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SG Bus1: Development of business land

We will approve new employment uses, subject to other policies, on land allocated or identified on the proposals maps, or most recently used for this purpose.

Reasoned Justification

The aim of this policy is to ensure allocated employment sites, shown on the settlement proposals maps, are developed for suitable employment purposes. A separate statement of supplementary guidance (“SG Safeguarding5: Safeguarding employment land”) protects these and existing sites from non-employment development. Removal of employment land allocations, or proposals for the comprehensive redevelopment of land currently used for business to another use should only be undertaken following due process as part of a review of the Development Plan.

In accordance with the Structure Plan, the Local Plan maintains a supply of land for industrial,

business, and other employment uses, normally Classes 4, 5 and 6 of the Use Classes Order, and other employment uses where appropriate. This is one of the key factors in sustaining a vibrant, effective and sustainable economy for Aberdeenshire. The Action Programme will identify the means by which this established land supply will be made effective so as to meet the Structure Plan targets for the marketable land supply.

For clarification this policy does not apply to farmland, shop, hotel or retail office developments, even though they may employ people. It applies to land that was last, or is currently, used for business purposes.

Integrating new employment generation with supporting infrastructure and housing development is an important means of achieving sustainable communities. For this reason provision of marketable employment land will be a requirement for any development that seeks to create a new neighbourhood. These sites are specifically identified within the proposals maps.

SG Bus2: Office development

We will approve new office development, subject to other policies, if:

- 1) it is located on land allocated in the plan for employment use; or uses existing derelict, despoiled, unused or underused land or buildings; AND**
 - 2) the applicant demonstrates that the development will be adequately accessible by public transport where available, or by walking or other non-motorised means of travel, or would deliver improvements to public transport services in scale with the development; AND**
 - 3) in the case of offices that fall within Class 2 of the Town and Country Planning (Scotland) Use Classes Order 1997, the proposal meets the sequential approach to site selection under the terms of policy relating to retail uses, where they will be considered as though they were shops.**
-

Reasoned Justification

The aim of this policy is to encourage office development to locate on sites appropriate to the scale of the proposal in terms of, for example, traffic impacts or neighbouring uses. This helps to maintain a diversity of use as well as maintaining and enhancing the vitality and viability of each settlement and its town centre.

Adequate accessibility is measured by comparing the number of households that will be within a 15 minute travel distance by walking or public transport with the predicted number of employees. Measures may be required to ensure that under no circumstances is the number of households within this travel distance less than the number of predicted employees.

Class 2 of the Town & Country Planning (Scotland) Use Classes Order 1997 includes financial, professional and other services such as accountants, banks, estate agents, doctors and dental surgeries and betting shops. These are services which should be located in town centres' main retail areas. The Council may waive the sequential approach requirement for community medical facilities, where appropriate.

SG Bus3: Working from home

We will approve home based employment, subject to other policies, if:

- 1) it does not cause significant loss of amenity to neighbouring properties through noise, traffic movements or other nuisance; AND**
 - 2) it does not change the overall character of the property's use as a single dwelling; AND**
 - 3) any building extension proposed for home based employment purposes retains the appearance and perception of the property as a private dwelling house.**
-

Reasoned Justification

The aim of this policy is to encourage small businesses at home, while maintaining control over their impact on the surrounding area.

A recent trend has been the growth of small businesses being carried out from home. This is likely to continue, particularly with advances in communications. As working from home reduces the need for travel it is a good example of sustainable development. It is therefore encouraged, although some control must be exercised to ensure that the operation of these businesses does not have an unacceptable adverse impact on the surrounding area.

Not all instances of working from home require planning permission. Proposals that result in a substantial part of the house or of its curtilage being unavailable for domestic use are likely to require planning permission. In all cases the potential impacts from the business use on neighbouring properties, its scale, and the need to employ non-family members on site will be used in this judgement.

SG Bus4: Tourist facilities and accommodation

A. We will approve new or improved tourist facilities or accommodation, subject to other policies, if:

- 1) they are well related to existing settlements and avoid dispersed patterns of development; OR**
- 2) the developer has demonstrated a locational requirement based on the need to be near to the specific tourist attraction being exploited, and that the facility will not damage those interests.**

In any of these cases, the applicant must also demonstrate that:

- a) the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area; AND**
- b) they have taken account of the potential cumulative impact of similar proposals in close proximity.**

B. We will refuse any proposal to convert existing tourist accommodation to other uses, unless satisfactory evidence is provided showing:

- 1) that it has been actively marketed for sale as a going concern at a reasonable market price and for a reasonable period with no formal interest having been shown in the property; AND**
- 2) that the current business is no longer viable.**

Reasoned Justification

Part A

The aim of this policy is to promote tourism in locations where it would not damage one of the main resources on which it is based, i.e. the environment. The policy therefore ensures that development proposals do not have a significant impact upon the nature conservation, landscape character or amenity value of the area. SG Rural Development1: Housing and business development in the countryside provides opportunities for business development in the countryside which would include tourist accommodation and facilities.

Tourism is essentially a sustainable industry and is of considerable value to Aberdeenshire, as long as it is not overdeveloped. Tourism is one of the region's largest sectors, and it is an important economic driver. As such, tourism developments should be promoted. Facilities for sport and recreational activities requiring unimpeded access to remote open country will normally be accepted on appropriate sites in the countryside under the rural development policy. However, tourism must not destroy the qualities that bring tourists to the area in the first place. Tourist related development should be carefully located, sited and designed to provide high quality facilities which fit successfully into the environment.

"Tourist attractions" are taken to be specific places or points of visitor interest, including historic sites and monuments (castles, historic houses, concentrations of archaeological sites etc.), and specific natural heritage features (such as waterfalls or viewpoints).

Roadside facilities are also valuable tourist facilities and range from lay-bys through to comprehensive service areas.

Where retail is proposed alongside or ancillary to tourism developments, it will be determined under Policy 2 Town centres and retailing. Where there is a proposal for retail tourism within a town, the impact on the town centre must be assessed under Policy 2 Town centres and retailing.

Part B

It is important to have a range of tourist accommodation which attracts visitors, and has the potential to prolong tourists' stay in Aberdeenshire.

The loss of hotels to residential accommodation is a particular problem faced by many communities in Aberdeenshire. A reasonable period for marketing is likely to be 12 months. Formal interest can be shown by the engagement of a property or legal professional in a potential sale or transfer.

SG Retail1: Town centres and retailing

We will approve retail and commercial proposals within settlements, subject to other policies, if:

- 1) they are appropriate to the scale and function of the settlement; AND**
- 2) they are within a town centre defined in the proposals map, OR they are elsewhere within a settlement where it can be demonstrated that a sequential approach to site selection has been followed (this approach is detailed in Appendix 1 to this statement); AND**
- 3) they are in a location that either is, or at the developers' expense can be made, conveniently accessible by means other than the private car to the projected catchment of the facility.**

In the case of any non-retail or non-commercial developments within town centres, OR of any retail or commercial developments outwith town centres, the developer can demonstrate that there will not be significant adverse effect on the vitality or viability of existing centres, as detailed in Planning Advice published separately.

Shops designed primarily to serve the convenience of a local neighbourhood, and shops which will act as a new, or support an existing, tourist destination and make a contribution to the development of the Aberdeen Rural Housing Market area, are not subject to the sequential approach to site selection.

Reasoned Justification

This policy promotes a sequential approach to site selection. This is detailed in Appendix 1, but in general requires developers to demonstrate that there are no suitable town centre sites, before considering sites on the periphery of the town centre, and subsequently before considering sites, in other retail centres within the town. This recognises the commercial and transportation benefits to be achieved through the grouping of shops together.

The supplementary guidance also requires developers to demonstrate that their proposals have no more than a minor adverse impact on the vitality and viability of existing centres through consideration of a wide range of quantitative and qualitative indicators, including expenditure flows. In this way the approach reflects the commercial realities of retail and other development required by Scottish Planning Policy. A combined retail, economic and transport assessment is recommended. Details of how this should be undertaken are presented in Planning Advice appended to this policy statement.

A mix of uses is anticipated within town centres, including housing and business developments, but retailing and commercial services should always remain the principal land uses. Public open spaces in town centres are important to allow features such as farmers' markets to operate, making a significant contribution to the vitality of the centre. Town centre strategies are promoted as a means of analysing and identifying the capacity for change within town centres, and setting out a programme for delivery of environmental and amenity improvements. Objectives for such strategies should be to promote sustainable and competitive places with a distinct character and sense of place provided through well designed and appointed public spaces and buildings. Aberdeenshire Council will assist local traders in developing town centre strategies, and will use its planning powers to assist in their delivery.

Retail and commercial developments are often large and conspicuous elements of the townscape. In all cases the highest design standards are to be expected for retail, commercial and office developments. Large or otherwise significant proposals should be submitted for design review with Architecture & Design Scotland. Where supermarkets are proposed as part of a neighbourhood centre within masterplanned developments, we will require their construction early within the phasing of development.

Appendix 1

The sequential approach to site selection

- 1) The sequential approach requires that locations within settlements are considered in the following order:
 - i) principal and other town centre sites;
 - ii) edge of town centre sites;
 - iii) other commercial centres identified within the development plan;
 - iv) derelict or vacant land in out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport;
 - v) other out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

Proposals out with settlement boundaries will be considered through *SG Retail2: Retail development in the countryside*.

- 2) Table 1 (below) provides guidance on the retail centres in towns across Aberdeenshire and on the nature of development that is supported.

A sequential assessment report is not required for sites within defined town centres or that otherwise meet the principles within this table. Applicants for major retailing proposals are required to show that they have complied with the sequential approach for site selection for any site outwith centres or retail parks (where appropriate) identified in the development plan.

- 3) Applicants should be able to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are considered for development. The onus of proof that more central sites have been assessed rests with the applicant.
- 4) Flexibility and realism are required from developers and the planning authority. An alternative site may still be acceptable for the purposes of the sequential approach, if it falls within the same format even if it cannot accommodate development on the same scale or form as originally proposed. For example food retail falls into 5 broad formats, main food shopping, mid range/top-up, discounters, frozen and convenience. Formats that in the developers

Table 1 “Retail centres and roles”

Centre type (role)	Policy approach		Centre
	New development	Principle for sequential approach	
Principal Town Centre	Support all retail developments where the market area is not regional	Preferred location for large comparison shop types, and for local convenience shops which serve the town centre.	Banchory, Banff, Ellon, Fraserburgh Huntly, Inverurie, Peterhead Stonehaven, Turriff
Other town centres	Local retail provision only	Preferred location for convenience shops which serve the town centre.	Aberchirder, Aboyne, Alford Kintore, Macduff, Newmachar Oldmeldrum, Portsoy Rosehearty, Westhill
Neighbourhood centres	Local retail provision only (less than 500m ² gross floor area)		Other villages Neighbourhoods within principal towns
Other commercial centres and retail parks		Preferred location for bulky comparison outlets if town centre sites are not available	Balmacassie, Ellon Buchan Gateway, Peterhead Highclere Business Park, Inverurie Portlethen Retail Park South Harbour Road, Fraserburgh, Steven Road, Huntly Windmill Road Peterhead.

view do not fit into existing town centres, are not exempt from the sequential approach. Applicants should have regard to the format, design and scale of the proposed development in relation to the circumstances of the particular town centre.

- 5)** Aberdeenshire Council generally takes the stance that any assessment should be made on the basis of the class of goods to be sold, rather than solely on the “built form” of the development. Greater flexibility will be expected from the developer, if the class of goods which are proposed can be reasonably traded in the town centre. The test for reasonableness will be a comparison of retail activities on comparable sized sites and locations within other centres.
- 6)** The expectation is that the applicants will have demonstrated rigour in their search of alternative sites for a retail proposal, by an early and systematic assessment of sites. In practice this will involve:
- Identification of sites that are available or may become available in a reasonable time period (5 years) in or on the edge of the town centre, including other adjacent centres capable of serving broadly the same catchments.
 - Appraisal of all the alternative sites in terms of:
 - i) their suitability of the site for the type of goods being sold;
 - ii) the impacts of development on the site, particularly in terms of the design sensitivity of uses adjacent to the site and traffic generation;
 - iii) the accessibility of the catchment to the proposal, particularly by non-motorised and public transport;
 - iv) its suitability for the form of development proposed; and
 - v) the deliverability of the site.
 - Assessment of the alternative sites on their ability to accommodate broadly the same format proposed by the developer with a degree of flexibility appropriate to the nature of the retailing characteristics of the centre.

This assessment requires to be submitted along with the planning application.

7) The sequential approach applies equally to proposals for extending existing edge of centre and out of centre development that creates additional floorspace. These will be treated as if they were new development and on the basis of the trade of the store extension.

8) Retail warehouse proposals, where goods are stored and sold from the same location, are not exempt from the sequential approach. The Town and Country Planning (Use Classes) (Scotland) Order 1997 states that:

“Retail warehouses, where the main purpose is the sale of goods directly to visiting members of the public, will generally fall within the shops class irrespective of the proportion of floor space used for storage.”

Aberdeenshire Council will, however, demonstrate realism in the interpretation of the sequential approach to this kind of development, recognising that the format for such proposals and the need for vehicular access may not make them appropriate within the defined town centres of the Aberdeenshire towns. In order to meet objectives to reduce the need to travel, encouragement will be given to proposals which add to an existing group of such developments within a “retail park” site identified within the Development Plan.

9) Factory retail outlets and farm shops are restricted by their location to the factory or farm on which they are sited, and from which the majority of their produce is generated. These types of shop are exempt from the sequential approach.

10) Retail uses are not principally employment uses, and allocation of land for business use does not imply it will necessarily be acceptable as a retail development site.

11) Where possible, edge of centre stores should be designed with the store on the part of the site nearest to the centre. Preferably they will have a direct street frontage, so that the shop will be welcoming to those arriving on foot and will extend the town centre.

SG Retail2: Retail development in the countryside

We will approve retail developments in the countryside, subject to other policies, where:

- 1) It is designed alongside or ancillary to a new tourist attraction; OR
- 2) It is ancillary to an existing tourist attraction or recreation facility; OR
- 3) It is the expansion or intensification of an existing retail use in the countryside, including an established farm shop, as long as the increased scale of development is appropriate to the rural character of the area.

In any of the cases above, the applicant must also demonstrate that:

- a) reasonable account has been taken of the possibility either of using disused/derelict buildings or of locating a new building on brownfield land; AND
- b) there would be no significant adverse impact on the vitality or viability of the identified network of existing centres as demonstrated by a retail impact assessment.

Reasoned Justification

The aim of this policy is to promote the rural economy, and support existing businesses through diversification.

A key issue identified in the Structure Plan is the importance of promoting retail services throughout the region to guarantee the vitality and viability of our town centres, while creating opportunities for growth in the economy. Aberdeenshire is largely a rural area, and there is opportunity to broaden the economy of rural Aberdeenshire by promoting small-scale retail developments in the countryside that will not have a significant impact on existing retail centres. Supporting proposals for larger “destination” retailing also has an important role to play in sustaining the rural economy of Aberdeenshire.

Appropriate rural character will be judged, amongst other things, in terms of transport, accessibility and landscape.

“Tourist attractions” are taken to be specific places or points of visitor interest, including historic sites and monuments (castles, historic houses, concentrations of archaeological sites etc.), and specific natural heritage features (such as waterfalls or viewpoints). For the purposes of this policy they also include businesses that provide a range of activities for visitors (such as “outward bound” centres).

A farm shop in the countryside may not require a planning application if:

- 1) the majority of the produce is produced on site or with a provenance specific to the immediate area; and
- 2) the retail unit is ancillary to the existing farm use (i.e. the farming use remains the principal use).

Once goods are imported to the location from outwith the local area a planning application will be required and the application would require to meet criterion 3 of the supplementary guidance.

Farm supply shops, where the substantive business is the sale of feedstock, will be treated as warehouse and distribution businesses, rather than retail businesses. It may be appropriate for these to sell other agriculture related goods in a “shop”, provided it remains a smaller part of the warehouse and distribution use.

“Farmers’ markets” are temporary in nature and would not usually require planning consent. Where a permanent “farmers’ market” is proposed, this policy would apply.

SG Rural Development 1: Housing and business development in the countryside

A. In the countryside outwith the Aberdeen City green belt we will approve new small scale development, subject to other policies, where:

- 1) it is for a development that would be permissible under the green belt supplementary guidance; OR**
- 2) it is for the refurbishment or replacement of an existing or disused building, or it is on a site which has previously been developed and is now redundant; OR**
- 3) it is for development that contributes to the organic growth of a settlement identified in appendix 1, of no more than 3 houses on a site within approximately 400m of the edge of the built up area; OR**
- 4) it is for a single dwelling house associated with the retirement succession of a viable farm holding.**

B. In the Rural Housing Market Area only we will approve new small-scale development, subject to other policies, where:

- 1) it is an employment proposal; OR**
- 2) it is an appropriate addition, in scale and character, to an existing cohesive group of at least five houses.**

Within all cases above, the siting and design of the development will be a primary consideration. The retention and refurbishment of vernacular buildings and the re-use of brownfield sites will always be preferred, and the character of these buildings should be retained in all cases.

Reasoned Justification

The aim of the policy is to support a long-term sustainable pattern of development that balances needs, aspirations and demands for development in rural areas outwith settlements. It also recognises that the greater demand for development that can be anticipated in certain parts of Aberdeenshire

requires greater control of new development than in other areas.

Restrictions are placed on areas where there is likely to be the greatest demand for rural housing, and where there is a risk of sporadic and intrusive development to the detriment of the character of the landscape.

This supplementary guidance does not apply to development sites specifically allocated within the Local Development Plan. It normally will only apply to small-scale development, as any other developments should come through the Local Development Plan process. Small scale development allows up to 3 residential units, or in relation to employment land up to 0.5 hectares or a business employing 5 or less people. In exceptional circumstances, larger developments will be considered.

Need for development is accommodated by allowing retiring farmers to remain on the land where they can continue to make a valuable contribution to the farming enterprise, but only where there is a family successor to the farm. Only in exceptional circumstances will this clause be applicable if a farm is to be sold, as the sale could exclude sites acceptable under other terms of the policy. For the rare circumstances where there is evidence to demonstrate an on-site presence is required, development is also accommodated. To ensure housing for an essential worker is not sold on, in exceptional cases developers may be required to enter into a Section 75 Agreement with the Council.

For clarification, previously developed land must be disused and redundant for its designed purpose, and therefore a recently built agricultural building which is capable of being used for modern farming practices would not apply.

Economic development proposals will normally have no need for an associated on-site housing development. In certain circumstances, under Policy 10 Enabling development, enabling development for businesses may be considered.

There is some common ground between this policy and development in the special rural types of green belt and coast. The special characteristics of coastal areas are managed by separate supplementary guidance which should be applied in addition to this

policy. Regeneration areas are an economic policy tool and that provides additional advantage to these areas through greater land allocations and more “enabling development” opportunities. They have no need for a more relaxed rural development policy beyond this.

The policy applies to all forms of development outwith settlements, including the conversion of vernacular buildings and steadings, replacement buildings (including replacement houses) and new-build. No restriction is placed on the size of replacement of existing buildings, or of the footprint that such a building should occupy, provided the development is on the same site (but not necessarily the same footprint) and the design is appropriate for the location. If proposals for the replacement of buildings require any measure of undeveloped land outwith the curtilage, this may be considered on its merits.

Where this policy is to be used to enable redevelopment of a traditional vernacular building every effort should be made to retain the existing building, and to augment the traditional design features that it promotes. However, once a traditional vernacular building is converted it becomes a house, and therefore extensions to these buildings should be treated under the house extensions policy (SG LSD3).

Development granted as part of a cohesive group under this policy should not exceed 20% of the existing size of the cohesive group within the 5-year plan period (i.e. five year period from January 1st 2012). Units constructed under this policy will not count towards the size of the group until the following plan period.

Development granted as part of organic growth under this policy should not exceed 20% of the existing size of the settlement within the 5 year plan period (i.e. five year period from January 1st 2012). Units constructed in the settlement will not count towards the size of the settlement until the next plan period.

Appendix 1: Identified Villages

These are the settlements that are referred to in paragraph A.3 of the supplementary guidance.

BANFF & BUCHAN

- Bogton / Forglen
- Cornhill
- Crudie
- Gordonstown
- Gardenstown
- Inverboyndie
- Kirkton of Alvah
- Ladysbridge
- Memsie
- Netherbrae
- New Aberdour
- New Byth
- Rathen
- Rosehearty
- Sandend
- Sandhaven/ Pittulie
- Tyrie
- Whitehills

BUCHAN

- Crimond
- Cruden Bay
- Fetterangus
- Longhaven
- Longside
- Maud
- New Deer
- New Leeds
- New Pitsligo
- Old Deer
- St Combs
- St Fergus
- Strichen
- Stuartfield

FORMARTINE

- Berefold
- Daviot
- Fintry
- Fisherford
- Fyvie
- Kirkton of Auchterless
- Rosehall
- Rothienorman
- Ythanbank

GARIOCH

- Auchleven
- Chapel of Garioch
- Kirkton of Rayne
- Meikle Wartle
- Oyne

KINCARDINE & MEARNS

- Arbuthnott
- Benholm
- Fettercairn
- Park
- Woodlands of Durris
- Kirkton of Durris
- Roadside of Kinneff

MARR

- Ballogie
- Blairdaff
- Bogniebrae
- Bridge of Alford
- Bridgend of Gartly
- Cairnie
- Clatt
- Finzean
- Fergie
- Gartly
- Glass
- Glenkindie
- Keig
- Kennethmont
- Kennethmont Distillery
- Kirkton of Tough
- Largue
- Logie Coldstone
- Lumphanan
- Lumsden
- Muir of Fowlis
- Montgarrie
- Rhynie
- Strachan
- Tarland
- Towie
- Whitehouse
- Ythanwells

SG Rural Development2: Wind farms and medium to large wind turbines

We will approve wind energy development, subject to other policies, if it is located, sited, and designed in accordance with the following criteria. The applicant must demonstrate that:

- 1) the proposal will not compromise public health or safety; AND**
- 2) the proposal will be set back from roads and railways to a distance greater than the height of the turbine(s) proposed; AND**
- 3) i) the safety of UK aerodromes, aircraft and airspace is not adversely affected (including radar or air traffic control systems of National Air Traffic Services (NATS)**

ii) it does not significantly impede or compromise the safe and effective use of any defence assets (including radar or air traffic control systems of the Ministry of Defence)

iii) it does not adversely affect the quality of radio or TV reception

iv) it does not have a detrimental impact on the safeguarding zones for airports, airfields or airstrips (either licensed or unlicensed), aircraft flight paths, or MoD low-flying areas; AND
- 4) the proposal will not have a significant adverse effect on the amenity of dwelling houses; AND**
- 5) the proposal will not have a significant adverse effect on tourism or recreation interests, including users of any Core Path or other established public access for walking, cycling or horse riding; AND**
- 6) assessment of the proposal has taken into consideration the cumulative impacts of neighbouring wind turbines, wind farm development previously granted consent and valid applications which have not been determined. At least these cumulative impacts should include potential impacts on landscape, local amenity, and natural heritage.**

In all cases, if consent is granted, we will impose appropriate conditions (along with a legal agreement under Section 75, where necessary), relating to the removal of the turbine(s) and associated equipment, and to the restoration of the site, whenever the consent expires or the project ceases to operate for a specific period.

Reasoned Justification

The aim of this policy is to encourage the sensitive development of wind energy facilities. Wind energy developments can contribute to renewable energy generation targets and provide economic and environmental benefits.

Assessment of any application will also require to consider visual and landscape impacts, natural heritage and the historic environment, and the potential impact on the local economy within the context of other policies and supplementary guidance in the plan. Impacts on sensitive species, including geese and birds of prey, are significant issues that regularly need to be addressed in relation to proposed wind energy developments. Also of particular relevance will be Policy 12 Landscape conservation.

As more landowners are expressing an interest in diversifying into wind energy, it is necessary to have a policy that facilitates development, while ensuring the protection of the local landscape and its character, of nature conservation interests and of general amenity. Wind energy development can range from a single “domestic” turbine to a commercial wind farm with many wind turbines. Individual domestic wind turbines (those designed to serve the needs of one household without significant energy export) are not subject to this policy. Planning Advice defines turbine size classification. For the avoidance of doubt the policy SG Rural Development3 “Other renewable energy developments” applies to small wind turbines, which are defined as being those designed for domestic use (i.e. to offset domestic energy use) and/ or are smaller than 10Kw in capacity.

Wind energy developments can interfere with broadcast communications and signals, depending on their location and design. Therefore, it is important that developers consult with the local emergency services, local authority, gas and

electricity companies, the Office of Communications, airport authorities, Civil Aviation Authority (CAA) and the MoD at the earliest possible stage. The Planning Authority will take into account the views of the relevant communications operators, CAA and the MoD, when determining a planning application for any wind energy development.

The proposal must be sited to minimise adverse impact on the safety and amenity of any regularly occupied buildings and the grounds that they occupy with regard to ice throw in winter conditions, shadow flicker, shadow throw, visual intrusion or the likely effect of noise generation. The desirable separation distance will be dependent on a range of factors, including topography, safety issues, noise, shadow-flicker, shadow-throw and the size of the turbines. A distance of at least 10 rotor diameters is a general rule beyond which shadow flicker should not be a problem.

In the case of noise, a reasonable standard to protect residential amenity should be applied: information about thresholds can be found in Planning Advice. However, thresholds could be varied, depending on the specific local circumstances. The onus will be placed on developers to show that the impacts of their development have been minimised and are also within the thresholds stated in Planning Advice.

Wind energy developers should demonstrate the capacity of the site for the proposed wind energy development through design and layout that is appropriate to the landscape character and scale of topography of the location. Wind energy proposals should not have the potential to be experienced as dominant or overbearing in relation to the site's scale of topography or the intrinsic sensitivity of the location. With this caveat Aberdeenshire Council places no specific limit on the size of turbine that could be erected.

Associated infrastructure should also be taken into account when considering wind farm development: this may include grid connections, service buildings, borrow pits and access tracks. It may be possible to re-route paths in consultation with the community and at the developer's expense.

Wind energy proposals in urban areas are likely to raise similar issues, and this policy should be applied to any wind energy element of any application in urban areas.

Within the policy a "neighbouring" wind energy proposal is one that could be seen from any part of the site, at ground level or otherwise as advised by the Planning Authority.

We have been unable to identify any areas which could accommodate wind farms greater than 20Mw, but this does not mean to say that windfarms of this scale could not be considered. Proposals for large windfarms will also be considered within the context of this policy. It is proposed to revise this supplementary guidance to provide a spatial framework for windfarms of over 20MW, including areas requiring significant protection from such developments, by March 2013.

Further Planning Advice is provided on wind energy developments: Use of wind energy in Aberdeenshire: *Part 1 - Wind energy guidance for developers*; and *Part 2 - Wind energy guidance for assessing developments*.

SG Rural Development3: Other renewable energy developments

We will approve renewable energy development, subject to other policies, if it is located, sited and designed in accordance with the following criteria. The applicant must demonstrate that:

- 1) any new facilities are well related to the source of the primary renewable resources that are needed for operation; AND**
- 2) the proposal will not compromise public health, safety or amenity; AND**
- 3) satisfactory steps will be taken to mitigate any negative development impacts on occupiers of nearby properties (in or outwith a settlement boundary).**

In all cases, if consent is granted, we will approve appropriate conditions (along with a legal agreement under Section 75, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires or the project ceases to operate for a specific period.

Reasoned Justification

The aim of this policy is to encourage the sensitive development of renewable energy resources. Particular attention will therefore be given to other policies that relate to ensuring protection of the landscape, nature conservation interests and amenity of the area, as well as transportation considerations.

Renewable energy development could potentially have an impact on occupiers of neighbouring properties, such as noise, visual intrusion, or traffic movement. The developer should demonstrate that satisfactory steps have been taken to mitigate negative development impacts. Likewise such developments may have a landscape impact and this will require to be assessed in the context of Policy 12 Landscape conservation.

SG Rural Development4: Minerals

We will approve mineral development, subject to other policies, where:

- 1) sufficient information has been submitted with a planning application to enable a full assessment to be made of the likely effects of development, including impacts on human health, together with proposals for appropriate control, mitigation and monitoring; AND
- 2) a Transport Assessment has been submitted showing the development will not have significant negative transport impacts on local communities; AND
- 3) where necessary the Planning Authority and the developer have agreed a buffer distance, in consultation with local communities, that is reasonable, takes into account the specific circumstances of the proposal (the relevant circumstances will include the development's location, size, expected duration and method of working, along with the local topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be achieved); AND
- 4) in the case of sand and gravel construction aggregates the market area's mineral landbank will not exceed 15 years as a result of the development; AND
- 5) where the development would result in three or more consented mineral or landfill developments within 5km of a settlement, adverse cumulative impacts can be adequately mitigated in terms of increases in road traffic and the length of time and degree of disturbance to communities and the landscape; AND
- 6) secondary material from mineral working deposits, including extraction and processing materials such as overburden, waste rock and fines, will be reused wherever possible, and responsibly; AND
- 7) details of phased working, land restoration, after care, after use, public road maintenance and restoration (including appropriate financial guarantees) have been submitted to and approved by the Planning Authority.

Reasoned Justification

This policy aims to contribute to the objectives of the Structure Plan to use resources more efficiently and effectively, and to protect and improve our valued assets and resources. It reconciles the need for minerals with concern for the natural and historic environment and communities.

Mineral working can be disruptive, if not managed satisfactorily, leading to adverse community and environmental impacts. The identification of areas of search will steer mineral extraction as a priority to the least sensitive areas. Safeguarded areas protect rarer mineral deposits from sterilisation, but are also the "areas of search" for these minerals. Safeguarding is provided by a separate policy instrument. Sensitive working practices during mineral extraction should minimise operational impacts and a high standard of site reclamation should enhance the value of the environment once extraction has ceased.

There is also growing demand for certain non-aggregate construction and industrial minerals. Sites are safeguarded to allow for the reopening of historic and inactive sites and new active sites to ensure a future supply.

Quarry operators are encouraged to reduce the quantity of waste produced when extracting minerals. Applicants will be required to prepare a Waste Management Plan (WMP) to demonstrate how the proposed development meets criterion 7.

Planning Advice Note (PAN) 64, on Reclamation of Surface Mineral Workings, provides advice on how planning authorities and operators can improve the reclamation of surface mineral workings. Further advice on the management of soil resources (handling and storage), landform, drainage and aftercare is covered in the PAN. Planning advice will be prepared on the type of information required for reclaiming surface mineral workings (e.g. the information to be submitted with an application, preferred after uses and reclamation standards, financial guarantees, and monitoring requirements), and on abandoned or dormant sites that are considered unlikely to be reactivated during the plan period.

Continuity of supply of construction aggregates is ensured through requiring a landbank of permitted mineral reserves within market areas. To protect

resources it is important to ensure this does not significantly exceed market requirements. Market areas are defined according to the viability of transporting minerals and this will change over time. At all times the landbank should be maintained to provide at least 10 years supply, but should not be allowed to exceed 15 years supply, to avoid any issues of unnecessary blight. The market area is within a 50km travel distance of Aberdeen City and of the strategic growth areas defined in the Structure Plan. In essence this means that the market area is the whole of the Local Development Plan area and part of the Cairngorms National Park and Angus. Landbank targets and market areas may be updated if required during the plan period.

All conditions attached to mineral permissions will be reviewed every 15 years to ensure the development is not adversely affecting the natural or historic environment, transport network, landscape character or local amenity. Guidance on the procedures to be applied is given in SODD Circular 34/1996 and SEDD Circular 1/2003.

Bonds may be required to be lodged, to ensure that damage caused to roads by quarry traffic can be repaired.

Areas of search for minerals are shown in the appendices associated with SG Safeguarding 7 "Areas of Search for Minerals".

SG STRLtype1: Development in the coastal zone

We will approve development within the defined coastal area as shown on the Main Proposals Maps, subject to other policies, if:

- 1) the site is within a settlement boundary identified in the plan; OR**
- 2) outwith a settlement boundary the proposal requires a coastal location, and the social and economic benefits outweigh any adverse environmental impact; OR**
- 3) it is demonstrated that there is no alternative site as it is the redevelopment of an existing building, or within the curtilage of an existing building.**

In either of these cases the applicant must also demonstrate that:

- a) it will not contribute to the coalescence of coastal developments; AND**
- b) it will respect the character and amenity of the surrounding area; AND**
- c) the site is not at risk from flooding, over-topping, landslip or erosion; AND**
- d) there is no adverse impact on water quality and it will not result in the pollution of coastal waters; AND**
- e) it will not unreasonably adversely impact on natural coastal processes or habitats.**

We will approve proposals for coastal protection works, subject to other policies, if an assessment of the implications of the works shows that they work with natural processes and there will be no significant adverse impact on coastal processes or habitats, and that the development will not result in increased coastal erosion or flooding elsewhere on the coastline.

Reasoned Justification

The aim of this policy is to protect the special nature of the coastal area, and to direct development to the least environmentally sensitive areas. The majority of Aberdeenshire's coastline is covered by statutory nature conservation designations ranging from National Nature Reserves to Special Areas of Conservation.

The coast is a valuable social, economic and environmental asset. It provides opportunities for recreation, and sustains the quality of life for those living and working in Aberdeenshire. However, the coast is under pressure from tourism and economic activity.

The boundary of the Aberdeenshire coast has been identified on the Main Proposals Maps and is detailed in Appendix 1. By directing development to settlements any adverse impact on the undeveloped coast will be minimised, although even in developed areas care must be taken to protect the environment.

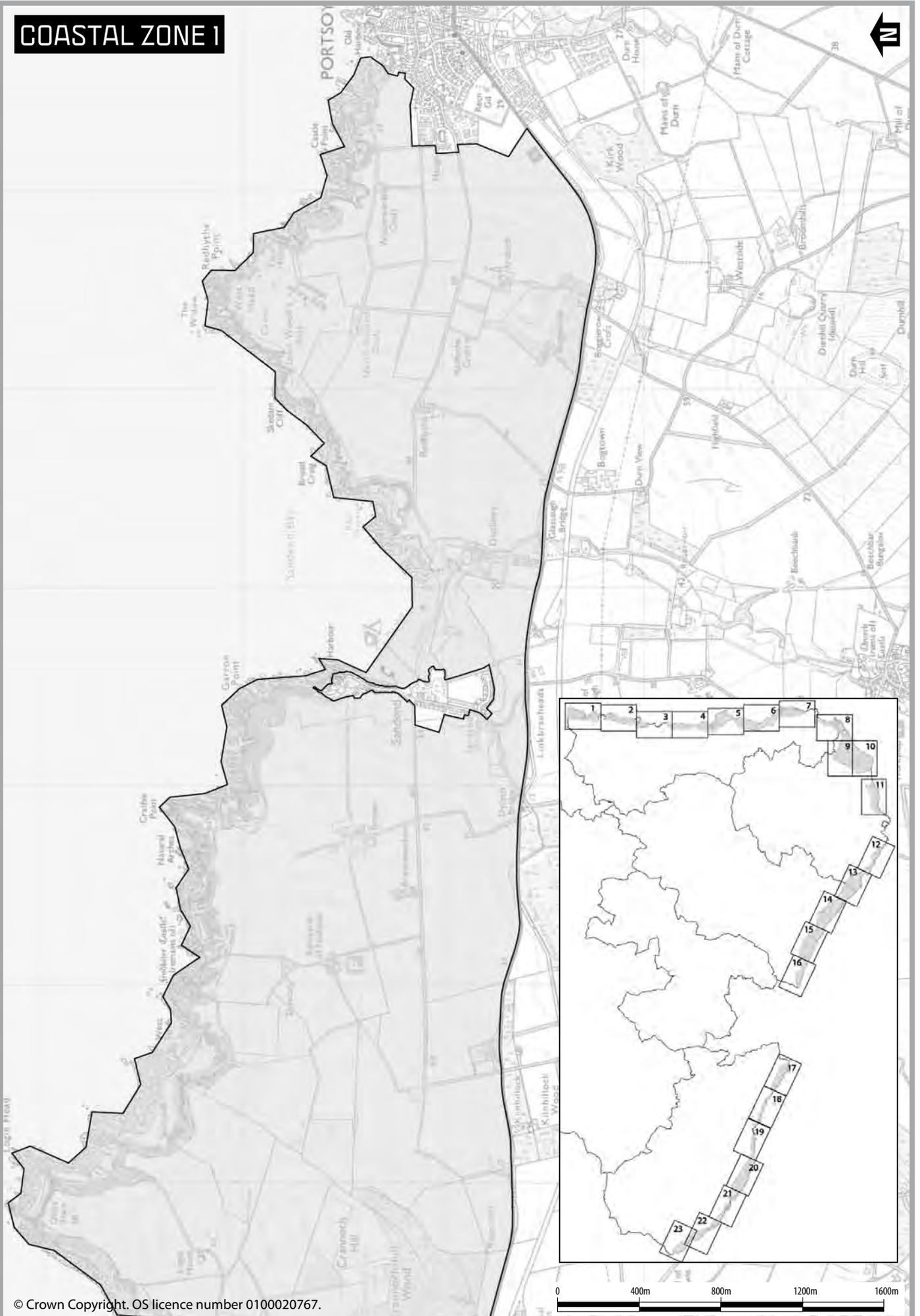
Coastal protection works will not be permitted where there will be an adverse impact on other coastal processes or habitats, or where the erosion problem will be shifted elsewhere. The full range of management options should be considered over the lifetime of the development and against appropriate climate change projections.

For the avoidance of doubt, the development in the coastal zone supplementary guidance is an overlay of the development in the countryside supplementary guidance. In these areas both statements of policy apply.

Coastal development is at risk from rising sea levels and storm surge, so all development must conform to the relevant flooding policy.

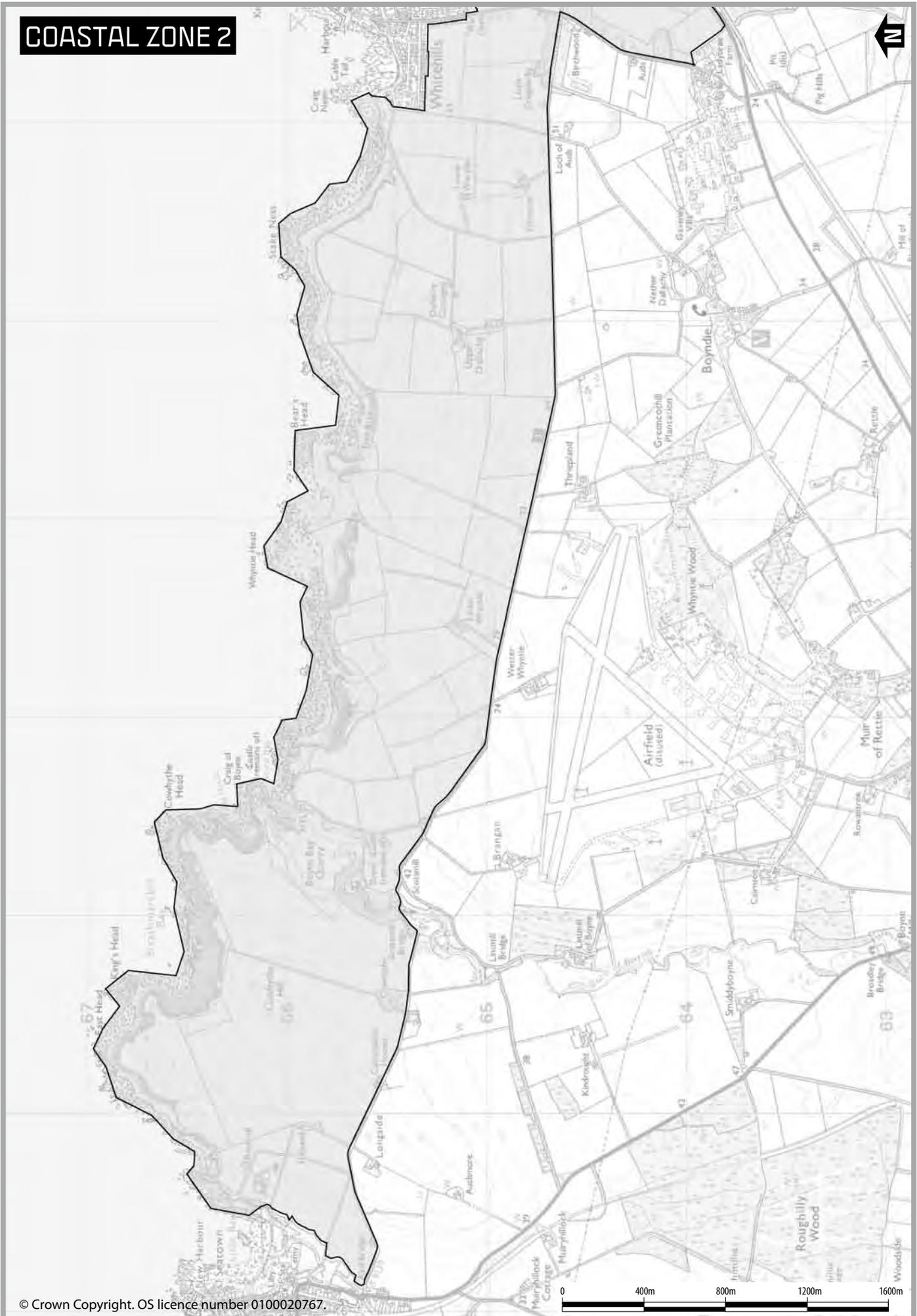
Appendix 1: Coastal zone boundary

COASTAL ZONE 1



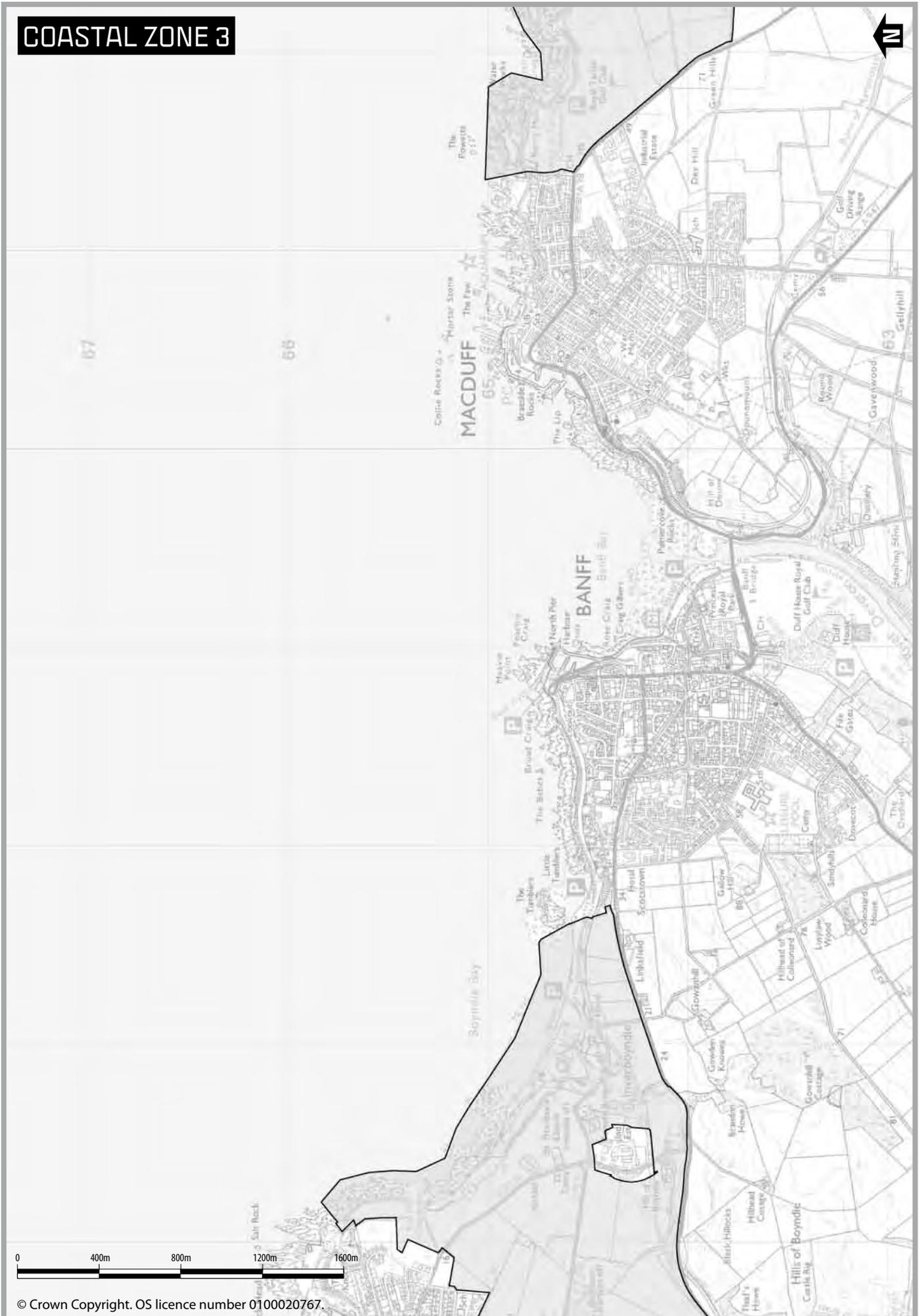
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COASTAL ZONE 2

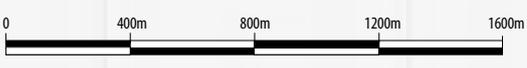
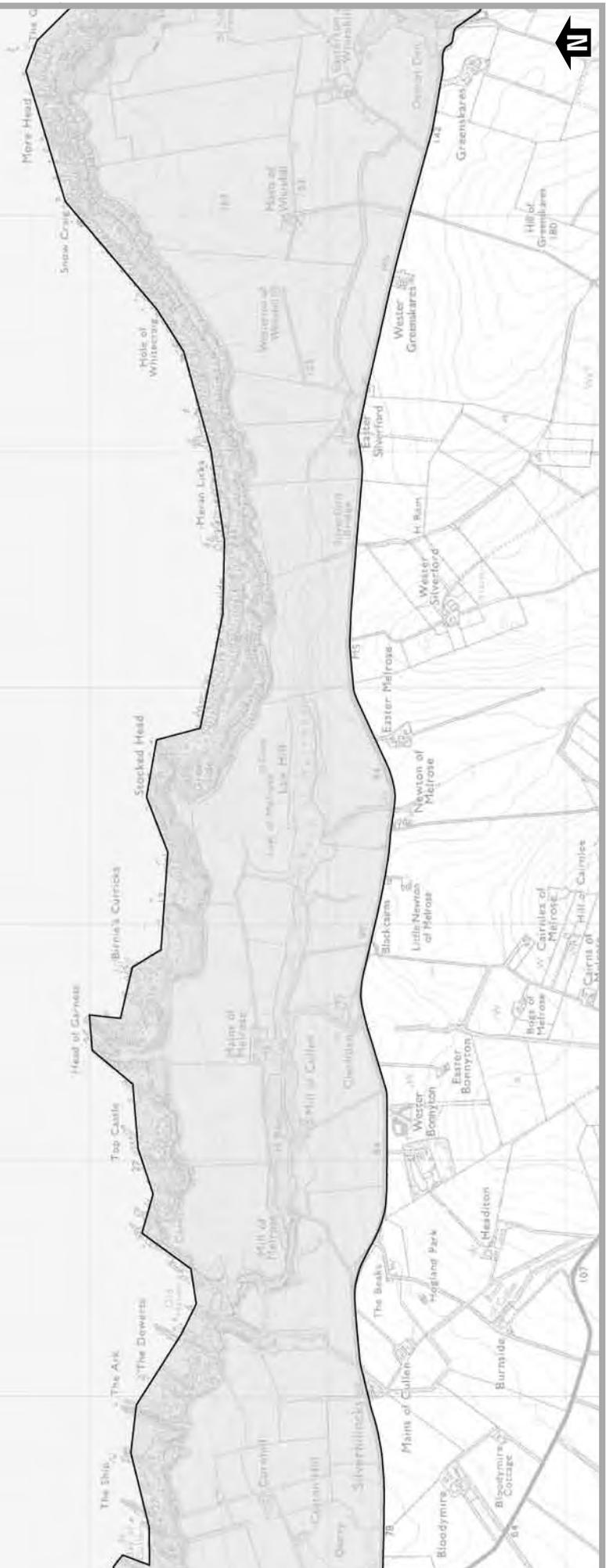


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COASTAL ZONE 3

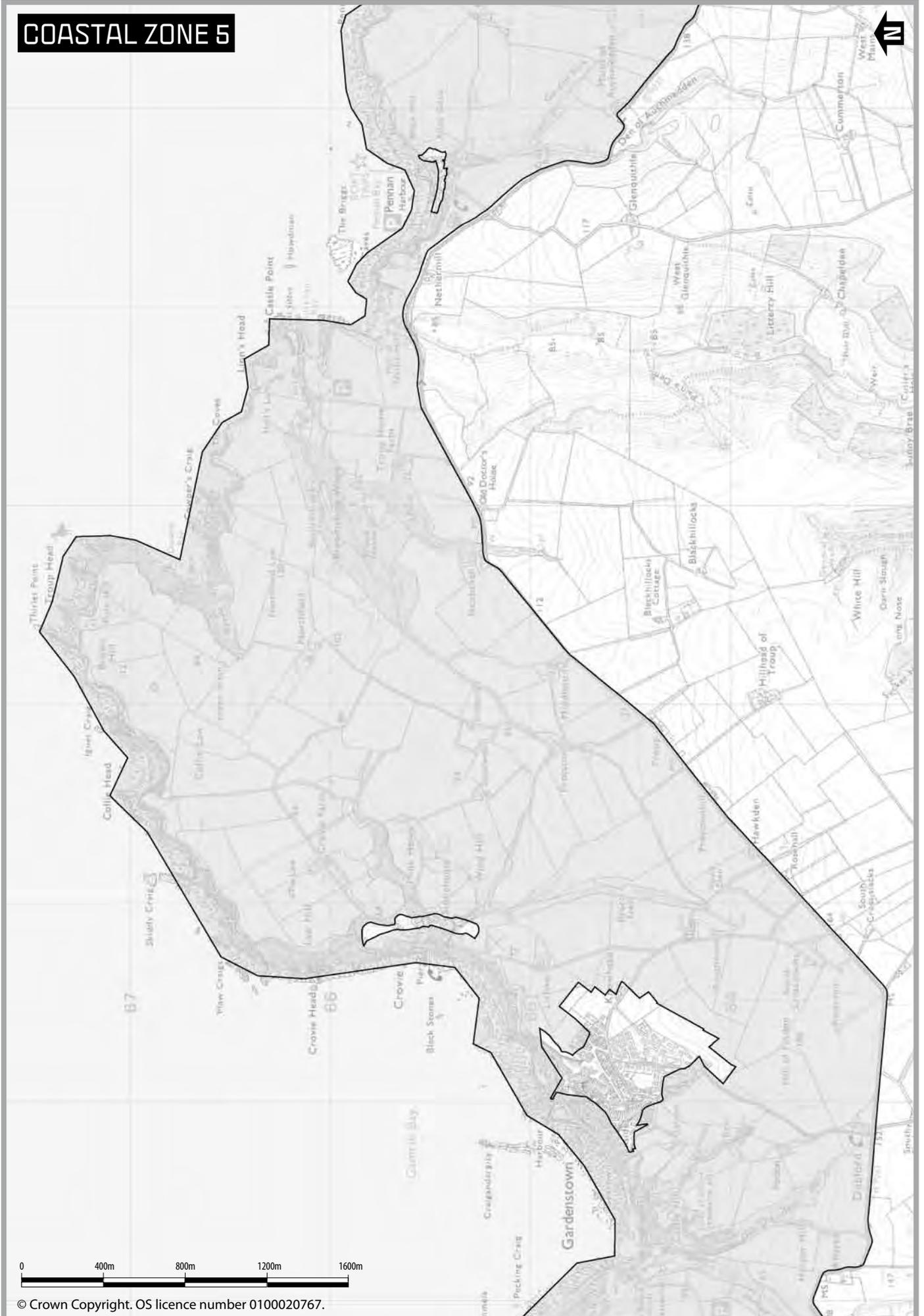


COASTAL ZONE 4



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COASTAL ZONE 5



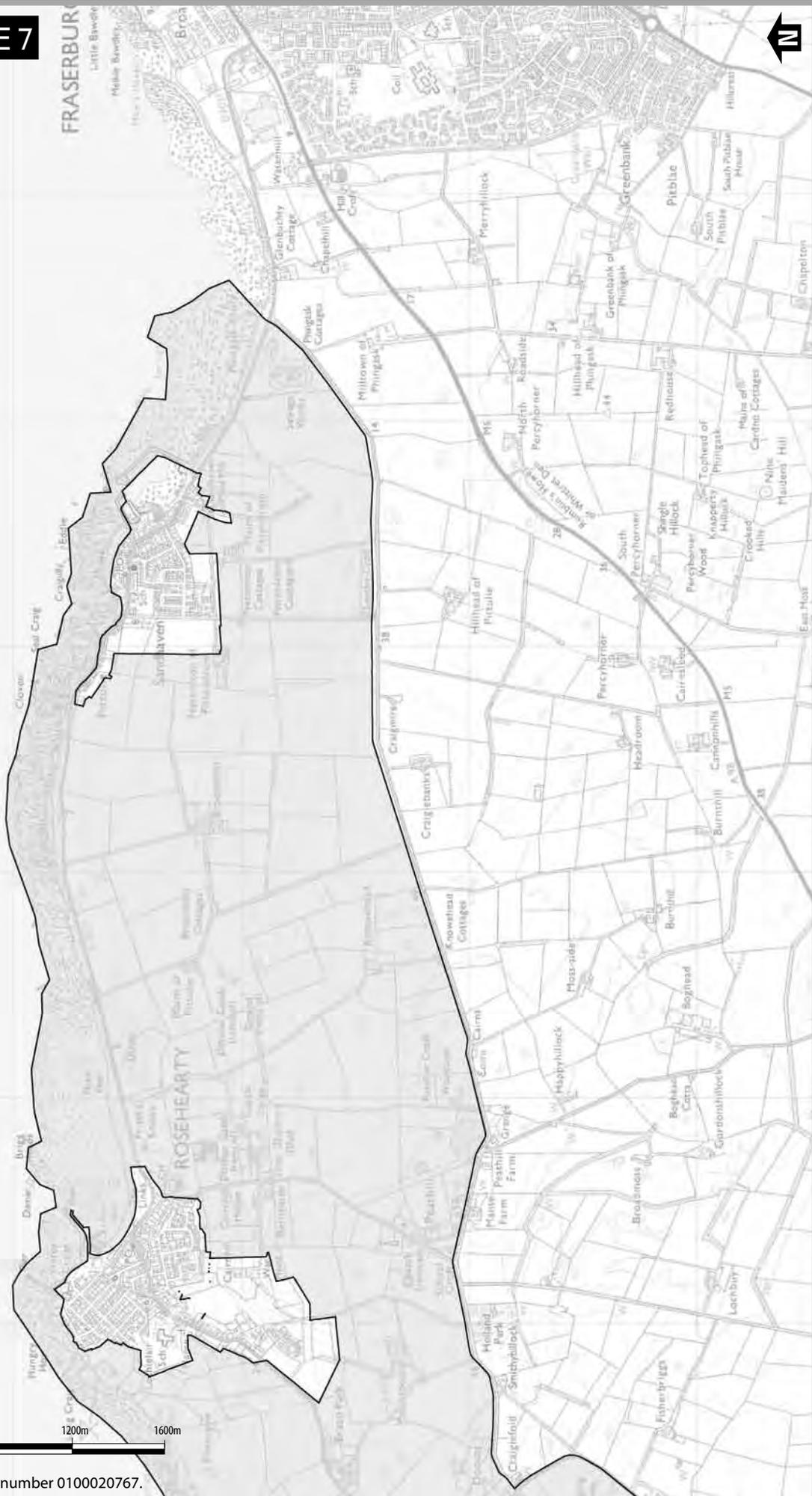
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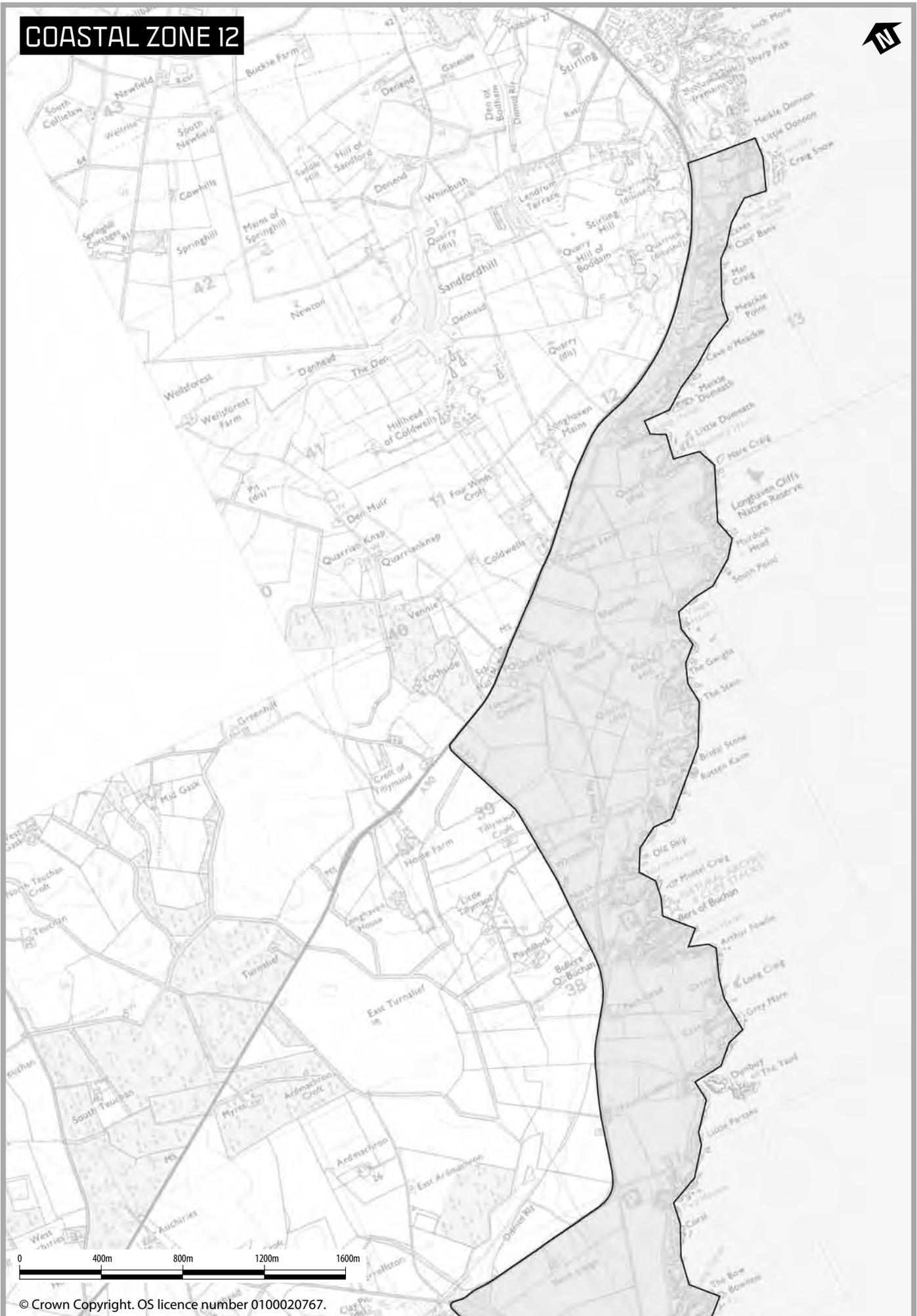


COASTAL ZONE II



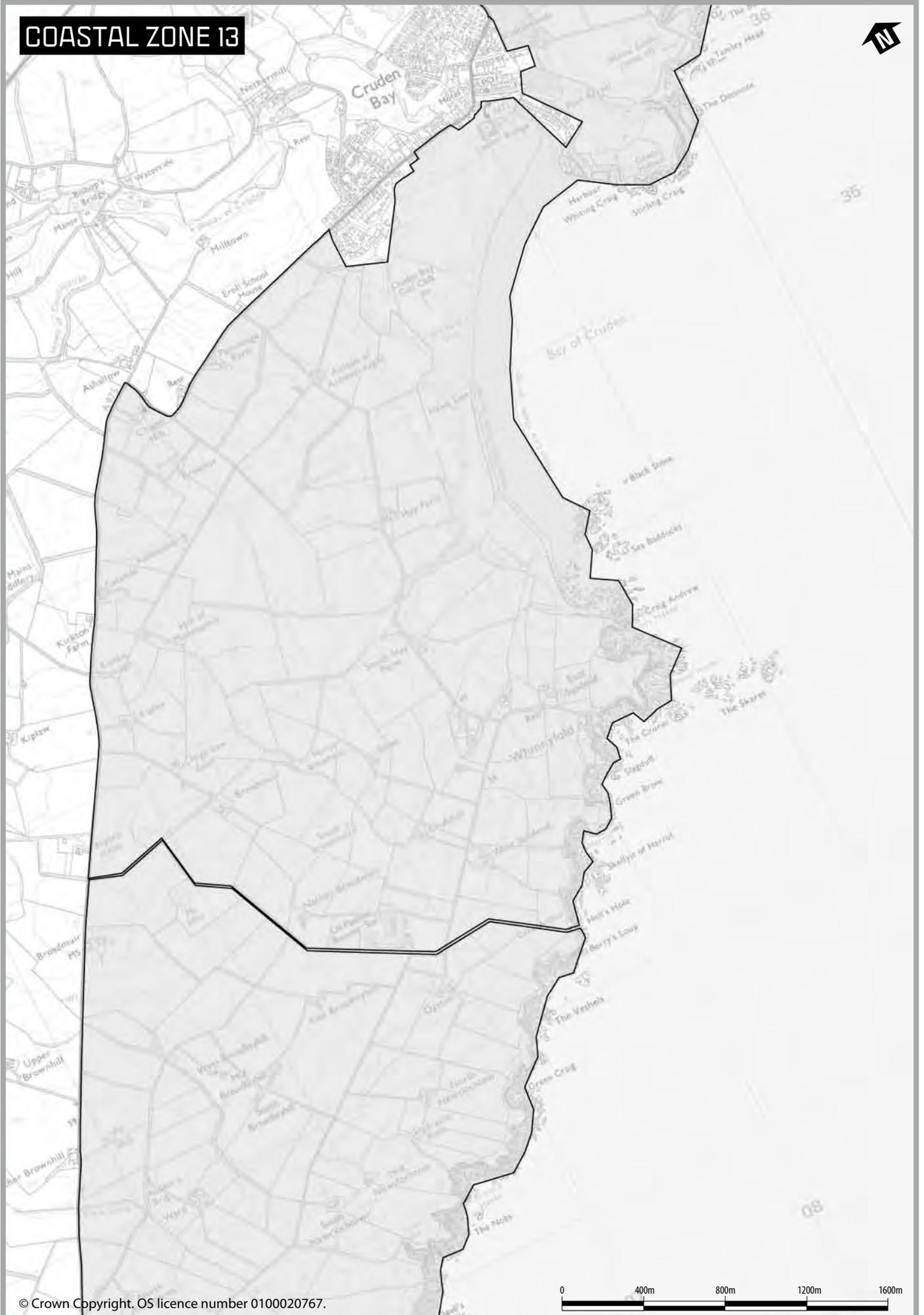
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COASTAL ZONE 12

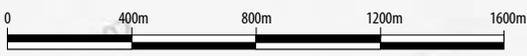


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COASTAL ZONE 14

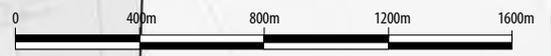


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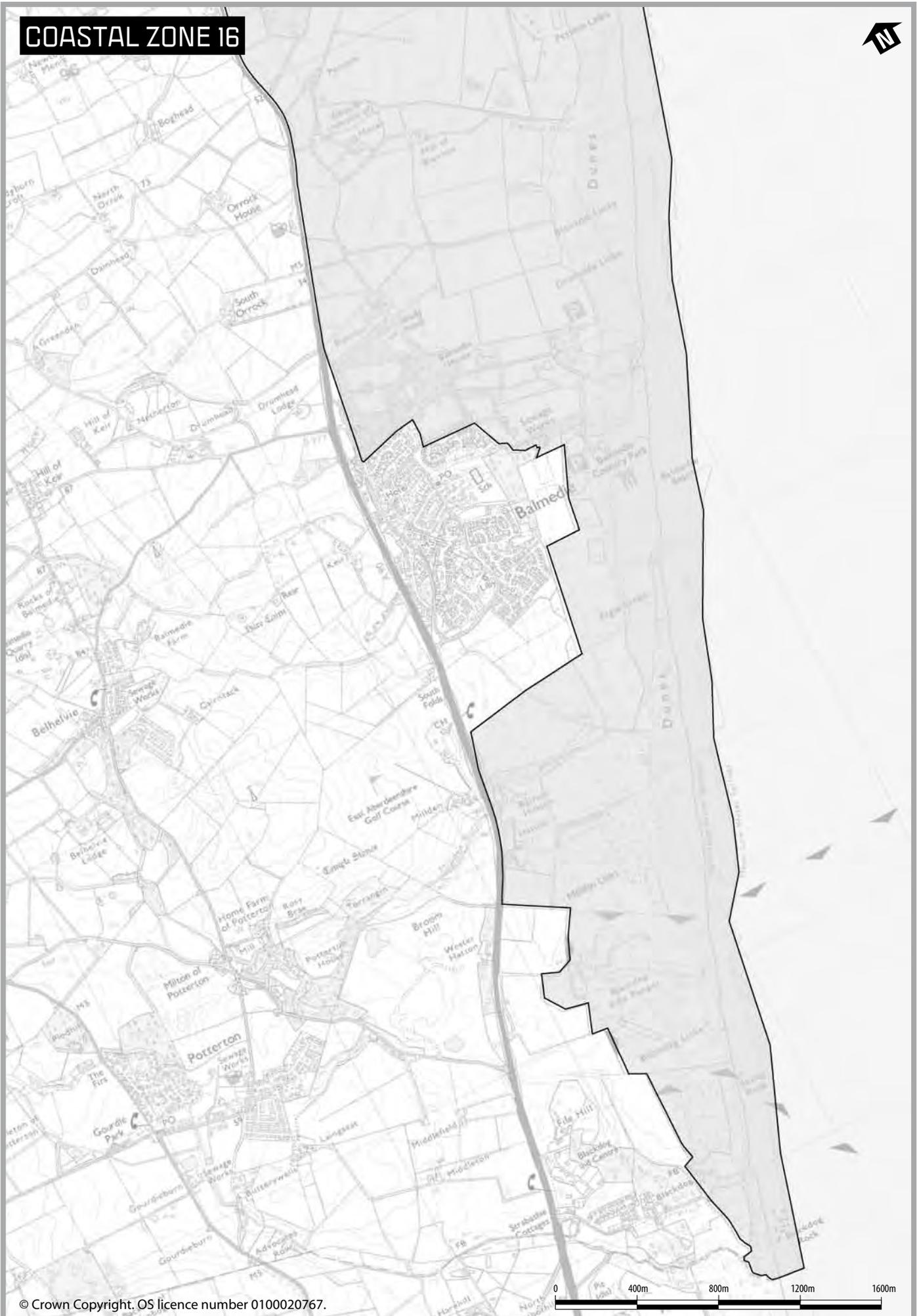
COASTAL ZONE 15



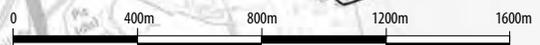
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COASTAL ZONE 19



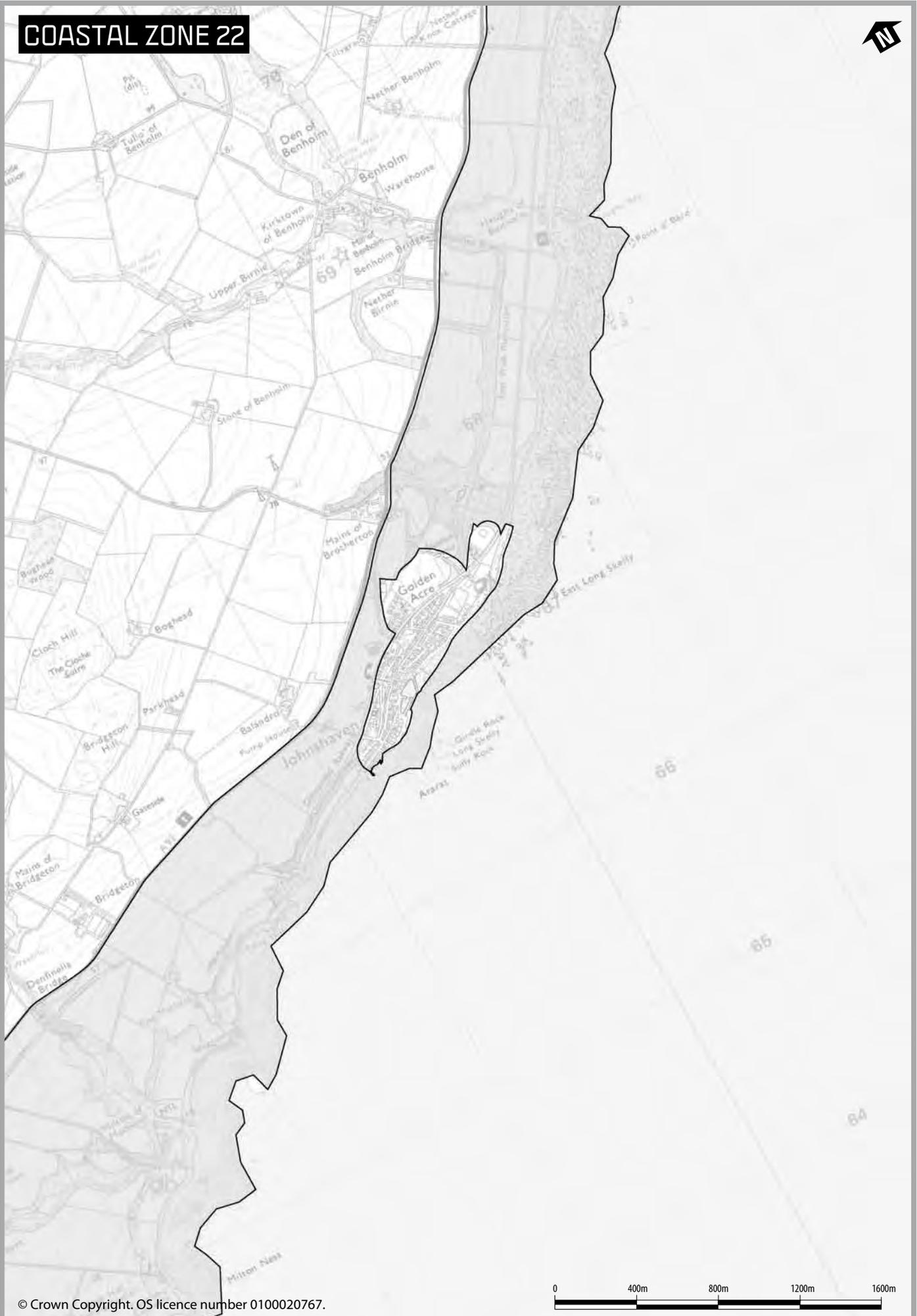
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SG STRLtype2: Greenbelt

We will approve development in the Aberdeen greenbelt, as shown in the Main Proposals Map, subject to other policies, if:

- 1) it is for the extension of an existing building or use that is ancillary to the main use; OR
- 2) it is for the purposes of agriculture, forestry, horticulture, nature conservation or essential public infrastructure; OR
- 3) it is for a recreational use that is compatible with its agricultural or natural setting; OR
- 4) it proposes the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit; OR
- 5) it is accommodation required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise, there is no suitable alternative residential accommodation available, and it is located within the immediate vicinity of the place of employment; OR
- 6) it is identified as a national priority in the National Planning Framework and it is demonstrated that no other site is available; OR
- 7) it is identified under the policy for safeguarding of resources and areas of search as required to meet an established need, and it is demonstrated that no other suitable site is available.
- 8) it is for essential infrastructure required to serve a site allocated in the plan.

Reasoned Justification

The aim of this policy is to protect the Aberdeen greenbelt from new development that would be inconsistent with its functions, and to support proposals that would enhance it. The policy does not assess the individual merits of a planning application, but identifies when a proposed development may be supported within the greenbelt.

The extent of the greenbelt is shown on the proposals maps.

New development, including those that are supported under other policies, must be compatible with the functions of the green belt. The green belt functions are to direct growth to appropriate locations (non-greenbelt locations), to ensure the green belt is maintained to protect and enhance the quality, character, landscape setting and the identity of settlements, and to enable access to open spaces and opportunities for physical recreation activities as part of the wider structure of green space in Aberdeenshire.

In addition to delivering its primary purposes, the greenbelt can contribute to the protection of the natural environment. Any development that may affect a nature conservation site, protected species, water body or area of geodiversity importance will have to conform to the relevant policies in the plan.

Enabling development for the restoration of a listed building will apply in the green belt, but must conform to the supplementary guidance for enabling development.

Uses appropriate within the greenbelt are agriculture, forestry and horticulture. Recreational uses associated with forestry, nature conservation and agriculture may be acceptable subject to the scale and impact on the landscape setting.

New development, including extensions and conversions to residential and non-residential buildings, must be appropriately sited and/or designed, and be of an appropriate scale and form for the green belt. To protect the landscape setting and character of settlements it is preferable to retain as many vernacular buildings as possible. The vernacular building should be largely intact, at least in respect of its external walls, and roof.

New development necessary for job-related accommodation should be for caretakers or operational staff.

Where a proposal would not normally be consistent with greenbelt policy, but has an identified need such as transportation, utilities, or waste management works, it can be considered if there are no other appropriate sites. These are generally developments which are strategic in nature or are of national importance.

SG Housing1: Housing land allocations 2007-2016

We will approve new housing, subject to other policies, on land allocated for immediate housing development (2007-2016). We will refuse permission for any other type of development on allocated housing land, unless it is ancillary to the housing development and still enables the site to be developed to approximately the housing numbers indicated in the settlement statements of the Local Development Plan.

Only in exceptional cases, such as where there is an overriding public benefit to be derived from additional development, will approval be given for a number of units more than the site allocation shown in the settlement proposals maps. All such applications (including “local developments”) will have to be justified by an approved masterplan or design statement (whichever is appropriate) which has been through a robust process of public consultation.

Reasoned Justification

The aim of this policy is to ensure that land, which is allocated for housing in the Local Development Plan to meet the Structure Plan’s housing requirement, is developed for housing and safeguarded from any other uses where possible. The land is shown in the settlement proposals maps. Only those sites designated in the settlement statements, along with an estimated allowance of up to 25% of all development in the Rural Housing Market Area, generated under the policy for development in the countryside, will contribute to meeting the Structure Plan Phase 1 requirement (2007-2016). This includes sites that have become effective since 1 January 2007.

Infrastructure planning becomes very difficult when housing numbers proposed for a site vary from what is in the plan. Important elements such as open space can be compromised by over-development. Above all, communities feel deceived when allocations in the plan are exceeded. Allocations in the Local Development Plan must therefore be adhered to, so as to avoid these issues. If a proposal involves a higher density than anticipated and meeting the allocation would be achieved by only using part of the site, the remaining part must remain undeveloped, but would be appropriate for

review in the next plan. The detail of this should come through a masterplan or design statement (prepared under the terms of policy detailed elsewhere), which has been through a process of public consultation and has received the support of the community. This applies to all sites regardless of its size or the number of units to be developed. The intention of this is to avoid the cumulative impact of over-allocation on infrastructure provision and to re-assure all communities, including those affected by ‘Local Developments’ of less than 50 houses or 2ha in extent (as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009).

While the density of any individual development will be a concern of marketing, site and design needs, we expect the overall density of residential development to be provided at approximately 30 houses to the hectare.

For the avoidance of doubt, the site allocations attributed to EH (existing housing sites) are also covered by the requirements of this policy.

SG Housing2: Housing land allocations 2017 to 2023 and early draw down

Subject to review of the Local Development Plan by 2017, we expect to release land allocated for housing development for the period 2017 to 2023 during that period.

In the interim, if the Housing Land Audit shows less than 7 years land that is effective, or if a 5 year effective housing land supply is unlikely to be maintained, this will trigger the early release of land allocated for delivery in the period 2017 to 2023, in locations in accordance with the Structure Plan spatial strategy and the settlement strategy.

Once land is released by this mechanism, we will approve new housing on these sites, subject to other policies, in accordance with the criteria set out in Supplementary Guidance: Housing land allocations 2007 to 2016.

Until land is released by this mechanism, we will refuse all applications for its development, other than on a temporary basis that will not interfere with the timely provision of housing when it is needed.

Reasoned Justification

The aim of this policy is to safeguard housing land to meet the Structure Plan housing requirement, where consent would be anticipated during the period 2017 to 2023. The land is shown on the settlement proposals maps.

This approach provides the means for a long-term view of the future growth of settlements to be taken and helps with future planning by the Council, communities, developers, key agencies etc.

Release of housing land is designed to maintain the effective housing land supply and the spatial strategy of the plan, rather than to preserve any artificial timing or phasing of development. In the event of an emerging deficit in the land supply identified by the Action Programme and the Housing Land Audit, applications on allocated land that further the settlement strategy of the plan will be approved, subject to other policies.

Land will be released according to Housing Market Area and the allocated phase for release. The boundaries of the two Housing Market Areas are shown on the proposals maps. The scale and distribution of sites in the plan take account of the Structure Plan's aims and objectives. The land allocated for housing has been carefully selected to maintain a rolling 7 year housing supply which is likely to become 'effective'. In this way the 7 year land supply target builds in a 2 year allowance for the resolution of infrastructure and planning issues on sites. This requirement will act as a trigger to provide sufficient time for additional land releases to be made or brought forward from phase 2, to ensure maintenance of the 5 year supply at all times, which is sought by the policy. Outside the strategic growth areas additional land may be considered for release from phase 2 within the phase 1 period, where it is required to maintain critical levels of services.

All allocations carried forward from the Aberdeenshire Local Plan and Phase 2 allocations will be reviewed in 5 years time. If in that period it has become apparent that there is a constraint on a site whereby there is no prospect of it ever becoming effective for housing, it will be removed from the plan. Otherwise it is fully expected that these future allocations will be rolled forward into the next plan.

For the avoidance of doubt, on larger sites, which may span two periods of the Plan, planning permission can be granted for the entire allocation at once in order to avoid any ambiguity in the planning status of the site. However, development will have to be carried out according to the phasing of the Plan, unless otherwise specified. In order to ensure developer contributions associated with the permission are necessary and reasonable, planning conditions will be set prior to the commencement of each phase of development and so will be subject to review.

Planning advice will be prepared in consultation with the development industry to clarify the method used to identify a shortfall in the effective land supply.

SG Affordable Housing1: Affordable housing

We will approve development, subject to other policies, if an appropriate contribution is made towards the provision of affordable housing, in proportion to the scale of the proposal and the level of need in the local area.

In order to assist in meeting the need for affordable housing in Aberdeenshire, new housing development must contain 25% affordable housing, unless otherwise indicated within Schedule 4 and the settlement statements. The specific contribution required by development will be assessed at the time of the application or pre-application enquiry, having regard to housing information for the relevant settlement, as agreed by the housing authority, Aberdeenshire Council, and to market and site circumstances. In all but exceptional cases this contribution will be in the form of serviced land within the development site, to which public subsidy can be applied, or in the form of houses on the development site that are affordable without public subsidy.

Advice on the detailed methods of assessing the contribution required and for the delivery of affordable housing is provided in Appendix 1.

Reasoned Justification

Affordable housing is defined in SPP as “housing of a reasonable quality that is affordable to people on modest incomes.” The Aberdeen City and Shire Structure Plan (2009) indicated that the likely level of affordable housing would be in the range of 20-30% across the structure plan area. The Local Development Plan’s current Housing Need and Demand Assessment, the Local Housing Strategy and its Affordable Housing Strategic Outcome Statement inform and address the appropriate level and type of affordable housing required to help meet affordable housing need in Aberdeenshire.

The requirement set by this policy, the type of affordable housing and the form of the contribution will vary between locations and between sites. Housing need changes over time. Negotiation at the time of the application or pre-application discussion will determine the actual requirement and the form of provision. These negotiations will consider: the available information on the supply and demand

for affordable housing within the settlement and housing market area which the application relates to; any exceptional servicing costs for the development; and the impact of the requirement on the viability of the development.

The requirement for a contribution towards meeting affordable housing needs can be provided by a variety of methods. Where a site falls within an area of strategic priority for development funding, preference will be given to the provision of affordable housing on the site, in association with a Registered Social Landlord or the Council. Where this is not the case, or it is agreed that this is impractical or that it conflicts with development plan policies for the site under consideration, alternative forms of provision such as Low Cost Home Ownership will be possible. There are different costs incurred by different forms of provision and the percentage of affordable housing delivered may differ in form, but in each case the developer will be expected to make the same effective level of contribution. The alternative forms of provision and the conditions under which they will be sought are detailed within Appendix 1.

The aim of this policy is to ensure that development assists in the provision of affordable housing in perpetuity. This approach is fair to all developers. By avoiding a minimum unit threshold it addresses the problems associated with the provision of affordable housing in smaller settlements, through the cumulative contributions from small-scale developments.

This affordable housing policy focuses on the requirement of the development industry to assist in subsidising housing for those who are unable to afford home ownership and are unlikely to be able to do so without assistance. The Housing Need and Demand Assessment and the Council’s Housing Service’s evidence-base show that there is a significant need for lower cost home-ownership options across Aberdeenshire. A large proportion of this need could be met through adherence to this plan’s layout, siting and design policy. That policy requires that consideration be given to providing a range of house types on all sites, amongst other things to respond to clear market signals and prevent the perpetuity of further housing need over the course of the plan. Masterplans will be expected to identify the scale and location of affordable housing proposed. Adherence to all relevant policies within the Plan will help ensure that development in Aberdeenshire meets the housing needs of the entire community.

Appendix 1: Delivery of affordable housing

Introduction

Affordable housing contributions may consist of development land contributions or financial contributions towards forms of affordable housing prioritised by the Council. These forms are:

- discounted low cost housing for sale, including plots for self-build;
- mid-market rented accommodation;
- shared equity;
- social rented accommodation; and
- housing without subsidy.

Developers should make provision for 25% affordable housing requirement on housing sites, unless it is stated otherwise within Schedule 4 and the settlement statements. However, a flexible and innovative approach is required to secure access to unconstrained development land for the provision of affordable housing, and developers should discuss the application of the policy to the site in question during pre-application discussions with the Council.

In previous years the loss of affordable housing for rent through the “right to buy” has exacerbated Aberdeenshire’s housing need. Recently the ‘right to buy’ for many tenants in 88 settlements has been temporarily suspended, until 2013, through Aberdeenshire’s Pressured Area Designation. Over the life of the plan it is important that new affordable housing built in Aberdeenshire is “affordable” in perpetuity.

Delivery of affordable housing is the prime objective of the policy, and close liaison will continue between the private sector and the Council’s own Housing Service to ensure that land secured for affordable housing development is implemented timeously. In addition, the current Local Housing Strategy and its Affordable Housing Strategic Outcome Statement commit the Council to look at its own land holdings and to identify strategic sites within its own control, which could be brought forward for affordable housing developments. Other strategic partners are encouraged to act similarly, to help meet Aberdeenshire’s need for affordable housing.

Need for affordable housing at the site level

The contribution specific to a particular development will be dependent upon many fluctuating factors, such as an assessment of relevant housing information at settlement level, and of open market conditions and site circumstances including site development costs. Therefore, the exact contribution and its form can only be established at the time the planning application is lodged or the pre-application enquiry is made. Expert advice should be sought from the Local Housing Authority on local need at this stage, in addition to any additional information available at the time on the level and turnover of existing affordable housing stock, as well as waiting list information from both the Council and RSLs.

The development specific contribution

The Council is aware of the need to achieve a successful development. Development should not be rendered unviable by the request of too onerous a level of affordable housing. The applicant should consult with the Council’s Planning Gain Team prior to an application to discuss specific contribution requirements for residential developments. Other extraordinary on or off-site costs incurred by the developer will be taken into account and any affordable housing requirement could be reduced, if this would result in the development becoming financially un-viable.

In order for a fair and reasonable amount of affordable housing to be determined, the developer may be required to provide evidence of such costs, in confidence, to the Council. It must be stressed that in many instances costs, such as additional major infrastructure or other site works, will have been evident prior to the purchase of the site, and the developer will have been expected to have taken these into account. Should such additional works appear likely, the developer is urged to consult the Council prior to the submission of a formal planning application, so that guidance may be given where this is possible.

The detailed information gathered to determine the development specific contribution will also be used to confirm the tenure and type of affordable housing as well as the form of contribution. The end result is, therefore, not a blanket provision, but provision which will vary between locations.

Implementation

Where it has been established that a contribution of affordable housing units on-site is the preferred means of provision, it will normally be expected that serviced land be transferred either at a value relating to its end use, or by agreement between the developer and an RSL or the Council, at a lower value. However, as indicated before, RSL or Council social rented housing development may not always be possible or appropriate.

In design terms the agreed affordable housing element must be considered as an integral part of the development and have good linkages to surrounding services including public transport. The affordable housing should be, as far as possible, visually in character with the market housing and be physically integrated. However, in the case of rented social housing development, it may not always be practical to fully integrate affordable housing due to subsequent housing management issues. These issues should be considered in adherence to the plan's design policy and be addressed at the time of any pre-application consultation.

In exceptional circumstances, the developer may, with the agreement of Aberdeenshire Council, make allocated development land or suitable brownfield sites available off-site, or contribute a commuted sum towards affordable housing provision elsewhere in the local community, such as the catchment of the local academy.

The Council recognises that a requirement to make a contribution to affordable housing needs will result in a cost to the developer. Such a result follows inevitably from government policy. In order to offset this cost, developers will also be expected to take the requirement for affordable housing into account in negotiating a land value with site owners. Similarly, in order to offset the costs of any infrastructure or community facilities that are caused by the development as a whole, developers will be expected to take these into account in negotiating a land value with site owners. The Council's policy on developer contributions applies to all developments, irrespective of the provision of affordable housing.

SG SHN1: Development for particular needs

We will approve development for particular needs such as housing for the frail, elderly or special needs, subject to other policies, if:

- 1) there is an identified need; AND**
- 2) the site is:**
 - i) within a settlement; OR**
 - ii) in exceptional circumstances and if the developer demonstrates compliance with the sequential assessment of sites, on the edge of a settlement, or by redevelopment of a redundant building elsewhere outwith a settlement; OR**
 - iii) in the case of a continuing care retirement community (CCRC), outwith a settlement.**

In any of these cases the applicant must also demonstrate that:

- a) it is compatible with neighbouring uses and respects the character and amenity of the surrounding area; AND**
 - b) the site is readily accessible to public open space, local services and public transport, unless it is demonstrated by the applicant that access to public transport is not required, or in the case of a CCRC, that it provides sufficient services and facilities to allow it to function as a self-sufficient community; AND**
 - c) the site's topography and access are appropriate for those with disabilities; AND**
 - d) in the case of a new Continuing Care Retirement Community, it will be self-sufficient in the provision of facilities or would otherwise not have an adverse impact on the facilities enjoyed by local residents.**
-

Reasoned Justification

The aim of this policy is to support provision of housing for particular needs that are suitably located for both residents and visitors, to provide high quality residential care, and to have a minimal impact on the environment. It is important that the location of special needs housing and care homes are appropriate, to allow residents to participate actively in a community and to access services.

Through the Housing Need and Demand Assessment and the Local Housing Strategy, the Council will identify and consider the level and type of need which requires to be met in different parts of the Council area. Particular needs include: older people, physical disability and learning difficulties.

This type of housing is built with a particular land in mind, while at the same time contributing to the overall housing supply. Usually it involves either specially built or adapted properties, for example, housing for older people or disabled people.

Housing for particular needs groups should preferably be within settlements and form part of a mixed community. However, there will be occasions where this is not appropriate or where a site sufficient for the development is not available within a settlement. Where a suitable site is not available within a settlement, the developer should prove that an appropriate sequential assessment has been carried out, and only then will a site be considered on the edge of a settlement or elsewhere.

Continuing care communities are likely to be self-sufficient communities, and as such will not require the same level of access to existing services as traditional forms of particular needs housing. In the interests of mixed communities it is not desirable to have excessive concentrations of special needs housing, care homes or continuing care retirement communities in any one location, which could be detrimental to the character of the particular area.

As a housing authority, Aberdeenshire Council recognises the need to ensure the residential needs and desires of the special needs groups are met flexibly by a range of housing providers either singly or in partnership.

SG SHN2: Residential caravans

We will not approve the siting of a single residential caravan, unless:

- 1) the applicant demonstrates that there is an economic or social need for the temporary use of a caravan; AND**
- 2) the siting respects the character and amenity of the surrounding area; AND**
- 3) it can satisfactorily be serviced.**

We will not normally approve a residential caravan park or residential caravan park extension.

Reasoned Justification

The aim of this policy is to protect the environment from the unnecessary and inappropriate siting of individual residential caravans and residential caravan sites, except in those circumstances where there may be an urgent need.

Caravans are temporary structures, and often do not provide satisfactory living environments. Static caravans or mobile homes are often visually intrusive. It is preferable to have people living in permanent structures.

There are certain situations where the siting of a residential caravan is acceptable to provide temporary accommodation. Examples include occupation during the construction of a house, and special urgent social circumstances (for instance, to house someone who needs to be close to a relative because of personal circumstances). The impact on the environment must be reduced to a minimum through careful placement on the site. Conditions will always be imposed to limit the period of permission and to ensure the caravan is removed and the site made good after the permission lapses.

In purely environmental terms there are modern caravans and mobile homes which offer standards of accommodation similar to conventional houses. However, in terms of the social and economic aspects of sustainability, it is generally not desirable for residential caravans to be used as permanent housing. Considering their unsustainable nature, (e.g. lack of infrastructure provision and access to

public services), caravan park extensions do not make sustainable settlement extensions.

Holiday caravans, whether fixed or mobile are considered under tourist facilities and accommodation, where the policy is more welcoming. This type of accommodation is suitable for temporary accommodation such as holiday lets.

SG SHN3: Gypsies/Travellers

We will approve a site to accommodate a permanent or temporary halting site for Gypsies/Travellers, subject to other policies, if:

- 1) it meets an identified need and is located on a site that has been identified within the plan; OR
- 2) a newly arising need can be proven.

In either case the applicant must also demonstrate that:

- a) the site would not appreciably detract from the character or appearance of the area; AND
- b) the site would not significantly detract from the amenity currently enjoyed by residents in the area; AND
- c) the site can be sympathetically located in a secure environment and provided with essential services (in the case of halting sites: water connection, refuse facilities and portable toilet); AND
- d) the location allows reasonable access to employment, education, community facilities and the main road network; AND
- e) in the case of a site which is not a private site intended solely for private use, it has been demonstrated that the site will be properly managed.

Reasoned Justification

The policy is to ensure development proposals for Gypsies/Travellers sites are located on land specifically for that purpose and are identified and allocated within the development plan. This ensures sites have been scrutinised within the development plan process and provides certainty to gypsies and travellers and settled communities. The policy will reduce the number of unauthorised encampments by meeting need identified and considered within the Housing Need and Demand Assessment and the Local Housing Strategy. It ensures that the policy can meet newly arising need as and when required, and also ensures demand for small privately owned sites can be considered against a relevant policy.

Research by Craigforth (2008), established that there is a need for sites which requires to be addressed. If the halting site provision allocated through the LDP is found to be insufficient, then the need for further halting sites will be apparent and new halting sites will require to be found. They should be judged using the criteria identified in the supplementary guidance. For clarification, developers of private sites for their own use do not have to prove a need, in the same way as any other private housing applicant does not have to prove their need for housing. However, they will have to prove that the development of the site is appropriate meets the policies of the development plan.

Given the particular housing need being addressed and the insignificant number of likely applications for sites, a reasonable approach should be taken when weighting the significance of other policies.

Travelling showpeople

The Housing Need and Demand Assessment and Local Housing Strategy confirm that travelling showpeople and Gypsies/Travellers have different housing needs, and specific approaches to their needs require to be taken. In Aberdeenshire there is a long history of travelling showpeople using sites for temporary accommodation needs, having approached the Council with proposals. These sites are known traditional fairground sites, familiar to the Council and communities, and are used regularly on a seasonal basis. Occupancy of these sites is usually very temporary, transient and incidental to their primary uses as public open spaces. Should a proposal arise to make such a use more permanent in nature, then the above criteria would be used to judge their appropriateness.

SG LSD1: Masterplanning

We will approve new development on sites allocated in the Local Development Plan, subject to other policies, if:

- 1) in the case of very large-scale development areas including more than one site, the applicant(s) have submitted a development framework, and it has been agreed by the Local Area Committee; OR
- 2) in the case of individual large-scale development sites, or constituent parts of a development framework, the applicant has submitted a masterplan, and it has been agreed by the Local Area Committee. In the case of individual medium-scale development sites or constituent parts of a masterplanned area, the applicant has submitted a design statement.

In either of the above cases, the applicant must also have demonstrated in particular that:

- a) the design of the development accords with the agreed development framework and/or masterplan, as appropriate; AND
- b) within the process of generating the appropriate development framework, masterplan and/or design statement adequate steps have been taken explicitly to consider the relationship with the existing village or town, and to engage the local community in a manner that is in proportion to the scale and type of development proposed.

Each of the locations for which a development framework or masterplan is required is identified within the settlement statements. The preferred process by which each of these documents will be generated will be set out in planning advice.

Reasoned Justification

The standard of design of new developments, and in particular large developments, will be improved through the application of a masterplanning and design process that considers the whole development site and puts this in a context for subsequent planning applications. This policy sets out a framework for development, which identifies the need for this early thinking on design issues and requires appropriate engagement of the local community for all scales of development. Depending on the scale of the development a different design pathway is required.

Different scales of development

These scales are set out below. The thresholds suggested are indicative, based on:

- the approximate scale (>600 houses) that requires some new items of infrastructure to serve more than the neighbourhood it is within, e.g. a secondary school, civic park or new trunk road junction;
- the approximate scale (about 600 houses) served by a single primary/community school, which acts as the basis for most “neighbourhoods”; and
- the scale (>50 houses) at which proposals become “major applications” under the current regulations.
- the scale (<5 houses) at which it is reasonable to consider the layout siting and design of buildings on a “one-off” basis.

Decisions on precisely which developments need to be treated at which scale will be based on “fact and degree”. The need for a development framework or masterplan will be identified in the settlement statements of the plan.

Scale 1 Very large

Significant growth of towns, involving development that spans more than one 5-year plan period and/or more than one site (usually 600+ houses, associated affordable housing, employment land and major provision for public services – schools, open space, road and drainage infrastructure etc). In these cases the process for development will include these stages:

- A Development framework
- B Masterplanning the individual sites
- C Detailed application(s) accompanied by Design Statements

Scale 2 Large

Major development of single sites (usually 50-600 houses, but still with associated affordable housing, employment land and extensive provision for public services – open space, road and drainage infrastructure etc). In these cases the process for development will include these stages:

- B Masterplanning the site
- C Detailed application(s) accompanied by Design Statements

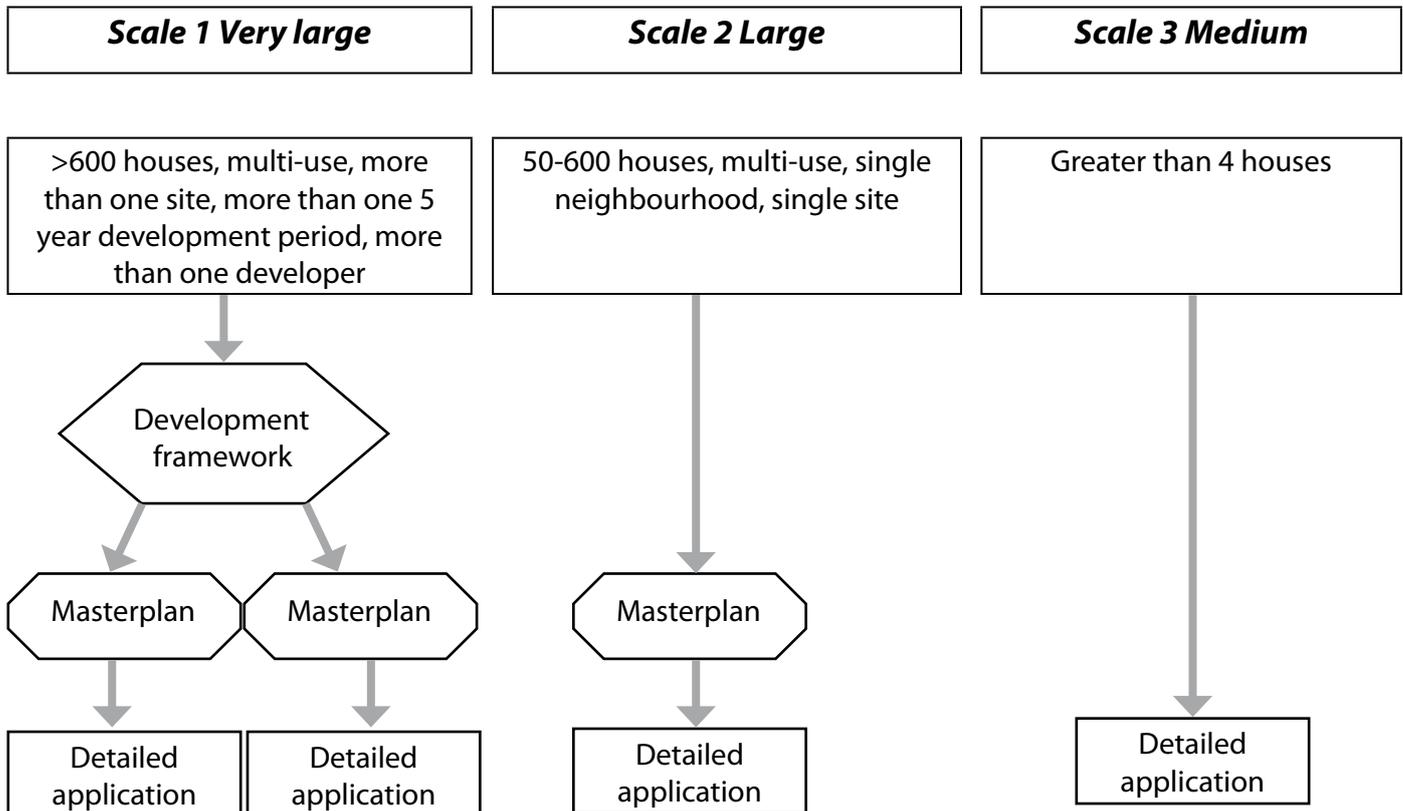
Scale 3 Medium

Developments of a modest scale (usually 5-50 houses OR a significant industrial/commercial proposal, with associated affordable housing and proportionate provision for public services – open space, road and drainage infrastructure etc). In these cases the process for development will include these stages:

- C Detailed application(s) accompanied by a Design Statement

For the avoidance of doubt, when a development framework or masterplan has been agreed in accordance with this guidance, we do not expect that any application for planning in principle will be required.

Different Scales of Development – Flow Chart



SG LSD2: Layout, siting and design of new development

We will approve the layout, siting and design of new development, subject to other policies, if:

- 1) it conforms with any agreed masterplan, development brief, design statement or design code prepared for the site; AND
- 2) it successfully combines and demonstrates responses to the following design issues:
 - a) optimising its response to the site's context, including consideration of:
 - i) the local climate (its response to cold winds, rain, snow and solar gain); and
 - ii) respect for its setting (its relationship to the existing landscape, townscape and neighbouring features); AND
 - b) optimising the resource-efficiency and appropriate use of materials, including consideration of embodied energy, reuse of construction materials, compactness of built form, and how well the materials relate to each other; AND
 - c) ensuring it performs the functions expected of it, including consideration of:
 - i) its basic functions (provision of privacy, amenity, security, warmth, homeliness etc); and
 - ii) support systems (sustainability of heating, lighting, water and waste systems over the design's lifetime, including the use of water-saving technology); and
 - iii) connectivity (practicality and environment-friendliness of its access and servicing arrangements); and
 - iv) flexibility to adapt to the changing circumstances of its occupants; AND

d) the creation of local identity, including consideration of:

- i) the balance of the development (mixture of house types and other building types and land-uses); and
- ii) the creation of a sense of place (the quality of urban and landscape design, incorporation of public art or craftwork, biodiversity etc); and
- iii) aesthetics (the unity and rhythm of all the design elements and features); and
- iv) visual appeal (the design's "feel-good" quality, style etc).

We will publish further more detailed planning advice on how these issues should be interpreted, and the process by which they will be assessed, as necessary.

Reasoned Justification

The purpose of this policy is to improve the standard of layout, siting and design of developments in Aberdeenshire, to achieve the highest standards of urban and rural design. The most immediately obvious impact that development has on the environment is in the way it looks, but its permeability and connectivity – how easy it is to get around – and the other issues identified are just as important, along with the emergent requirements of sustainability.

Drawing these strands together the policy identifies the issues which require attention, if development is to receive planning permission. Their assessment will be carried out in the light of more detailed planning advice, which will be based on the Urban Design Tool Kit (as contained in Planning Advice Note 67), the Scottish Government's "Designing Streets: a policy statement for Scotland", and "Scottish Sustainable Communities Initiative", and on other assessment tools as appropriate, for example, "Index21". Index 21 was a project between Aberdeenshire Council and the Scott Sutherland School of Architecture at The Robert Gordon University to promote environment-friendly housing layouts and designs.

The process by which these issues will be assessed will be set out separately in planning advice. However, the key to that advice is that it will be based on asking questions about the full range of design issues, rather than on determining a particular set of answers (as design guides have done in the past). In this way it is intended that the door is opened to innovative design answers, while ensuring a rigorous assessment is applied to every aspect of design, whether it is innovative or not.

However, the process of dealing with planning applications is just one end of the design process. For it to succeed, it is essential for the Development Industry to generate development frameworks, masterplans and design briefs, as appropriate, for each development site, in accord with the supplementary guidance on masterplanning. We expect them to do this in a collaborative process with the Council and other stakeholders. We will also require developers to submit design statements and design codes applicable to each site that serve to provide a context for the site and provide the answer to these basic questions as part of the planning application, in addition to incorporating art or craftwork projects in accordance with the Council's Adopted Public Art Strategy. We will encourage developers to co-operate in generating agreed "pattern books", to ease the process of planning approval. Finally, in order to encourage the highest standard of design, we will continue to promote a biannual series of design awards, but will also pursue the use of a Design Panel of distinguished practitioners to advise on the merits of particularly important design cases.

In some areas, such as the regeneration priority areas and the area covered by the "Energetica" framework, particular emphasis will be placed on achieving design solutions that reflect these areas' special needs and characteristics.

Finally, the importance of engagement between developers and the community must not be underestimated and we expect developers to involve communities from the outset. In this context The Prince's Foundation for the Built Environment have carried out an award winning exercise at Ellon, which can be used as a model for other developers. The appropriateness of the engagement of developers and the communities will be an important factor in assessing development proposals.

SG LSD3: House extensions

We will approve an extension to a house, subject to other policies, if:

- 1) it reflects the character of the surrounding area and the design and scale of the existing house; AND**
 - 2) it does not significantly reduce the amenity of neighbouring residents; AND**
 - 3) it would not cause the loss of, or serious damage to, trees or woodland of significant value to the character of the surrounding area; AND**
 - 4) it would not prejudice either storm water or waste water management systems of the original development, or of neighbouring properties.**
-

Reasoned Justification

The aim of this policy is to protect the character and amenity of existing houses and their surroundings from poorly sited and designed house extensions.

House extensions must respond to both the scale and design of the house to be extended. Thus the original house should remain visually dominant in the overall composition after extension. Extensions should also respect neighbouring properties, otherwise they can reduce the amenity of those houses and the surrounding area. This is particularly relevant to issues of overshadowing and of privacy from new overlooking windows. All house extensions must therefore be well designed not only to improve the quality of accommodation, but also positively to contribute to character of the area.

SG LSD4: Infill development

We will approve development on sites within a settlement boundary in the settlement maps which have no specific land use allocation, subject to other policies, if:

- 1) the nature of the development will not erode the character or amenity of the surrounding area through over or under-development; AND**
 - 2) the development will not interfere significantly with the existing or proposed use of neighbouring sites, or with the accessibility of future potential development areas; AND**
 - 3) the development will not cause the loss of a significant area of open space, allotments or woodland important to the community.**
-

Reasoned Justification

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

Land which has no specific land use 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 on the character and amenity of the surrounding area. We will produce detailed guidance in Planning Advice. On many infill sites, there is also the potential for significant damage to or loss of trees, resulting from insensitive development: this must be prevented.

Infill development will not be permitted, where it would result in the inability to access land that could otherwise be used for future development, and thus in foreclosure of that future opportunity.

SG LSD5: Public open space

We will approve new development, subject to other policies, if:

- 1) the provision of open space reflects the hierarchy and standards set out in Appendices 1 and 2 in the Aberdeenshire Parks and Open Spaces Strategy; AND
- 2) the area of public open space meets one of the following criteria:
 - i) In the case of major developments (of 50 or more dwellings, or of 2 hectares or more industrial, commercial or retail land), it is expected that 40% of the site will be provided for open space; or the developer must demonstrate that the site is a constituent part of an approved development framework or master plan in which 40% of the overall land is provided for open space.
 - ii) In the case of new development of less than 50 dwellings, at least 120m² of open space must be provided per dwelling as open space. Alternatively, where a need has been identified in the Open Space Audit, this may take the form, in whole or in part, of an equivalent contribution to improving the quality of existing open space provision elsewhere in the settlement.
 - iii) In the case of new development on land previously allocated in the Aberdeenshire Local Plan for housing, no less than 40m² of open space per dwelling must be provided as open space. Alternatively, where a need has been identified in the Open Space Audit, this may take the form of an equivalent contribution, in whole or in part, to improving the quality of existing open space provision elsewhere in the settlement.

In each of these cases, the developer must also have demonstrated that arrangements for the establishment and maintenance of the open space have already been agreed. In most cases these will be secured through a section 75 or other legal agreement with the Local Authority.

We will refuse development that would result in the loss of an area of protected land, or open space within a settlement, unless:

- 1) the proposed development is ancillary to the principal use of the site as open space, and the integrity of that use is maintained; OR
- 2) it is for an essential community facility, where:
 - i) its public benefits clearly outweigh the value of the site to the settlement's character or amenity; AND
 - ii) evidence from the open space audit, or other audit, shows it will not result in a deficit of open space provision of that type within the settlement; AND
 - iii) it has been demonstrated that there are no alternative sites.

In the exceptional cases where a development proposal otherwise satisfies criteria 1) or 2), but would result in or increase an open space deficit, replacement open space of an appropriate type, quantity, accessibility and quality must be provided.

Areas of open space of particularly high community value are identified as "protected" on the proposals maps.

Reasoned Justification

The aim of this policy is to ensure that all new housing developments are accompanied by adequate public open space, as required in the Aberdeenshire Parks and Open Spaces Strategy.

The policy also aims to ensure that valuable areas of open space in settlements, as identified in the Open Space Audit are not lost to development. This includes a presumption against development of any playing fields or sports pitches. Major areas of open space are specifically identified as protected within each settlement statement in this plan. However, for the avoidance of doubt, this policy applies to all areas of public open space, whether specifically identified or not.

Public open space includes spaces that serve a variety of functions, for instance, recreation (formal and informal), civic areas, local food production, amenity, wildspace including the creation of habitats and shelter, linkages, core paths, and sustainable drainage systems. Each of these functions constitutes an essential part of the environment for everyone, without which our quality of life would diminish. New development is required to provide for each of them in proportion to the scale of the proposal.

In order to deliver the range of functions, it is expected that 40% of major development sites will be identified as open space. The requirement is reduced for smaller developments and on effective housing land previously identified in the Aberdeenshire Local Plan (2006), which is reallocated in the Aberdeenshire Local Development Plan. This reflects the fact that this land is likely to have already been purchased with an expectation of a financial return based on the standards set out in the previous Local Plan.

The open space requirement for each development will be made up of a combination of compulsory and discretionary elements depending on the potential and needs of the site, and the most appropriate way of complementing and improving on what already exists. Areas identified as open space must be well located, properly maintained and designed for their purpose.

Phased developments that are part of a major proposal may not meet the 40% open space requirement in each individual phase. In these cases, it must be demonstrated that they will contribute towards the 40% requirement in an overall development plan framework or master plan.

In most cases delivery of open space in accordance with the standards and its long-term management is likely to be secured through a limitation on the planning application, together with the use of conditions. For this purpose Section 75 agreements, or arrangements under other statutes will be used.

With respect to the requirement for sites of less than 50 houses the open space audit is available on http://www.aberdeenshire.gov.uk/parks/open_space_audit/space_strategy_audit.asp. This provides a breakdown of the existing open space in settlements and, within detailed spreadsheets, provides an analysis of the nature of the sites and any need for improvement in quality of that open space. Improvements to existing open space in lieu of new provision should be discussed with Aberdeenshire Council Landscape Services

SG LSD6: Public access

A. We will approve development, subject to other policies, if:

- 1) it is accompanied by an access plan that shows the existing non-motorised public access footpaths, bridleways and cycleways on the site and external links from the site, together with proposed public access provision both during construction and after completion of the development (such provision should include links to existing path networks and to the surrounding area, and access points to water); AND**
- 2) in cases where the new development affects a route included in the Core Paths Plan or affects any other public footpath, bridleway, cycleway or access point to water, then EITHER:**
 - i) it retains the existing path or water access point while maintaining or enhancing its amenity value; OR**
 - ii) it makes alternative access provision that is no less attractive, and is safe and convenient for public use.**

B. We will approve the construction of a new path or public access point to water, subject to other policies, if an adequate maintenance programme has been agreed with the Planning Authority, and where applicable, it addresses the requirements of disabled people.

Reasoned Justification

The aims of this policy are to ensure that existing and potential public access routes (including core paths) are protected and that new developments incorporate appropriate opportunities for informal recreation, and promote walking or cycling as a means of transport. The policy also aims to ensure new development does not restrict future opportunities for the extension of the public access network.

The Land Reform (Scotland) Act, 2003 includes rights for non-motorised public access to most land and inland water, covering such activities as walking, cycling, horse riding and canoeing/kayaking. Access

provision should be designed to accommodate all appropriate users harmoniously. Since 2004, the Disability Discrimination Act 1995 applies to path networks as well. Public access needs to make reasonable provision for the disabled, including the visually impaired, within the constraints of practicability and the need to maintain the character of the area.

Public access routes help to benefit health and well-being, promote enjoyment and awareness of the natural and historic environment, contribute to the local infrastructure and provide alternatives to the use of the private car. Safe routes to school and social equity concerns in linking settlements and local services to the needs of residents also need to be considered.

New development should conform to the Aberdeenshire Outdoor Access Strategy and the Aberdeenshire Core Paths Plan, should enhance existing paths and should deliver new paths which are identified in the Core Paths Plan and fall within the development proposal.

All new developments require an access plan to the satisfaction of the planning authority. Advice on preparing an access plan is given in Aberdeenshire Council's Outdoor Access and Development: Guidance for Developers. Existing routes, proposed routes and new routes should be shown on the development's site or layout plan as appropriate.

The construction of new paths should:

- conform to best practice e.g. Lowland Path Construction Guide, Upland Pathwork, Countryside Access Design Guide, and Aberdeenshire Council's Outdoor Access Strategy; and
- if appropriate, incorporate appropriate relevant infrastructure (e.g. cycle racks, seating, signposting, lighting).

A maintenance programme should be submitted to ensure that the track or path is safe and convenient for use, and will not have any adverse impact on the environment.

SG LSD7: Community facilities

We will approve new community facilities, comprising indoor or outdoor infrastructure, subject to other policies, where they are available to all community residents and in accessible locations within settlements. This may include, for example, halls, pavilions, playing fields, parks, public art and any other physical infrastructure to promote enjoyment and recreation within the community.

Where existing community facilities within settlements have become surplus to requirements, due to new or updated facilities being provided elsewhere, we will approve their re-use or redevelopment, subject to them being consistent with the terms of other policies contained within the Local Development Plan.

A legal agreement may be needed to ensure that new facilities are available to all members of the community for a reasonable amount of time on a regular basis.

Reasoned Justification

The aim of this policy is to encourage, where appropriate, the provision of new public and private services, facilities or infrastructure which help to support and enhance a community.

The social foundations of many communities rely on the facilities within them and they should be supported wherever possible. Otherwise, the role of some communities could be threatened, particularly in rural areas where meeting places are scarce. In recognition of this, contributions will be sought from developers for the provision of new facilities or the up-grading of existing facilities.

New private facilities will need to be made available to all of the community, at an affordable price, for a defined period of time and on a regular basis, to qualify as a community facility. Facilities that cannot meet this requirement are businesses and should be considered under the terms of that policy.

The provision of new community facilities, or the re-organisation of services, may result in existing community facilities becoming surplus to requirements. In these circumstances, where the facilities are located within settlements, the general policies in this plan provide the appropriate framework for considering specific proposals for their redevelopment or change of use. Where the facilities are outwith settlements, the particular circumstances both of the site, and of the proposed development, will be considered when assessing whether an exception to the normal presumption against development would be justified.

Consultation should take place with Aberdeenshire Council's Education, Leisure and Learning department and the Planning and Building Standards department regarding any community facilities development.

SG LSD8: Flooding and erosion

We will refuse any new development on land at risk from flooding, including on any functional flood plain, or on land that may be required for long term managed retreat or that is at risk from erosion, unless:

- 1) a hydrological, drainage impact and/or flood risk assessment or geomorphology assessment, which includes an allowance for freeboard and climate change where appropriate, is provided at the applicant's expense, and demonstrates that the risk is neither medium nor high risk as defined by Appendix 2; OR
- 2) it is for flood or erosion prevention measures; OR
- 3) it is development that is consistent with the flood storage function of flood plains or would otherwise be unaffected by flooding; OR
- 4) it would be for essential infrastructure or otherwise inappropriate to locate it elsewhere; OR
- 5) it is within a built-up area and flood prevention or erosion measures to the appropriate standard will exist at the time the development is occupied.

In these cases and if development is to be permitted on land at risk from flooding, then, subject to other policies, it must be designed:

- a) to incorporate flood resilient design measures, water resistant materials and construction methods to assist in the evacuation of people and to minimise damage from flooding; AND
- b) not to impede the ability of any flood plain to store water or flood naturally, nor to reduce the capacity of flood defences or of any other arrangement for flood management; AND
- c) not to result in a significant increase in the risk or severity of flooding elsewhere through altering flood storage capacity or the pattern of flow of flood waters; AND
- d) to avoid any water courses being culverted, unless there is no practicable alternative and it will not impede the passage of amphibians or fish species; AND

- e) to provide for maintenance buffer strips for any water body; AND
- f) to include land-raising and/or excavations with the proposal, only if:
 - i) it is for a flood alleviation measure; and
 - ii) it is linked to the provision and maintenance of direct or indirect compensatory flood water storage to replace the lost capacity of the functional flood plain; and
 - iii) it will not create a need for flood prevention measures elsewhere; and
 - iv) it will not create any island or islands of development within the functional flood plain that could become inaccessible during a flood.

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

Reasoned Justification

The aims of this policy are to avoid developments likely to increase the risk of flooding or that would be at risk from inundation themselves from fluvial, pluvial or coastal flooding, and to maintain the Council's duty to promote sustainable flood management. It further aims to ensure development is not located on land at risk from landslips or erosion. The Council has responsibilities in relation to the likelihood of flooding, under the Flood Risk Management (Scotland) Act 2009 and as a responsible authority under the Water Environment and Water Services (Scotland) 2003 Act. A definition of the different types of flooding and glossary are provided in Appendix 1.

Coastal areas are at risk from rising sea level and storm surges. New development below the 5m contour above Ordnance Datum mark is considered at high risk from flooding. A flood risk assessment must also be provided for new development proposed on land between the 5m and 10m contours above Ordnance Datum mark. Extensions or alterations fall clearly in the category

“inappropriately located elsewhere”, but must incorporate flood resilience.

Erosion risk includes both physical erosion and processes, such as landslip, that are a result of erosion processes. If an area of potential erosion is made safe, development is not prohibited.

Appendix 2 provides a basis for making planning decisions relating to flood risk. It sets out a risk framework, which divides flood risk into three categories – high, medium and low. Areas with an annual probability of fluvial, pluvial or coastal flooding greater than 0.5% (1:200 years) are considered to be at medium to high flood risk of flooding. These areas are generally not suitable for residential, institutional, commercial or industrial development, or essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure must be located in these areas or is being substantially extended, it must be capable of remaining operational and accessible during extreme flooding events. New caravanning and camping sites should not be located in high flood risk areas.

The uncertainty of flood prediction makes it essential that developers and planning authorities err on the side of caution in decision-making whenever flooding is an issue. When undertaking a flood risk assessment, freeboard allowance should be added to the design flood level to account for any uncertainty in estimating the probability of flooding. Freeboard allowance gives a margin for safety, which takes account of possible waves or turbulence and climate change.

To help assess development proposals the views of the Scottish Environment Protection Agency (SEPA), 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 flood risk assessment will be sought from the developer. Flooding information provided by a developer (or a consultant employed by a developer) needs to meet standard requirements demonstrating the level of risk posed to life and property. SEPA provide technical guidance on their website to assist with the preparation and reporting of flood risk assessments, and this should be referred to by developers. Due to the potential damage to human life and property, developers must 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 and to seek additional information where clarification is needed.

Development should not take place on land that could otherwise contribute to managing flood risk, for instance through managed coastal realignment, washland creation or as part of a scheme to manage flood risk. Where a sustainable drainage system is proposed, it must be located outwith a functional flood plain.

Adequate provision must be provided for access to water bodies for inspection and maintenance wherever new development is proposed. Watercourses should be allowed to move and realign themselves and have minimal bank protection. Therefore, all new development must provide a buffer strip between a water body and the proposed development. New development should also not encroach onto a buffer strip. Buffer strips can help to reduce flooding, assist with fluvial processes, and become part of a habitat network. All buffer strips must be accessible to enable the inspection and maintenance of water bodies and their banks for pollution control and flood prevention purposes. Best practice advice is provided in Buffer Strips adjacent to Water Courses and Water Bodies.

Watercourses should not be culverted, as they are frequently the cause of local flooding. Existing culverts should be opened where possible. A culvert may be acceptable as part of a scheme to manage flood risk or where it is used to carry water under a road, path or railway, providing it is designed correctly and is demonstrated to adequately carry the design flow at both its maximum and minimum predicted flow-levels.

Any necessary engineering, building or other works in, or in the vicinity of inland surface waters and wetlands including landraising, embankment works and culverting will require authorisation by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).

Appendix 1 – Types of Flooding and Glossary

Types of Flooding

The following provides a description of flooding types. Further information on flood risk assessments is provided in SEPA's Technical Flood Risk Guidance for Stakeholders.

Fluvial – flooding originating from a watercourse either natural or culverted. Normally caused when the river channel capacity (or culvert capacity) is exceeded and water overtops its bank onto the floodplain, which could either be natural floodplain or developed land.

Coastal – flooding originating from the sea (open coast or estuary), where water levels exceed the normal tidal range and flood onto the low-lying areas that define the coast line. This coastal plain could be either natural or developed. Apart from as a result of general rise in sea level, coastal flooding can occur due to four physical elements (as below) either acting on their own or in combination with each other.

- 1) **Predicted astronomical tide:** expected rise and fall of sea water level due to the gravitational effects of the sun and the moon.
- 2) **Storm surge residual:** elevated sea level caused by the combined effect of low pressure and persistent, strong wind (for every millibar drop in pressure, a 10mm rise in the sea surface elevation occurs).
- 3) **Wave effects:** a function of both wind strength and open water 'fetch' length. As a result of high winds, waves can also be associated with low pressure systems, which cause storm surge effects as described above.
- 4) **Local bathymetric effects:** topographic funnelling due to the forcing of a large volume of open sea water into a restricted coastal embayment, e.g. estuary (Firth of Forth), tidal basin (Montrose Basin) or sea loch (Loch Fyne), which will elevate water levels locally. On a wider scale this effect is also seen in the North Sea as a result of channelling through the English Channel.

Pluvial – urban or rural flooding which results from rainfall-generated overland flow, before the run-off enters any watercourse, drainage system or sewer.

Groundwater – flooding due to a significant rise in the water table, normally as a result of prolonged and heavy rainfall over a sustained period of time (can affect cellars and drainage systems). Normally associated with catchments where porous substrate and/or aquifers exist. This type of flooding can last for a considerable period of time, i.e. weeks or months.

Drainage – flooding as a result of surcharging of man-made drainage systems, including combined sewers, where the capacity of the system to discharge run-off has been exceeded.

Infrastructure failure – flooding due to collapse/failure of man-made infrastructure, including hydro-dams, water supply reservoirs (private or public), canals, flood defence structures, underground conduits (e.g. sewers), and water treatment tanks.

Glossary

Drainage assessment – a statement of the drainage issues relevant to a proposal and the suitable means of providing drainage. The length and detail should be proportionate to the issues. As appropriate it may include existing drainage systems and problems, infiltration, groundwater, surface water flow, foul and storm water disposal, SuDS and drainage related flooding issues. It may also be called a Drainage Impact Assessment. See also PAN 61 paragraphs 23 – 24.

Flood plain – generally flat areas adjacent to a watercourse or the sea, where floodwaters naturally flow and/or are stored during times of flood. The limits of a flood plain are defined by the peak water level of an appropriate return period event.

Flood prevention measures – works including walls, new channels, embankments and flood water storage areas: usually components of a flood prevention scheme.

Flood risk assessment – an assessment carried out to predict and assess the probability of flooding for a particular site or area, and to recommend mitigation measures, including maintenance.

Freeboard allowance – a height added to the predicted level of a flood, to take account of the height of any waves or turbulence and the uncertainty in estimating the probability of flooding.

Functional flood plain – the areas of land where water flows in times of flood, which should be safeguarded from further development because of their function as flood water storage areas.

Sustainable Drainage Systems – also called Sustainable Urban Drainage Systems or SuDS, describes a range of techniques for managing the flow of water run-off from a site, by treating it on site and so reducing the loading on conventional piped drainage systems.

Washland – an alternative term for the functional flood plain, which carries the connotation that it floods very frequently.

Watercourse – all means of conveying water except a water main.

Water table – the level of ground-water, below which the ground is saturated.

Appendix 2: Flood Risk Framework

The prime consideration in any proposed development must be risk to the health and safety of the residents and the public. Where rivers are “flashy”, floodwaters can rise very quickly, without warning, leaving little time for evacuation. The velocity of the floodwater can wash away vehicles and buildings, and cause fatalities. Sometimes, however, there may be compelling commercial or practical reasons for siting certain types of development in a relatively hazardous area.

The following risk framework, which is taken from Part 3 of the Scottish Planning Policy (SPP), is intended to provide guidance in proportion with the flood risk at each proposed site, and the nature of each proposed development. It should be read in conjunction with the whole policy and within the context of SPP Part 3. The annual probabilities of flooding referred to below relate to the land at the time a planning application is made.

Category One – Little or no risk areas

Annual probability of watercourse, tidal or coastal flooding is less than 0.1% (1:1000).

- No constraints due to watercourse, tidal or coastal flooding.

Category Two – Low to medium risk areas

Annual probability of watercourse, tidal or coastal flooding is in the range of 0.1% - 0.5% (1:1000 – 1:200).

- It will not usually be necessary to consider flood risk unless local conditions indicate otherwise. These areas will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%) or where the nature of the development or local circumstances indicate heightened seriousness of the risk (as opposed to the probability of the risk).
- Water resistant materials and construction may be required depending on the flood risk assessment.
- Subject to operational requirements, including response times, these areas are generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure must be located in these areas or is being substantially extended, it must be capable of remaining operational and accessible during extreme flooding events.

Category Three – Medium to high risk areas

Annual probability of watercourse, tidal or coastal flooding is greater than 0.5% (1:200).

- Generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency control centres, schools, electricity supplies, telephone exchanges, mobile telephone or broadcasting transmitters, where facilities must continue to function in times of flooding.
- The policy for development on functional flood plains applies.
- Land raising is only acceptable in exceptional circumstances.

- Within settlements:
 - i) Medium to high risk areas may be suitable for residential, institutional, commercial or industrial development, provided flood prevention measures to the appropriate standard already exist, are under construction or are planned as part of a long term development strategy.
 - ii) Water resistant materials and construction should be used where appropriate.
- Outwith settlements:
 - i) Medium to high risk areas are generally not suitable for additional development, including residential, institutional, commercial and industrial development.
 - ii) Development may be allowed in exceptional circumstances, if a location is essential for operational reasons, e.g. for navigation and water based recreation uses, agriculture, transport or some utilities infrastructure, and an alternative lower risk location is not achievable. Such infrastructure should be designed and constructed to remain operational during floods.
 - iii) It may be suitable for some recreation, sport, amenity and nature conservation uses, provided adequate evacuation procedures are in place.
 - iv) In exceptional circumstances, job-related accommodation (e.g. for caretakers and operational staff) may be acceptable, if it is associated with development listed in ii) or iii) above.
 - v) New caravan and camping sites should not be located in these areas.
 - vi) If built development is permitted, measures to manage flood risk are likely to be required and the loss of flood storage capacity must be minimised. Water resistant materials and construction should be used where appropriate.

SG LSD9: Hazardous development

We will refuse development, if:

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

In any circumstances where development of this kind is, on balance, considered acceptable by the appropriate authorities, satisfactory steps must be taken to mitigate any residual negative development impacts.

Reasoned Justification

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

Pipelines, agricultural buildings, dams, waste water treatment plants, waste disposal/treatment facilities 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. Therefore, the Council will consult the Health and Safety Executive, facility owners and operators, and/or the Scottish Environment Protection Agency, as appropriate, on all development proposals which are within a consultation zone or could cause, or be affected by, a nuisance, hazard or pollution.

SG LSD10: Contaminated land

We will approve development on land that is contaminated, or suspected of contamination, subject to other policies, if:

- 1) 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 the water environment, that arise from the proposals; AND**
 - 2) effective remedial action is taken to ensure the site is made suitable for the new use, in scale with the nature of the proposal.**
-

Reasoned Justification

The aim of this policy is to bring contaminated land back into use, thereby effectively reducing the number of such sites within Aberdeenshire, whilst ensuring public health and safety is not compromised.

Contamination of land is commonly caused by previous industrial or less frequently commercial use. Types of historic use associated with contamination include gasworks, landfills, engineering works, garages 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.

Local authorities are the lead authority under the contaminated land legislation and have a statutory duty to identify and inspect potentially contaminated sites within their area. In Aberdeenshire the responsibility for this work is delegated to the Environmental Health Service. The way in which this work is being undertaken is described in Aberdeenshire's Contaminated Land Strategy.

The Council will liaise with the Scottish Environment Protection Agency and other relevant organisations, where appropriate.

SG LSD11: Carbon neutrality in new development

We will approve new development intended for human occupation, subject to other policies if it is demonstrated that it will achieve at least a Bronze Active rating under Section 7 of the building standards Technical Handbook.

The following exceptions are made to the need to meet this requirement:

- 1) the alteration or extension of an existing building; OR
- 2) the change of use or conversion of an existing building; OR
- 3) an ancillary building that is stand-alone having an area less than 50 square metres; OR
- 4) a building, which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; OR
- 5) a limited life building, which has an intended life of less than 2 years.

Reasoned Justification

This policy sets requirements for the minimum reduction of carbon dioxide emissions in new developments beyond the 2007 building regulations' carbon dioxide emissions standard, and requires new buildings to achieve a sustainability label (minimum Bronze Active) as set out in Section 7 of the building standards Technical Handbook. This supplementary guidance represents an interim position and will be comprehensively reviewed in 2012 to provide a standard to achieve the Council's target of carbon neutrality by 2016; a process to enable savings to be demonstrated; and a specified and rising proportion of greenhouse gasses to be avoided through the installation and operation of low and zero carbon generating technologies.

Reducing emissions through the location, siting, design, orientation, materials and insulation to create an energy efficient building are important factors. However, new developments must also meet the requirements of Section 72 of the Climate Change (Scotland) Act 2009, and install low

and zero-carbon generating technologies from renewable resources (e.g. wind, solar or district heating scheme). To achieve a bronze active rating a new building must include some low or zero carbon generating technologies within the compliance calculation.

Following a report on climate change titled 'The Bigger Issue', produced by the Council's Scrutiny and Audit Committee, Aberdeenshire Council has committed itself to working towards being a carbon neutral organisation in the short to medium term.

As part of this and the Council's wider commitment to sustainable development throughout the community, the Council is committed to assessing the environmental impacts of building and construction projects and to taking appropriate action to reduce or minimise impacts. Reducing the carbon dioxide emissions of development will have a positive environmental impact and will contribute to the Council's commitments on climate change. After 2012 all new buildings must reduce the predicted carbon dioxide emissions by at least 60 per cent beyond the 2007 Building Regulations carbon dioxide emissions standard. After 2014 the reduction must be at least 90 per cent, and after 2016 the reduction must be 100 per cent (no emissions).

The energy required for buildings and how it is provided play an important role in delivering a sustainable economy. Burning fossil fuels for either heat or electricity generation is an important consideration, because the products of combustion cause local and global air pollution and climate change. Renewable sources of energy such as sun, wind, waterpower and geothermal energy can offer diversity and security of supply and can reduce harmful emissions to the environment. Energy requirement is determined at the design stage and there is significant potential to minimise energy demand through adopting good practice in the design and construction phases.

Applicants should consider how to meet the requirements of this guidance at an early stage of planning. An energy statement should be submitted at the planning application stage to demonstrate how the proposed development will satisfy the requirements of this supplementary guidance. Appendix 1 provides details of what an energy statement should deliver.

Exceptionally, In order to avoid any unnecessary delays in processing planning applications a suspensive condition may be used to allow developers to submit a detailed energy saving or renewables scheme at the time of submission for Building Warrant. Such a condition may be specific to the individual development, but will generally comply with the following model condition.

No development shall take place, unless there has been submitted to and approved in writing by the planning authority:-

details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development;

calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development enable it to comply with this guidance.

The development shall be carried out in accordance with the approved details. Appendix 2 provides guidance on the information that must be submitted at the building warrant stage.

Appendix 1 Energy statements

An energy statement should:

- Demonstrate improved design through the promotion of environment-friendly layouts, energy-efficient design and thermally efficient buildings.
- Demonstrate how the use of non-renewable resources within the development has been minimised.
- Demonstrate how the developer intends to incorporate the use of renewable resources in the development.
- Demonstrate how the development incorporates its requirement for renewable energy facilities, whether at a community or local scale, while providing protection for the built, natural and historic environment.

Measures which may be considered in energy statements

Passive energy efficiency measures

- Orientation
- Day lighting
- Natural ventilation
- Air tightness
- Avoidance of wind-chill

Operational energy efficiency measures

- Heating system
- Insulation
- Lighting and appliances
- Glazing
- (Micro) Combined heat & power
- Heat recovery in mechanical ventilation systems

Renewable technologies

- Photovoltaic
- Solar water heating
- Micro wind
- Biomass
- Micro-hydro
- Ground and air- source heat pumps

Emerging technological measures

- Hydrogen fuel cells
- Gas from anaerobic digestion
- Solar air collectors

Appendix 2 Demonstrating compliance with the supplementary guidance

In order to demonstrate that the requirements of the supplementary guidance are being met, and to discharge any suspensive planning conditions, the following information must be submitted at the building warrant stage.

For dwellings

The Government's Standard Assessment Procedure for Energy Rating (SAP 2009) should be undertaken. BRE approved SAP 2009 software is available to the public¹ and it incorporates a function which automatically generates the target carbon dioxide emissions level (TER), when the fuel type is selected and the 'notional dwelling' dimensions and living area fraction have been fed into the program. The information submitted should demonstrate that the Dwellings Emissions Rate (DER) is at least an extra 60%² reduction on the Target Emission Rating (TER), i.e. the developer has demonstrated that the dwelling has met the Building Standard and has improved on this by 60%.

For all other developments

The Simplified Building Energy Model (SBEM) should be undertaken³. The Target Emissions Rate (TER) should be calculated by inputting a) the size and shape data into the calculation methodology; b) the Scottish standard package of construction and building services performance measures; and c) the formula that reflects the type of heating and cooling system for the building. The Building Emission Rate (BER) is calculated by inputting the data for the proposed building design. These calculations are required to be submitted and must show that the resulting BER indicates at least an extra 60%² reduction on the TER.

Off-site contributions

It is understood that it may be difficult to achieve the required carbon dioxide reduction target when developing within natural and historic designations, for example within a Conservation Area. If there are technical constraints to achieving the emissions reduction imposed by any such constraint, the provision of carbon dioxide savings elsewhere in the area could be acceptable. However, all possible energy saving measures and low and zero carbon technologies must be considered on-site first and discounted before 'carbon dioxide savings elsewhere' are considered. These savings should be secured by a legal agreement and will involve the installation of equipment off-site. In such cases the amount of carbon dioxide emissions to be saved, combining

both on-site and off-site contributions, will be 60%² reduction on the TER (the Target Emissions Rate) for the application site. The percentage of carbon dioxide savings should increase in line with the current building regulations

References and further reading

Planning: Policy

Scottish Planning Policy: <http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf>

Planning Advice – 2/2010 Microgeneration: http://www.aberdeenshire.gov.uk/planning/supplementary/MicrogenerationPlanningAdviceNo2_2010November2010.pdf

Planning: Designing for reduced energy demand

Designing Places: <http://www.scotland.gov.uk/library3/planning/dpps-00.asp>

Web based renewables advice is available from the Scottish Government: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/pans>

PAN45 Annexe, Planning for Micro-Renewables: Guidance on the Siting and Design of Micro-Renewables: <http://www.scotland.gov.uk/Resource/Doc/150324/0040009.pdf>

Building standards system

SBSA: www.sbsa.gov.uk

Domestic & Non-Domestic Technical Handbooks <http://www.sbsa.gov.uk/sullivanreport.html>

Technical Handbooks Guide for Practitioners 6: Conversion of Traditional Buildings: http://www.sbsa.gov.uk/tech_handbooks/traditional_Buildings.htm

1 Information on software and guidance can be obtained from www.bre.co.uk/sap2009

2 Or x% depending on the year in which the application was submitted, according to the figures in Table2.

3 A version of SBEM is freely available at www.ncm.bre.co.uk/index.jsp