective housing land supply has been raised by the Scottish Government. Nothing further can be done to the Policy or Supplementary Guidance at this stage
- 2.5.6 The current Policy 5 and Supplementary Guidance housing 1 and 2 will need to be updated to ensure that the new Strategic Development Plan period is taken account of. The new Strategic Development Plan Period has allocations up to from 2017- 2026 and further allocations from 2027-2035.

## 2.6 Policy 6 Affordable Housing

- 2.6.1 Policy 6, in line with Government guidance, is designed to make provision for affordable housing as informed by the Housing Needs and Demands Assessment (HoNDA). Policy 6 asserts that the planning system will not meet all of this need but it is appropriate for the development industry to make some contribution to affordable housing
- 2.6.2 There are inconsistencies between policy 6 and both National policy and the Supplementary guidance SG AH1. The policy refers to delivering housing for those in greatest need but in the current financial climate it is not realistic for the planning system to be the sole means of delivery of housing for those in greatest housing need. Rather a more holistic view of need may need to be taken, refocusing policy on the definition of affordable housing provided by the Scottish Government as housing which is "affordable to people on modest incomes".
- 2.6.3 The current SG Affordable Housing 1 supports Policy 6 Affordable Housing and the aims of the ALDP and Structure Plan. It seeks to assist with the need for affordable housing in Aberdeenshire and requires that all new housing development, must generally contain a benchmark figure of 25% affordable housing, defined as "housing of a reasonable quality that is affordable to people on modest incomes". SG AH 1 makes reference to Schedule 4 which is contained in the ALDP and contains local variations to the 25% requirement. This information is also detailed in settlement statements.

- 2.6.4 Historic under delivery of affordable housing remains a problem for the Aberdeen City and Shire Area. Too little affordable housing has been provided for those who would never be able to buy their own home and until recently housing policies have unwittingly promoted a two tier housing system where the majority of new housing being built is either entirely unaffordable to those on modest incomes, or has been targeted at the social rented sector.
- 2.6.5 A number of specific issues can be identified within SG AH 1, all of which lead to the need for modification in the policy, including:
- Insufficient clarity as to the form and nature of affordable housing being sought until the point of negotiation of a section 75 agreement;
  - Excessive latitude to use “off-site contributions” or commuted cash sums, and for their acceptability as a matter of course on single house developments, contrary to the objective of the policy to secure on-site provision;
  - Confusion between different definitions of “affordable housing” used by the Housing authority and the Planning authority leading to unreal expectations and uncertainty;
  - Impacts on the viability of developments if the Local Housing Strategy policy resource that 60% of all “affordable housing” is social rented housing when there is limited availability of public funding for such construction.
- 2.6.6 The delivery of affordable housing through planning policy is facing distinct challenges. There needs to be a co-ordinated approach to affordable housing by key agencies, including Planning Policy, with a shared understanding of what affordable housing is. The responsibilities of the Planning service and the Housing authority need to be clarified. Affordable housing policy needs to be identified as a main issue and a revised SG AH 1 fully consulted on; this will facilitate feedback from key agencies and the development industry. SG AH 1 needs to be clear about its expectations for the development industry in provision of affordable housing but also enable sufficient flexibility in order to adapt to an unpredictable economic forecast.

## 2.7 **Policy 7 Other special Housing Needs**

- 2.7.1 This policy deals with those types of housing developments where the general housing policies do not generally apply. The policy supports the integration of all “special” types of housing within existing communities and in three elements of supplementary guidance sets out the policy approach to be used for Gypsy Travellers, residential caravans and developments for particular social needs. It remains robust and needs no change.
- 2.7.2 SG SHN1 addresses developments for particular social needs. No changes are considered necessary apart from minor rewording to better reflect that application of this policy requires reference to the need to overcome physical and social barriers within the environment. (i.e. the definition of “need” does not relate to the whole suite of “special needs” identified in the LHS which includes gender issues and families). SG SHN1 is sufficiently robust that it will support development for particular needs in the future even if demand for this type of development increases.
- 2.7.3 No major changes to SG SHN2 are considered necessary apart from some further clarification on prohibition of intensification of uses on caravan sites and what form of economic justification may be appropriate. SG SHN2 is sufficiently robust that it will protect the environment from unnecessary and inappropriate siting of residential caravans and residential caravan sites.
- 2.7.4 Likewise no major changes are needed to SG SHN3 Gypsies/travellers except minor wording change to encourage the development of sites by that community themselves

and provide clarity on the temporary nature of sites identified in the plan as transit sites.

## 2.8 Policy 8 Layout siting and design

- 2.8.1 Policy 8 highlights poor standards of development design as being of significant concern both locally and nationally. In response to this, policy 8 requires developers to engage in a holistic and effective process from which high quality design can emerge. This involves the production of design documents such as masterplans and development frameworks, and engagement with the public when developing designs. It also involves the use of a standardised process of assessment. Policy 8 also forms the context for 11 pieces of supplementary guidance which relate to the layout, siting and design of new developments.
- 2.8.2 SG LSD1 sets out various scales of development at which different types of design document will need to be submitted and approved to allow planning permission to be granted. The review of SG LSD1 has suggested that due to the blanket requirement for developments of more than 50 residential units to provide a masterplan, many masterplans are being submitted even when the development would not constitute a significant change in the urban fabric. In the light of this, a change in the approach to masterplans has been suggested. Masterplans should only be required in areas of large scale change, for small sites which will cumulatively have a significant impact, or where there are particular sensitivities associated with the site. This judgement should be made and articulated in the settlement statement, and a requirement for masterplans etc for unallocated sites introduced.
- 2.8.3 SG LSD2 sets out a series of design related questions which should be rigorously applied during the design process to ensure a high standard of development layout, siting and design. Minor changes to the wording of SG LSD2 are proposed to provide greater clarity. Some aspects of this policy may be removed as they will be addressed in the “climate change” policy group.
- 2.8.4 SG LSD3 addresses house extensions and requires that they: should not negatively impact the amenity of neighbouring residents; should reflect the character of the existing house and area; should not cause the loss of important trees or woodland, and; should not negatively impact storm or waste water drainage systems. Minor amendments are proposed to remove these last two criteria, as these issues are adequately addressed under other policies, and to clarify that the policy applies to all other ancillary developments for domestic use such as garages and boundary treatments. Planning advice on the design of house extensions should be published to provide greater clarity on Council expectations.
- 2.8.5 SG LSD4 supports infill development, subject to it: not eroding the character or amenity of the surrounding area; not interfering with the use of neighbouring sites, and; not causing the loss of important open space or woodland. A small number of amendments to the policy are proposed which would allow it to fully address proposals for change of use and conversion and reduce duplication.
- 2.8.6 SG LSD5 sets out the planning authority’s requirements in terms of open space provision in new developments. It also safeguards areas of public open space, including those which are not protected within settlement statements. A number of changes to SG LSD5 should be considered, including removal of any public open space requirement for windfall developments of less than 50 residential units (such as housing in the countryside, redevelopment or infill).
- 2.8.7 Issues of public access are addressed in SG LSD6. This supplementary guidance provides important protection for public rights of way, and requires an access plan to be submitted in support of all scales of development. While the supplementary guidance has been found to be generally sound and compliant with relevant national policy, it is suggested that issues of access should be addressed as part of a design

statement rather than in a separate access statement. This approach would be less onerous than requiring a separate document solely addressing public access.

- 2.8.8 SG LSD7 supports new community facilities in accessible locations and the reuse of redundant buildings for community facilities. No changes are considered necessary.
- 2.8.9 SG LSD8 safeguards against flooding by applying a presumption against development on any land that is at risk from flooding, is required for long term managed retreat from areas at risk of flood, or is at risk from erosion. It is suggested that flooding matters should be dealt with under a new policy on climate change. Other minor changes to the SG LSD8 include changes to the threshold above which risk is identified, a statement relating to the need for proposals to be compliant with Flood Risk Management Plan, and reference to the new strategic flood hazard maps.
- 2.8.10 A minor change to SG LSD9 (Hazardous development) has been suggested so that applications can be refused when significant negative impacts may arise from a development but the impacts are unclear due to, for example, a lack of information.
- 2.8.11 SG LSD10 ensures that appropriate investigations are undertaken on areas of contaminated land, and that remedial action is undertaken, prior to development taking place. Clarity could be improved by further defining what constitutes pollution of the water environment, reference to 'special sites', highlighting the need for early dialogue between stakeholders and providing a mechanism for the consideration of an upgrade in value when remediation costs are unexpectedly high.
- 2.8.12 The need for new development to reduce carbon dioxide emissions through efficiency measures, and the use of renewable energy technologies, is addressed by SG LSD11. This supplementary guidance would support a new "Climate Change adaptation and mitigation" policy and will be part of that Main Issue. The review of SG LSD11 has identified that joint supplementary guidance on the issue of carbon neutrality between Aberdeenshire and Aberdeen City Councils should be developed, and agreed. This would be based on the Strategic Development Plan objective of achieving carbon neutrality by 2020, and would use the sustainability labelling scheme as the mechanism for demonstrating compliance. Various other amendments are suggested, however they are subject to agreement with Aberdeen City Council.

## 2.9 **Policy 9 Developer Contributions**

- 2.9.1 The aim of Policy 9 is to ensure that developers fairly contribute financially or in kind for any on or off site facility which is negatively impacted by the development. While taking into consideration Circular 3/2012, in order to continue to accommodate the required level of growth it is considered reasonable and fair to continue to seek appropriate developer contributions for infrastructure on a site-by-site basis and as identified in Schedule 3 of the LDP. Minor changing to the wording is required to reflect proposed changes to SG Dev Con 1 requiring contribution to both committed infrastructure and those currently under construction.
- 2.9.2 SG Dev Con 1 advises that if new development leads to a requirement for new or additional infrastructure, the cost of this is met by the developer and not the general public. This includes infrastructure already provided by Aberdeenshire Council. It is considered that contributions should also be sought for committed infrastructure and those currently under construction. The policy needs to be amended to reflect Planning Circular 1/2010 being superseded by Planning Circular 3/2012 and also that Masterplans are not adopted through Supplementary Guidance but are approved by the Area Committees. In addition, the reasoned justification needs to be amended to include infrastructures or facilities which are currently under construction or have been committed by Aberdeenshire Council and to reflect the change in process for Masterplans which are now approved by Area Committee.

- 2.9.3 SG Developer Contributions 2 addresses the key issues on how to achieve appropriately designed accesses to serve new development and requires new development to be accessed by a range of modes of transport in order to support sustainability, reduce emissions and improve well-being. All new accesses should be safe, convenient, accessible for all, not visually dominant and not cause barriers to further development. Minor change is required as the policy provides details on how to provide an appropriate access for larger scale proposals but there is no reference to individual sites where a new private access is required to join the public road.
- 2.9.4 Current national policy and legislation supports the need for SG Developer Contributions 3 “Water and Waste Water Drainage Infrastructure”. While the policy forms a sound basis for ensuring that developments meet national policy/legislation, this review recommends a number of amendments. The requirement for a ‘Development Impact Assessment’ should be replaced with a ‘Drainage Impact Assessment’ (DIA), with the Council’s guidance on DIA referenced in the justification text. The Council’s Technical Guidance on ‘Private Sewage Systems’ and relevant planning advice should also be referenced in the justification text. Information on SUDs maintenance should be provided. Finally, SG DC3 should take account of the consolidated Planning Advice Note on Water and Drainage, which is expected to be published in 2013.
- 2.9.5 Current national legislation and planning policy/advice supports the need for SG Developer Contributions 4. In general, the guidance forms a sound basis for assessing the suitability and sustainability of waste management systems in new development. New waste legislation was introduced in 2012 to implement the ZWP, but otherwise the policy context has not changed significantly since DC4 was written. While no major changes are required, it is recommended that criterion 1 is amended to make reference to the ZWP vision and objectives. In addition, the guidance should refer to ‘all’ wastes, waste reduction and recycling/composting should be preferred in the justification text, and consideration given to the provision of further guidance on the format and content of Site Waste Management Plans.

## 2.10 Policy 10 Enabling development

- 2.10.1 Enabling development is generally described as “development that would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, which could not otherwise be achieved”. The Buildings at Risk Register for Scotland currently identifies 282 listed buildings currently ‘At Risk’ within Aberdeenshire (this statistic is inclusive of those buildings within this category in the Cairngorms National Park). Historic Scotland, identify that the majority of these are in North Aberdeenshire and in rural areas. The majority are B listed buildings and two thirds of the overall buildings are of either a ‘poor’ or ‘very poor’ quality. There are currently 10 restoration projects in progress throughout Aberdeenshire.
- 2.10.2 Policy 10: Enabling development seeks to facilitate the restoration of listed buildings which are on the Buildings at Risk Register through allowing other development that may have otherwise been contrary to the Local Development Plan. The reason for doing this should always be in the interests of the general public and allows for listed buildings to be restored. The second part of the policy allows enabling development proposals in Regeneration Priority Areas, and exceptionally Rural Housing Market Areas, where it allows the start-up of an employment, leisure or tourism activity.
- 2.10.3 In both cases for enabling development the potential public benefit gained must outweigh any adverse impacts that could arise from breaching other policies within the Local Development Plan. The public must benefit from enabling development proposals. Following review, minimal changes are thought to be required to the policy to ensure it remains a robust tool in assessing enabling development proposals. SPP15, SPP23 and NPPG18 provided the foundation for Policy 10. They have since

been superseded by Scottish Planning Policy but this has not resulted in any significant changes.

2.10.4 No changes are thought necessary for SG Enabling development 1.

## 2.11 Policy 11 Natural Heritage

2.11.1 Policy 11: Natural Heritage recognises the importance of the natural environment and the fact that it can be vulnerable to the effects of new development. The policy and its associated supplementary guidance take a broad approach, aiming to protect and enhance designated nature conservation sites and the wider biodiversity and geodiversity. They adopt a precautionary approach when the impacts of a proposed development are uncertain, and also consider the cumulative impacts of development on the natural environment. In addition, the policy provides a mechanism whereby developments which will have a significant negative impact on the environment may be permitted, if there is an overriding public interest. SG NE1 promotes the protection of nature conservation sites from new development that may affect the qualifying interests of these protected areas. SG NE2 gives strong protection to habitats, species and geological features which are not protected by nature conservation designation.

2.11.2 In order to aid clarity, it is proposed that new supplementary guidance for protected species (PS) should be developed and included within policy 11. The current approach of including PS within supplementary guidance on Wider Biodiversity and Geodiversity does not clearly identify PS as having a statutory protection. In addition, the inclusion of the detailed criteria for PS within NE1 creates a long and confusing policy, which is not easily understood and applied. Minor amendments are suggested for Policy 11 and associated supplementary guidance in order to align more closely with national policy and aid clarity.

2.11.3 Consideration has also been given as to whether a new SG on Green Networks and Green Infrastructure should be developed. In conclusion it is suggested that the overriding principle of development of green infrastructure and networks is developed as a new aim of the plan. As this transcends a number of policy areas (design, open space, natural heritage and access). This should be taken forward as a main issue in the Main Issues Report.

2.11.4 Review of NE1 suggested that map based information on Local Nature Conservation Sites (LNCS) should be provided in the proposal maps and /or in an Appendix to NE1. This should be taken forward as a main issue within the Main Issues Report.

2.11.5 Review of NE2 suggested that settlement statement maps should identify and protect any valued biodiversity/geodiversity areas located within 'allocated sites' and in order to inform ecological management plans, NE2 should require applicants to provide baseline ecological surveys, when appropriate. Likewise a list of LBAP priority species and habitats should be provided in order to clearly establish what constitutes significant species/habitats. It also highlighted that the requirement for applicants to identify measures for biodiversity enhancements, is not being applied to all developments. In light of this, the requirement should be removed from NE2 and included within LSD2. This will increase awareness and help ensure that the requirement for biodiversity enhancements is applied more consistently. It was also suggested that Planning Advice 6/2012 Implementation of Policy LSD2 be amended to include an explanatory paragraph on the requirement for biodiversity/geodiversity enhancements.

2.11.6 It is considered that NE1 and NE2 signpost relevant planning advice and require all assessments/surveys to accord with the British Standard BS 42020 *Biodiversity – Code of Practice for Planning and Development*.

## 2.12 Policy 12 Landscape Conservation

- 2.12.1 Local Development Plan Policy 12 focuses on landscape conservation which includes landscape character areas and valued views. The aim of the policy is to '*promote protection, management and planning of the landscape*'. Aberdeenshire's landscapes are vulnerable to the impacts of change and the aim of the policy is to protect the special characteristics of high quality and sensitive landscapes from intrusive and incompatible development. In addition, development should generally be avoided in areas which are largely unspoilt. The Policy refers to Supplementary Guidance *Landscape 1: Landscape character (SGLC1)* and *Landscape 2: Valued views (SGLC2)* for detailed guidance on what development is permissible within different landscape contexts or may affect an identified valued view
- 2.12.3 Policy 12 is sound and compliant with national and strategic policy. However, the final paragraph of policy 12 should be amended to identify and emphasise planning advice 12/2012 *Landscape character advice for small scale development*. A paragraph could be included outlining the purpose and aim of the valued views policy or the intention to develop local landscape designations.
- 2.12.2 SGLC1 permits development of an appropriate scale, location and design in accordance with the landscape character of the surrounding area. It is supported by Planning Advice 12/2012. This provides an overview of the key features and characteristics of each LCA. It stipulates that developments should not adversely impact the natural or historic features or overall composition of the landscape particularly where a landscape is largely unspoilt and protection of its features is required. In addition, cumulative impacts of incremental development must also be taken into account. SGLC1's current LCA approach to protecting and enhancing Aberdeenshire's landscape is appropriate and compliant with SPP. It is therefore suggested that it is retained as it currently stands.
- 2.12.3 SGLC2 supports development that will not have an adverse impact on a 'valued view' as identified in Appendix 1 of the policy. The purpose of this policy is to protect views that are of local significance that the community at large would like to see protected and enhanced. Proposals should be of an appropriate scale and design, and in a location that does not affect the overall integrity and quality of the view. It is intended that this policy supports SGLC1 but focuses on visual impact and the aesthetics of the whole view as opposed to particular landscape features.
- 2.12.4 SGLC2 aims to provide a means of protecting locally valued viewpoints in-line with national policy. However, whilst the intention of the policy is appropriate, it is not adequate and the views that have been identified are difficult to define. The policy needs to be reviewed, replaced (possibly with a local landscape designation) or removed entirely.
- 2.12.5 Review of the current list of valued views reinforces that the current list is composed of a wide range of landscapes and landscape features as well as "views". If the list of views is to be reviewed then considerably more focus must be applied to the *viewpoint*: the view must be identified in terms of a place, landscape or feature, as viewed from a specific, publicly accessible point where they can be fully appreciated (i.e. not from a road unless particular provision is made). An appendix to the policy or planning advice should be prepared to provide further guidance on the scope of the view and the qualities for which it has been identified. Maps and photographs of the viewpoints from which the valued view can be seen should also be included to provide greater clarity for those reading, interpreting and applying the policy.
- 2.12.6 An alternative option could be to remove the valued views policy and replace it with an alternative local landscape designation. It may be appropriate to embark on a process of identifying local "special landscape areas" which would also support SGLSD1. SNH provide guidance on the process to be followed in reviewing local landscape designations and it may be appropriate to commit to such a review with a view to approving supplementary guidance in parallel with the development of the Local Development Plan. These issues of whether to retain, amend and / or replace or



completely remove the “valued views” policy are a main issue for the Main Issues Report.

## 2.13 **Policy 13 Historic Environment**

- 2.13.1 Local Development Plan Policy 13 focuses on the historic environment which includes listed buildings, conservation areas, historic gardens and landscapes and ancient monuments and sites. The policy aims to promote the protection, improvement and conservation of the historic environment, which is identified as one of the Scottish Governments national outcomes. It acknowledges the role of the historic environment to local as well as national identity as well as providing communities with educational, training and employment opportunities. The policy presumes against development that would have a negative effect on the integrity and quality of Aberdeenshire’s historic assets. It is supported by four pieces of supplementary guidance. It is considered that the supplementary guidance for the historic environment is currently robust and consistent with national policy. Only minor amendments are proposed.
- 2.13.2 Policy 13 is currently sound and compliant with national policy. It is recommended that it is retained as it currently stands subject to two minor amendments. A definition of what the historic environment includes to clarify what the policy applies to. In addition, reference to ‘a historic environment strategy’ should be updated to reflect the current status of the adopted Historic Environment Strategy.
- 2.13.3 SGHE1: *Listed Buildings* encourages the protection, maintenance, enhancement, use and conservation of all buildings specified in the list of *Buildings of Special Architectural or Historic Interest* for Aberdeenshire (“listed buildings”). It recommends refusal for any proposal that will have an adverse impact on the character, quality or setting of a listed building. Limited alterations may be permissible. SG HE1 should include cross reference to *SG Enabling Development1: Enabling Development* in relation to securing the long term retention and re-use of listed buildings.
- 2.13.4 SG HE2: *Conservation areas* stipulate that there is a presumption against development that would have a detrimental impact on the special character or setting of a conservation area. The importance of sensitive layout, scale, siting and materials that are compatible with the conservation area should be highlighted in SG HE2. It is considered that this would be beneficial for the interpretation of the policy and provide greater consistency with SPP.
- 2.13.5 SG HE3: *Historic gardens and designed landscapes* states that development that would have an adverse impact on the character or setting of a historic garden or designed landscape should only be permitted if ‘*the objectives of designation and the overall integrity and character of the designated area will not be compromised*’. Only where the long term social or economic benefit of wider public interest outweighs and no alternative sites would be appropriate is it permissible to approve a proposal that would have a negative impact on a designated garden or landscape.
- 2.13.6 SG HE4: *Archaeological sites and monuments* will only allow development which would have an adverse impact on a scheduled ancient monument or archaeological site of local or national importance if there are social or economic reasons of overriding public interest and there is no alternative site for the development. In such circumstances, the applicant must propose appropriate mitigation measures or pay for a full excavation and recording of the site where it cannot be retained in-situ. No changes are considered necessary.

## 2.14 **Policy 14 Safeguarding of resources and areas of search**

- 2.14.1 Policy 14 aims to conserve natural resources for future generations, while also promoting sustainable economic development by making sure that major sites are retained for specific uses. The policy also identifies areas that may be appropriate for large and intrusive developments. National and regional planning policy supports the

need for Policy 14. The policy provides a sound and robust basis for the protection of key strategic resources and the identification of appropriate 'areas of search'. No changes are proposed to the policy.

- 2.14.2 Current national legislation and planning policy/advice supports the need for Safeguarding 1 "Protection and Conservation of the water environment". The guidance forms a sound basis for assessing the impacts of development on the water environment, while also encouraging restoration/enhancement. While the legislative and policy context has not changed significantly since Safeguarding 1 was written, further consideration should be given to the addition of a new criterion which would result in aquatic engineering works associated with a development which may have an impact on water quality only to be approved if it is licensed under CAR. It is also suggested that the justification text be amended to advise applicants on the issue of culverting and to direct Development Management and applicants to relevant planning advice.
- 2.14.3 SG SR2 "Protection and Conservation of Agricultural Land" aims to prevent the permanent loss of prime agricultural land. The approach used is consistent with Scottish Planning Policy. This also permits development on quality agricultural land where it is for small scale development which is directly associated with a rural business. Whilst this policy does not directly refer to the latter, it is considered that policies' STRL2 and SGRD1 provide an adequate allowance for this. It is however suggested that along with updating reference to the Macaulay Institute, that SG SR2 refers to associated policies STRL2 and SGRD1 in relation to small scale development associated with rural business and agriculture to provide greater compliance with SPP.
- 2.14.4 Current national legislation and planning policy/advice supports the need for Safeguarding 3 "Protection and Conservation of Trees and Woodland". While the guidance forms a sound basis for protecting trees and woodlands, a number of amendments are required. Settlement Statement maps should be used to identify and protect significant trees/woodland areas and a requirement for buffer zones, where appropriate, should be added. In addition, there is a need to expand the policy to provide protection for hedgerows, seek opportunities for woodland expansion/enhancement in connection with new development, provide further guidance on compensatory planting and update the Planning Advice on Trees and Development.
- 2.14.5 SG Safeguarding4 addresses the key issues on how current and future road and air transportation links should be protected from inappropriate development and how a wider range of modes of transport should be provided to help to reduce emissions. The guidance also protects both the existing core footpath network and former railway lines. While ports and harbours are mentioned within the Reasoned Justification, they are not mentioned in the policy itself. An additional criterion should be added to the policy to include "operational areas of ports and harbours".
- 2.14.6 SG Safeguarding5 seeks to ensure that employment land designated in settlement maps are used for employment purposes and sets out criteria where non-employment uses would be allowed on existing business sites. It remains a robust policy although minor amendments are required to change the title to reflect both business land and employment land, to distinguish between the two elements of the policy that refer to new and existing sites, and to set out the circumstances when development on strategic reserve land would be supported. Minor additions are recommended to the supporting text stating when development on strategic reserve land can be brought forward, and to allow greater flexibility in the uses supported on previously developed land in Regeneration Priority Areas outwith Strategic Growth Areas.
- 2.14.7 SG Safeguarding6: Safeguarding oil and gas sites' safeguards St Fergus Terminal for oil and gas related development, and does not permit any other type of development in or adjacent to the site. This takes account of its strategic importance to the oil and gas sector, and its potential relating to carbon capture and storage under the North Sea.

However, the gas terminal is protected in the relevant settlement statement and there is no requirement in national or regional policy for a specific policy protecting it. This policy can therefore be deleted.

- 2.14.8 SG Safeguarding<sup>7</sup> remains a coherent policy in safeguarding and identifying areas of search for minerals. There have been no major changes in national or regional policy that would imply any significant changes to be made to SG Safeguarding<sup>7</sup>. The current policy approach continues to be supported by SPP. Clarity could be provided through explicit recognition that small scale development could be accepted in areas of search for sand and gravel, and on the definition of “outcrops” of hard minerals.
- 2.14.9 Current national policy and legislation supports the need for SG Safeguarding<sup>8</sup>. The policy forms a sound basis for assessing the location and control of waste management facilities in Aberdeenshire. The legislative and policy context on waste management facilities has not changed significantly since Safeguarding 8 was written. The supporting text could be amended to cover all waste, align more closely with the waste hierarchy and the proximity principles, and expanded to provide more context, in terms of the ‘need’ for waste management facilities. The supporting text could also require consideration of buffer zones and provide further guidance on ‘best practicable environmental option’ assessment, suitable locations for specific waste management facilities and the information required to be submitted with a planning application.