



**ABERDEENSHIRE**  
Local Development Plan  
January 2023



# ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2023

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Aberdeenshire Local Development Plan  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

Tel: 01467 536230

Email: [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk)

Web: [www.aberdeenshire.gov.uk/ldp](http://www.aberdeenshire.gov.uk/ldp)

Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email [planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk).





# ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2023

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Throughout the Plan we use the following symbols to assist the weighing up of the different policy outcomes in the delivery of policy:



To promote sustainable mixed communities with the highest standards of design



To take on the challenges of sustainable development and climate change



To protect and improve assets and resources



To increase and diversify the economy



To promote the creation of green-blue networks within and between settlements



To make efficient use of the transport network, reduce the need to travel and promote walking, cycling, and public transport

# FOREWORD

- 1     Aberdeenshire, from the mountains to the sea, is an exceptional place. This Plan has an important role to play in making sure that this continues for generations to come.
- 2     As a result of wide-ranging consultation with our communities, those with an interest and the development industry, we are confident that the Plan will achieve the aims of helping to develop a strong and resilient economy, while maintaining our high quality of life and our exceptional environment. New development<sup>1</sup> will be sustainable. What we do and how we live today should not leave our children unable to achieve a similar quality of life in the future and should take into account the important issues of climate change and reducing carbon use.
- 3     Aberdeenshire has had a fully up-to-date development plan for a number of years. This is helping us to make sure that new developments take place alongside providing facilities such as schools and other facilities and in places where the transport system is either suitable for dealing with the increased travel demand or can be improved. The benefits of development following a plan-led system are helping enormously in providing services and scheduling transport improvements, as well as giving certainty about the future both to communities and developers. This Local Development Plan will continue to give that certainty for at least the next five years.
- 4     This Plan will direct decision-making on all land-use planning issues and planning applications in Aberdeenshire. Planning applications will be determined in accordance with the policies and land allocations in this Plan, unless material considerations indicate otherwise.

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<sup>1</sup> Development is defined as the carrying out of building, mining, engineering or other operations in, on, over or under the land or the making of any material change of the use of any buildings or land.

# SECTION 1

## HOW TO USE THE LOCAL DEVELOPMENT PLAN

- 1.1 This Plan is part of a set of documents which make up the statutory development plan for the area. We share the Aberdeen City and Shire Strategic Development Plan with Aberdeen City Council, who themselves also produce a Local Development Plan. That part of Aberdeenshire within the Cairngorms National Park has its own separate development plan<sup>1</sup>, prepared by the Cairngorms National Park Authority.
- 1.2 The Strategic Development Plan 2020<sup>2</sup> sets out the shared vision that we have for the Aberdeen City Region – a vision that this Plan must be consistent with. It tells us how much land we should set aside for development, and where this should be. It sets out broad principles for development in the area. While Strategic Development Plans are now no longer a legal requirement we are satisfied that this represents a Regional Spatial Strategy as it identifies the need for strategic development, sets the outcomes that Aberdeen City Council and Aberdeenshire Council will contribute towards, sets the priorities for the delivery of strategic development, and identifies the proposed locations where strategic development is to take place<sup>3</sup>.
- 1.3 The Aberdeenshire Local Development Plan interprets and implements the Strategic Development Plan 2020, providing specific information on how the principles established in the SDP will be applied at a local level.
- 1.4 The Local Development Plan sets out the policies we will use for determining planning applications. It sets out exactly where development is expected to take place over the next five years, and beyond, up to 2031. This is shown by way of allocations outlined within **Appendix 7**, Settlement Statements, and outlines the way in which the Council would wish to see an allocation to be delivered. Where an Appendix is used, they are clearly cross-referenced in the Plan.
- 1.5 In general, we would encourage you to contact your local planning office for detailed advice, as all policies in the Plan, and in the Strategic Development Plan, can apply. You will find contact details for the relevant planning offices across Aberdeenshire on page 3.

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1 Cairngorms National Park Local Development Plan 2015. A new version currently at Examination.

2 See Aberdeen City and Shire Strategic Development Plan.

3 See Planning (Scotland) Act 2019 Section 5.2(b)

## SECTION 2

# INFLUENCES ON THE LOCAL DEVELOPMENT PLAN

- 2.1 We have prepared a Monitoring Report<sup>1</sup> that has looked at the principal things that affect the use of development land within Aberdeenshire. This has helped us identify the important issues that the Plan must tackle. These issues were highlighted in a Main Issues Report published in January 2019, and on which we asked for comments<sup>2</sup>. The Main Issues Report also looked in detail at sites that the development industry wanted to see taken forward in the new Plan (known as bid sites). A revised monitoring report was published with the Proposed Local Development Plan.
- 2.2 The Local Development Plan is not the only plan we use in decision-making. We also use the Local Housing Strategy<sup>3</sup>, the Local Transport Strategy<sup>4</sup> and the Economic Development Strategy<sup>5</sup>, all of which have influenced the content of this Plan.
- 2.3 A number of other important documents also relate to Aberdeenshire. We have written the Plan to be in line with the plans of other organisations, including our neighbouring Planning Authorities, and national and regional strategies such as:
- the Regional Economic Development Strategy;
  - the Regional Transport Strategy;
  - the City Region Deal;
  - the National Waste Plan;
  - the Health and Social Care Strategic Plan;
  - the Council's Capital Plan Programme;
  - the North East Flood Risk Management Plan and the Tay Estuary and Montrose Flood Risk Management Plan;
  - Scotland's National Marine Plan; and
  - the Scotland River Basin Management Plan.

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1 Monitoring Statement 2019 published by Aberdeenshire Council.

2 Main Issues Report 2019 published by Aberdeenshire Council. A series of Issues and Actions papers were also produced.

3 Local Housing Strategy published by Aberdeenshire Council.

4 Local Transport Strategy 2012 published by Aberdeenshire Council.

5 See Regional Economic Strategy 2018-2023 and associated documents.

2.4 Scottish Planning Policy and the National Planning Framework have also been significant influences on the content of the Plan, as have the Scottish Government policies on Creating Places and Designing Streets<sup>6</sup>. Finally, it should be noted that the Local Development Plan 2017, the Action Programme<sup>7</sup>, the Housing Needs and Demand Assessment<sup>8</sup>, the Housing Land Audit<sup>9</sup>, and the Employment Land Audit<sup>10</sup> have all provided important sources of information we have used.

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6 All Scottish Government planning policy documents, and their inter-relationship are shown at <https://www.gov.scot/publications/scottish-planning-policy/pages/1/>.

7 Now known as a 'Delivery Programme'.

8 See Aberdeen City and Shire Housing Needs and Demands Assessment 2017 by Aberdeen City and Aberdeenshire Councils.

9 See Housing Land Audit 2019 by Aberdeen City and Aberdeenshire Councils.

10 See Employment Land Audit 2018 by Aberdeen City and Aberdeenshire Councils.

## SECTION 3

# VISION FOR THE LOCAL DEVELOPMENT PLAN AND ITS PURPOSE

### Introduction

- 3.1 Having a vision and Spatial Strategy is very important for the Local Development Plan, highlighting the top-level objectives that we are seeking to deliver and ensuring that the Plan policies and proposals help deliver these. The vision particularly assists us in reconciling policy conflicts within the Plan and helps us to weigh up the differing interests in an open and transparent manner.

### The Purpose of a Local Development Plan

- 3.2 The Planning (Scotland) Act 2019 sets out the purpose of planning “to manage the development and use of land in the long-term public interest”. This includes anything which:
- (a) contributes to sustainable development, or
  - (b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015).

Both of these actions are deemed to be in the long-term public interest and of public good.

### The National Vision

- 3.3 The National Performance Framework aims to get everyone in Scotland to work together to help achieve national outcomes on a wide range of interlinked topics ranging from enhancing the life chances of children to eradicating poverty and hunger in Scotland. Clear links are to be found on a range of the eleven topics considered in the Framework, particularly within Communities, Economy, and Environment<sup>1</sup>.
- 3.4 The Framework obliges us to plan for our communities to be pleasant places to live, with excellent and innovative design and a commitment to sustainable planning and transport, and where the needs of older people are recognised. The economy must be environmentally sustainable, inclusive and benefit all our people and communities, protecting our natural assets and heritage. Abundant natural resources and architecture in Scotland rival the best in the world and we must protect and enhance these assets. High quality, sustainable planning, design and housing are promoted.
- 3.5 The National Planning Framework and Scottish Planning Policy (SPP) identifies four planning outcomes to support the general vision for the planning system in Scotland that we adopt:
- “We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place, and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world”.*

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<sup>1</sup> See the records at <https://nationalperformance.gov.scot/what-it> for a full list of topics considered by the National Performance Framework.



3.6 These four outcomes are as follows:

**Outcome 1: A successful, sustainable place** – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

**Outcome 2: A low carbon place** – reducing our carbon emissions and adapting to climate change.

**Outcome 3: A natural, resilient place** – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

**Outcome 4: A more connected place** – supporting better transport and digital connectivity.<sup>2</sup>

3.7 This Plan encourages high-quality development that accords with this vision and the outcomes that the Scottish Government supports. It has been prepared within the context of the Scottish Government's declaration of a Climate Emergency and the enactment of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It promotes the efficient use of land to deliver long-term benefits for the public, while protecting and improving natural heritage, built heritage, and local culture. Policies and development land allocations must deliver successful, sustainable, low carbon, better connected, natural and resilient places, linked by accessible and natural spaces.

### The Regional Vision

3.8 The Scottish Government's purpose is reflected in the Strategic Development Plan's vision for Aberdeen City and Shire<sup>3</sup>. By 2040 that Plan identifies the area as an even more attractive, prosperous, resilient, and sustainable European City Region, that is an excellent place to live, visit and do business. Our unique built and natural heritage is a specific element that must be taken from the Regional Vision. The Strategic Development Plan's vision gives specific support to developments related to energy, biopharmaceuticals, tourism, food and drink and primary industries<sup>4</sup>.

### The Local Vision

3.9 The Plan promotes the elements that make Aberdeenshire special.

3.10 To fulfil the aims of the Aberdeen City and Shire Strategic Development Plan 2020, the Local Development Plan balances economic growth with the urgent challenges of sustainable development and climate change.

3.11 The area around Aberdeen City continues to be the powerhouse of economic activity in the region and so the land allocations made in the settlements around Aberdeen City reflect this.

3.12 On the other hand there are significant challenges in terms of improving the economies of our more remote communities, particularly those that in the past depended more on tourism, fishing, and agriculture industries.

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<sup>2</sup> See Scottish Planning Policy paragraph 38.

<sup>3</sup> See Page 2 of the Proposed Aberdeen City and Shire Strategic Development Plan 2018.

<sup>4</sup> A definition of "Primary industries" is provided in the Glossary.

3.13 This Local Development Plan helps promote Aberdeenshire as:

- An area with a high quality of life and distinctive places, and where new developments are designed as effectively as possible to improve this, help deliver sustainable, low carbon places and contribute positively towards the health and wellbeing of its residents.
- An area that promotes sustainable development that reduces the need to travel, reduces reliance on private cars and promotes safe and convenient active travel opportunities.
- An area where natural and cultural heritage are protected and enhanced, and where we recognise the multiple benefits of local green spaces and green-blue networks as an integral component of successful placemaking.

## SECTION 4

# THE PURPOSE OF THE LOCAL DEVELOPMENT PLAN AND ITS OUTCOMES

- 4.1 Applying policies in the Plan may not lead to the achievement of all these goals. The Vision of the Plan has a specific role in assisting Aberdeenshire Council in weighing up potentially conflicting objectives to achieve clearly definable outcomes that accord with those promoted by national and regional strategies. **In all cases the vision of the Plan should be used to guide granting of planning permission where conflicts arise and one policy cannot be applied at the expense of another.**

- 4.2 **To promote sustainable mixed communities with the highest standards of design**



Development needs to be proportionate and sympathetic to the needs of the community. We need to achieve excellence in design across all developments in Aberdeenshire. A design process is put in place to make sure that land use planning takes place early and over the long term to provide the homes and infrastructure, such as water, pipes, schools, healthcare and roads, which will be needed. At the outset we must consider issues that include the balance and mix of uses, and the type and affordability of housing. We have included policies to tackle these important concerns.

- 4.3 **To take on the challenges of sustainable development and climate change**



In the identification of development allocations included in the Plan this has been a key consideration. We have introduced policies and proposals to both tackle and cope with climate change. We have tested allocations to make sure that planning considers reducing the need to travel, encouraging active travel, through integrated walks and cycleways, and avoiding long-term risks associated with flooding. These policies recognise the need to balance economic growth and development with the need to protect and improve our environment.

- 4.4 **To protect and improve assets and resources**



Aberdeenshire provides important assets for the City Region and Scotland as a whole. Our policies insist that all development must give an appropriate level of protection to internationally, nationally and locally designated sites of built heritage, archaeological and environmental importance. They must also use any opportunities to improve the natural and built environment as a whole.

#### 4.5 To increase and diversify the economy

We continue to identify a range of different employment sites in line with the Strategic Development Plan's Spatial Strategy, which offer a choice of size, location, and other facilities. The range allows flexibility to cope with uncertainty in the market while maintaining our approach to environmental protection. We have also introduced policies to encourage employment development in rural areas and to stimulate wider economic growth. Given the underperformance of employment sites in rural communities many undelivered aspirational employment land allocations have been removed from the Plan.



#### 4.6 To protect, enhance and promote green-blue networks within and between settlements

Connected areas of green and blue space and habitats such as parks, paths and woodlands (green-blue networks<sup>1</sup>) within and on the edge of our villages and towns can provide a range of social, ecological, health and economic benefits. Developments must help to provide these important green links between development sites, the wider countryside and our urban areas. The Local Development Plan will seek to protect and promote the creation and/or enhancement of green-blue networks.



#### 4.7 To make efficient use of the transport network, reduce the need to travel and promote walking, cycling, wheeling and public transport

The commitment to having sustainable locations for development and promoting efficient use of transport, particularly public transport and active travel routes remains necessary, even with the forecast rise in alternative fuel vehicles. We promote the principles included in “Designing Streets - A Policy Statement for Scotland (2010)” for all new developments and have made land development opportunities available in places where we can encourage methods of travel other than using cars. Existing strategic transport infrastructure must be protected from local traffic.



#### 4.8 Above all the Plan tries to make sure that we are indeed delivering, as stated in Scottish Planning Policy, **“the right development in the right place”**.

<sup>1</sup> Defined by Scottish Planning Policy as “Connected areas of green infrastructure and open space that together form an integrated and multi-functional network”. See SPP Glossary, Page 1171.

## SECTION 5

# THE SPATIAL STRATEGY



- 5.1 Aberdeenshire is a diverse area that spans from the economically successful areas that provide homes and businesses around Aberdeen City, to the areas of stunning character and natural beauty in the peripheral towns and countryside around Aberdeenshire. As well as accommodating the immediate needs of the City and its growth, we need to consider the conservation of our built and natural heritage, and specifically our “regeneration towns” of Banff, Macduff, Fraserburgh and Peterhead, where development opportunities may be more difficult.

### Housing and Employment Land



- 5.2 The Aberdeen City and Shire Strategic Development Plan identifies that sufficient land is required within Aberdeenshire to maintain a housing supply over the period 2020 to the end of 2032<sup>1</sup> and that 60 hectares of employment land needs to be available at all times within Strategic Growth Areas<sup>2</sup>. The Strategic Development Plan sets housing supply targets by housing market area, local authority and tenure mix for the periods 2016-2019; 2020-2032 and 2033-2044<sup>3</sup>. By applying a 10% generosity to the targets for the periods 2016-2019 and 2033-2044 and a 20% generosity to the targets for 2020-2030, the housing land requirement was calculated, by housing market area, local authority and tenure mix<sup>4</sup>. The housing supply target and housing land requirement figures relevant to this local development plan are set out in detail in Tables 1 and 2 in Appendix 6.
- 5.3 Allowances for 5,107 additional homes are to be identified in this local development plan (3,065 in the Aberdeenshire part of the Aberdeen Housing Market Area and 2,042 in the Rural Housing Market Area) to help meet the housing land requirement to the year 2032 identified in the Strategic Development Plan<sup>5</sup>. These figures are derived from an 80% / 20% division of allowances between the Aberdeen Housing Market Area and 50% / 50% divide between Aberdeen City Council area and Aberdeenshire Council area. The Strategic Development Plan housing allowances and employment land allocations up to the year 2040 are set out in Table 1.

1 See paragraph 4.15 of the Aberdeen City and Shire Strategic Development Plan.

2 See column 4 of Table 4 Employment Land Allocations (all hectares), Aberdeen City and Shire Strategic Development Plan.

3 See Table 1 in the Aberdeen City and Shire Strategic Development Plan.

4 See Table 2 in the Aberdeen City and Shire Strategic Development Plan.

5 See Table 3 Local Development Plan Housing Allowances, Aberdeen City and Shire Strategic Development Plan.

**Table 1: Strategic Development Plan Housing and Employment Land Figures**

	Housing Allowances			Employment Land Allocations	Employment Land Strategic Reserve
	2020-32	2033-35	2036-40	To 2032	2033-40
Aberdeenshire part of the Aberdeen Housing Market Area	3065	2700	2400	—	—
Rural Housing Market Area	2042	1800	1602	—	—
Both areas	5107	4500	4002	150 hectares	113 hectares

- 5.4 Housing projections for the period of the Plan have been informed by the “robust and credible”<sup>6</sup> Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 as the context for development changes over time. The sum total of all houses that are anticipated to be built over the next 5 years (the “5 year effective supply”) is determined through the Housing Land Audit process and it changes year on year. While the Local Development Plan can allocate land for housing it cannot guarantee that the development industry will act to make it become part of the effective land supply. Given this, we will make allocations for the 2020-2032 period of the Strategic Development Plan within this Plan. This takes account of the difficulty in predicting the actual anticipated adoption date of the Local Development Plan.
- 5.5 We need to be confident that land can be brought forward for development within the Plan period, and that the range of new sites allocated alongside the existing effective supply will maintain a housing land supply that is sufficient. While some long-term constrained sites may come forward, there has to be some uncertainty associated with this. We cannot have confidence that long term constrained sites will be brought forward for development, and we have removed many of these to ensure that the Spatial Strategy is both sustainable and deliverable as advised by Scottish Planning Policy<sup>7</sup>. Both major allocations and smaller self-contained allocations are required.
- 5.6 The Employment Land Audit 2017/18 identified that there was 553 hectares of established employment land allocated in Aberdeenshire. Following through a ten year average take up rate of 15 hectares per year<sup>8</sup>, we can be confident that the target in the Proposed Strategic Development Plan of a minimum 60 hectares at all times in the Strategic Growth Areas will be maintained well beyond the lifespan of the Local Development Plan 2021.

<sup>6</sup> This term is taken from Scottish Planning Policy paragraph 113.

<sup>7</sup> See paragraph 1 of Scottish Planning Policy

<sup>8</sup> See paragraph 4.1.1 Employment Land Audit 2015/16.



- 5.7 The Aberdeenshire Local Development Plan 2023 remains consistent with the Strategic Development Plan. We are comfortable that, working with Aberdeen City Council, we will be able to achieve the housing land obligations set by the Strategic Development Plan across all tenures and both housing market areas, and maintain at least a 5-year supply of effective housing land at all times. Employment land allocation is not an issue. We will have an opportunity to review new development areas at a mid-term review in 2026 and this will allow us to fine tune the allocations made and identify new development sites for the period 2031-2036 should this be necessary.
- 5.8 Development remains focussed on the Strategic Growth Areas of the Strategic Development Plan, using the pattern of development set out in the Aberdeenshire Local Development Plan 2017 as a base, and seeking to augment this with new allocations.
- 5.9 High quality development within an attractive and safe environment will promote a high quality of life for residents. Expansion around existing settlements, which has been considered through the development plan, is essential to deliver a sustainable settlement pattern. Core criteria have been used to govern where development should be allowed, including future capacity of schools, capacity of unclassified roads and the need to ensure the capacity of the Aberdeen Western Peripheral Route, its junctions and the road network immediately surrounding these junctions are not negatively affected by development. Infrastructure requirements from new development will largely be met through appropriate developers' obligations according to the scale and impact of the development.
- 5.10 Each development site has been tested through a Strategic Environmental Assessment exercise and subjected to appraisal under the Habitats Regulations to ensure compliance with environmental legislation. In addition, they have been assessed to ensure that the objectives of the National Performance Framework have been met.
- 5.11 We are aware of the need to promote the use of previously developed land (also known as "brownfield" land) as a first opportunity for development and wherever possible, the Plan tries to exploit the brownfield sites within our settlements. Specific policies promote infill and other forms of development within our towns but predicting whether such sites are deliverable remains a challenge, particularly in our peripheral areas where the greatest volume of our brownfield land exists. Where possible these sites have been incorporated into the allocations within towns and villages. In identifying sites to meet the strategic development plan allowances, consideration has been given to the development potential of brownfield sites. However, development to meet needs would not come forward if it were restricted to brownfield land.
- 5.12 Two Appendices have been added to the Local Development Plan that highlight those areas where housing and employment development has been promoted.

## Aberdeen to Huntly Strategic Growth Area



5.13 Within the Aberdeen Housing Market Area the area identified for future strategic development options by the Strategic Development Plan, the Aberdeen/Inverurie/Huntly Strategic Growth Areas<sup>9</sup> is still constrained by uncertainty regarding the proposed dualling of the A96. Even once a preferred route is identified it would not be wise to promote development in this area until there is a confirmed completion date for the works to be undertaken. Currently we do not know when this is likely to be, either at Inverurie or Huntly, and this restricts opportunity for further development in this area. Development of existing opportunity sites and, where available, brownfield land remains the best solution to meet housing demand.

## Aberdeen to Laurencekirk Strategic Growth Area



5.14 In the Aberdeen/Stonehaven/Laurencekirk Strategic Growth Area the existing and substantial allocations at Laurencekirk have been slower to come forward than anticipated. Decisions regarding the southern grade separated junction at Laurencekirk are welcome and until that is completed there remain questions regarding the capacity and desirability of the town to accept additional growth. The rate of growth in Chapelton has been unexpectedly slow and the local aspiration for a model town here is likely to be constrained unless significant new development land elsewhere in the corridor is restricted. Rationalisation of some sites has been undertaken to reflect a realistic housing density on the land and to incorporate the Blairs development fully into the Plan. Some new development opportunities exist in Stonehaven, and small additional allocations are identified in the Marywell and Newtonhill settlements.

## Aberdeen to Peterhead Strategic Growth Area



5.15 The Aberdeen/Ellon/Peterhead Strategic Growth Area has been the focus of the emerging spatial strategy to accommodate additional housing allocations. Two of the largest allocations (Cromleybank, Ellon and Inverugie Meadows, Peterhead) have been retained, as has the Menie development north of Balmedie as a development that has Planning Permission in Principle and on which progress has been made. Additional smaller developments in Newburgh, Foveran, and Belhelvie are included to promote the Energetica Corridor. Peterhead is a very successful town but requires early implementation of active travel connections across the A90 to allow that growth to flourish.

## Other Locations in Aberdeenshire



5.16 Elsewhere in Aberdeenshire, opportunity has been promoted where there are deliverable options. This has resulted in the re-evaluation of allocations that are currently stalled in significant Rural Housing Market Area settlements such as Banff and Portsoy and increasing the allocations in Aberdeen Housing Market Area towns such as Oldmeldrum and Pitmedden, where growth is more likely. Additional developments in Potterton are included to promote

<sup>9</sup> The Strategic Growth areas are the preferred locations for investment and development and where development opportunities are focussed. Consistent application of this strategic Spatial Strategy allows existing allocations to be included in the portfolio of opportunities included in the Plan.



the Energetica Corridor. Emphasis has been given to the four regeneration towns of Banff, Macduff, Fraserburgh and Peterhead to assist with economic growth. Development in Westhill is limited until transport modelling and assessments are undertaken over the next few years to identify the nature of a solution that may be required to allow further significant development to take place in the town.

- 5.17 Rural development policies for development in the countryside are continued, but with rationalisation of the “remote” rural area to a new boundary, defined by the Scottish Government<sup>10</sup>. This will restrict the growth of some rural housing in this area to promote a more sustainable settlement pattern. Development promoting opportunities on rural brownfield land have also been revisited in order to help conserve the heritage and sense of place of rural Aberdeenshire and prevent older buildings from being demolished to create suburban style homes.
- 5.18 We have recognised that modern business developments are either small scale “working from home” type developments or have an affinity for other businesses due to the need for specialist access and servicing requirements. Proposals for employment land allocations must be very carefully thought out to allow them to come forward as part of a mixed development, or as an extension to employment areas already identified in the Plan. In some places employment land allocations have been removed due to their lack of progress, and very few new allocations have been made.

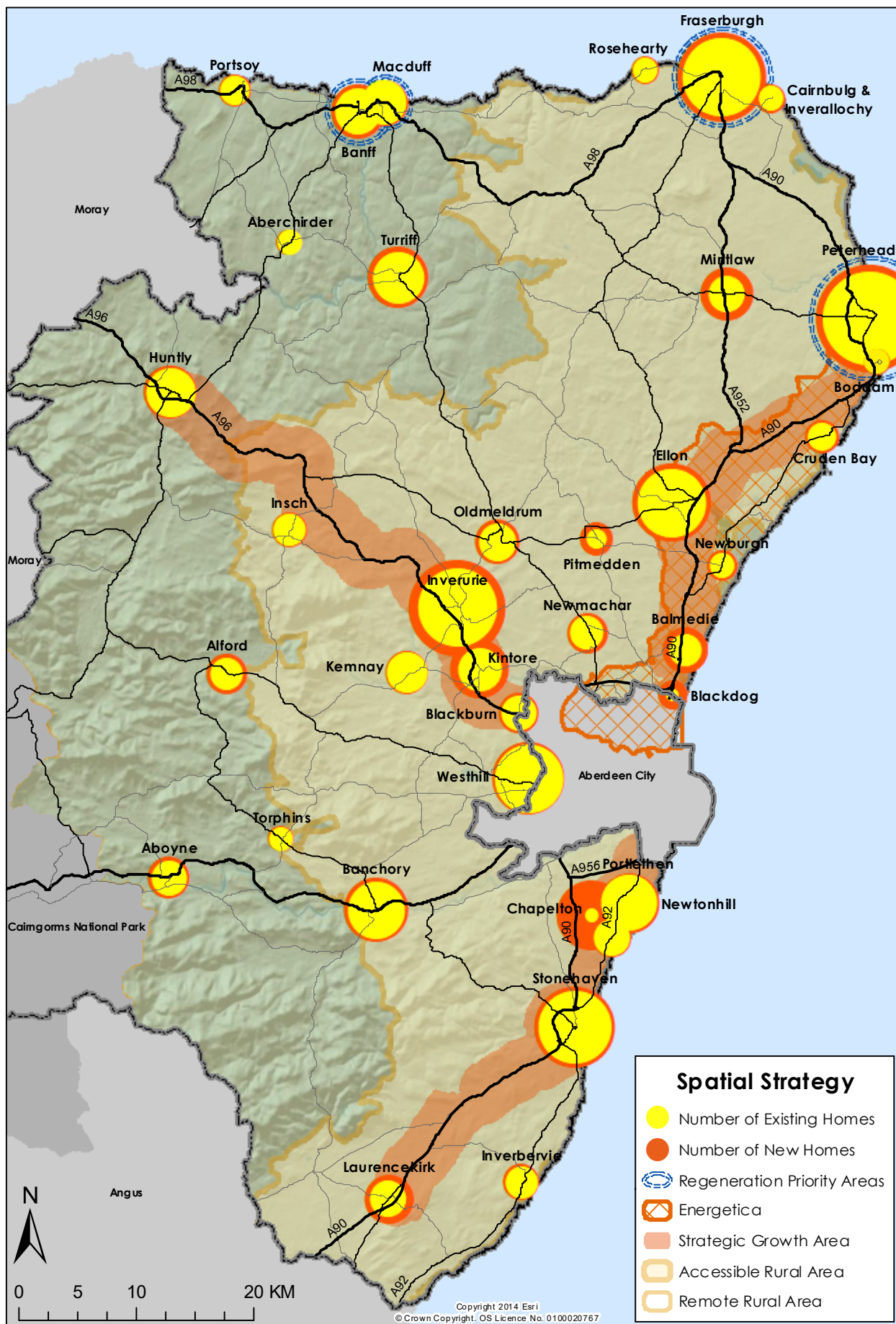
## National Developments



- 5.19 The Local Development Plan continues to recognise national developments, as identified in the National Planning Framework, internationally designated sites such as Special Areas of Conservation, nationally designated Sites of Special Scientific Interest and carbon rich soils, to help conserve the best of the Aberdeenshire environment. Existing local designations such as the Special Landscape Areas, Local Nature Conservation Sites, and Coastal Zones have been retained from the previous Plan and are also presented as Appendices.

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<sup>10</sup> See Scottish Government Urban Rural Classification 2016, table 2.1.



## SECTION 6

# SHAPING BUSINESS DEVELOPMENT





## SECTION 6

# SHAPING BUSINESS DEVELOPMENT



Developing business is very important to the economic health of the region. Aberdeenshire must be “open for business” to become a successful and sustainable place, meeting the many different and changing needs and locational requirements of the different sectors and sizes of business. The Plan is closely matched to the priorities of the Regional Economic Strategy<sup>1</sup>.

We take the view that business development is not just about industrial estates and that it is important to provide a policy framework that supports existing business sectors and promotes and protects new ones as part of the way land is used within settlements. Policies promote a ‘town centre first’ principle<sup>2</sup> and consider the specific development needs of both the regeneration priority areas<sup>3</sup> and the Energetica Corridor<sup>4</sup>, an area where a particular emphasis is being placed on high-quality, low-impact developments to support the continued growth of energy-related companies in the North East. Overall, we will support the development of business and sustainable economic growth<sup>5</sup> in all areas by taking account of the economic benefits of proposed development when we make decisions in managing developments.

The business land allocations are listed in **Appendix 1: Employment Land Allocations**. The allocations have been informed by the Regional Economic Strategy and an employment land audit and meet the requirements of the Strategic Development Plan.

### Policy B1 Town Centre Development



B1.1 We will allow retail and other frequently visited uses only in defined town centres unless a sequential assessment<sup>6</sup> shows that another site is clearly more appropriate. Other uses include office developments, leisure uses, community and cultural facilities and, where appropriate, other public buildings such as libraries and education and healthcare facilities. In the case of office developments, where it can be shown that there is no suitable town centre location, they will normally be accommodated on identified employment and business land in accordance with Policy B2. Town centre sites must be conveniently

1 Economic Regional Strategy: securing the future of the north east economy, published December 2015 (Aberdeen City Council, Aberdeenshire Council and Opportunity North East).

2 A Town Centre First principle is intended to support city/town centres, where these exist, or new centres which are supported by the Local Development Plan.

3 Aberdeenshire Council's reinvigorates and supports run down communities in addressing problems of economic and social disadvantage, to achieve improved prosperity, well-being, and quality of life.

4 A development initiative between Aberdeen and Peterhead to create a world-class business and residential location within a high-quality environmental setting. For more information, visit “Invest Aberdeen”: [www.investaberdeen.co.uk](http://www.investaberdeen.co.uk).

5 Economic development satisfies the needs of everyone but in a manner that sustains natural resources and the environment for future generations.

6 When planning for uses that generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities, and where appropriate, other public buildings, such as libraries, education and healthcare facilities, a sequential approach should be adopted. A sequential approach requires that locations are considered in the following order of preference: town centres; edge of town centres; other commercial centres identified in the local development plan; and out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

accessible by modes other than the private car to the projected catchment of the facility. Where new retail and leisure development with a gross floorspace over 2,500m<sup>2</sup> is proposed outwith a town centre, contrary to the development plan, a retail impact assessment will be required. The assessment will be required to demonstrate that the proposed development would not have a significant adverse effect on the vitality and viability of existing town centres and would not result in any issue identified by a Town Centre Health Check<sup>7</sup> or Town Centre Strategy being made worse. A retail impact assessment may also be required for retail and leisure proposals with a gross floorspace below 2,500m<sup>2</sup> which may threaten the vitality and viability of an existing centre. In the case of office developments, no account will be taken of public car parking in assessing compliance with parking standards. Small convenience shops designed to meet a need in a local neighborhood, and leisure developments designed to cater for a tourism market are not covered by this policy.

- B1.2 Retail and commercial facilities must be appropriate to the scale and function of the settlement and support an appropriate mix of uses within the town centre. New development adjacent to a town centre, or adjacent to paths and/or active travel routes leading to a town centre, should be connected via a path and/or active travel route. The network of centres is set out on the proposals map and in **Appendix 2**, Retail Centres.

## Policy B2 Employment/Business Land



- B2.1 We will approve new employment uses on land allocated or identified in the Plan for business as set out in **Appendix 7**, Settlement Statements. We will not approve non-employment uses on these sites. In exceptional circumstances, the early release of strategic reserve employment land will be supported if there is a justified economic need or if it is required for design reasons. Developments other than those for primary industries which generate significant Heavy Goods Vehicle movements per day will only be permitted on land accessible to suitable railheads, harbours or the trunk road network. The actual scale of vehicle movements per day will vary with the type of development but 10 or more Heavy Goods Vehicle movements per day will usually be considered significant.
- B2.2 Existing land used for business, usually identified as BUS (safeguarded for business uses) sites within Settlement Statements, will be safeguarded for this use unless there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for business development or it is poorly located for employment use. The alternative use must benefit the local community and must not prejudice the strategic employment land requirement. It must respect the character of the area and be compatible with nearby uses. Proposals for the change of use of business use will not normally be permitted if it removes all business land opportunities within the settlement.
- B2.3 Home/work proposals may be appropriate on land identified for mixed-use development depending on the criteria set out in Policy P3.

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<sup>7</sup> A report that provides a comprehensive health check for main town centres by analysing the factors which contribute to successful town centres and indicate good standards of vitality and viability. See Planning Advice 'Methodology for Health Checks for town centres' – see Glossary.

## Policy B3 Tourist Facilities



- B3.1 We will support the development of new tourist facilities or accommodation. Generally, these must be well related to settlements and the existing natural environment and deliver net economic and social benefits. Major high value tourist developments<sup>8</sup> that are dependent on the physical characteristics of a site may also be acceptable outwith settlements, provided they do not cause significant damage to the site, or its interest and address any issues related to sustainable access. Proposals must take account of the potential cumulative impact of similar developments in close proximity. Any tourist development must provide a justification for the long-term success of the business and demonstrate that there is a demand for the tourist product. Also, any new tourist facility must not have a negative impact on the existing tourist facilities.
- B3.2 We will protect existing tourist sites from being converted to other uses unless there is evidence that the business has been marketed for at least 12 months, including in the local area, and is no longer viable<sup>9</sup>. A suitable professionally qualified person, such as a chartered accountant, must demonstrate that the site is no longer viable, based on evidence of the financial standing of the business.
- B3.3 We will also support shops which will act as a new tourist destination or built as an ancillary use to the tourist development. We will also support shops that plays a role in supporting the existing tourist destination and make a contribution to the development of the area. The expansion or intensification of existing retail uses in the countryside, including established farm shops, will be supported as long as the increased scale of development is appropriate to the rural character of the area. In any of these cases, the applicant will need to demonstrate that there will be no significant negative effect on existing town centres by submitting a retail impact analysis. Such development is encouraged on brownfield land where possible.

## Policy B4 Special Development Areas



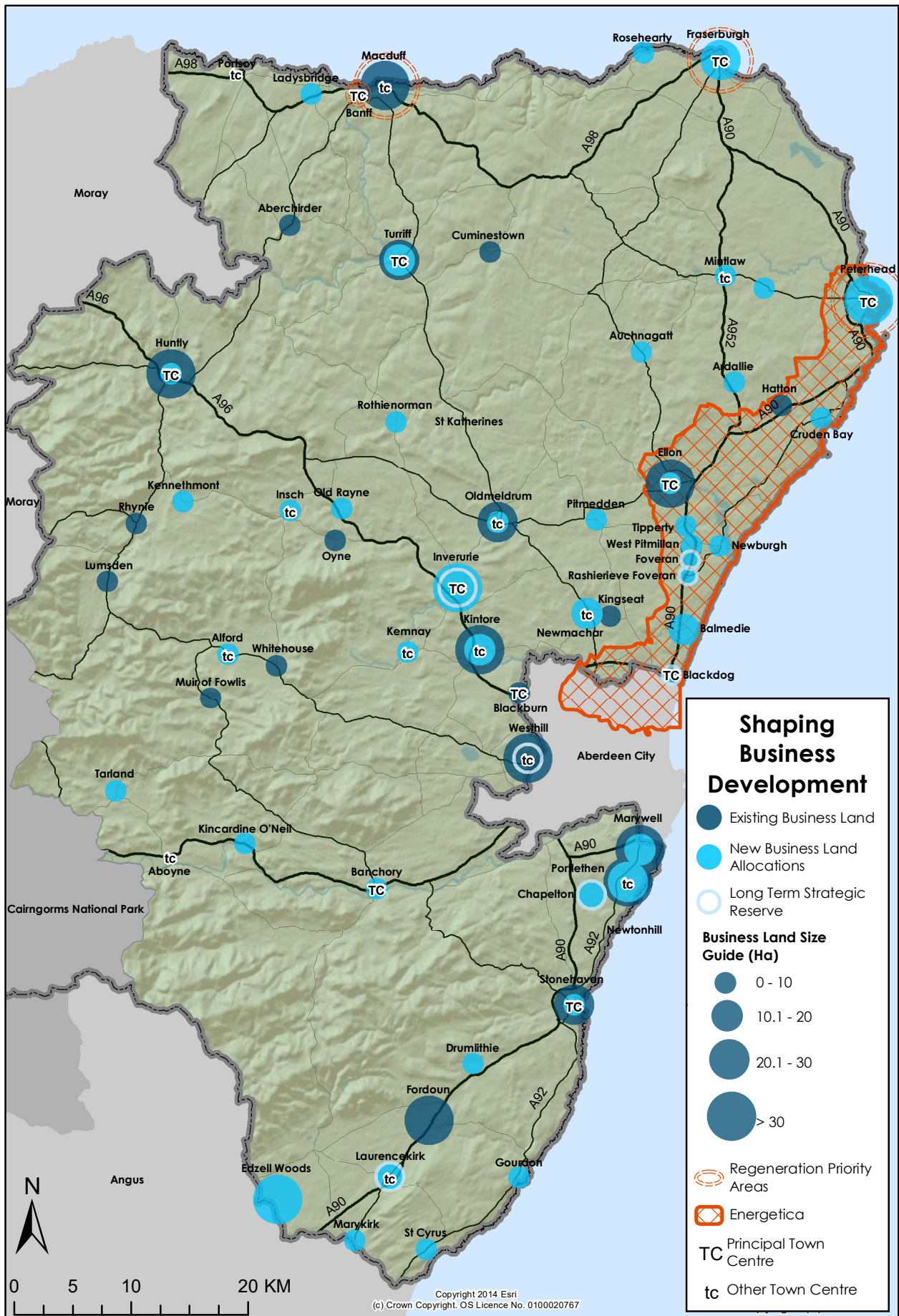
- B4.1 We will consider helping start-up businesses in the Regeneration Priority Areas (as defined in **Appendix 3**, Regeneration Priority Areas) by allowing co-funding through modest housing developments where these are essential to allow the development to proceed and this is not a substitute for normal development funding. Evidence and justification must be provided on how the development profit shall be used to fund the business. The “co-funding” is required to be developed in full by the applicant and not sold on to ensure that the full land value profit from the sites is factored into business. Wider public benefit must significantly override the disadvantages of the development. The level of development should not exceed five houses in all but exceptional cases.
- B4.2 Development in the Energetica Corridor will need to respect the design and sustainability vision agreed with Aberdeen City and as presented in the Planning Advice, Energetica<sup>10</sup>.

<sup>8</sup> High value tourist development consists of tourist development that attracts a high number of tourists, and the development and its surrounding area primarily focuses on providing tourist facilities. An example would be the Bennachie Centre.

<sup>9</sup> See Planning Advice ‘Tourist Facilities’ – See Glossary.

<sup>10</sup> See Planning Advice 5/2012 Energetica – see Glossary.







SECTION 7

# SHAPING DEVELOPMENT IN THE COUNTRYSIDE





## SECTION 7

# SHAPING DEVELOPMENT IN THE COUNTRYSIDE



We want to create a welcoming approach to development in the countryside that meets local needs, encourages prosperous well-connected sustainable communities and businesses, and is accessible by public transport and active travel routes, while protecting and improving the quality of the environment. We need to recognise the effect that rural living can have on wider aims shared with stakeholders on reducing the need to travel and on the issues of climate change and sustainable development. The following policies promote a pattern of development that is considered to be appropriate to the 'accessible' and 'remote' rural character of the area. For the purposes of these policies we have adopted the Scottish Government's 6-fold Urban/Rural Classification to identify the 'accessible' and 'remote' areas of Aberdeenshire. Some development proposals, such as extracting minerals, need a rural location or can have a significant effect on our landscape, and as such we design policies to tackle these concerns. We set out our policy on renewable energy developments under Section 13 Climate Change.

### Policy R1 Special Rural Areas



- R1.1 In order to safeguard the special nature of the green belt and coastal zone, development opportunities will be restricted and subject to the considerations set out in paragraphs R1.2 to R1.5. The boundaries of the green belt are shown on the proposals maps where applicable and in detail in **Appendix 4**, Boundaries of the Green Belt. The extent of the coastal zone is shown in detail in **Appendix 5**, Coastal Zone.
- R1.2 In the green belt the following developments are permitted:
- development associated with agriculture, woodland and forestry, fishing and horticulture;
  - development for a recreational use that is compatible with its agricultural or natural setting. The development of single huts not associated with a tourist proposal under Policy B3 Tourist Facilities will be prohibited;
  - development meeting a national requirement or established need, if no other suitable site is available;
  - intensification of an established use subject to the new development being of a suitable scale and form<sup>1</sup>;
  - accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential<sup>2</sup> to

<sup>1</sup> This will generally be the extension of an existing non-domestic building or ancillary use rather than its replacement. Householder developments are considered under Policy P3 Infill Developments within Settlements and Householder Developments (including home and work proposals).

<sup>2</sup> For example, in order to maintain an active presence for the purposes of animal husbandry.

the efficient operation of the enterprise, and there is no suitable alternative residential accommodation available.

- essential infrastructure such as digital communications infrastructure and electricity grid connections.
- R1.3 In the coastal zone development must require a coastal location or there must be clear social, economic, environmental or community benefits arising. In either case there must be no coalescence of coastal developments or adverse impacts on natural coastal processes or habitats.
- R1.4 We will approve development associated with coastal protection works where it is evidenced that the works respect 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 on the coastline. The full range of protection works and management options should be considered over the lifetime of the development to futureproof against relevant climate change projections.
- R1.5 In both the green belt and coastal zone we will also allow:
- the sensitive restoration, conversion or extension of a traditional vernacular building or other building of architectural merit;
  - replacement of a single non vernacular building within the curtilage of the building to be replaced, and for the same use. The replacement building must be consistent in scale, and no more intrusive than the existing building. In addition, it is generally expected that the new building will demonstrate a significant improvement in design to that of the existing building.

## Policy R2 Development Proposals Elsewhere in the Countryside



- R2.1 Siting and design of any new development will be a primary consideration as well as compliance with other relevant policies. The reuse of brownfield land will always be preferred over greenfield land.
- R2.2 In the accessible and remote rural areas outwith the green belt and coastal zone we will permit small-scale development that would be compatible with the location being in the green belt as listed under R1.2.
- R2.3 We will also support the following developments:-

### Redevelopment of Rural Brownfield Sites

- R2.4 Appropriate development will be welcomed on brownfield sites that bring an environmental and visual improvement. Any vacant land that has become naturalised<sup>3</sup> will not be available for redevelopment as brownfield land.
- R2.5 We will permit the refurbishment or replacement of an existing home. Where necessary, conditions will be applied to ensure that the original home will be demolished on occupation of the replacement home.

<sup>3</sup> Naturalised land is that which has been previously developed but is not no longer regarded as 'vacant' due to its nature conservation interests, as demonstrated in an ecology survey.

- R2.6 We will permit the small-scale development of brownfield sites that involve the conversion or replacement of a redundant or derelict non-domestic building or the redevelopment of vacant land.
- R2.7 To promote a planned approach to rural brownfield development, larger brownfield sites, including redundant buildings that are grouped together in a very distinctive and commonly recognised way, such as farm buildings that share a large curtilage, will be considered in their entirety and should not be divided into their component parts with sequential permissions being sought for small-scale development on each part.
- R2.8 Proposals for more than three new homes on larger rural brownfield sites will only be permitted where a larger development can be accommodated on the site and the scale of development proposed will not cause adverse social or environmental impacts<sup>4</sup>. The quality of the design will be paramount in such occasions. Mixed use proposals may also be permitted subject to the location being appropriate for the uses proposed and subject to consideration of other relevant policies<sup>5</sup>.
- R2.9 Large brownfield sites capable of accommodating eight or more homes should be promoted through an allocation in the Local Development Plan. However, we recognise that in some cases development opportunities may come forward on large brownfield sites unexpectedly and between reviews of the Local Development Plan. In these circumstances, development proposals will be considered on their individual merits. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the plan period.
- R2.10 In all cases, at a very minimum, some parts (such as low walls) of the existing home or non-domestic building(s) must be evident upon physical inspection. Development does not necessarily need to replicate the existing footprint, however development must be contained within a defined curtilage<sup>6</sup>. Where development involves redevelopment of a traditional vernacular home or non-domestic building(s) or is otherwise of architectural merit, full or partial restoration will be favoured in the first instance unless evidence is provided to indicate the building cannot reasonably be reused (i.e. it is not structurally sound and is not reasonably capable of retention). Such evidence should be prepared by an appropriate qualified professional. It is expected that any materials that can be salvaged from the existing home or non-domestic building(s) will be incorporated into the new development either through use in the design, or construction of new home(s) or building(s), landscaping or as a development feature.

### Organic Growth of Settlements

- R2.11 We will support small-scale organic growth in identified settlements, subject to criteria listed in paragraph R2.13 below. In all cases, careful consideration of development layout, siting and design will be the primary considerations in determining whether the growth promoted is acceptable. Organic growth will not be permitted where the development

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<sup>4</sup> For example, through cumulative large scale brownfield sites in the countryside.

<sup>5</sup> Such as Policy B2 Employment and Business Land (B2.3) and Policy B3 Tourist Facilities.

<sup>6</sup> This is the land which is associated by either boundary or setting with the house.

proposed would cause an adverse impact that cannot be suitably mitigated<sup>7</sup>.

- R2.12 In the accessible rural area only settlements without an opportunity site for housing will be considered under this policy.
- R2.13 No more than an additional 20% growth of the settlement, up to a maximum of 10 new homes, will be permitted during the Plan period. The development site must lie within 200m of the settlement boundary. It should represent a logical extension and not prejudice the character of the settlement. It is expected that paths and/or active travel routes will be provided to the built-up edge of the settlement to link to the existing network and safe routes to schools.
- R2.14 A list of identified settlements and the number of homes that could be permitted through this policy is contained in Planning Advice, Organic Growth of Settlements<sup>8</sup>, and is subject to change during the Plan period.

### **Single Homes Associated with Retirement Succession of an Agricultural Holding**

- R2.15 Single homes will be permitted for the retirement succession of a viable farm holding within, or in immediate vicinity to, the main farm hub<sup>9</sup>.

### **Extensions to Clusters/Housing Groups**

- R2.16 In remote rural areas only we will also allow development associated with existing clusters or housing groups consisting of 5-14 separate habitable or occupied homes on the date of the Plan's adoption. The existing properties within the cluster or housing group should relate well to each other through their design and layout, for example, by sharing curtilage boundaries. There should be a clear relationship between the cluster/group, or development should contribute towards establishing a cohesiveness among the group, for example, through infill development.
- R2.17 Development of a maximum of three homes will be permitted during the plan period. The size of a cluster must not exceed 15 homes<sup>10</sup>. Clusters or housing groups greater than 15 homes must not be sub-divided. This includes clusters/housing groups that may comprise two or three individual clusters/groups situated in close proximity, that is, by sharing the same access road. All proposals must respect the character, layout and building pattern of the cluster or group.

### **Employment Proposals**

- R2.18 In order to promote employment opportunities in settlements, in accessible rural areas outwith settlements employment proposals are limited to brownfield sites.
- R2.19 In remote rural areas outwith settlements, small-scale employment proposals will be supported in principle.

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<sup>7</sup> Including considerations set out in other relevant policies in Section 8 (Natural Heritage and Landscape) and Section 10 (Protecting Resources).

<sup>8</sup> See Planning Advice Organic Growth of Settlements – see Glossary.

<sup>9</sup> One house per farm enterprise will be permitted under this policy.

<sup>10</sup> Clusters or housing groups of 13 will be permitted a maximum of 2 homes during the Plan period, and clusters or housing groups of 14 will be permitted a maximum of 1 home during the Plan period.

- R2.20 Employment proposals outwith settlements in both accessible and remote rural areas should be in keeping with their surroundings and demonstrate that no other suitable site is available. The development must be located on a site that is safe to access via different modes of transport and demonstrate how it could be accessed via footway/ cycle infrastructure and/ or public transport.

### Policy R3 Minerals



- R3.1 We will only allow minerals development where sufficient information is provided to enable the full likely effects of the development to be assessed, together with proposals for appropriate control, mitigation and monitoring. At a minimum the following information must be provided to support the application:
- Environmental Impact Assessment
  - details of phased working;
  - waste management;
  - land restoration and aftercare, including details of the timescales for such works;
  - details of the proposed use of the site after completion of the works. It is generally expected that all minerals developments will be fully restored to its previous use unless an alternative use is outlined at the outset; and
  - public road maintenance and restoration. This will require to be agreed with the Planning Authority before any planning application is approved.
- R3.2 Proposals will need to address, amongst other considerations:
- the effect on natural heritage, habitat and biodiversity;
  - habitat enhancement and restoration measures;
  - landscape and visual impacts;
  - the effect on the historic environment;
  - impacts on local communities, individual homes, sensitive receptors and economic sectors important to the local economy;
  - disturbance from noise, blasting and vibration, and artificial light;
  - potential pollution of land, air and water (surface and groundwater);
  - transport impacts;
  - disturbance of carbon rich soils<sup>11</sup>; and
  - cumulative impacts with other minerals and landfill sites in the area.
- R3.3 A statement from a suitably qualified professional outlining any benefits to the local and national economy as a result of the minerals development will be required as part of any planning application.
- R3.4 Minerals development will not be permitted if a Transport Assessment shows that development will have significant negative transport impacts on local communities, or a Waste Management Plan does not show how secondary materials from mineral workings, such as overburden, waste rock and fines, will be reused.

<sup>11</sup> Carbon-rich soil is any soil with a surface organic layer (the 'O' horizon) as defined by the Scottish Soil Classification). In this context, it includes surface layers often referred to as peaty soil and peat soil.

- R3.5 Where appropriate we will require financial guarantees through planning conditions or Legal Agreements to ensure that a high standard of site restoration and aftercare is provided. To mitigate environmental effects of mineral development, sustainable restoration of sites to beneficial use is sought, including ecological solutions. Such work should be undertaken at the earliest opportunity. Provision will be made for the monitoring and review of such guarantees as necessary.
- R3.6 Where development would result in three or more consented mineral developments within a 5km radius of a settlement, consideration will be required of cumulative impacts and any adverse impacts identified should be adequately mitigated.
- R3.7 All conditions attached to mineral permissions will be reviewed every 15 years unless postponed by written agreement with the Planning Authority to ensure that the development is not adversely affecting the natural or historic environment, landscape character or local amenity<sup>12</sup>.
- R3.8 A buffer distance restricting development around minerals sites will be agreed with the developer in consultation with the local community, prior to permission being granted. This will need to take into account the specific circumstances of the proposals, including factors such as site location, topography, expected duration of operations, and method of working.
- R3.9 Protection of important minerals development sites is achieved through safeguarding minerals sites and areas of search for sand and gravel through Policy PR1 Protecting Important Resources and **Appendix 14**, Areas Safeguarded or Identified as Areas of Search for Minerals Development. We will seek to maintain a minerals landbank of permitted reserves for construction aggregates of at least 10 years during the Plan period, in all market areas through the identification of areas of search.

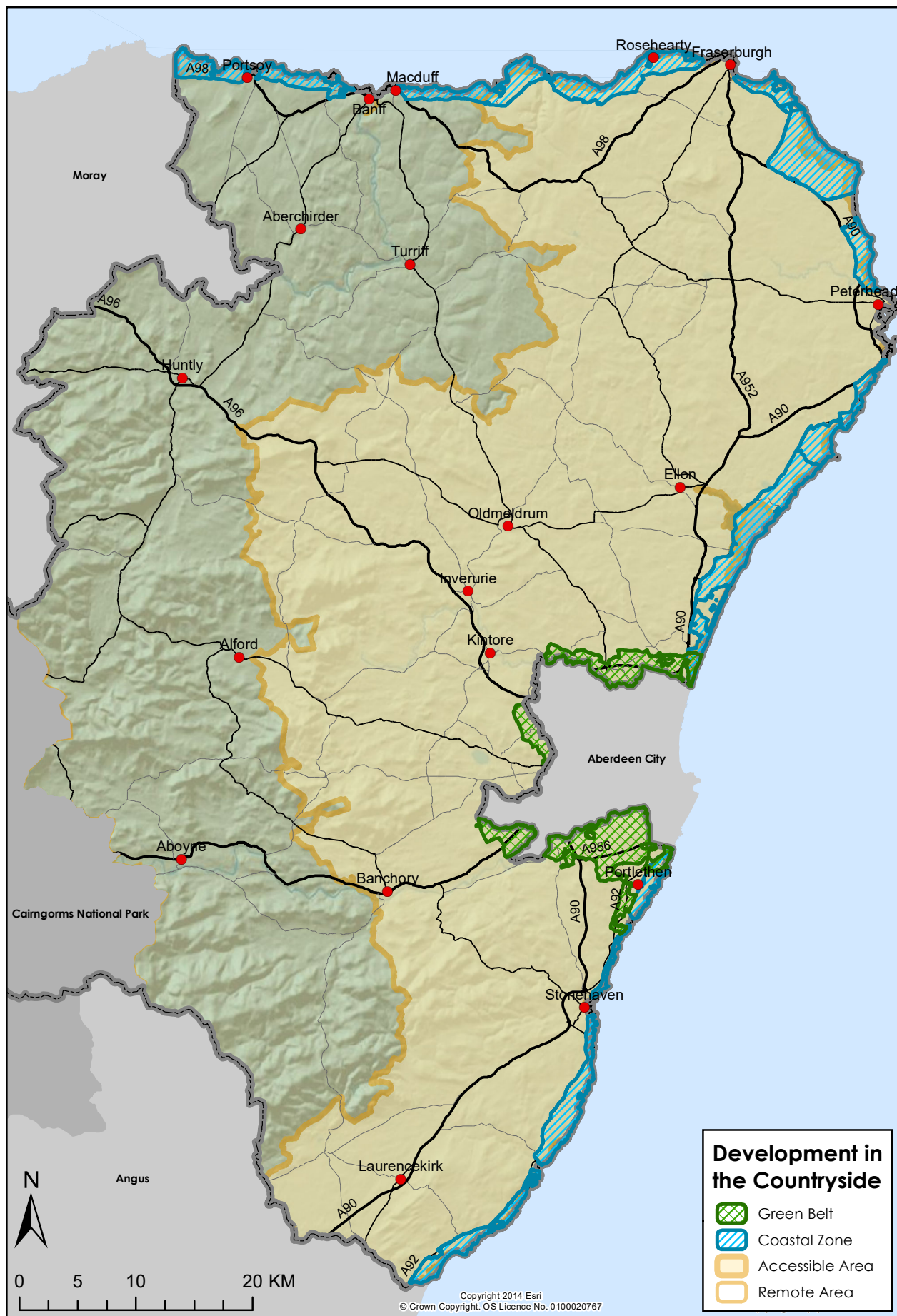
## Policy R4 Hill Tracks



- R4.1 We will only allow hill track development if the need for the track can be justified, satisfactorily integrated into the landscape and it respects existing and historic pathways. Hill tracks will only be permitted if they minimise environmental impacts, such as soil erosion, impacts on habitats and species, water bodies, and on carbon rich soils and a satisfactory maintenance programme has been agreed with the planning authority.

<sup>12</sup> Guidance is given in Planning Circular 34/1996: Environment act 1995: section 96 guidance on the statutory provisions and procedures and in Planning Circular 3/2011: The Town And Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.







## SECTION 8

# SHAPING HOMES AND HOUSING





## SECTION 8

# SHAPING HOMES AND HOUSING



Providing land for housing development is a central way in which the Plan will contribute to Aberdeenshire being a successful sustainable place.

This Plan allocates housing sites for up to the end of the 2020 to 2032 period of Table 3 of the Aberdeen City and Shire Strategic Development Plan. The allocations are summarised in **Appendix 6**, Housing Land Allocations, and are also identified in **Appendix 7**, Settlement Statements. Policies allow us to develop land on allocated sites to make sure there is a continuing five-year effective housing land supply. We will monitor the maintenance of a five-year effective land supply using the Housing Land Audit<sup>1</sup> while the Delivery Programme will monitor progress of delivering the allocated sites<sup>2</sup>.

Land is also provided for affordable housing needs, special housing needs and Gypsy/Travellers' needs. Other models of housing provision, such as self-build or co-housing (where intentional communities are provided for, created, and run by their residents) are also promoted.

### Policy H1 Housing Land



- H1.1 We will support the development of housing on sites allocated for that purpose within the Local Development Plan and as shown in the Settlement Statements.
- H1.2 We will not allow other types of development on designated housing land unless it is linked to the housing use and still allows the site to be developed to approximately the housing numbers shown in the Settlement Statements. This may be in the form of co-housing, or other ways of providing a mix of community uses within housing developments.
- H1.3 Capacities of sites shown in **Appendix 6** and **Appendix 7** of this Plan are based on an indicative capacity at this stage. Higher densities would only be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and where the development has been justified, including through an approved Masterplan or Design Statement that has been subject to appropriate public consultation.

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<sup>1</sup> See the latest Aberdeen City and Aberdeenshire Housing Land Audit.

<sup>2</sup> See the latest Delivery Programme.

## Policy H2 Affordable Housing



- H2.1 The Housing Need and Demand Assessment 2017 identifies a minimum requirement of around 48% of all new homes to be affordable. While it will not be possible to meet all affordable housing needs through the Plan's housing allocations, this is still an important part of creating sustainable mixed communities<sup>3</sup>.
- H2.2 All new housing developments of four or more homes must include 25% of the serviced plots for affordable housing according to the definitions in the current Housing Need and Demand Assessment (i.e. housing made available at a cost below full market value, to meet this identified need). It includes social rented housing, subsidised low cost housing for sale (discounted, shared ownership or shared equity) and low-cost housing without subsidy (entry level housing for sale). Private rented accommodation available at lower cost than market rents should also be considered within the affordable housing category. This policy does not preclude the developer offering a greater level of affordable housing, but proposals will have to conform with the principle of sustainable mixed communities and meet an established local need. Such proposals shall also require to demonstrate that a greater level of affordable housing can be delivered with little or no public subsidy. Only in exceptional circumstances will we accept a lower figure. Supplementary Guidance, Developer Obligations and Affordable Housing<sup>4</sup>, supports this policy by providing further detail on the forms that the affordable housing contribution could take and, outlining the exceptional circumstances where a lower contribution or an alternative to onsite provision may be appropriate.

## Policy H3 Special Needs Housing



- H3.1 Where there is an obvious need which can be demonstrated<sup>5</sup>, we will generally support non-mainstream housing proposals for people with disabilities or specialist housing for the elderly. If the developer demonstrates there are no suitable sites within a town centre in the first instance and, secondly elsewhere within the settlement, we will allow special needs housing to be developed if:
- it is on the edge of a settlement;
  - the site is compatible with neighbouring uses;
  - that there is easy access to public transport, local services and public open space; and
  - that the site's topography and access are appropriate for those with disabilities.
- Matters of specific design fall under Policy P1 Layout, siting and design.
- H3.2 Self-contained continuing care retirement communities which provide health care will be approved outwith edge of settlement sites providing the applicant demonstrates that the development will be self-sufficient in the provision of facilities or would otherwise not have an adverse impact on the existing facilities enjoyed by local residents.

<sup>3</sup> Meeting affordable housing need in full will require considerable effort, coordination and creativity, and for the public and private sectors to work together.

<sup>4</sup> See Supplementary Guidance Developer Obligations and Affordable Housing – see Glossary.

<sup>5</sup> Proposals may require consultation with NHS Grampian and Aberdeenshire Health and Social Care Partnership to establish level of need.

## Policy H4 Residential Caravans



- H4.1 We will not generally support proposals for residential caravans, residential caravan parks, or residential caravan park extensions as a form of permanent accommodation<sup>6</sup>. In cases where a temporary need has been demonstrated by the applicant, we will allow the temporary siting of a residential caravan providing the siting respects the character and amenity of the surrounding area and the caravan can be satisfactorily serviced. Conditions will be imposed to limit the duration of permission and to ensure the caravan is removed and the site made good after the permission lapses. Planning Advice, Residential Caravans, supports this policy.<sup>7</sup> Proposals for tourist accommodation will be assessed in accordance with Policy B3 Tourist Facilities.

## Policy H5 Gypsy/Travellers



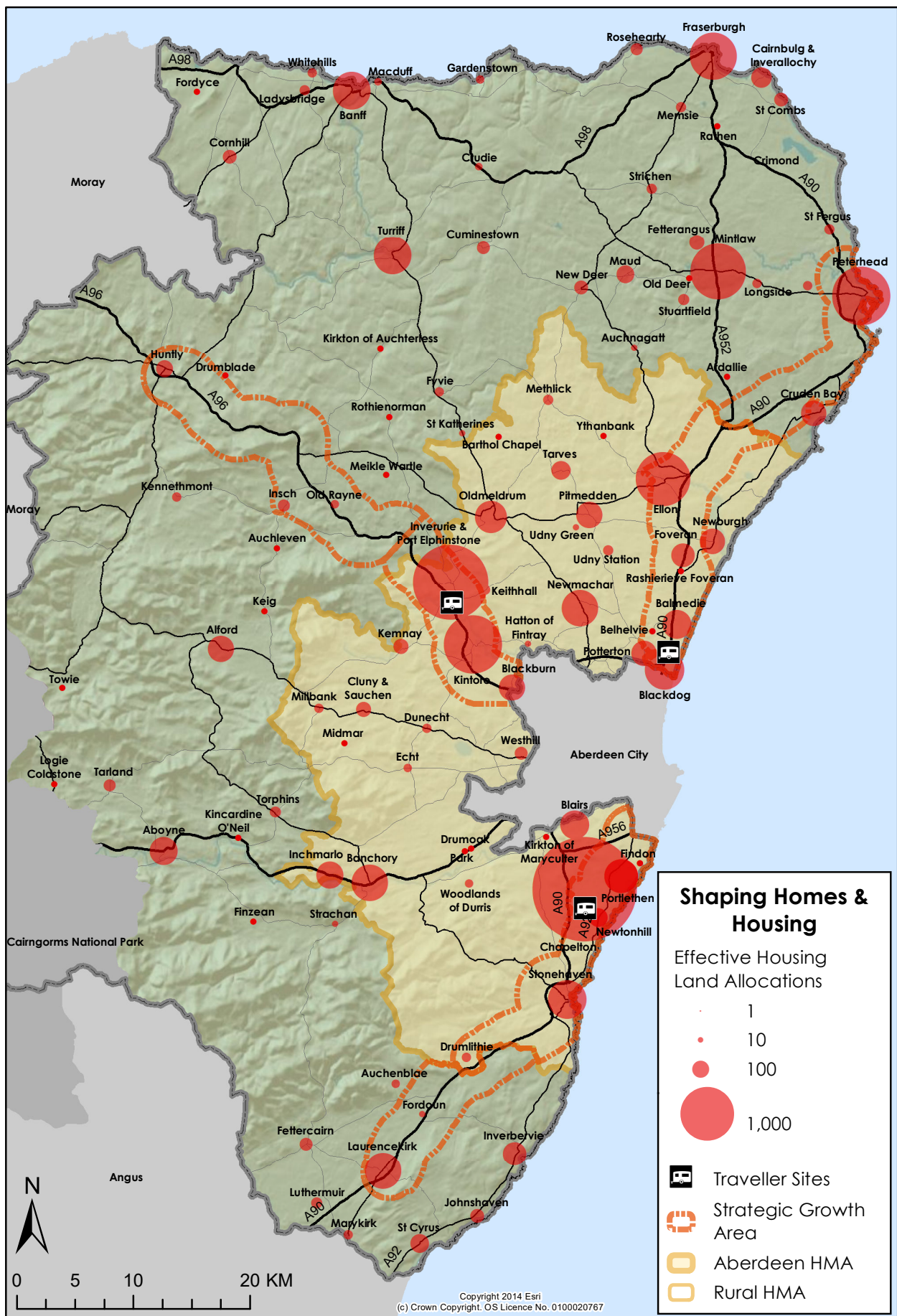
- H5.1 Specific Gypsy/Travellers sites have been identified in the Settlement Statements to meet an identified need and to provide certainty to both Gypsy/Travellers, and the settled community.
- H5.2 We will generally approve permanent sites, transit sites or stopping places for Gypsy/Travellers on sites allocated for that purpose in the Plan, or on unallocated sites where there is a proven need subject to other policies. Developers of private Gypsy/Travellers sites for their own use do not have to prove a specific need for their proposals but the proposals will still need to meet the remaining policy tests.
- H5.3 Proposals must also provide a secure environment and essential services (in the case of transit sites or stopping places: water connection, refuse facilities and portable toilets), and allow reasonable access to employment, education and other community infrastructure, and the main road network.

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<sup>6</sup> Permanent accommodation in the form of unrestricted residential use all year round.

<sup>7</sup> See Planning Advice Residential Caravans - see Glossary.







## SECTION 9

# SHAPING PLACES





## SECTION 9

# SHAPING PLACES



Scottish Planning Policy encourages Planning Authorities to create high-quality places by taking a design-led approach to development and to direct the right development to the right place. The Aberdeenshire Design Review Panel recognises that good design needs an overall approach, from the choice of site to its layout and detailed design and covering the whole range of factors that contribute. It is not about copying the past, but promoting appropriate design, whether new or traditional.

We promote a broad approach to design, which provides a template for a complete and effective process, and from which high-quality design can begin to emerge. This in turn will involve using design statements, methods of design assessment, and public involvement when developing the designs.

### Policy P1 Layout, Siting and Design



- P1.1 Residential proposals that fall within the category of a major development will be required to participate in a Design Review Process. Other types of development, in terms of scale and nature, may be required to participate in a Design Review Process at the discretion of the Planning and Economy Service. Where possible these sites are specified in **Appendix 7**, Settlement Statements, or those that are likely to generate significant public interest.
- P1.2 A Masterplan that has been subject to public consultation, must be prepared for all major housing and mixed-use developments (more than 50 homes, and/or more than 2 hectares of employment or retail development) or other developments of a size and scale deemed appropriate by the Planning Authority that merits the provision of a Masterplan. We will support:
- new development on sites identified within **Appendix 7**, or other developments of a size and scale deemed appropriate by the Planning Authority, as requiring a development framework or Masterplan, OR
  - major developments (more than 50 homes, or more than 2 hectares of employment, retail or mixed-use development deemed appropriate as major development by the Planning Authority)

if they keep to a previously agreed statement(s)<sup>1</sup> on the proposed design for the site. Any previously agreed statement must have gone through a process that includes an appropriate level of consultation. Once agreed, a Masterplan shall remain valid for a period of 5 years, unless planning permission for the development has been granted and implemented.

<sup>1</sup> For sites requiring a Development Framework or Masterplan, they must be subject to public consultation which has been agreed by the Local Area Committee in advance of determining a planning application.

- P1.3 Design Statements and Masterplans must be written to reflect the whole of the allocated site. Only if there is a previously agreed development framework for the whole allocation will Masterplans be accepted for smaller parts of the site, and then only if it accords with the overarching Design Statement<sup>2</sup>.
- P1.4 We will assess all development, whether on sites we have allocated or elsewhere, using a process that includes appropriate public consultation. Certain proposals for a national or major development should meet the prescribed criteria/level of public and stakeholder engagement, as outlined in Planning Advice.<sup>3</sup>
- P1.5 We will only approve development designs that demonstrate the six qualities of successful places, which are:
- **distinctive** with a sense of local identity through creation of a sense of place and the aesthetics of the design features and elements;
  - **safe and pleasant**, encouraging both activity and privacy, providing security and protecting amenity;
  - **welcoming** through visual appeal, style and the creation of a welcoming environment.
  - **adaptable** to future needs through the balance of land uses, building types, density, sizes and tenures (including housing for people on modest incomes), and the flexibility to adapt to the changing circumstances of occupants;
  - **efficient** in terms of resources used in terms of waste management, water use, heating and electricity, the use of recycled materials and materials with low embodied energy, and responding to local climatic factors associated with cold winds, rain, snow and solar gain; and
  - **well connected** - to create well connected places that promote intermodal shifts and active travel and are easy to move around.
- P1.6 Further design guidance on how to meet these qualities is provided in the allocation summaries in **Appendix 7**, **Appendix 8** Successful Placemaking Guidance and **Appendix 9** Building Design Guidance<sup>4</sup>.
- P1.7 Measures require to be identified to enhance biodiversity<sup>5</sup> in proportion to the opportunities available and the scale of the development opportunity. In very rare circumstances, when it is not practical to meet biodiversity net gain within a development site, we may require off-site contributions towards biodiversity enhancement within the settlement or near to the site. These obligations may be controlled by conditions.
- P1.8 To accord with the Scottish Government Zero Waste Plan and the Circular Economy Strategy, a Site Waste Management Plan will be submitted to demonstrate that developers have minimised the generation of waste and maximised reuse and recycling during the construction and operational phases of new development. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment,

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<sup>2</sup> See Planning Advice 7/2012 Masterplanning – see Glossary.

<sup>3</sup> See Planning Advice 1/2018, SP=EED® (Successful Planning = Effective Engagement and Delivery) – Planning Advice for development management and prospective applicants – see Glossary.

<sup>4</sup> See also Scottish Government's Designing Streets (2010) and Creating Places (2013).

<sup>5</sup> See Planning Advice 5/2015 Opportunities for Biodiversity Enhancement in New Development – see Glossary.

remanufacturing and reprocessing of high value materials and products. These obligations may be controlled by conditions.

## Policy P2 Open Space and Access in New Development



- P2.1 All new developments must be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire Parks and Open Spaces Strategy<sup>6</sup> and which is safe, welcoming, distinctive, well connected and accessible (**Appendix 10**, Standards for Open Space, including the hierarchy). Open space may make a significant contribution to green-blue networks in communities, particularly when it is natural in form, rich in biodiversity and has a significant impact in both the area and the edges it presents to other land uses. It should also seek to connect to paths and active travel routes in the area. The provision and types of open space should be considered early in the design process, and biodiverse, low maintenance community woodlands and community food growing areas, such as allotments<sup>7</sup> are encouraged.
- P2.2 We will generally expect 40% of each major development site to be devoted to good quality open space. In each case the actual proportion will take account of the location, function and characteristics of the development proposal and site; the function of the open space proposed; and, where appropriate, the function and characteristics of existing open space in the area. Alternatively, the developer should demonstrate that the site is a constituent part of an approved Development Framework or Masterplan and will contribute to the 40% open space component within that area.
- P2.3 At least 120m<sup>2</sup> of public open space per home must be provided for proposals on allocated sites of less than 50 homes. Alternatively, and expressly for windfall sites, this may take the form, in whole or part, to improving existing open space within the settlement where the Open Space Audit section of the Aberdeenshire Parks and Open Spaces Strategy identifies a need.
- P2.4 Open space contributions will only be acceptable when arrangements for the establishment and maintenance of the open space have already been agreed and may be part of a Section 75 Agreement for the site. Permanent, temporary or advanced provision of green-blue infrastructure is encouraged.
- P2.5 We will support proposals of temporary green-blue infrastructure on unused or underused land within a settlement, as identified in **Appendix 7**. This could contribute to the open space requirement of a future proposal, if it forms part of its landscape framework.
- P2.6 Existing and potential public access routes (including core paths and other routes, such as public rights of way) should be protected and new developments must include appropriate opportunities for informal recreation and safe active travel, including walking and cycling, wheeling (travelling by wheelchair), riding etc. Statements or plans detailing proposals should be included in Design Frameworks or Masterplans or submitted with the planning

<sup>6</sup> See Aberdeenshire Parks and Open Spaces Strategy at <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/parks-and-open-spaces/>.

<sup>7</sup> See Planning Advice 1/2019 Allotments – see Glossary.

application. Construction of new paths must comply with best practice set out in Planning Advice, 10/2015 Outdoor Access and Development<sup>8</sup>.

### Policy P3 Infill Developments within Settlements and Householder Developments (including home and work proposals)



- P3.1 Sites within settlements, as identified in **Appendix 7** may provide development opportunities that can usefully contribute towards housing and employment land requirements. We will support development on vacant sites within a settlement boundary that have no specific land use allocation (also known as infill developments), as long as the development respects the scale, density and character of its surroundings, and will not erode the character or amenity of the surrounding area. Applicants will also need to demonstrate that there will be no significant interference with the existing or proposed use of neighbouring sites, or the accessibility of future potential development areas. For clarity, this policy also applies to applications to change the use of existing buildings within settlements.
- P3.2 We will approve a house extension or an ancillary development associated with an existing house providing it respects both the character of the surrounding area and the design/scale of the existing house, and does not significantly reduce the amenity of neighbouring residents, as outlined in **Appendix 9** Building Design Guidance. We encourage 'working from home' proposals if they do not cause significant loss of amenity to neighbouring properties through noise, traffic movements or other nuisance, and do not change the overall character of the property's use as a single dwelling.

### Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land



- P4.1 We will refuse development, even infill development, if there is a risk that it could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or present an unacceptable danger to the public or the environment. This includes developments we are told by the Health and Safety Executive or the Competent Authority to be near facilities they have identified as hazardous. Pipelines, agricultural buildings, wastewater treatment plants, waste disposal/treatment facilities and heavy industrial uses are all examples of development that could create a nuisance, pollution or hazard. 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.
- P4.2 In determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines), we will consult with, and take full account of advice from the Health and Safety Executive (HSE), the Competent Authority (in the case of Control of Major Accident Hazardous sites) and the facility's owners and operators, and will seek to ensure that any risk to public safety is not increased.

<sup>8</sup> See Planning Advice 10/2015 Outdoor Access and Development – see Glossary.

Prospective applicants should check whether their proposed development is within the consultation zone of a major hazard site or a major accident hazard pipeline, and should seek further advice if this is the case. This confirmation and advice can be obtained from the HSE Planning Advice Web App at [www.hse.gov.uk/landuseplanning/developers.htm](http://www.hse.gov.uk/landuseplanning/developers.htm) or in Planning Advice, Pipeline and Hazardous Development Consultation Zones<sup>9</sup>.

- P4.3 Planning permission may be refused for potentially hazardous developments, or for other forms of development in close proximity to existing hazardous developments, in the event that insufficient information has been submitted to demonstrate the impacts or where the impacts are unclear or unknown.
- P4.4 We will not allow development on land that is known or suspected to be contaminated unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment), and effective remedial actions are proposed to ensure the site is made suitable for its new use. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination<sup>10</sup>.
- P4.5 Where an Air Quality Assessment or a Noise Impact Assessment indicates that a proposed development could have a significant detrimental impact on air quality or noise levels, appropriate mitigation measures must be provided.

## Policy P5 Digital Infrastructure



- P5.1 We will support development that provides digital infrastructure to homes and businesses, subject to it complying with the other policies in this Plan<sup>11</sup>.
- P5.2 In considering proposals for telecommunications equipment, we will take into account the extent to which the development involves mast or site sharing; installation on buildings or other existing structures; the installation of the smallest suitable equipment to meet the technological requirements; concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or whether it involves the installation of a new ground-based mast.
- P5.3 Applications will be required to be accompanied by a range of additional information including: an explanation of how the proposed equipment fits into the wider network; a description of the siting and design options explored and the reason for the chosen solution; details of the design, including height, materials and all components of the proposals; a landscaping and screen planting plan (if appropriate); an assessment of the cumulative effects of the development in combination with existing equipment in the area; and a visual impact assessment (if relevant).

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<sup>9</sup> See Planning Advice Pipeline and Hazardous Development Consultation Zones – see Glossary.

<sup>10</sup> Both the site investigations and any remedial actions should be proportionate to the scale and nature of the proposed development and be in accordance with National Planning Advice Note 33: Development of Contaminated Land and the advice of the Council's Infrastructure Services (Contaminated Land) Section.

<sup>11</sup> See also Policy E1 Natural Heritage, Policy E2 Landscape, Policy HE1 Protecting Historic Buildings, sites and Monuments, Policy HE2 Protecting Historic and Cultural Areas, Policy PR1 Protecting Important Resources and Policy C3 Carbon Sinks and Stores.

- P5.4 Where necessary the application should be accompanied by a declaration that the equipment and installation is designed in full compliance with the appropriate guidelines of the International Commission on Non-Ionising Radiation Protection on public exposure to radiofrequency radiation.

## Policy P6 Community Facilities and Public Amenities



- P6.1 We will support the provision of new community facilities that are required as part of a residential or other development, or as a standalone proposal, providing it is in accessible locations within settlements, is of a suitable scale, and it is available to all community residents. Major footfall generating uses should be directed to town centres. Proposals for Use Classes 10 and 11 (Non-residential institutions and Leisure uses) will only be allowed outwith a town centre where a sequential approach has failed to identify a town centre location, otherwise Policy B1 Town Centre Development will apply. There may be circumstances<sup>12</sup> where we will seek to ensure through an appropriate Legal Agreement that the new infrastructure is available to all members of the community for a reasonable amount of time on a regular basis.
- P6.2 Where existing community infrastructure within settlements has become surplus to requirements, due to new or updated facilities being provided elsewhere, we will approve proposals for its re-use or redevelopment subject to compliance with other policies in the Plan.

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<sup>12</sup> For example, if development is taking place on land protected by Policy PR1 Protecting Important Resources.



# Six Qualities of Successful Places





## SECTION 10

# NATURAL HERITAGE AND LANDSCAPE





## SECTION 10

# NATURAL HERITAGE AND LANDSCAPE



The Nature Conservation (Scotland) Act 2004 gives all public organisations a duty to further the conservation of biodiversity. We also support the approach set out in the European Landscape Convention (2000), which encourages sustainable management, protection and improvement of all landscapes.

Our natural environment should ensure that its understanding and enjoyment, as well as its benefits, are secured for present and future generations. These policies aim to deliver protection and enhancement of Aberdeenshire's natural environment and landscape. Development should integrate measures to protect and enhance biodiversity and landscape, and contribute to Aberdeenshire being a successful, sustainable, natural place where natural systems are able to recover from the effects of development.

We continue to be concerned about the loss of, or damage to, landscapes, habitats, forestry and woodlands (including ancient woodlands), and biodiversity due to construction, quarrying and environmental engineering for controlling floods and the cumulative effects of incremental changes.

Environmental Impact Assessment (EIA) will be required in connection with all major and other developments likely to have significant effects on the environment. Further information on screening and scoping provisions is available in the EIA Regulations and Circular 1/2017.

In all cases when there is uncertainty regarding the impact of development but there are good scientific grounds that significant irreversible damage could occur, the precautionary principle will apply.

### Policy E1 Natural Heritage



#### Nature Conservation Sites

- E1.1 We will not allow new development where it may have an unacceptable adverse effect on a nature conservation site designated for its biodiversity, species, habitat, or geodiversity<sup>1</sup> importance, except where the following circumstances apply.
- E1.2 In the case of an existing or proposed Special Protection Area (SPA), existing, proposed or candidate Special Area of Conservation (SAC) or Ramsar Site, if it cannot be ascertained that the development would not adversely affect the integrity of the site, development will only be permitted where:
- there are no alternative solutions;
  - there are imperative reasons of overriding public interest, that may, for sites not hosting a priority habitat type and/or priority species, be of a social or economic nature; and

<sup>1</sup> The Natural Spaces website provided by NatureScot allows map-based searches of Geological Conservation Review sites (<https://cagmap.snh.gov.uk/natural-spaces/dataset.jsp?code=GCR>).

- compensatory measures have been identified and agreed to ensure that the overall coherence of the European site network is protected.

Where the site hosts a priority habitat type and/or a priority species, the reasons must relate to human health, public safety or beneficial consequences of primary importance to the environment, or other reasons which, in the opinion of Scottish Ministers, are imperative reasons of overriding public interest. It should be noted that development not directly connected with, or necessary to, the conservation management of a European site, and which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) will require to be subject to an appropriate assessment, in order to ascertain whether the development would not adversely affect the integrity of the site.

- E1.3 Development that affects Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) or the Cairngorms National Park will only be permitted where a thorough assessment demonstrates that the objectives of designation and the overall integrity of the site will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. In all cases, any impacts should be minimised through careful design and mitigation measures.
- E1.4 For other recognised nature conservation sites (such as Local Nature Conservation Sites<sup>2</sup>, nature reserves, designated wetlands, woodland in the Scottish Natural Heritage Ancient Woodland Inventory<sup>3</sup> and the Native Woodland Survey of Scotland<sup>4</sup>) the proposal's public benefits must clearly outweigh the nature conservation value of the site. In all cases, impacts must be minimised through careful design and mitigation measures. There will be a strong presumption against removing ancient semi-natural woodland or Plantations on Ancient Woodland Sites (PAWS). Where such woodland is present on or beside a development site, proposals should be designed to seek to accommodate and protect the woodland rather than remove it in part or entirely.
- E1.5 We, along with others with an interest, including NatureScot, Royal Society for the Protection of Birds, Scottish Wildlife Trust and Aberdeen University, have identified 113 Local Nature Conservation Sites which are introduced by this Plan in **Appendix 12**, Local Nature Conservation Sites.

## Protected Species

- E1.6 Development must seek to avoid any unacceptable detrimental impact on protected species. A Protected Species Survey to inform the assessment of impacts will be required where there is reason to believe protected species may exist on or adjacent to the site. The submission of Species Protection Plans detailing appropriate avoidance and mitigation measures may be required. Development affecting any protected species will only be permitted when it can be justified in accordance with the relevant protected species

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<sup>2</sup> See **Appendix 12**, Local Nature Conservation Sites.

<sup>3</sup> See "A guide to understanding the Scottish Ancient Woodland Inventory (AWI)" published by Scottish Natural Heritage (now NatureScot).

<sup>4</sup> Published by Scottish Forestry (formerly Forestry Commission Scotland).

legislation. Lists of species protected by legislation are available from NatureScot<sup>5</sup>.

Development affecting species listed in schedule 5 of the Wildlife and Countryside Act will not be approved unless:

- the proposal will give rise to, or contributes towards the achievement of, a significant social, economic or environmental benefit; and
- there is no other satisfactory solution; and
- there is no significant negative impact on the conservation status of the species.

Development affecting any European Protected Species will not be approved unless:

- it is required for imperative reasons of overriding public interest; and
- there is no other satisfactory solution; and
- the population will be maintained at a favourable conservation status in its natural range.

## **Wider Biodiversity and Geodiversity**

- E1.7 A baseline ecological<sup>6</sup> or geological survey must be prepared for all developments and other proposals where there is evidence to suggest that a habitat, geological feature or species of importance may exist on or adjacent to the site. This baseline survey must be provided by a suitably qualified ecologist or geologist, as appropriate.
- E1.8 A number of criteria will be used to consider the biodiversity impacts of a development, including whether it will affect habitats or species listed in: Schedule 2 or 4 of the Habitats Regulations; or the Scottish Biodiversity List; or North East Scotland Biodiversity Partnership Local Important Species; or other species or habitats of importance to biodiversity; or Groundwater Dependent Terrestrial Ecosystems (GWDTE). We will only approve development proposals:
- when a baseline ecological survey has been carried out;
  - when the development has been designed to avoid impacts where possible;
  - where impacts cannot be avoided the public benefits clearly outweigh the ecological or geological value of the site; and
  - where an ecological or geological management plan is provided that includes necessary mitigation and compensation measures to result in ecological net gain.
- E1.9 Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the site's environmental quality, ecological status, or viability.
- E1.10 Policy P1 also says that all developments should identify measures that will be taken to enhance biodiversity<sup>7</sup> (including woodlands) in proportion to the potential opportunities available and the scale of the development. In circumstances when it is not practical to deliver positive effects for biodiversity within a development site, we may require off-site contributions towards biodiversity enhancement within the settlement. Such measures may be secured by planning obligations or conditions.

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5 See Planning Advice 1/2015 Protected Species Surveys – see Glossary.

6 See Planning Advice 6/2015 Baseline Ecological Survey – see Glossary.

7 See Planning Advice 5/2015 Opportunities for Biodiversity Enhancement in New Development – see Glossary.

## Policy E2 Landscape



- E2.1 We will refuse development that causes unacceptable effects through its scale, location or design on key characteristics, natural landscape elements, features or the composition or quality of the landscape character as defined in the Landscape Character Assessments produced by NatureScot. These impacts can be either alone or cumulatively with other recent developments. A Landscape and Visual Impact Assessment (LVIA) may be required to assess the effects of change on a landscape that could be experienced should a development proposal be approved. Appropriate mitigation should be identified.
- E2.2 Development that has a significant adverse impact on the qualifying interests of a Special Landscape Area will not be permitted unless it is adequately demonstrated that these effects are clearly outweighed by social, environmental or economic benefits of at least local importance. **Appendix 13** on Special Landscape Areas is also intended to be used as a guide by prospective developers in assessing potential impact. Development, in terms of its location, scale, design, materials and landscaping, should be of a high standard and enhance the special qualities and character of the Special Landscape Area<sup>8</sup>.

## Policy E3 Forestry and Woodland



- E3.1 Aberdeenshire's forests and native and semi-natural woodland areas are valued and enjoyed by both residents and visitors and must continue to be resilient to the effects of climate change. They must be protected and, where appropriate, enhanced to safeguard the environment, habitats, species and local culture, whilst benefitting and supporting the local and national economy.
- E3.2 We will promote and support the forestry industry while strongly protecting and enhancing trees and woodlands in the planning and construction of built development<sup>9</sup>. To achieve this, there will be a presumption against the removal of safe and healthy trees, non-commercial woodlands and hedgerows. Criteria in the Scottish Government's policy on Control of Woodland Removal<sup>10</sup> will be used to determine the acceptability of woodland removal. Development is also required to continue to ensure that opportunities are taken to promote the role of woodlands in providing opportunities for community development, education and recreational access, protecting and enhancing environmental quality and biodiversity, landscape and historic assets.
- E3.3 Working with partners a Forestry and Woodland Strategy<sup>11</sup> has been prepared as Planning Advice that sets out key issues and opportunities for forests and woodlands under the following themes:
- Aid the resilience of trees and woodlands to the negative effects of climate change and tree disease.

<sup>8</sup> Guidance for Landscape and Visual Impact Assessment is available from NatureScot.

<sup>9</sup> See Policy PR1 Protecting Important Resources.

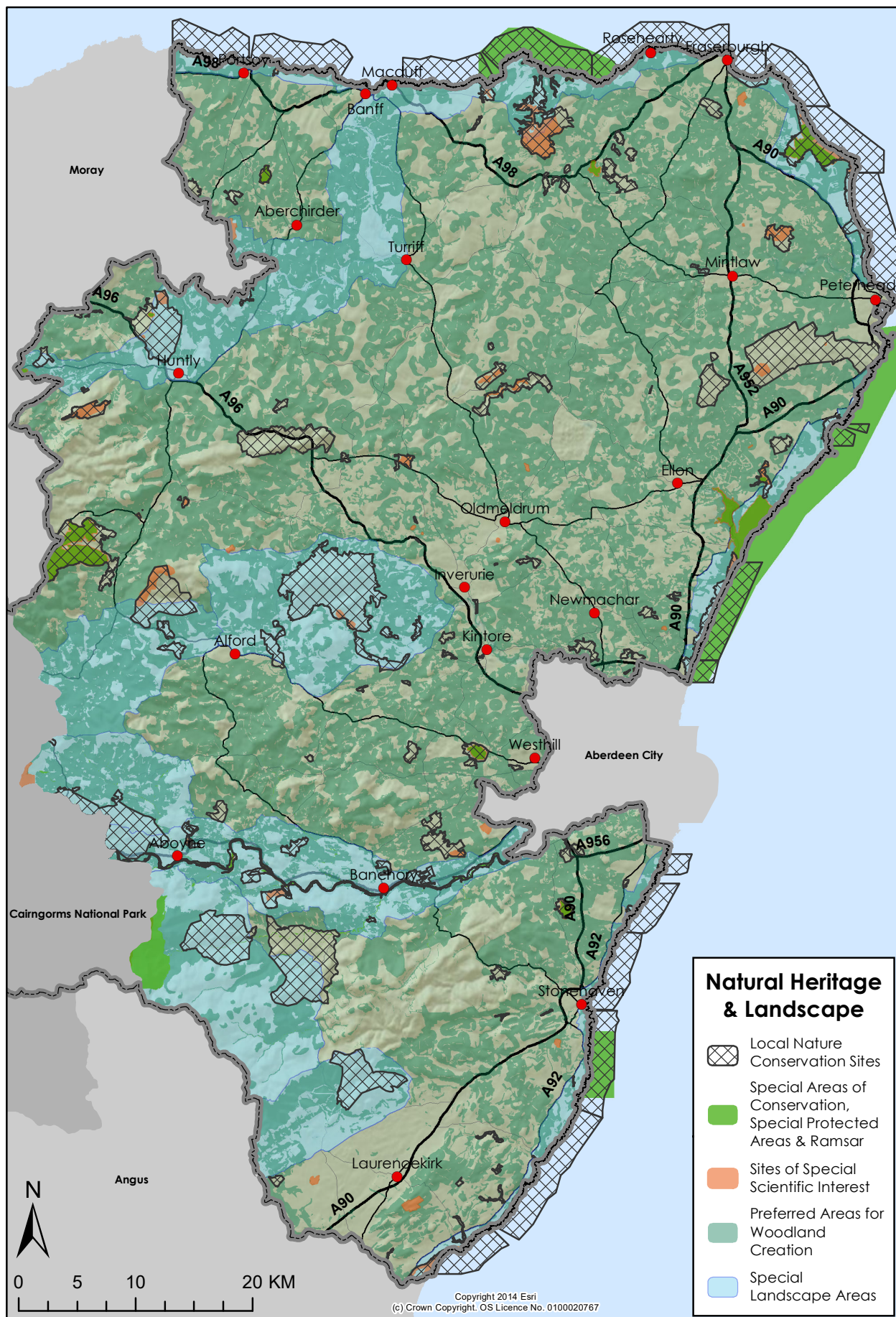
<sup>10</sup> See pages 6 and 7 of The Scottish Government's Policy on Control of Woodland Removal (<https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal/viewdocument/285>)

<sup>11</sup> See Planning Advice Aberdeenshire Forestry and Woodland Strategy – see Glossary.



- Promote trees and woodlands to aid Scotland in mitigating and adapting to climate change.
- Support expansion of Aberdeenshire's woodland coverage in line with Scottish Government targets.
- Promote and support the forestry industry.
- Strongly protect and enhance trees and woodlands in the planning and construction of built development.
- Identify woodlands of high nature conservation value.
- Promote and support the role of woodlands in providing opportunities for community development, education and recreational access.
- Promote new woodland creation and/or enhancement including the restoration of important woodlands e.g. ancient and semi-natural woodlands, and management practice which protects and enhances environmental quality and biodiversity.
- Promote management practices that provide a focus for new planting and restocking whilst also protecting and enhancing the landscape, and historic assets where applicable.

E3.4 A map of Preferred Areas for New Woodland Creation has been included in the Aberdeenshire Forestry and Woodland Strategy to identify where new woodlands could go to maximise benefits and promote integrated land use.



## SECTION 11

# THE HISTORIC ENVIRONMENT





## SECTION 11

# THE HISTORIC ENVIRONMENT



Protecting and improving the historic environment is important to the distinctiveness and sense of place within Aberdeenshire. Local history helps create a clear identity for the area and strengthens connections between people and places. We recognise the importance of the historic environment to the character of the area and to the quality of life of the people who live here. We also recognise that it is an economic asset to the area. We want to maintain and strengthen our commitment to protecting and making sustainable use of the historic environment, both by putting the Aberdeenshire's Built Environment Strategy and Archaeology Strategy<sup>1</sup> into practice and in the way we manage development.

Our historic environment should ensure that its understanding and enjoyment, as well as its benefits, are secured for present and future generations. All development should aim to protect these assets and promote sustainable communities. Opportunities for enhancement to historic assets should be sought whenever possible. Where detrimental impacts are unavoidable, steps should be taken to minimise these, and other alternatives and mitigation measures should be explored.

### **Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)**



- HE1.1 We will resist development that would have an adverse impact on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites. If adverse impact is unavoidable, it should be minimised and justified.
- HE1.2 We will protect all listed buildings contained on the statutory list of Buildings of Special Architectural or Historic Interest for Aberdeenshire<sup>2</sup>, all scheduled monuments contained on the statutory schedule of Monuments for Aberdeenshire and undesignated archaeological sites in Aberdeenshire<sup>3</sup>. We will encourage their protection, maintenance, enhancement, and appropriate active use and conservation.

### **Listed Buildings**

- HE1.3 Alterations to listed buildings should be of the highest quality, and respect any features of special architectural, cultural or historic interest in terms of design, materials, scale, and setting. A Design Statement is required to support any proposed development and demonstrate how the proposal addresses paragraphs HE1.1 and HE1.2. The Design Statement should outline the details of the proposal, the significance of the building and justify that the proposal protects and respects the listed building.

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1 See the strategies on the Aberdeenshire Council Archaeology pages and the Guidance for built heritage on the Aberdeenshire Council website.

2 See guidance on Buildings of Special Architectural or Historic Interest for Aberdeenshire on the Historic Scotland web-based inventory.

3 See guidance on archaeological sites and scheduled monuments in Aberdeenshire on the Historic Scotland web-based inventory.

HE1.4 The demolition of a listed building will not be permitted unless there is clear evidence to show that the building is no longer of special interest, is incapable of repair or there are overriding environmental or socio-economic reasons not to retain it. It must be satisfactorily demonstrated that every effort has been made to continue the present use or find a suitable new use, with or without an appropriate adaptation of the building.

### Scheduled Monuments and Archaeological Sites

HE1.5 Development on nationally or locally important monuments or archaeological sites, or having an adverse impact on the integrity of their setting, will only be allowed if there are exceptional circumstances, including those of a social or economic nature, and there is no alternative site. It is the developer's responsibility to provide information on the nature and location of the archaeological features, including details of any mitigation measures proposed, prior to determination of the planning application.

HE1.6 Where preservation of the site in its original location is not possible, the developer must arrange for the full excavation and recording of the site in advance of development to satisfy Aberdeenshire Council that the impacts from development have been fully mitigated<sup>4</sup>.

## Policy HE2 Protecting Historic, Cultural and Conservation Areas



### Conservation Areas

HE2.1 We will resist development, including change of use or demolition, which would fail to preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its character or appearance. We will seek retention, restoration, and sympathetic adaptation of unlisted buildings which contribute positively to the special architectural or historic interest of the area, in preference to allowing their demolition<sup>5</sup>.

HE2.2 The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality and respect the individual characteristics for which the conservation area was designated. Development should be in accordance with any agreed Conservation Area Management Plan or Appraisal<sup>6</sup>. All details must be provided under the cover of a full application and any trees (including veteran trees and trees outside of woodlands) contributing to the character and appearance should be retained. Home-owners and business owners within the conservation area boundaries automatically have certain Permitted Development Rights removed. **Appendix 11** provides details on the additional controls within the conservation areas in Aberdeenshire.

<sup>4</sup> Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC), which is obtained from Historic Environment Scotland. Advice on the SMC process and any requirements should be sought at an early stage from Historic Environment Scotland.

<sup>5</sup> Conservation area designations are shown on the Settlement Statements and a schedule for the areas controlled by Article 4 directions is included in Appendix 11, Conservation Areas.

<sup>6</sup> See the advice currently at [www.aberdeenshire.gov.uk/environment/built-heritage/what-is-a-conservation-area/#designations](http://www.aberdeenshire.gov.uk/environment/built-heritage/what-is-a-conservation-area/#designations).



## Battlefields, Inventory Gardens and Designed Landscapes

HE2.3 Development affecting an inventory battlefield or inventory garden and designed landscape<sup>7</sup> will only be permitted if:

- the proposal would not have an adverse impact that compromises the objectives of the designation of an inventory garden or designed landscape, or the key landscape characteristics and special qualities of an inventory battlefield; or,
- any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development.

These conditions may also apply to developments outwith the designated sites. In either case, measures and mitigation must be taken to conserve and enhance the essential characteristics of the site as appropriate.

HE2.4 All development affecting the character and/or the appearance of an inventory battlefield or inventory garden and designed landscape must be justified through a Design Statement and/or Landscape Management Plan.

## Policy HE3 Enabling development to safeguard Historic Buildings at Risk



HE3.1 We will approve development on unallocated sites to provide finance for works to secure the long-term future of and reuse of a building that is listed and is on the Buildings at Risk Register and which has been proven to be seriously at risk of imminent collapse or further decay. A professionally qualified person, such as a Chartered Surveyor, should demonstrate the Conservation Deficit<sup>8</sup> and indicate how much finance is required to assist in making the listed building wind and watertight, and the level of enabling development required to support this. The Planning and Environment Service would then make an assessment as to the scale of enabling development that should be permitted. The location where the development is sited is not restricted. It would be preferred to be located near the site of the listed building, as long as it is sympathetic to the listed building and does not have any detrimental impact on the listed building and its setting.

HE3.2 In exceptional cases, this policy could be applied to a non-designated historic asset agreed with the Planning and Environment Service to be exceptionally worthy of conservation, such as vernacular<sup>9</sup> buildings which have been proven to be seriously at risk of imminent collapse or further decay.

HE3.3 The wider public benefits of securing the conservation and reuse of the building/s through enabling development must significantly outweigh any disadvantages of allowing the development.

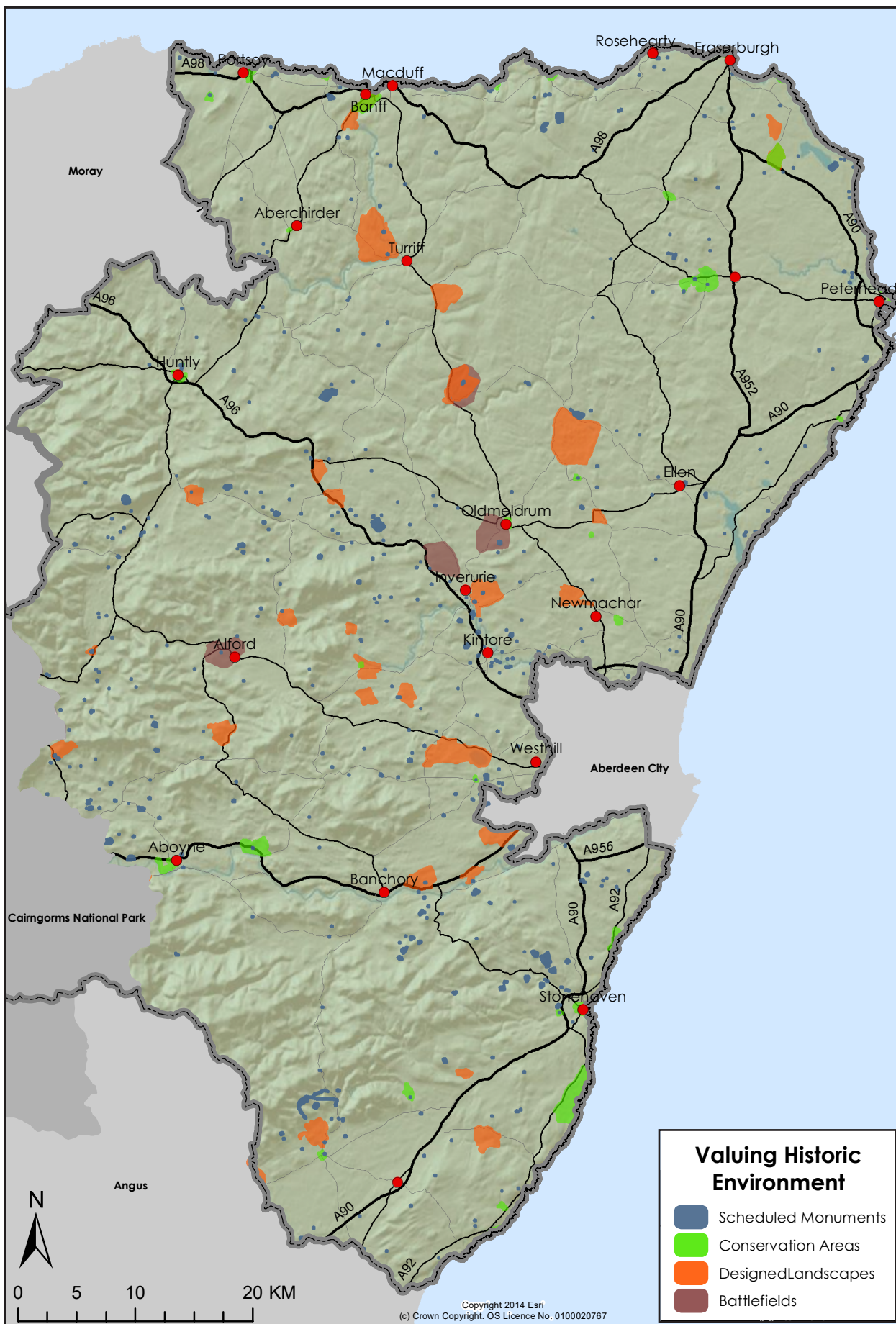
<sup>7</sup> See the advice currently published in <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/battlefields/>, or <https://www.aberdeenshire.gov.uk/planning/built-heritage/historic-gardens-and-designed-landscapes/>.

<sup>8</sup> Where the existing value (often taken as zero) plus the development cost exceeds the value of the place after development. Where a Conservation Deficit calculations produces a negative residual value, enabling development may be justified.

<sup>9</sup> A building which forms a distinctive part of the town or country scene by reason of its traditional design, use of materials and building techniques. Such buildings are often agricultural in nature and over 100 years old.

- HE3.4 Evidence that all other possibilities of funding to secure the conservation and reuse of the building must have been exhausted and the property offered to another group, such as the North East Scotland Preservation Trust, or placed on the open market for sale for a 12 month period, evidence of such to be provided to the Council. Any enabling development granted should be a one-off opportunity and should be based on the actual cost of the conservation works to directly restore the listed building(s) to a wind and watertight condition.
- HE3.5 The amount of enabling development sought must be the minimum required to finance the conservation works to restore the listed building(s) to a wind and watertight condition. Any enabling development should be undertaken at a suitable location. Although unallocated, enabling development must otherwise satisfy all other relevant policies of the Plan. The enabling development is required to be developed in full and the full disposable profit used to conserve the building.







## SECTION 12

# PROTECTING RESOURCES





## SECTION 12

# PROTECTING RESOURCES



Conserving natural resources is a major factor in sustainable development and important to the distinctiveness and strong sense of place within Aberdeenshire. These policies make sure that we do not lose opportunities for future generations. At the same time, we are promoting sustainable economic development by making sure that we keep hold of major land resources which are needed for specific uses, and that we do not lose them to other types of development. This will guide the development industry to the most appropriate areas for large developments.

### Policy PR1 Protecting Important Resources



PR1.1 We will not approve developments that have a negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh any negative effects on the protected resource, and there are no reasonable alternative sites.

#### Air Quality

PR1.2 New developments should not have a significant adverse impact on air quality. An Air Quality Assessment may be required to demonstrate that the development has no significant adverse impact on air quality, and that appropriate mitigation to minimise any adverse effects can be provided and implemented.

#### Water Environment

PR1.3 New development, including aquatic engineering works, which will generate discharges or other impacts on water bodies<sup>1</sup> (including wetlands), or which could affect the water quality, quantity, flow rate, botanical richness, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status<sup>2</sup>. Any such developments must contribute to the objectives set against the relevant water bodies through the river basin management process as well as the relevant freshwater opportunities identified within the North East Scotland Biodiversity Partnership Habitat Statements<sup>3</sup>. Opportunities for the improvement of water quality, physical enhancement of waterbodies and for the creation, enhancement and management of habitats shall be required where feasible to contribute to the improvement of the overall status of the

1 The current status of a classified waterbody can be found via SEPA's River Basin Management Planning webpage: <https://www.sepa.org.uk/environment/water/river-basin-management-planning/>

2 Development proposals within the River Dee catchment area may require a Construction Method Statement in the interests of the River Dee SAC.

3 See <https://www.nesbiodiversity.org.uk/the-north-east-scotland-biodiversity-partnership/>

water body. Any aquatic engineering works must be capable of being consented under Controlled Activity Regulations and construction work shall be undertaken in line with Construction Site Licensing Regulations<sup>4</sup>. Adequate buffer strips<sup>5</sup> will be required adjacent to waterbodies in order to protect and enhance all waterbodies within or adjacent to development sites, and these should be integrated positively into the green-blue infrastructure of the site and surrounding area.

- PR1.4 Wetlands are specifically protected under the Water Framework Directive. Phase 1 Habitat Surveys should be used to identify if wetlands are present. If present, then the more detailed National Vegetation Classification Survey should be completed to identify if there are Ground Water Dependent Terrestrial Ecosystems (GWDTE) present. If GWDTE are present, the developer should avoid them (with a buffer), or further assessment and appropriate mitigation will be required.

### Prime Agricultural Land

- PR1.5 Prime agricultural land is defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series<sup>6</sup>. Land falling within this classification should not be developed unless it is essential, allocated in the Local Development Plan or an independent assessment of the site confirms a lesser quality of land. For clarity, time-limited proposals for renewable energy generation or mineral extraction may be acceptable on prime agricultural land providing the site will be restored and returned to its original status. In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land.

### Open Space

- PR1.6 Development will not normally be permitted on any area of open space, including outdoor sports facilities and buffer strips along watercourses, unless the new use is ancillary to the use as open space. Important areas of open space are identified as “protected land” within **Appendix 7**, Settlement Statements. Exceptionally, the development of essential community infrastructure may be allowed if it will not result in a deficit of open space of the type affected within the settlement, as evidenced by the Open Space Audit, or prejudice the continuity of a green-blue network. Where loss of open space occurs as the result of a new development then replacement must be made of an appropriate type, quantity, accessibility and quality within the settlement. Any new development that adversely impacts on the use and/or provision of outdoor sports facilities will be required to provide suitable replacement to the satisfaction of the Planning Authority. In such cases Sport Scotland will be consulted.

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<sup>4</sup> These are national regulations that apply to any aquatic development works.

<sup>5</sup> See Planning Advice 9/2015 Buffer Strip Guidance – see Glossary.

<sup>6</sup> Land Capability maps are available from The James Hutton Institute.

## Trees and Woodlands

- PR1.7 This policy establishes a strong presumption in favour of retaining woodland on development sites. Development resulting in the loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value will not normally be permitted. In order to determine whether there are significant public benefits that would outweigh any loss or damage to trees and woodlands, the developer must submit a Tree Survey to BS 5837<sup>7</sup>. Where necessary an Ecological Survey and assessment by a suitably qualified professional of the biodiversity and amenity value of the woodland and habitat, including both its current and potential future benefits, should be submitted. For any proposals involving the removal of trees or woodland, the Scottish Government Control of Woodland Removal Policy<sup>8</sup> will apply.
- PR1.8 Where development is considered appropriate, damage to existing trees must be minimised and there must be no unnecessary fragmentation of existing or potential woodlands networks. Compensatory planting must also be undertaken to an agreed standard in order to mitigate the impact of the removal on landscape, sequestered carbon, character, amenity and ecological diversity. New planting should be located to enhance connectivity with existing and proposed green infrastructure. Woodland Management Plans are required for all new woodlands.

## Minerals

- PR1.9 We identify important mineral safeguarded sites where other types of development should not generally be allowed, and wider areas of search where mineral resources should not be sterilised by inappropriate developments. Major non-minerals developments will be permitted in the areas of search if an opportunity is given for the extraction of mineral resources before the development commences. On safeguarded sites non-mineral developments will be refused unless they are small-scale and ancillary to existing uses, or of a temporary nature. Safeguarded sites and areas of search are identified on the adjacent proposals map and detailed in **Appendix 14**, Areas Safeguarded or Identified as Areas of Search for Minerals Development.

## Peat and carbon rich soils

- PR1.10 Commercial extraction of peat will only be permitted in those areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. This resource is protected under Policy C3 Carbon Sinks and Stores which refers to soils defined by Scottish Natural Heritage's Carbon and Peatland map 2016 as Classes 1, 2 and 5 and greater than 0.5m deep.

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<sup>7</sup> British Standard for Trees in relation to design, demolition and construction – Recommendations

<sup>8</sup> Published by Scottish Forestry (formerly Forestry Commission Scotland).

## Policy PR2 Reserving and Protecting Important Development Sites



- PR2.1 We will protect and not allow alternative development on sites that may reasonably be needed in the future for:
- delivering improvements to transportation including projects identified in the Settlement Statements, the Aberdeen City and Shire Strategic Development Plan, the Local or Regional Transport Strategy, or the Strategic Transport Projects Review, routes recognised in the Core Paths Plan network, closed railways and their abutments, embankments and cuttings, existing airports and airfields and operational areas of ports and harbours;
  - generating and providing energy;
  - waste management facilities;
  - education facilities;
  - cemeteries;
  - other community facilities and infrastructure; and
  - sites to support the national developments identified in the National Planning Framework.
- PR2.2 National developments that directly affect the area covered by this Plan include proposals for contribution to capturing and storing carbon and making use of heat generation. Carbon Capture is specifically promoted at the St Fergus Gas Terminal but also at other locations associated with the pipeline from the central belt to St Fergus. High-voltage electricity transmission infrastructure, including cabling, substations, and converter stations, will be at a range of locations but are expected to include sites associated with the electricity substation south of Peterhead.
- PR2.3 Where we know about the above, we have identified them in the relevant Settlement Statements typically identified as 'Reserved Land'.



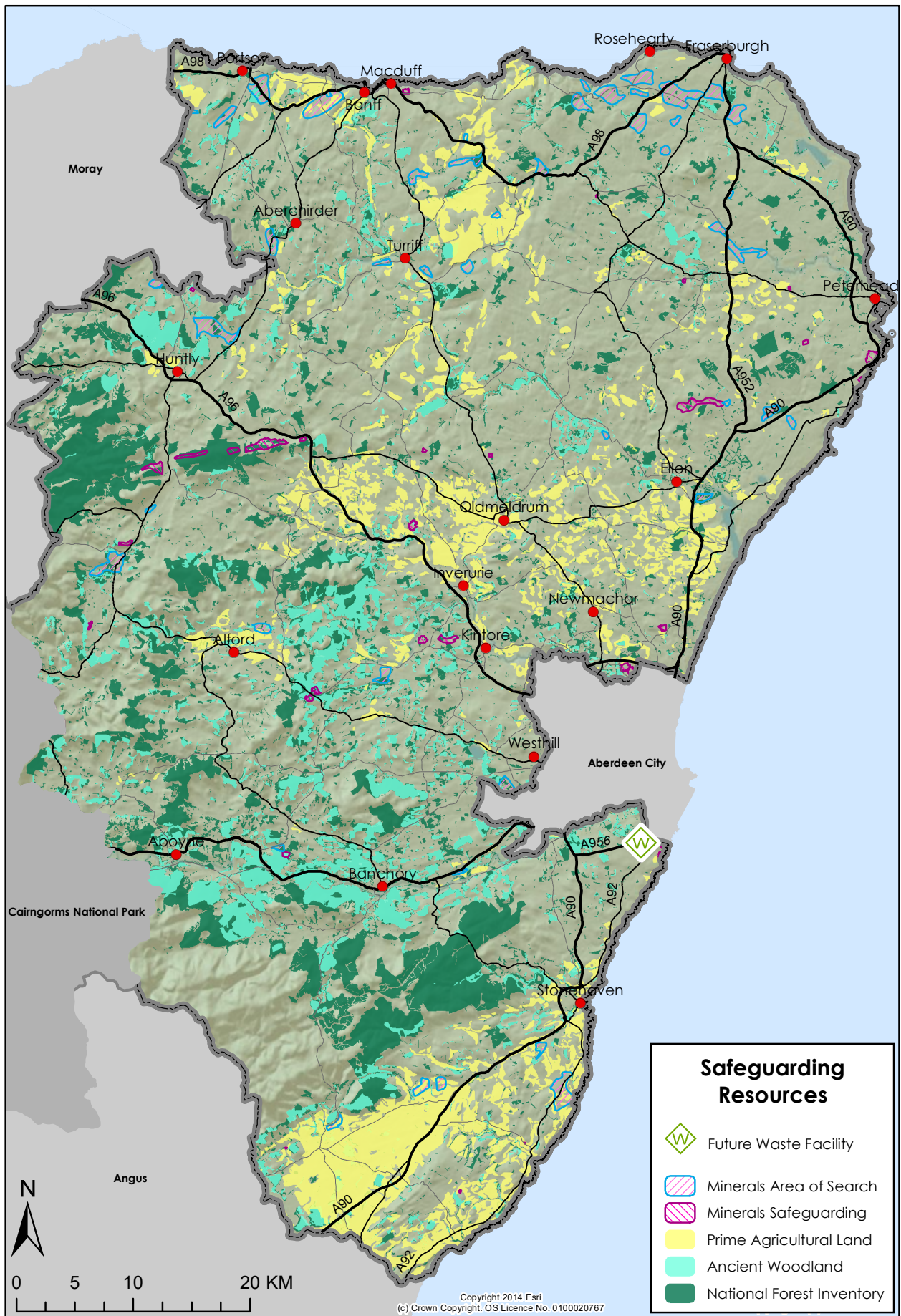
## Policy PR3 Reuse, Recycling and Waste



- PR3.1 Where possible and appropriate, we will approve waste management facilities on land currently used as a waste management or treatment facility, sites next to existing waste management facilities, land allocated for employment (including industrial, storage and distribution uses) and mixed use development in the Plan (subject to compliance with other Plan policies), or sites reserved in the Settlement Statements for this use. Waste management facilities must conform to the Zero Waste Plan and the Circular Economy Strategy. This requires minimising the transport of waste from source, and utilising the best available techniques.<sup>9</sup>
- PR3.2 Waste development proposals must be supported by sufficient information to make a full assessment of the likely effects of the development together with proposals for appropriate control, mitigation and monitoring. Design documents will be required to support the application, as well as details of land restoration, aftercare and after-use (including submission of bonds).
- PR3.3 We will not approve any inappropriate neighbouring developments that may compromise waste handling operations at an existing waste management site.

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<sup>9</sup> See Policy RD1.16 Waste Management Requirements and **Appendix 15**, Recycling and Waste Facilities.



SECTION 13  
CLIMATE CHANGE





## SECTION 13

# CLIMATE CHANGE



Climate change is possibly the greatest challenge facing the world today. The Scottish Government's declaration of a Climate Emergency and the enactment of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 are responses to this. These have influenced and are reflected in the policies set out in this local development plan. Scottish Planning Policy favours development that contributes to sustainable development and policies and decisions are needed to support action to tackle climate change and adaptation, including taking account of flood risk. For Aberdeenshire, this means reducing the use of energy (both in the distribution of development and within developments themselves), conserving water, promoting energy generation by renewable sources, sustaining existing carbon stores (such as peat and wood), and dealing with long-term flood risks.

We recognise that other strategies, such as the Local Transport Strategy will also contribute to these aims.

### Policy C1 Using Resources in Buildings



- C1.1 All developments must be designed to reduce carbon-dioxide emissions and reduce the use of energy. For all development, the target is to at least meet the current Scottish building regulations Target Emissions Rate (TER) and achieve the sustainability rating 'Gold' level for carbon dioxide reduction and energy efficiency, including through the installation of low and zero carbon generating technologies. Wherever feasible, a Platinum sustainability label under section 7 of the Building Standards Technical Handbook should be sought<sup>1</sup>. This should include consideration of alternative fuel vehicles including electric and hydrogen refuelling.
- C1.2 Water efficiency is required alongside energy efficiency to minimize resource demand. Appropriate standards for water efficiency to achieve both environmental protection (particularly to avoid any adverse effect on the interest of the River Dee Special Area of Conservation) and to reduce energy costs should also be applied. As private water supplies are highly vulnerable to changes in water quality and quantity, a water safety and management plan is required to establish any potential hazards associated with a private water supply from the source to point of use<sup>2</sup>. For water efficiency a Gold Sustainability performance level would apply and a BREEAM rating of 'Excellent' for non-domestic buildings<sup>3</sup>. Limited exceptions may apply but all proposals must at least meet the standards established through the current Building Regulations.

<sup>1</sup> See <https://www.gov.scot/policies/building-standards/>

<sup>2</sup> A water safety and management plan should ensure that appropriate measures are in place to mitigate any potential risks to consumers, and ensure that potable water is available through the life of the building.

<sup>3</sup> The Gold sustainability Level applies to domestic buildings and the BREEAM (BREGlobal Limited (part of the BRE (Building Research Establishment) Group)) is an independent third-party approvals body offering certification of fire, security, and sustainability products and services to an international market.

- C1.3 The Masterplanning process for major new development requires to consider compliance with the standard in part through district heating schemes. In areas not served by gas, consideration should be given to alternative technologies such as hot rock geothermal or biomass sources.
- C1.4 The full carbon reduction requirement can be achieved through energy efficiency measures. Through the Building (Scotland) Regulations, alterations, extensions, changes of use or conversion of existing buildings, development of ancillary buildings of less than 50 square metres, or buildings heated solely to provide frost protection are exempt from these requirements. Buildings with an intended life of less than 2 years are also exempt from the requirements of this policy.
- C1.5 An Energy Statement<sup>4</sup> should be submitted, at the planning application stage, to demonstrate how the proposed development will satisfy the requirements of this policy. Suspensive conditions may also be used to deliver this policy to avoid any unnecessary delays in determining planning applications.

## Policy C2 Renewable Energy



- C2.1 We will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design. Assessment of the acceptability of such developments will take account of any effects on: socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation; aviation, defence, telecommunications and broadcasting interests; road traffic; hydrology; and opportunities for energy storage. We treat biomass schemes as industrial processes suitable for business land. These may be hazardous developments through their impact on air quality. This support is not at the expense of other policies regarding Natural Heritage, the Historic Environment and Protecting Resources.

## Wind Energy

- C2.2 We will approve wind energy developments in appropriate locations taking into account the spatial framework mapping at the end of this section. Detailed guidance is set out in the Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire Final Report 2014<sup>5</sup>. This guidance remains relevant but is not a substitute for detailed assessment of the landscape impact of specific development proposals.
- C2.3 All wind farms must be appropriately sited and designed and avoid unacceptable environmental effects, taking into account the cumulative effects of existing and approved wind turbines. All wind turbines sites must be appropriate for use in perpetuity at the scale being proposed. Amendments to include larger blades or towers are likely to require a new application. Full repowering, where the wind turbines are dismantled and

<sup>4</sup> See Planning Advice Energy Statements – see Glossary.

<sup>5</sup> It is anticipated that Strategic Landscape Capacity Assessment guidance will be updated during the lifetime of the Plan.



new wind turbines are installed, is likely to require revision of environmental information and a new planning application. Lifetime extension, where new technology is installed, or components are upgraded and replaced but the overall external layout of a wind farm remains unchanged (e.g. hub height, siting, size), may not require a new application provided the scale and predicted impacts are no greater than those anticipated from the original proposal. Existing infrastructure, including turbine bases, should be reused where possible. The existence of a planning permission for a wind turbine will be a material consideration for proposals for repowering existing wind turbines.

- C2.4 Turbines must not compromise health and safety or adversely affect aircraft or airfields (including radar and air traffic control systems, flight paths and Ministry of Defence low flying areas) and/or telecommunications. Unacceptable significant adverse effects on the amenity of dwellinghouses, such as from noise, or on tourism and recreation interests including core paths and other established routes used for public walking, riding or cycling, or to protected species should also be avoided<sup>6</sup>.

### Solar Panels

- C2.5 We will approve applications for solar panel arrays greater than 4kW if:
- their cumulative impact with other arrays, including siting and design, has been assessed and can be dismissed;
  - account has been taken of glint and glare issues;
  - it has been demonstrated that any significant impacts will have a duration of less than five minutes on any receptor in any one day,
  - there are no objections from the Ministry of Defence, the National Air Traffic Services or civil airport operators;
  - boundary treatments limit vehicular access to the site through means designed to make any security fencing unobtrusive and screen the development.

### Hydro–Electric Schemes

- C2.6 We will approve hydro-electric schemes if they are located, sited and designed to have no unacceptable individual or cumulative impact on the water or wider natural environment, taking account of the relevant criteria set out in paragraph C2.1. In all cases mitigation will be required to protect river flow, river continuity for fish and provide for sediment transfer, and otherwise comply with the “Guidance for developers of run-of-river hydro-power schemes” published by SEPA.

### On-farm Biomass Facilities

- C2.7 Appropriate on-farm biomass energy production facilities will generally be supported. These may be hazardous developments through their impact on air quality. This support is not at the expense of other policies regarding Natural Heritage, The Historic Environment and Protecting Resources. In all cases a suitable method of vehicular access must be provided to the satisfaction of Aberdeenshire Council.

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<sup>6</sup> Protected species are covered by policy E1.6.

## Renewable Energy Technologies

- C2.8 Other renewable energy developments are required to relate well to the source of the renewable energy required for operation and satisfactory steps must be taken to mitigate any negative impacts on occupiers of affected properties.
- C2.9 In all cases, conditions, bonds, or other Legal Agreements may be imposed to remove visible renewable energy structures whenever the planning permission expires or the project ceases to operate for a period agreed with the proposer and included as a condition on the planning permission.

## Policy C3 Carbon Sinks and Stores



- C3.1 We will protect carbon sinks and stores, such as woodland and high-carbon peat rich soils (defined by Scottish Natural Heritage's Carbon and Peatland map 2016<sup>7</sup> as Class 1, 2 and 5, and greater than 0.5m depth), from disturbance or destruction. Development proposals that may result in the loss of, or disturbance to, peat will only be permitted if tools such as the "Carbon Calculator" demonstrate that the development will, within its lifetime, have no net effect on CO<sub>2</sub>. Removal of woodland will only be permitted if an equal area is replanted, preferably as part of the open space requirement and as part of the green-blue network in the settlement, so as to maintain the carbon balance.
- C3.2 We support the development of carbon capture and storage developments, including proposals for woodland that can store carbon for long periods of time. In line with the National Planning Framework, we also support the development of carbon networks aimed at storing CO<sub>2</sub> in offshore oil and gas fields, especially around Peterhead and the gas fired power station.

## Policy C4 Flooding



- C4.1 Flood Risk Assessments should be undertaken in accordance with SEPA Technical Flood Risk Guidance<sup>8</sup> and will be required for development in the indicative medium to high category of flood risk of 0.5% or greater annual probability (1 in 200 years or more frequent)<sup>9</sup>. Assessments may also be required in areas of lower annual probability (0.1%-0.5% annual probability) in circumstances where other factors indicate a potentially heightened risk or there are multiple sources of potential flooding. Assessments should include an allowance for freeboard<sup>10</sup> and climate change<sup>11</sup>. Development should not

<sup>7</sup> Guidance on impacts associated with impacts on peatland soils is given by Carbon-rich soils, deep peat and priority peatland habitat mapping Consultation analysis report published by Scottish Natural Heritage in 2016.

<sup>8</sup> Guidance on technical guidance for developers is provided in Technical Flood Risk Guidance for Stakeholders - SEPA requirements for undertaking a Flood Risk Assessment – 2019.

<sup>9</sup> The Scottish Environment Protection Agency (SEPA) have produced indicative maps of flood risk areas and these are a useful starting point for developers in considering the location of their proposals.

<sup>10</sup> Freeboard is an extra allowance provided above estimated flood levels. It is a factor of safety in flood protection design (usually expressed as height above flood level), which allows for factors related to the uncertainty in estimating flood risk (e.g. wave action, settlement, morphological changes)

<sup>11</sup> Advice on freeboard and climate change allowances can be found in SEPA's publication "Climate change allowances for flood risk assessment in land use planning"



increase flood risk vulnerability<sup>12</sup> and should avoid areas of medium to high risk, functional floodplain or other areas where the risks are otherwise assessed as heightened or unacceptable except where:

- It is a development to alleviate flooding or erosion of riverbanks or the coast;
- It is consistent with the flood storage and conveyance function of a floodplain;
- It would otherwise be less affected by flooding (such as a play area or car park);
- It is essential infrastructure. The location is essential for operational reasons for example for water-based navigation, agriculture, transport or utilities infrastructure and an alternative lower risk location is not available<sup>13</sup>."

- C4.2 If development is to be permitted on land assessed as at a medium to high risk of flooding it should be designed to be flood resilient for the lifetime of the development (this is normally a minimum of 100 years for residential development) and use construction methods to assist in the evacuation of people and minimise damage. It must not result in increased severity of flood risk elsewhere through altering flood storage capacity or the pattern and flow of flood waters.
- C4.3 Buffer strips, for enhancement of the watercourse and necessary maintenance, must also be provided for any water body.
- C4.4 These measures may also be required in areas of potentially lower risk of flooding (annual probability of more than 1:1000 years) or in coastal areas below the 10 metre contour should evidence demonstrate a heightened risk<sup>14</sup>.
- C4.5 In such areas land raising and/or excavations will only be permitted if it is for a flood alleviation measure, it is linked to the provision and maintenance of direct or indirect compensatory flood water storage to replace the lost capacity of the functional floodplain, and it will not create any inaccessible islands of development during flood events or result in the need for flood prevention measures elsewhere.
- C4.6 We will not approve development that may contribute to flooding issues elsewhere. Sustainable Urban Drainage principles apply to all sites.
- C4.7 We are opposed to the enclosed culverting of watercourses for land gain and will actively seek to discourage such proposals. We encourage the daylighting (or de-culverting) of existing culverted watercourses<sup>15</sup>.

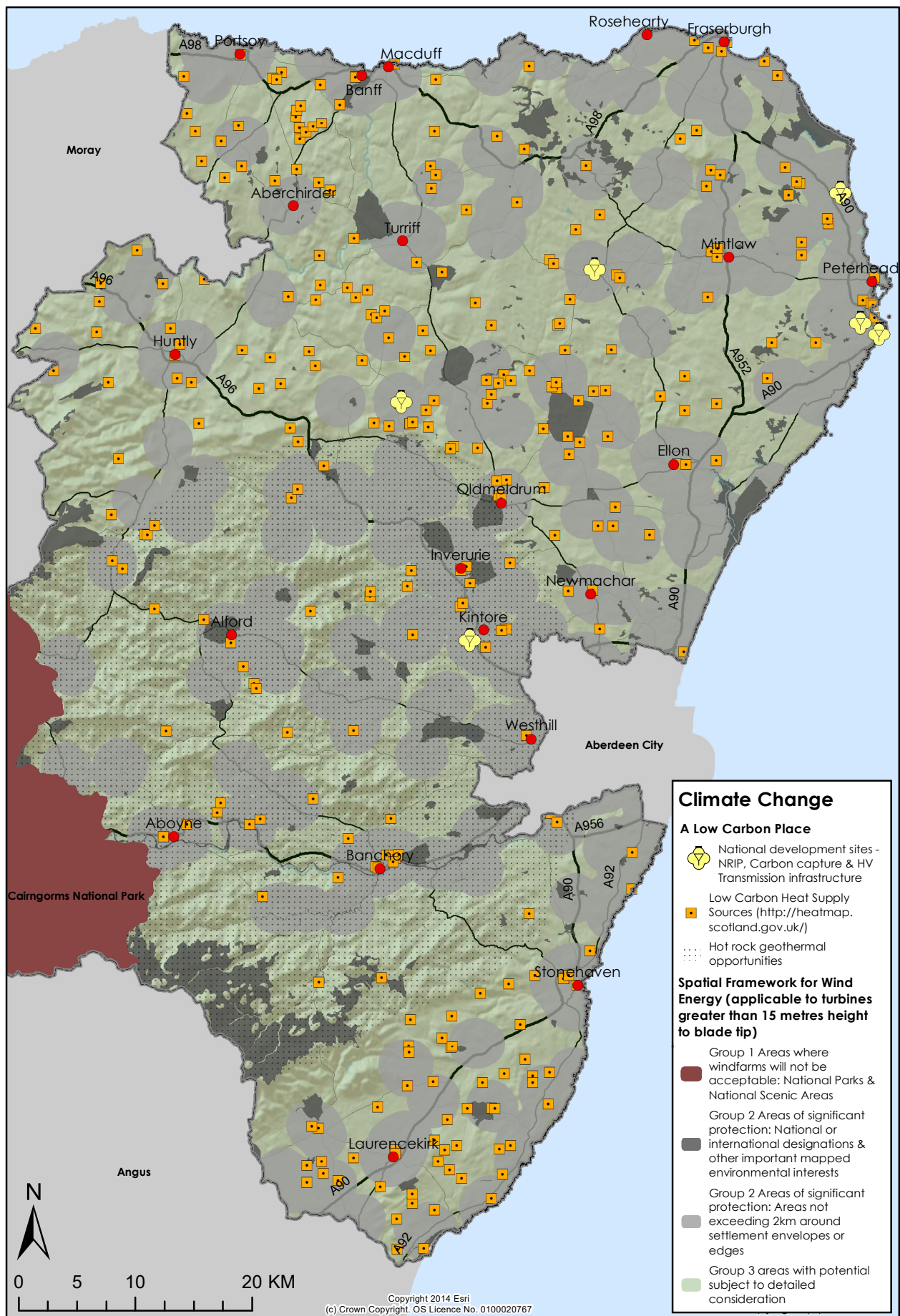
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12 Proposals should comply with SEPA's 'Flood Risk and Land Use Vulnerability Guidance' in relation to redevelopment.

13 See SEPA's Land Use Vulnerability Guidance

14 See Policy PR1.3 Protecting Resources.

15 This is supported by Scottish Government's "Surface Water Management Planning Guidance (2018) and SEPA's Culverting of Watercourses – Position Statement and Supporting Guidance."



## SECTION 14

# THE RESPONSIBILITIES OF DEVELOPERS





## SECTION 14

# THE RESPONSIBILITIES OF DEVELOPERS



Development must be able to function appropriately through the provision of the necessary infrastructure. This must be done by:

- providing on-site facilities to serve the reasonable expectations of the people who will be living in or using the buildings; and
- providing or improving off site facilities where conditions dictate.  
e.g. - if existing facilities will be placed under extra pressure or any development has a negative impact on existing facilities.

In some cases, advance provision of the necessary infrastructure may be required to facilitate planned development. Subsequent developments which would also rely on this provision would then be expected to contribute on a proportionate basis. This approach will be further detailed through Supplementary Guidance on Developer Obligations and Affordable Housing<sup>1</sup>, as well as the Delivery Programme.

### Policy RD1 Providing Suitable Services



RD1.1 We will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it. Such matters may include sustainable transport linkages and supporting infrastructure, facilities for alternatively fuelled vehicles, road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances.

### Vehicle Charging Points

RD1.2 Residential development should, where practicable, incorporate appropriate provision for electric vehicle charging. The availability of one charging point for every 25 employees should be aimed for at workplaces. Electric vehicle charging points should be provided in car parking spaces used by the public, including in connection with major retail and leisure uses. Their provision will be managed by the application of the Car Parking Standards for Development Control in Aberdeenshire<sup>2</sup>.

<sup>1</sup> See Supplementary Guidance Developer Obligations and Affordable Housing

<sup>2</sup> See Car Parking Standards for Development Control in Aberdeenshire.

## Access to New Development

- RD1.3 We will support new development if it is well related to existing developments, is in accordance with the national policy “Designing Streets”<sup>3</sup> and the Aberdeenshire Standards for Road Construction Consent and Adoption. Development should not create an impermeable barrier to further development.
- RD1.4 Development should be close<sup>4</sup> to existing public transport services (if available) or deliver major improvements to public transport services, in scale with the development. Where there is no or limited services, the developer may be required to fund or contribute to service extensions or improvements to the closest public transport hub.
- RD1.5 All developments should include formal lit footway connections to adjacent developments that provide for access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups. As appropriate, safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development. Cycle infrastructure connections should be shown to existing and planned local and strategic active cycle routes. In particular, and where appropriate<sup>5</sup>, a safe route to school should be identified and delivered.
- RD1.6 Six or more new individual dwellings should be served by a road suitable for public adoption. This will require Roads Construction Consent and the submission of a Road Bond. Where new development on an existing private road or private access results in the total number of individual dwellings being twelve or more, then the additional dwellings must be served by a road suitable for public adoption which will require Roads Construction Consent and the submission of a Roads Bond. This remains the case even if the private road has two or more points of access onto the public road.
- RD1.7 When development requires the formation of new accesses, these should be designed to the agreed standard, and must be resource-efficient, safe and convenient for cyclists, pedestrians and public transport. New accesses should also cause minimal impact on the character of the site and surrounding area and satisfactory arrangements for future maintenance of these access facilities should also be made.
- RD1.8 Any new private access onto a public road must be designed to the satisfaction of Aberdeenshire Council's Road and Transportation Service and, in the case of a trunk road, Transport Scotland. Developers should be aware of the Aberdeenshire Standards for Road Construction Consent and Adoption, and the need for Roads Construction Consent in most instances. A Transport Assessment (or for smaller proposals a Transport Statement) may be asked for, to demonstrate that the development (and any proposed mitigation measures) will not have significant transport impacts on existing transport infrastructure and services.

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<sup>3</sup> See “Designing Streets: A Policy Statement for Scotland” published by the Scottish Government.

<sup>4</sup> Within approximately 400m

<sup>5</sup> Within approximately 400m of a primary school, or 800m of a secondary school.

## Water and Waste Water

- RD1.9 We will support development when the developer satisfactorily meets the required standards for water, wastewater and surface-water drainage servicing in the new development.
- RD1.10 All new developments must be served satisfactorily either by a mains water supply or by a private water supply if the developer is able to show that the private water supply is adequate (including potable water where necessary). The preferred option will always be a public water supply and drainage solution. It will be the responsibility of the developer to demonstrate that any new supply is adequate to serve the proposed development and that, for domestic use, it is safe to be consumed as drinking water. Groundwater abstractions must comply with Scottish Environment Protection Agency (SEPA) policies and guidelines.
- RD1.11 Development must connect to existing public drainage infrastructure or plan to connect to a committed future public drainage infrastructure, where there is sufficient capacity to allow that development to happen.
- RD1.12 Where a connection to the public drainage infrastructure is demonstrated to be unfeasible, connection to a private drainage infrastructure can be supported, if it is demonstrated satisfactorily that there is no reasonable alternative, and where the developer commits to a maintenance agreement with homeowners for the lifetime of the plant where adoption by Scottish Water is either not sought or not granted. Appropriate supporting evidence should be provided to support using private drainage infrastructure. Planning permission may be granted on the condition that private drainage infrastructure may be used temporarily with the requirement to connect to public drainage infrastructure when it becomes available.
- RD1.13 Surface water drainage must be dealt with in a sustainable manner, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System<sup>6</sup>. This includes runoff from major construction sites<sup>7</sup>.
- RD1.14 A Pre-Development Enquiry<sup>8</sup> or other forms of investigation may be necessary to identify the impacts of development on current infrastructure. This would involve Scottish Water and will be the responsibility of the developer. These are likely to be required for all non-domestic developments and residential developments of 10 houses or more.
- RD1.15 Scottish Water and the Scottish Environment Protection Agency are key consultees regarding water and wastewater infrastructure and should be approached at an early stage to establish what capacity may be available, or if the provision of new capacity can be made available. Development should comply with SEPA's policy and supporting guidance on the

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<sup>6</sup> See "The SuDS Manual" published by CIRIA.

<sup>7</sup> See "The Water Environment (Controlled Activities) (Scotland) Regulations 2011" Act as published by the Scottish Government.

<sup>8</sup> A Pre-Development Enquiry is a request for an assessment to be undertaken by Scottish Water to assess if the development can be provided with water and/or drainage services for a planned development. It is expected that these will be for the majority of developments, prior to submission of formal designs and connection applications for water and wastewater infrastructure and connections.



provision of wastewater drainage in settlements<sup>9</sup>. Guidance is also provided by Scottish Water's Sewers for Scotland<sup>10</sup>.

## Waste Management Requirements

RD1.16 We will support new development if the application has agreed a Site Waste Management Plan with Aberdeenshire Council that contributes to the Zero Waste Plan and the Circular Economy Strategy through minimisation, re-use, recycling and composting of all wastes during construction and operational phases of the development. It must also show how any remaining wastes will be disposed of.

RD1.17 Adequate space must be provided within the development to allow efficient and effective separation, storage and collection of all waste generated. The area and requirements for this space is set out in **Appendix 15**, Recycling and Waste Facilities, for residential, employment and commercial development.

## Policy RD2 Developer Obligations



RD2.1 Where, by itself or cumulatively, development would give rise to the need for new or improved infrastructure or services, and this is not to be directly provided as an integral part of the development, planning obligations or other appropriate means to secure such provision may need to be put in place. Planning obligations, including those securing financial contributions, must meet each of the five tests set out in paragraph 14 of Planning Circular 3/2012<sup>11</sup>. Planning obligations must:

- be necessary to make the proposed development acceptable in planning terms;
- serve a planning purpose;
- relate directly or cumulatively to the proposed development;
- fairly and reasonably relate in scale and kind to the proposed development;
- be reasonable in all other respects.

It is not possible to indicate all the circumstances where planning obligations are appropriate. The settlement statements in **Appendix 7** indicate the nature of infrastructure or service provision necessary in connection with development proposed in this plan, where these are known. Paragraphs RD2.7 to RD2.16 below give guidance in relation to certain categories of infrastructure and services.

RD2.2 This policy takes no account of development on sites not identified in the Plan which may result in a need for infrastructure which is not expected at this time. We provide further guidance on developer obligations in **Appendix 7**. Supplementary Guidance on Developer Obligations and Affordable Housing will be prepared. This will provide further detail on the items for which financial or other contributions, including affordable housing, will be sought; the circumstances (locations, types of development) where they will be sought; and the

<sup>9</sup> See also SEPA Land Use Planning System SEPA Guidance Note 19, and Planning Advice 1/2008 Providing Drainage for New Development Where Public Sewers are not Available.

<sup>10</sup> See "Sewers for Scotland – A technical specification for the design and construction of sewerage infrastructure" published by Scottish Water.

<sup>11</sup> Guidance is given in Planning Circular 3/2012: Planning obligations and good neighbour agreements.



levels of developer contributions or methodologies for their calculation. Information will be provided on the transport and related infrastructure required in association with allocations in the plan. Where the exact requirements for site specific infrastructure are not known, the guidance will include as much detail as possible and set out clearly how, when and by whom, this information will be provided. A copy of the Supplementary Guidance, which the council wishes to adopt, will be submitted to Scottish Ministers within 12 months from the date the local development plan is adopted.

- RD2.3 If we know the specific location of new infrastructure, this has been shown on the proposals maps and in **Appendix 7** in the form of reserved sites.
- RD2.4 Our Delivery Programme provides information on phasing developments in terms of infrastructure needs, and we will give details of those needs as we identify them in the Masterplanning process.
- RD2.5 In all cases we will review the need for and scale of any contribution in the light of circumstances at the time the planning application is made.
- RD2.6 Early discussion should take place between Aberdeenshire Council, developers and the relevant authorities to make sure that investment in necessary new infrastructure is dealt with in a timely way.

### Strategic Transportation

- RD2.7 We may need contributions towards transportation improvements as shown in **Appendix 7**, Supplementary Guidance and the Delivery Programme. These could include work on the trunk road network and in Aberdeen City. The Aberdeen City and Shire Strategic Development Plan has prepared a cumulative transport appraisal to inform their strategic transport advice. This could also include improvements to rail infrastructure.

### Local Transportation Infrastructure

- RD2.8 We may need contributions to fully address the effect of individual developments. We may also need contributions if more than one development affects transportation infrastructure. We provide details of this in **Appendix 7** and Supplementary Guidance. All new development within a settlement may be required to contribute to any identified need.

### Open Space and Access

- RD2.9 In very rare circumstances, when it is not practical to meet the open space obligations within the Plan on the development site, we may ask for contributions elsewhere in the settlement towards those items identified in the Open Space Audit<sup>12</sup> as being locally lacking or to improve the main path network in the local area as shown in the Core Paths Plan<sup>13</sup>.

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<sup>12</sup> See the Aberdeenshire Parks and Open Spaces Strategy at <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/parks-and-open-spaces/>.

<sup>13</sup> See Aberdeenshire Council Core Paths Plan at <https://www.aberdeenshire.gov.uk>.

## Primary Education

RD2.10 We may need contributions to ensure there are adequate primary school places for an increase in the number of school pupils likely to result from new residential developments. We give details in **Appendix 7** and Supplementary Guidance. All new housing developments within a primary school catchment may be required to contribute to any identified need.

## Secondary Education

RD2.11 We will also need to ensure there are adequate secondary school places to fully accommodate pupils expected as a result of proposed development, as shown in **Appendix 7** and Supplementary Guidance.

## Community Facilities

RD2.12 We may need contributions to deal with the effects of a development on communities where a specific shortfall is identified. We give details of this in **Appendix 7** and Supplementary Guidance. Community facilities are generally public assets such as halls, libraries, or sports and recreational facilities. For larger developments providing the land for building these facilities is commonly needed as well as a proportionate contribution to the construction costs.

## Strategic Recycling and Waste Infrastructure

RD2.13 We may need contributions for facilities in line with details in **Appendix 7** and Supplementary Guidance. This could involve the developer contributing towards strategic recycling and waste infrastructure that benefit residents within the catchment area. **Appendix 15** lists the settlements within the catchment area of each strategic recycling and waste infrastructure.

## Health and Care Facilities

RD2.14 The Council recognises that the scale of proposed development may also impact on other infrastructure including health facilities. **Appendix 7** and Supplementary Guidance provide information on where such provision may be required. Whilst it may be appropriate to seek contributions for such provision, any requirement would need to be considered on a case by case basis.

## Other Off-Site Contributions

RD2.15 In exceptional circumstances, we may also need off-site contributions towards affordable housing needs and public open space, as set out in Policy H2 Affordable housing and Policy P2 Open space and access in new development.

RD2.16 In exceptional circumstances, we may also need to enhance biodiversity or protect geodiversity in proportion to the opportunities available and the scale of the development opportunity, as set out in the general biodiversity Policy P1.7.