



**THE NORTH EAST STRATEGIC PLANNING COMMITTEE: 19 OCTOBER 2001**

**ABERDEEN & ABERDEENSHIRE STRUCTURE PLAN – RESPONSE TO  
SCOTTISH EXECUTIVES DRAFT MODIFICATIONS TO PLAN**

**1. Purpose of Report**

- 1.1 To agree a joint response to the Scottish Executives Draft Modifications to the Aberdeen & Aberdeenshire Structure Plan.

**2. Background**

- 2.1 On 7 September 2001 Draft Modifications to the Aberdeen & Aberdeenshire Structure Plan – North East Scotland Together – were announced. These are the subject of statutory public consultation. In this instance the period has been extended from 6 to 8 weeks and objections must be submitted by 2 November 2001. Powers have been delegated by each Council to this Committee to agree a joint response to the Draft Modifications. The Scottish Executive have been advised of the arrangements and the timing of a response.
- 2.2 Eleven modifications in total are proposed to the plan (copies of the modifications have been previously circulated). They have been released earlier than anticipated and it is essential that a response is made within the statutory time period. As a comparison the Grampian Structure Plan 1997 was approved with 128 modifications and it is reassuring of the new Structure Plan's strategy and policy content that Scottish Ministers do not seek to make substantial change. Scottish Ministers have also considered that the information before them is adequate and that Examination in Public is not required.
- 2.3 Each modification is discussed in more detail under the section - Discussion of Modifications. In the main these modifications are relatively minor bringing the plan up-to-date in terms of recent government policy concerning radio/telecommunications, EC Water Framework Directive, flooding, pipelines and in the main are generally acceptable but would benefit from minor contextual changes. Modifications 2 and 3, however, have greater significance to the Structure Plan and specifically to the plan's application within Aberdeenshire. The modifications relax opportunities for rural housebuilding throughout the area but officers find it difficult to reconcile the proposed modifications with either the strategy set out within the Structure Plan or with government policy on the issue. The modifications are also ambiguously and imprecisely worded which remove clarity from the policy. Modification 11 is also worthy of highlighting and covers the siting of a new football stadium, an issue which is currently topical and has attracted a great deal of public comment. The modification reaffirms

that consideration of the stadium must be carried through on a plan-led basis but ties this to the success of the Scottish Football Associations bid for the European Football Championship in 2008.

- 2.4 This Committee has earlier discussed the 2001 Strategic Forecasts and considered what implications these forecasts might have for the Structure Plan. None of the modifications, however, relate to the housing or employment land allocations and it is considered that any policy implications arising should be forwarded separately to the Scottish Executive for their information when considering any representations on proposed modifications.

### **3. Next Stages**

- 3.1 The joint response will be considered by Scottish Ministers along with all other objections to the modifications before coming to a decision on the final form of the Structure Plan. It is not known precisely when final approval is expected by Scottish Ministers is expected, but it is anticipated, that this would be around the beginning of 2002.

### **4. Recommendation**

To agree the recommendations contained in the Discussion of Modifications and to advise the Scottish Executive.

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## DISCUSSION OF MODIFICATIONS

For reference the heading against each Modification identifies the subject matter, the appropriate page and paragraph in the submitted Structure Plan. The nature of each modification is set out with any deletions to the original text being lined out and new text shown in bold. This is followed by the reasons given by the Scottish Executive for preparing the modification, ending with the recommended response to the modification.

### **MODIFICATION 1 : Radio Telecommunications (Page 22, addition to Paragraph 2.21 & Policy 4)**

2.21 - New national planning guidance on Radio Telecommunications was ~~released for consultation in November 2000~~ **issued in July 2001** and support is given by the structure plan for the approach taken in the NPPG, which is to enable the telecommunications industry to expand and diversify in a sensitive manner. More detailed guidance given in the NPPG will require to be taken into account by local plans in their telecommunication policies **taking into account technical requirements and licence requirements.**

#### Policy 4

Telecommunications - Proposed telecommunications developments are encouraged but should be sited and designed to minimise adverse impact. Local plans shall prepare policies for guiding the location of telecommunications and developments, **taking into account technical requirements and licence requirements** and setting appropriate standards for development.

#### **REASON**

To update the reference to NPPG 19 : Radio Telecommunications published in July 2001 and to cover the situation where the technical limitations of the cellular system will need to be balanced against amenity considerations in deciding whether to allow a development to go ahead.

#### **RECOMMENDATION**

The modification updates the Plan in conformity with recently issued government guidance.

Agree to modification.

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### **MODIFICATION 2 : Rural Housing (Page 34, addition to Policy 12)**

### **MODIFICATION 3 : Support for small scale, homebased economic activity in rural areas (Page 34, addition to Paragraph 3.20)**

#### Policy 12

House Building in the Countryside Beyond the Green Belt - In countryside not designated as Green Belt there shall be a presumption against house building except:-

- (a) rehabilitation or extension of an existing house;
- (b) replacement on the same site of a largely intact house;
- (c) a new house which is essential to the efficient operation of an enterprise which is itself appropriate to the countryside;

**and in the interests of local needs, local economic development and services**

- (d) conversion of an existing non-residential vernacular building to a single house **or groupings/clusters of up to 5 units for housing or housing with associated business space which are accessible in transport terms** or to a house combined with a business, where the building's original character is retained; or
- (e) **where it may be possible to round off clusters of individual properties to form cohesive groupings, with related infrastructure improvements and which are accessible in transport terms.**

All such development must be of the highest quality particularly in terms of siting, scale, design and materials.

3.20 - The detailed control of siting and design of new development is primarily a matter for local plans. The strategic planning interest is to maintain and enhance the quality and integrity of the countryside, including the countryside around towns. All new development in these areas should respect certain basic principles, which might be best expressed in design guidance as illustrated by the Planning Advice Note 36, "Siting & Design of New Housing in the Countryside." **To prevent an increase in commuting, especially by car, these small-scale development should only be identified if they fulfil specific local needs and support economic development and local services. NPPG 15 supports this stance stating that there should be a general presumption against developments in "rural commuter areas." (see Paragraph 5.10).**

(Note: The bold text is transferred from and deleted from Paragraph 5.10)

**REASON**

It is impractical for very large steadings to be effectively converted into a single house only. To allow slightly more intensive residential development in line with NPPG's 3 and 15. To support rural diversification opportunities for small-scale, home based economic activity in appropriate countryside locations which would not conflict with the established policy of directing new development towards settlements.

Essentially presentational and to support new category at Policy 12e and amendment to Category 12c – to show that the Plan supports small-scale, home based economic activity (for a house and business) in rural areas provided they re-use obsolete or derelict buildings, are accessible in transport terms and would not conflict with the established policy of directing development towards settlements

**RECOMMENDATION**

These modifications principally affect Aberdeenshire Council and only a small part of Aberdeen. As such a report discussing the proposed modifications was presented to the Infrastructure Services Committee at their meeting of 4 October 2001. This report criticised the modifications as contrary to government policy, contrary to the strategy of the structure plan and weak and unclear in their definition. The modifications as they stand were considered unacceptable by virtue of the impact that they will have on built heritage, cultural identity, settlement pattern and travel patterns.

NPPG's 3 (Land for Housing), 15 (Rural Development) and 17 (Transport and Planning) do not support the proposed modification. NPPG3 states that "Development should be encouraged on sites within existing settlements" and discourages development in the open countryside where "particular circumstances are clearly identified in development plans or there are special needs". The existing policy caters adequately for these special needs. This

view is reiterated in NPPG 15:- “the main focus of new development should be on existing

towns, villages and small settlement clusters where employment, housing (including affordable housing) and other services can be provided close together”, and NPPG 17 :” “Planning authorities should ensure that their settlement strategy is consistent with the aim of reducing travel demand and puts greater reliance on means of transport other than the private car”.

The proposed modification also works against the aims and objectives of the plan. It disregards built heritage and cultural identity by facilitating the destruction of the form of traditional farm buildings and their setting. It supports neither economy nor community by catering for individual desires for a rural idyll over a more sustainable settlement pattern. It undermines the ability of the plan to create a sustainable framework of settlements by diluting the contribution that housing can make to the maintenance of fragile communities and services. It makes no contribution to the integration of land use and transportation.

Terms such as “cluster” and “which are accessible in transport terms” are ambiguous and open to interpretation. This is not the “clarity” required in policy by NPPG 1 and could be open to considerable abuse. Because of this imprecision the wording of the proposed new sub-paragraph (e) could be an “open sesame” to “round off” any two houses in sight of each other to a cluster of 10, 20 or more houses (which may be what you would need to lever out any infrastructural improvements).

In both Housing Market areas the proposed modification runs counter to the objective of the plan to create a long term and sustainable settlement hierarchy. There would be considerable pressure for ad hoc permissions using this policy within the AHMA. Permissions granted would have to be treated as “windfalls” and as such further exacerbate the ability of developers to market sites within the main service centres. In the RHMA the proposed modification could reduce demand in villages themselves to a n unmarketable level. There would be no incentive for developers to adopt a sustainable settlement pattern.

The proposed modification is a retrograde step, indicating a significant relaxation of the policy on housing in the countryside over that contained within the Grampian Structure Plan and its “daughter” plan the Consolidated Aberdeenshire Local Plan. Such a relaxation is a movement away from a sustainable settlement pattern, not a move towards it.

However, to engage the Scottish Ministers in finalising the Aberdeen and Aberdeenshire Structure Plan it is with some trepidation that an alternative approach could be considered which goes some way to accepting the easing of housing in the countryside to allow development to take place within convenient walking distance of the settlements that actually have services – i.e. those identified as Rural Service Centres in the structure plan. The following is suggested as an alternative to the proposed modification:

Policy 12: proposed new paragraphs (d) and (e).

- “(d) Conversion of an existing non-residential vernacular building to a single house; or to a single house combined with a business; or up to three residential units with associated business space which is conveniently accessible to local services by public transport, foot or bicycle. Any such conversion must be within the building’s original structure and must retain the building’s original character. All such proposals should be the subject of an application for full planning permission.

- (e) Within the Rural Housing Market Area, erection of a single new house within an existing cohesive group of at least five houses where the development provides a material improvement to local public infrastructure and which is accessible to local services by public transport, foot or bicycle. Local plans will use criteria such as landscape character and the existing pattern of development to define the exact nature of the ‘cohesive group.’

The above approach represents the possible middle position which could be taken to both conform with the thrust of the Structure Plan Strategy and recognise the suitability of certain groups of houses provided they are not too distant from defined settlement

If Modification 2 is changed as proposed above, there is no further objection to Modification 5.

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**MODIFICATION 4 : Provision of health care facilities (Page 35, addition to Paragraph 3.25)**

3.25 - In appropriate cases, contributions will be sought from developers towards:-

- infrastructure without which development cannot proceed, such as sustainable urban drainage, water supply, waste water treatment facilities or transport infrastructure and services;
- new or extended essential facilities, such as schools, **health care facilities**;
- new or extended social facilities, for example libraries, community centres, areas of open space, churches or sports facilities;
- the provision of services throughout the lifetime of a development, where unusually high costs might be incurred; and
- any other elements necessary to mitigate the loss of amenity which would be brought about by the development and without which the development would be unacceptable.

**REASON**

To ensure that the Structure Plan recognises its role in securing developer contributions towards the provision of healthcare facilities.

**RECOMMENDATION**

The modification is of a minor nature but is helpful and gives further clarification in securing developer contributions.

Agree to modification.

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**MODIFICATION 5 : Building Conservation (addition to Page 43, Paragraph 4.11 & Policy 20)**

4.11 - Government guidance **set out in NPPG 5** : Archaeology & Planning aims to preserve archaeological sites. Where this is not possible there is need to excavate and record such

sites. The overall objective for the built heritage and archaeology should be to protect what is

of value and ensure that new development adds to the quality and character of the environment.

#### Policy 20

The built heritage of the North East will be conserved and promoted as a valuable non-renewable resource. Enhancement, active use *conservation* and access to our built heritage should be encouraged wherever possible.

Local Plans should include policies which:-

- protect the integrity and setting of listed buildings and Scheduled Ancient Monuments;
- protect other archaeological sites and archaeologically sensitive areas. Where this is not feasible, proper recording and analysis shall take place; and
- ~~encourage the enhancement of~~ *protect and enhance* conservation areas, historic gardens, designed landscapes, town centres and other historic features of value.

#### **REASON**

To confirm that what is being referred to is covered by a separate document to NPPG 18 and covers different issues. To be compatible with the term used in Paragraph 4.10. To give sufficient protection to the parts of the built heritage covered by this part of the policy.

#### **RECOMMENDATION**

While the modification is correct in suggesting that conservation of built heritage should be the objective it fails to recognise that the active use of such buildings is a legitimate objective of policy. Buildings which are actively used are less likely to deteriorate and the value of the use provides an incentive for the buildings conservation.

The modification should be revised to retain “active use”, as an objective of the policy in addition to “conservation.” Thus Policy 20, second sentence should read “Enhancement, active use, conservation and access to our built heritage should be encouraged wherever possible.”

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#### **MODIFICATION 6 : Sustainable Urban Drainage Systems (Page 44, addition to Paragraph 4.16)**

4.16 - As well as avoiding areas liable to flood, new development should avoid causing flooding problems elsewhere. Surface water run-off is normally drained into watercourses. This can contain contaminants and cause localised flooding. However, Sustainable Urban Drainage Systems (SUDS) can be used as a means of dealing with water run-off in ways which avoid flooding and pollution **and will be required as an integral part of new development.** Guidance on SUDS can be obtained from SEPA and their use should be encouraged in both brownfield and greenfield development. **PAN 61 : Planning & Sustainable Urban Drainage Systems published in July 2001 provides additional advice on how Local Plans should apply the SUDS approach to development.**

#### **REASON**

To give stronger emphasis to the SUDS approach and to update the position on the publication of the Scottish Executive's planning advice.

#### **RECOMMENDATION**

The intention to give stronger emphasis to the SUDS approach is acceptable but conditions will vary from site to site and there is need to determine the most appropriate option for drainage and developers should be required to demonstrate this. Further modification to

clarify this would be appropriate. Localised flooding can also occur downstream and this should be also be reflected.

It is recommended that the paragraph should be revised by adding "and downstream" after "localised" and after "which avoid flooding and pollution" add "developers will be required to demonstrate that their proposals for foul and surface water drainage are the best available in terms of Sustainable Urban Drainage."

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#### **MODIFICATION 7 : Water Framework Directive (Page 44, addition after Paragraph 4.16)**

**4.17 - The Water Development Framework Directive - Developments will need to take account of the provisions of the EC Water Framework Directive once it has been implemented in Scots law. The Executive is proposing to do this by means of primary legislation which it will introduce to the Scottish Parliament in 2002. The Directive requires the sustainable management of Scotland's water on the basis of natural river basin districts, taking account of all the impacts that cause harm to the aquatic environment, including physical engineering projects. Controls proportionate to the degree of environmental risk will be introduced after full consultation.**

#### **REASON**

For the Structure Plan to acknowledge and inform readers of the imminent introduction of this new legislation which will impact on the planning system and influence the future pattern of development in the Structure Plan area.

#### **RECOMMENDATION**

The modification updates the Plan in conformity with emerging guidance on the EC Water Framework Directive.

Agree to modification.

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#### **MODIFICATION 8 : Flooding (Page 10 & Page 45, addition to Policy 22)**

##### Policy 22

Water Management : Local authorities in the North East will work with Scottish Environment Protection Agency, North of Scotland Water Authority and other appropriate agencies in identifying:-

- areas of flood risk **and will consider amending the Structure Plan if the areas identified affect strategic development allocations;**
- management regimes aimed at reducing or managing flooding in existing developments;
- proposals for new flood protection schemes if necessary; and
- proposals for sustainable water management to enhance water quality, bio-diversity and access.

Development shall be directed away from areas at **significant** risk of flooding. ~~such as flood plains. These areas.~~ **Functional flood plans** should be allowed to flood naturally where appropriate. Local plans shall identify areas at risk wherever possible and set appropriate criteria. Development shall also be sited and designed to protect the natural heritage value and water quality of lochs, ponds, watercourses, aquifers and wetland within the context of watercourse management.

Developers shall deal with surface water treatment in a sustainable manner and in ways that avoid flooding and pollution. They shall also be required to provide Flood Risk Assessments for their proposals in appropriate cases.

**Add the following term ‘functional flood plain’ to glossary:– The unobstructed or active areas where water regularly flows in time of flood. In these areas built development should be wholly exceptional and limited to essential transport and utilities infrastructure.**

#### **REASON**

To clarify that the liability to flooding has to be significant. To ensure that the Structure Plan allocations reflect the areas identified as being at risk of flooding. To clarify that the policy is concerned with areas of significant risk as opposed to insignificant risk and not only in flood plains. To make it clear that it is the undeveloped flood plain, otherwise referred to as the functional flood plain, that should be allowed to flood naturally. To define the relatively recent term ‘functional flood plain’ as per PPG 25.

#### **RECOMMENDATION**

This modification was considered by the North East Scotland Flooding Appraisal Group who were generally supportive of the proposed changes. Concern was expressed relating to the imprecision of the policy modification and the reference to English guidance which has no currency in Scotland.

It was considered that the term “Significant risk of flooding” needs to be clarified and it is suggested that the policy should be revised to quantify these risks in terms of the type of development proposed and the forecast flood risk. Reference should be made to the “flooding template” proposed by the Association of British Insurers and the Structure Plan should impose on the local plan a duty to define the minimum 200 year flood risk for vulnerable locations

The following text for the second paragraph of policy 22 is proposed:

"Development shall be directed away from areas at significant risk from flooding according to the sensitivity of the development and the risk of flooding of the site. Functional flood plains should be allowed to flood naturally where appropriate. Local plans shall identify areas subject to a minimum 200 year flood risk, wherever possible, and will set appropriate criteria for development based upon the Association of British Insurers “Flooding Template.” Development shall also be sited and designed to protect ....."

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**MODIFICATION 9 : Pipelines and potential development proposals (Page 48, addition to Paragraph 4.31)**

4.31 - The tiered approach should be used as a basis for deciding planning applications for minerals, landfill, land raise and wind farm proposals. These should be located in Tier 4 areas in the first instance, subject to other Local Plan policies. Parts of Aberdeen Green Belt, which is in Tier 3, may be suitable for landfill and land raise proposals, provided they meet various objectives (including the National Waste Strategy and Area Waste Plan). Proposals should generally avoid Tier 1 and 2 areas. **Where proposals for new pipelines are involved, or where pipeline wayleaves are potentially affected by proposals, developers will need to carry out a full hazard and risk evaluation and environmental impact in connection with their proposals.**

**REASON**

To clarify the situation with respect to potential development proposals.

**RECOMMENDATION**

The modification is of a minor nature, but is helpful and gives clarification with respect to development proposals and pipelines.

Agree to modification.

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**MODIFICATION 10 : Four Tier Policy Areas (Pages 42 and 49)**

Add the words ‘**and species**’ after ‘habitats’ at Table 5, Tiers 1 and 2. At Tier 1 and at Policy 19 replace “Article 1” with “**Annex 1**”.

**REASON**

For completeness, consistency and accuracy from a bio-diversity point of view.

**RECOMMENDATION**

The modification is of a minor nature.

Agree to modification

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**MODIFICATION 11 : New Stadium (Page 51, addition to Policy 28)**

Policy 28

Development in the Green Belt – No development will be permitted in the Green Belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or landscape renewal.

Local Plans may identify opportunity sites for appropriate sport, recreation and countryside uses and such other uses appropriate to the rural character of the area where specific locational or operational criteria mean that they cannot be accommodated within the existing urban area or within areas outwith the Green Belt designation. Such opportunity sites will remain in the Green Belt.

All such development must be of the highest quality in terms of siting, scale, design and materials in accordance with guidance from the relevant Local Plan.

**Should the Scottish Football Associations bid for the European Football Championship in 2008 be successful, the Scottish Ministers will support the location of a new football stadium which meets, as far as possible, the requirements of NPPG 11 : Sport, Physical Recreation and Open Space. The guidance states that, under these very special circumstances, a green belt site may have to be considered and that it could be considered alongside any proposal for adjustment of green belt boundaries. The guidance also points out that in deciding on a suitable site for a new stadium, account would need to be taken of all normal planning considerations such as traffic, parking, access to public transport and possible conflicts with neighbouring uses.**

#### **REASON**

To enable the development proposal, should the bid be successful, to proceed on a plan-led basis and to acknowledge the Scottish Executive's support for a site which is based on the requirements of NPPG 11 being met.

#### **RECOMMENDATION**

The modification is helpful in that it recognises that a green belt site may have to be considered for a new football stadium, but only under very special circumstances and that it should be part of any wider proposal for adjustment of green belt boundaries. It is certainly not giving clearance to a site in the green belt in preference to any other possible options. To the contrary, it is ensuring that in deciding on a suitable site then the process must follow national planning guidance and will be open to public scrutiny. Such an avenue is being followed already. Consideration of the City's green belt is currently taking place to meet other Structure Plan allocations for housing and employment land and has been extended to consider the football stadium issue. The outcomes from this will be included in the Second Finalised Local Plan to be released for public comment in the early part of 2002.

It is of concern, however, that the modification is tied to the Scottish Football Association's bid for the European Football Championship in 2008. This is not a planning consideration and reference to it should be removed. The issue of a new stadium nevertheless remains and Aberdeen Football Club have ambitions to provide a modern stadium to meet the demands of its support throughout the North East and have approached both authorities to see how this can be appropriately achieved. There are ongoing discussions to provide a facility which matches everyone's aspirations and will be to the benefit of the North East.

Accept modification subject to the removal of:- 'Should the Scottish Football Association's bid for the European Football Championship in 2008 be successful'