



Aberdeen Local Development Plan Review

Main Issues Report Response Form 2019

Aberdeen City Council has published a Main Issues Report (MIR) which is part of the process of preparing a new Local Development Plan. It is designed to gather views on specific proposals and sets out options for dealing with the key planning matters facing Aberdeen over the next 20 years such as the location of new housing and employment development, the future of retailing and the City Centre, housing needs and tackling climate change. It also includes a number of potential new policies which would be used in the determination of planning applications.

The MIR has been published alongside a Monitoring Statement and Environmental Report. Copies are available to view at Marischal College, Broad Street, Aberdeen. These, and other supporting documents, are available at: - www.aberdeencity.gov.uk/aldp2022

Everyone now has the chance to comment on the report and associated documents. All comments received will be considered and used to inform the preparation of the Proposed Aberdeen City Local Development Plan. There will be a further opportunity to comment on the Proposed Plan when it is published in early 2020.

The consultation runs from 4 March 2019 to 13 May 2019.

Responses to the published documents can be:

- made online at:- <http://consultation.aberdeencity.gov.uk/planning/mir2019>;
- emailed to:- ldp@aberdeencity.gov.uk; or
- by post to:- Local Development Plan Team, Strategic Place Planning, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen, AB10 1AB.

Completed response forms should be with us no later than 13 May 2019.



YOUR DETAILS

Name	Michael Lorimer
Organisation (if relevant)	Ryden LLP
On behalf of (if relevant)	
Address	
Postcode	
Telephone	
E-mail	

Thank you for taking the time to complete this response form. If you wish to be added to the LDP e-mailing list to be kept informed of our progress in producing the next Local Development Plan, please tick here



If yes, please provide an e-mail address

PRIVACY STATEMENT

As part of the review of the Local Development Plan, Aberdeen City Council (ACC) will offer you several opportunities to submit your views and comments. These opportunities will range from the current consultation stage, the Main Issues Report, where we will ask you to comment on specific proposals and alternatives to the Proposed Plan stage where the set view of ACC has been established.

ACC are legally required to consult at this stage and at Proposed Plan stage. This is set out in the Town and Country Planning (Scotland) Act 1997 (as amended) and supporting regulations. The Environmental Assessment (Scotland) Act 2005 also requires us to consult on a Strategic Environmental Assessment Environmental Report.

By submitting a response to the consultation, you understand that ACC can use the information provided in this form, including personal data, as part of the review of the Aberdeen City Local Development Plan. ACC will not share or disclose any personal data about you to any organization or person unless it is authorized or required to do so by law.

The data controller for this information is ACC. We understand our legal basis for processing this information as Article 6(1)(c) of the General Data Protection Regulation as this is an activity we are legally required to carry out under the Town and Country Planning (Scotland) Act 1997 (as amended) and supporting regulations and The Environmental Assessment (Scotland) Act 2005. The data on the form will be used to inform the preparation of the Proposed Aberdeen City Local Development Plan 2022. At the end of the consultation, where contact details have been provided, the Local Development Plan team will provide you with a respondent number. You may also be contacted about the comments you have made and, as obliged by the Town and Country Planning (Scotland) Act 1997 (as amended) and supporting regulations, the Local Development Plan team will contact you to inform you of the publication of the proposed Aberdeen Local Development Plan in early 2020. If you chose not to provide your contact details, your comments will still be valid but we will not be able to contact you in the future.

Responses will be collated, redacted, summarised and stored electronically or in locked cabinets in Marischal College. All redacted responses will be published, alongside the respondents name (if provided), on the Aberdeen City Local Development Plan website. Contact details will not be made public, but your name and respondent number will be published.

Aberdeen City Council will only keep your personal data for as long as is needed. Data will be kept until the emerging Local Development Plan is itself replaced – this is likely to be around 5 years following its adoption in 2022 – so 2027. Following this, data will be disposed of in a secure manner.

YOUR DATA, YOUR RIGHTS

You've got legal rights about the way ACC handles and uses your data, which include the right to ask for a copy of it, and to ask us to stop doing something with your data. Please contact the Council's Data Protection Officer by e-mailing DataProtectionOfficer@aberdeencity.gov.uk or writing to Data Protection Officer, Aberdeen City Council, Governance, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB. More information is available at: - <https://www.aberdeencity.gov.uk/your-data>

YOUR COMMENTS

<p>Which document(s) are you commenting on?</p>	<ul style="list-style-type: none">• Main Issues Report• Strategic Environmental Assessment Environmental Report• Monitoring Statement	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Please indicate the document and the specific Issue, Question, Site, Policy, Map or Table you are commenting on. Please provide your comments below and explain your reason for supporting, opposing or commenting on this specific part of the document.

Please refer to attached Paper Apart.

YOUR COMMENTS CONTINUED

PAPER APART

Representation to the Aberdeen City Local Development Plan Main Issues Report 2019 on behalf of Dandara Ltd.

Introduction

Dandara Ltd welcome the fact that Aberdeen City Council have published their Main Issues Report (MIR) March 2019 as an early indicator of key areas of policy change from the extant Local Development Plan (LDP) 2017 and identification of new sites where development may be permitted. This response focuses on the identified policy area concerning the Natural Environment as set out within the MIR and details a number of issues Dandara has with the adopted approach, based upon their experiences interacting with existing LDP Policies.

Question 17 - Natural Environment

Do you agree that the proposed list of policies for 'Natural Environment' gives a clearer and more coherent structure than at present?

The MIR highlights that there are to be no significant changes in relation to policies covering the Natural Environment. Instead, it proposes to roll forward the existing 2017 LDP polices (NE1 through NE9) pertaining to the Natural Environment into the next LDP, albeit consolidated under a more streamlined list of policy topics (NE1 through NE5). Whilst Dandara are tentatively supportive of this approach which shortens the current list and should hopefully provide better structure, it is the actual content and policy wording which is the most important aspect. It is therefore disappointing that the proposed new 'consolidated' policies are not listed within Appendix 1 of the MIR along with the other proposed draft new policies. Without sight of the proposed new policies covering the Natural Environment, it must therefore be assumed that much of the existing LDP Policy wording will be rolled forward into the LDP.

Furthermore, it is recognised that the MIR seeks to align itself with the wider aspirations of the Scottish Government to remove Supplementary Guidance from the Planning System, as part of the recommendations presented within the Planning Bill. This would see the removal of much of the existing LDP's Supplementary Guidance and its amalgamation within the policies of the new LDP. This presents my client with a number of concerns in respect of the overly restrictive content and wording of a number of the extant policies and the potential to absorb further wording from the substantial amount of associated SG. It is therefore contented that a proper review of the existing policy wording on the Natural Environment should be undertaken, prior to publication of the Proposed Plan.

Policy NE4 – Open Space Provision in New development, which is proposed to be merged into a new Policy NE2: Green and Blue Infrastructure, stipulates that 2.8 hectares per 1,000 people of meaningful and useful open space must be provided in new residential development. Such a requirement advocates a "one size fits all" approach to all sites. This contradicts other parts of the Policy which, recognise the findings of Aberdeen's Open Space Audit 2010, which proposes a more flexible approach

to identifying the exact level and mix of open space and being responsive to the level of existing provision, its quality and accessibility, and on a site by site basis.

Similarly, the MIR proposes to merge parts of Policy NE5 – Trees and Woodlands and its associated Supplementary Guidance with NE8: Natural Heritage, to create a new Policy NE3: Protecting our Natural Assets. Dandara would contend that extant Policy NE5: Trees and Woodlands and associated Supplementary Guidance do not align and therefore require to be substantially reviewed, as they are not currently fit for purpose. It presently contains overly restrictive policy guidance which serves to stymie development across the city, rather than promoting a more flexible approach to tree management.

The reading of the existing policy wording asserts that no development will take place if there is an associated impact on trees. In reality however, such an approach applied within the built up confines of a city, with significant areas of established trees is entirely unworkable. For example, the current wording restricts developers from allocating garden ground in areas which lie within an area equating to the height of an existing adjacent tree. Similarly, my client is aware of a recent instance whereby the replacement of an existing building with a new building was resisted due to the proposed building being located within the zone of influence, despite the existing building already being sited within the same zone. There will undoubtedly be a requirement for effective tree management on both brownfield and greenfield sites across the city, however it should be guided by appropriate expert recommendations, mitigation strategies and compensatory planting where appropriate. Whilst the policy does acknowledge this to an extent, Dandara feel the current negative wording needs to be reviewed in favour of a merits-based approach to effective tree management.

My client, as well as the wider development industry has difficulties engaging with the current policy and in particular the additional detail and further layer of restriction contained within the Supplementary Guidance (SG). A key area of concern relates to content of paragraph 8.4.2 of the SG, "*Proximity of Structures and Infrastructure to Trees*", and in particular to the commentary relating to **zone of influence**. Presently this suggests that "*Buildings and associated infrastructure, including garden ground, should generally be located out with the zone of influence of existing and proposed trees. The zone of influence is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree*". Dandara would assert that strict application of this guidance would have serious implications for the wider delivery aspirations in relation to existing sites and allocations contained within the LDP and it should therefore be removed from the wording of new Policy NE3.

There is no mention of the zone of influence within the main LDP Policy NE5, which instead focusses on the root protection area of trees, which more closely relates to BS 5837: 2012 Trees in Relation to Design, Demolition and Construction. As such, the current SG fails to accord with Section 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations which requires that SG "*may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance*".

One of the overarching aims of Scottish Planning Policy highlights that Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources. This advocates a flexible approach to ensure the right development in the right place. New development proposals offer the opportunity to work with existing trees and promote sustainable tree management and supplementary landscaping and planting arrangements to ensure any potential impact or loss is appropriately mitigated and compensated. Unfortunately, strict application of the current zone of influence guidance serves to stymie the use of land, which contravenes the policy aims and objectives of SPP on sustainable development. Unless some degree of flexibility is provided, there is a real danger it could lead to more rogue measures being adopted by individuals, such as the felling of trees on sites that do not benefit from statutory protection through a Tree Preservation Order or siting within a Conservation area, prior to the submission of a planning application. This is a situation that needs to be avoided, therefore a serious review of this policy and guidance should be undertaken.

It is therefore requested that policy NE5 and associated SG Trees and Woodland is substantially reviewed and current stipulations relating to zone of influence contained within the SG are removed in favour of a more pragmatic and flexible approach to the management of trees as part of the revised Policy NE3: Protecting our Natural Assets. It would be beneficial to have input and advice from a third party arboriculturalist as part of this review.