

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2007**

**OUTLINE PLANNING PERMISSION FOR GOLF COURSE AND RESORT
DEVELOPMENT AT LAND AT MENIE HOUSE, BALMEDIE, ABERDEEN**

DPEA REF: CIN/ABS/001

WRITTEN SUBMISSION

ON BEHALF OF

TRUMP INTERNATIONAL GOLF LINKS SCOTLAND

PLANNING POLICY

21 May 2008

1. **INTRODUCTION**

- 1.1 This note considers the planning policy context for the outline planning application as called in by Scottish Ministers and updated with a view to being current at the date of the public local inquiry. It includes the statutory development plan and other material considerations in the nature of planning policy documents, especially national and local policy and guidance which is relevant to the site.
- 1.2 The purpose of the note is to provide ready reference summary of the policies which provide the context for considering this planning application. It does not provide any interpretation of their application to the case. The full versions of the documents should be referred to where appropriate. They will mostly be found on the list of core productions for the inquiry.

2. **NATIONAL PLANNING POLICY AND GUIDANCE**

2.1 **National Planning Framework (NPF) 2004**

(Material considerations - adopted government policy)

The NPF 2004 is based on a spatial development strategy with three key aims (para 86):-

- To increase economic growth and competitiveness, in support of the economic strategies of the time;
- To promote social and environmental justice in support of regeneration of communities;
- To promote sustainable development and protect and enhance the quality of natural and built environments.

- 2.2 To achieve these aims, the NPF sets out 10 key elements of its spatial strategy (para 98). These include:-

- the support of the development of Scotland's cities as the main drivers of the economy, reinforced through the identification economic development zones. (*Aberdeen and its hinterland have been identified as an economic development zone*);
- To spread the benefits of economic activity by promoting environmental quality and connectivity (*The Aberdeen Western Peripheral Route is supported, as is shortening journey times along the east coast to the North East of England.*);
- To enable the most advantaged communities to benefit from growth and opportunity;

- To strengthen external links (*safeguarding land for runway extension at Aberdeen airport is supported*);
- To promote economic diversification and environmental stewardship;
- To highlight long term transport options and promote more sustainable patterns of transport and land use;
- To invest in water and drainage infrastructure to support development;
- To realise the potential of Scotland's renewable energy resources;
- To provide facilities to meet waste recycling targets; and
- To extend broadband coverage in every area of Scotland.

2.3 Specific guidance in relation to Aberdeen and the north-east is also included within the NPF. Paragraph 99 highlights the importance of the cities in encouraging development in the tourism sector. Edinburgh and Glasgow are already recognised as major tourism gateways, and Aberdeen and Inverness are identified as having potential to develop into that role.

2.4 The East Coast is profiled in the Spatial Perspectives section (para 160), highlighting the strategic development potential of the Aberdeen-Edinburgh-Newcastle corridor.

2.5 Paragraph 161 recognises the predicted changes in the north-east economy, through the restructuring of the energy industry. To cope with these changes, the need for diversification in the economy is highlighted, with the scope for attracting more tourists to the City, and providing a wider range of cultural and recreational activities is identified as being important.

2.6 In summary, the NPF provides strong encouragement to economic development, and the diversification of the economy in the north-east. However careful consideration must also be given to the protection of the natural environment, to ensure that the important natural characteristics are protected.

3. **Draft National Planning Framework 2 (NPF2) 2008**

(Material considerations –consultative draft government policy, consultation period closed, yet to be scrutinised by parliament)

3.1 This document is currently being prepared under the new statutory duty of ministers in the Planning Etc (Scotland) Act 2006 to prepare it. It is not part of the statutory development plan but planning authorities now have a duty under this Act to take it into account in their development plans and to accord with the terms of statements

relative to national developments designated in the NPF in any statutory determinations they make.

- 3.2 The NPF 2 builds upon and rolls forward the strategy which is contained in the first NPF, with the key aim being sustainable economic growth. The importance of environmental protection is also recognised with the achievement of a greener Scotland included as a further key aim of the Framework.
- 3.3 As with NPF 1, NPF 2 comprises sections on a) Scotland Today; Drivers of Change; a perspective on Scotland in 20-25 years time (2030); Spatial Perspectives (on regional and cross regional issues); a Strategy Map; and Making it Happen. NPF2 also includes, however, a specific section on Infrastructure under the forward perspective to 2030, and an Annex on the statements of need for the National Developments listed in Infrastructure section.
- 3.4 The framework within which the Drivers of Change are assessed is created by the new Scottish Government's 5 Strategic Objectives (Wealthier and Fairer; Greener; Safer and Stronger; Smarter; Healthier – the former three being especially relevant to spatial development and policy). A sense of place, sustainable development, household formation patterns, regeneration priorities, world wide connections and profile, integrated transport and land use, energy production, distribution and use, waste management and new technologies are highlighted as the main drivers.
- 3.5 For Scotland 2030, the NPF envisages the need to deal with the outcomes of a growing economy under the recent Government Economic Strategy (GES), a greener Scotland, and stronger communities. It adopts a 12 Point **Development Strategy**, responding to the drivers of change as well as other aims such as supporting the development of Scotland's cities as drivers of the economy; strengthening links with the rest of the world; and enhancing heritage and environmental quality. New elements of the forward perspective compared with NPF1 are aims to protect the nation's landscapes and to develop an integrated strategy for the marine environment.
- 3.6 The economic development needs of rural areas are set in the context of environmental quality and cultural identity, strong communities and good local services.

- 3.7 Climate change is at the core of concerns for sustainable development, reducing emissions, water competition and biodiversity and protecting against flooding and an estimated 60cm rise in sea level by 2080.
- 3.8 The Tourism sector is recognised as having an important contribution to make to the development of the economy. Also support is expressed for the attraction of international sporting events to Scotland.
- 3.9 The Framework highlights the national requirement to increase the rate of housebuilding throughout the country, with the aim of completing 35000 houses per year (by the middle of the next decade), in comparison to the current levels of 25000.
- 3.10 The new focus on Infrastructure provides a context for the 9 designated National Developments, none of which has direct relevance to the North East other than the enhancement of connections through the Replacement Forth Crossing.
- 3.11 Spatial Perspectives are provided, as in NPF 1, for *inter alia* the East Coast (building on the NPF 1 concept of a corridor of complementary, North Sea orientated growth from Newcastle to Aberdeen).
- 3.12 The Making it Happen chapter refers to the intention to prepare an Action Programme for the NPF similar to that prescribed in the new planning legislation for development plans. It will include a list of actions required to implement the development strategy (see c) above) and the 9 National Developments, organisations responsible and timescales. In addition to the National Developments, key elements will be:-
- The concept of the sub sea super grid
 - Clyde Gateway regeneration in Glasgow
 - Water and Sewerage to support development
 - Delivery of new Sustainable Communities
 - Central Belt Green Network and a national habitat networks
 - Decentralising energy production
 - Infrastructures to support the National Waste Plan

4 Scottish Planning Policies (SPP) (progressively replacing the former National Planning Policy guidelines NPPG)

4.1 **SPP1 The Planning System (2002)**

(Material considerations – adopted government policy)(To be reviewed in 2009 after implementation of the 2006 Act)

The SPP states that the primary objectives of the planning system are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

4.1.1 The SPP states “Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone..... The purpose of the planning system is to guide change through an efficient and effective process that respects the rights of the individual while acting in the interest of the wider community.”

4.1.2 This 2002 SPP is the first to spell out clear design objectives for planning in a policy document. It also spells out the value of supplementary planning guidance and the manner in which it should be used, the significance of material considerations and their relevance to determinations where there may be a departure from the development plan.

4.2 **SPP2 Economic Development (2002)**

(Material considerations – adopted government policy)

4.2.1 The economic strategy on which this is based is the previous administration's *Framework for Economic Development in Scotland*. (This has now been superseded by the new administration's *The Government Economic Strategy* – see below.) It states as the main aim - “the planning system should provide strong support for economic development, both new and expanding businesses, where it is consistent with other national and local policies, in particular the promotion of social justice and sustainable development.”

4.2.2 The four main objectives of the SPP are summarised as:-

- a) Ensure that existing business locations are able to meet the anticipated changes in the economy and that they provide choice for a diverse range of economic developments. Provide for special sites, particularly those of national significance

and those which support the knowledge-based economy. Respond positively to firm proposals for corporate headquarters. Support existing and new small businesses. Provide for development in small towns and rural areas.

- b) Secure and support the delivery of sites for economic development in sustainable locations by identifying key locations that are highly accessible by public transport. Promote the re-use of previously developed sites and buildings in sustainable locations where these meet the requirements of particular sectors. Take account of the capability of information and communications technology (ICT) and the promotion of home-working to reduce the need to travel.
- c) Safeguard and enhance the environment, by requiring that new development is of a high design quality and protecting the natural and built heritage.
- d) Encourage a positive culture of engagement with business interests by promoting dialogue between all those involved with business development, the Enterprise Networks and Local Economic Forums.

4.3 **SPP 3 Planning for Housing (2003)**

(Material considerations – adopted government policy)

- 4.3.1 The key aim of the SPP is to ensure that the planning system provides well-located, high quality new housing appropriate to the requirements of housing markets across Scotland. Planning authorities and housing providers are asked to work closely together to:-

- create quality residential environments The planning system has an important role in promoting good design, energy efficiency, pedestrian orientated environments, good quality landscaping and open space, mixed communities and by indicating where higher densities will be suitable.

- guide new housing developments to the right places – An increase of almost 20,000 households per annum in Scotland was anticipated at the time of writing until 2014. Within the context of long-term settlement strategies, new housing areas should be easily accessible and use previously developed land and buildings where possible. Extensions to cities, towns and villages or new settlements should be developed in a sustainable way. In rural areas, where possible, new housing requirements should be met in towns and villages. To help sustain rural communities, planning authorities are encouraged to take account of local circumstances and needs and to indicate where new housing outwith existing settlements may be appropriate.

- deliver housing land - Planning authorities should meet the housing land requirement for each housing market area in full and support a strategy to provide affordable housing in an area. The plan-led process of providing housing land should provide greater certainty and be more responsive, by :-

- structure plans taking at least a 12-year and preferably a 20-year view of the pattern of future development, with less precise forecasts of land requirements for later periods;

- ensuring that local plans provide a supply of effective land to meet requirements for at least 5 years;

- careful and regular monitoring of completions, land availability and future requirements through a housing land audit, maintaining a supply of effective land for at least the next 5 years at all times;

- regular review of plans, with alterations if necessary, to maintain a clear forecast and supply; and

- taking steps to ensure that land is made available if there are delays in plan preparation.

4.3.2 A new settlement may have a part to play in meeting housing requirements as part of a long-term development strategy where:

a) there are substantial physical, environmental or infrastructural constraints to the further growth of existing settlements, or it forms part of a strategy for promoting rural development and renewal;

b) it could assist in reducing development pressure on the greenbelt or areas of attractive countryside; it can be readily serviced by public transport;

c) it will not have a significant adverse effect on any natural or built heritage interest safeguarded by a national or international designation; and

d) it will not result in other significant environmental disbenefits.

4.3.3 Where a planning authority considers a new settlement a necessary part of their development strategy, the development plan should specify its scale and location.

4.4 **Revised SPP3 Planning for Housing (2008)**

(Material considerations – consultative draft government policy to replace existing SPP3 in summer 2008)

4.4.1 This draft SPP was published at the same time as the Scottish Government's new housing strategy *Firm Foundations – the Future of Housing in Scotland*. It identifies the contribution of the planning system to be in improving the supply of land for housing, improving the quality of development and facilitating the achievement of targets for provision of affordable housing. It confirms the aim in *Firm Foundations* to increase housebuilding levels to 35,000 per year throughout the country by 2015.

4.4.2 The need for the revised SPP is stated to be in view of the 'persistent difficulties in bringing land forward for housing identified in local plans.' It follows the following principles:-

- a) Linking needs assessment in Local Housing Strategies more effectively with planning policies and their delivery;
- b) Clarifying the link between needs assessment and land supply;
- c) Increasing the supply and range of affordable housing;
- d) Improving design and energy efficiency;
- e) Reflecting changes in planning procedures;
- f) Providing guidance on Housing Land Audits.

4.4.3 **Identification of Housing Requirements.** The role of the new strategic development plan will be to provide a two phase locational strategy for land release for the first 11 years (6 and 5 years) followed by a broad indication of the scale and location of the release required for the balance of the period to 20 years. Local development plans are to plan specifically for 10 year's supply with an emphasis on effective sites in the first 5 year phase. The statutory 5 year review of the LDP together with regular review of the Scottish Housing Need Market Assessment will ensure roll forward of supply.

4.4.4 **Delivery of Housing.** Builds on existing policy for quality environments and sustainable locations and adds policy for the use of stronger delivery mechanisms

such as the new development plan action programme, planning agreements etc.. The SPP also deals with sustainability principles for new settlements.

4.5 **NPPG5 Archaeology and Planning (1998)**

(Material considerations – adopted government policy)

- 4.5.1 This National Planning Policy Guideline (NPPG) sets out the Government's planning policy on how archaeological remains and discoveries should be handled under the development plan and development control systems, including the weight to be given to them in planning decisions and the use of planning conditions.
- 4.5.2 It states that archaeological remains are a crucial part of this heritage. They are evidence - for prehistoric periods, the only evidence - of the past development of our society and culture, and of human interaction with the natural environment, and thus help in the interpretation of the landscape today. Archaeological remains are a finite and non-renewable resource, and should therefore be regarded as a part of the environment to be protected and managed. The primary policy objectives are that they should be preserved wherever feasible and that, where this proves not to be possible, procedures should be in place to ensure proper recording before destruction, and subsequent analysis and publication.
- 4.5.3 The NPPG points out that nationally important sites are protected as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979, but the potential number of nationally important sites is much larger, and some 300 new sites are added to the Schedule annually. In addition, there are many monuments which, while not fulfilling the criteria for national importance, are of regional or local significance. All of these sites and monuments, whether scheduled or not, are fragile and irreplaceable. The planning system is one of the most effective for protection of archaeological heritage. Where development is proposed, planning authorities are required to weigh the relative importance of the archaeological features in question and their potential use for amenity, tourism and education purposes against other factors, including the benefits of the proposed development, using the guidance of three tiers of significance provided in the NPPG. Actions to protect both monuments directly and their settings should be considered.

4.6 **SPP 6 Renewable Energy (2007)**

(Material considerations – adopted government policy)

- 4.6.1 The policy context is Scottish Ministers commitment to a target of generating 40% (since quantified as 6GW) of Scotland's electricity from renewable sources by 2020 and that this target should not be regarded as a cap. The importance of using clean and sustainable energy from renewable sources will continue to increase as a result of global imperatives to tackle climate change and the need to ensure secure and diverse energy supplies. The intention is to continue to support the full range of renewable generation technologies, including microrenewables, to enable Scotland to realise its considerable renewable energy potential. The planning framework set out in this SPP will help ensure the delivery of renewable energy targets as well as supporting the development of a viable renewables industry in Scotland.
- 4.6.2 The policy is that the 2020 target should be met by a range of renewable technologies. Hydro and onshore wind power are currently making the most significant contribution. Other technologies may have the potential to contribute more significantly to the overall generation mix in the longer term. An important part of the policy is to see a major increase in the smaller-scale production of heat and electricity from renewable sources. While much of the forecasted activity in this sector may take place at a domestic level (through micro wind turbines, woodchip boilers, heat pumps and solar heating), there is also significant potential for decentralised energy supply systems and small, medium and large scale biomass heating plants for businesses, public buildings and community/housing schemes.
- 4.6.3 Opportunities for local community projects and for economic development are emphasised. In support of the aims of the strategy set out in '*Achieving a Low Carbon Future*', in March 2007, a key role of the planning system is considered to be securing a move towards new low and zero carbon developments through the use of energy efficient, microgenerating and decentralised renewable energy systems so that carbon reductions are considered and secured at the design stage of projects. The expectation should be that all future applications proposing development with a total cumulative floorspace of 500 sq metres or more should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard.
- 4.7 **SPP 7 Planning and Flooding (2004)**
(Material considerations – adopted government policy)
- 4.7.1 The SPP requires planning authorities to address flooding from all possible sources. With regard to coastal situations it states "Coastal flooding is not widespread in

Scotland, although it is expected to increase as a result of climate change. An estimated 90,000 mainland properties below the 5m contour are potentially at risk. Storms and tidal surges are predicted to become more frequent and together with a rise in sea level, are likely to increase the probability of flooding along the coast. Developers and planning authorities should therefore recognise that the potential of a site to flood is affected by its location and its role in the wider systems of land drainage.

4.7.2 In summary, the policy is that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The storage capacity of functional floodplains should be safeguarded, and works to elevate the level of a site by landraising should not lead to a loss of flood water storage capacity. Development should not compromise major options for future shoreline or river management.

4.7.3 Flood risk assessment should be carried out for coastal and watercourse flooding and considered in the context of the a Risk Framework provided in the SPP which characterises areas for planning purposes by their annual probability of flooding and gives the planning response:

- a) Little or no risk area - less than 0.1% (1:1000) – no general constraints.
- b) Low to medium risk area - 0.1% to 0.5% (1:1000 – 1:200) – suitable for most development but not essential civil infrastructure.
- c) Medium to high risk area - 0.5% (1:200) or greater – in built up areas with flood prevention measures most brownfield development should be acceptable except for essential civil infrastructure; undeveloped and sparsely developed areas are generally not suited for most development.

These probabilities include an allowance for climate change. An allowance for 'freeboard' will be additional. Further details of the Flood Risk Assessment process are given in PAN 61 Planning for SUDS (see below.)

4.8. **SPP10 Planning for Waste Management (2007)** ***(Material considerations – adopted government policy)***

4.8.1 SPP10 seeks to reinforce the Government's policy on waste management which is driven by a range of initiatives and EC Directives including targets and standards set out in the National Waste Plan, including reduction of waste at source, recycling and disposal of waste in an environmentally responsible manner. The SPP states "A sustainable approach to waste management planning relies on a number of

objectives including those reflected in the waste hierarchy, reduced reliance on landfill and a set of policy and spatial principles including the polluter pays; the precautionary and proximity principles.” Also it states, “The SPP requires planning authorities to encourage the provision for waste separation and collection of recyclable material in consideration of proposals for new development. Waste reduction at demolition and construction sites through protocols and site management should be supported.”

4.8.2 The SPP promotes facilities for waste separation and for appropriate kerbside collection of recyclable materials in new housing developments. It encourages use of the Site Waste Management Plan voluntary code of practice to help resolve the shortage of landfill space and the declining number of waste management sites by minimising waste at source on construction sites through the accurate assessment of the use of materials and the potential for their reuse and recycling both on and off site.

4.9 **SPP 11 Open Space and Physical Activity (2001)**
(Material considerations – adopted government policy)

4.9.1 This SPP emphasises the importance of quality open spaces and sets out national planning policy on the provision and protection of open space within and on the edges of settlements and on sports and recreation facilities in urban and rural settings. It states that physical activity can improve mental health and well-being and the presence of tranquil green spaces close to where people live and work can encourage relaxation. Open space is considered a rich and accessible resource for education. The policy also addresses the implications for planning of the access provisions in the Land Reform (Scotland) Act 2003 and of regeneration policy.

4.9.2 The key objectives of this SPP are:-

- a) To protect and enhance open space;
- b) To ensure a strategic approach to open space and other opportunities for sport and recreation by requiring local authorities to undertake an open space audit and prepare an open space strategy for their area;
- c) To protect and support opportunities for sport and recreation;
- d) To provide guidance on the quality and accessibility of open space in new developments and on providing for its long-term maintenance and management;

- e) To provide guidance on planning for development of new indoor and outdoor facilities for sport and recreation.

- 4.9.3 The SPP advocates the use of green networks, core path plans, open space audits and strategies. It encourages good design and networks of high quality open spaces which are safe, welcoming, appealing, distinctive and well connected, in line with the qualities for successful places set out in *Designing Places*. The design of open spaces can be as important to the townscape of a settlement as the design of buildings and should be treated with as much care.
- 4.9.4 There is a presumption against development on open spaces which are valued and functional. Playing fields should also be protected such that there are sufficient playing fields in terms of quantity, quality and accessibility to satisfy current and likely future community demand.
- 4.9.5 With regard to new developments, planning authorities are expected to have regard to the findings of their open space audit and strategy and to their local development plans in setting out the specific requirements for the provision of open space in new developments, as appropriate to each. Where developer contributions of open space are to be sought, the development plan is expected to make clear how much, of what type and quality, and what the accessibility requirements are. It is also important to secure suitable management and maintenance arrangements.
- 4.10 **NPPG13 Coastal Planning (1997)**
(Material considerations – adopted government policy)
- 4.10.1 NPPG 13 recognises that the quality of Scotland's coastline is important to the character and image of a country with 10,000 kms of coast and where no-one lives more than 65 kms from the coast. It contains many areas of special and, in some cases, unique ecological and landscape importance which are recognised nationally and internationally but may also be in considerable demand for leisure use, including golf. It stresses the need to protect the current and future well-being of the coast, including its cultural, even spiritual, significance. It states that the Scottish coast is, therefore, of national and, in some parts, international significance.
- 4.10.2 The NPPG provides a framework for the consideration of development proposals within the coastal environment. It points out that the planning regime does not apply

below the low water mark but that planning authorities should recognise the inter-relationship between onshore and offshore activities. There is also the need to have regard to off-shore and near-shore natural processes.

4.10.3 With regard to strategy within the area of the 'developed coast', locations should be promoted on the landward side of existing settlements before considering new development on the coastal strip, unless a coastal location is specifically required, and coalescence of development along the coast should be avoided. Particular care should be taken to assess the impact of development, individually or cumulatively, on natural and cultural heritage interests and on open space, and to consider the potential risks from flooding, erosion or pollution for the location of development.

4.10.4 The 'undeveloped coast', should generally be considered for development only where:-

- a) the proposal can be expected to yield social and economic benefits sufficient to outweigh any potentially detrimental impact on the coastal environment
- b) there are no feasible alternative sites within existing settlements or on other previously developed land
- c) In other cases robust reasoned justification will be required in support of development. Applications for major developments on the coast are likely to require an environmental statement.

4.10.5 The NPPG recognises the scope for tourism development in the coastal zone, and seeks in the first instance to direct proposals to the developed coast. Where this is not possible, every effort should be made to ensure that the coastal landscape is protected, through the construction of buildings which are appropriate to their sensitive setting.

4.11 **NPPG 14 Natural Heritage (1999)**

(Material considerations – adopted government policy)

4.11.1 The international context for this NPPG is the Biodiversity Convention signed by the UK at the UN Conference on Environment and Development held in Rio in 1992. Reference is made to the UK Biodiversity Action Plan and subsequent related plans.

4.11.2 The NPPG provides the planning policy framework for natural heritage sites designated as being of national importance (National Scenic Areas, Sites of Special Scientific Interest, National Nature Reserves and National Parks) and states that

“development which would affect a designated area of national importance should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.”

4.11.3 It also provides a planning policy framework for implementing specific international obligations under the *Ramsar Convention on Wetlands of International Importance*, especially as Waterfowl Habitat, the *EC Council Directive on the Conservation of Wild Birds (79/409/EC)* (the Birds Directive on SPAs), the *EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EC)* (the Habitats Directive on SACs) and the *EC Council Directives on the Assessment of the Effects of certain Public and Private Projects on the Environment (85/337/EC and 97/11/EC)*. (Sites designated under the second and third of these instruments are known as Natura 200 sites.) The NPPG states that “a development which would have an adverse effect on the conservation interests for which a Natura 2000 area has been designated should only be permitted where:

- there is no alternative solution; and
- there are imperative reasons of over-riding public interest, including those of a social or economic nature.

4.11.4 The NPPG also requires planning authorities to seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The effect of a development proposal on the natural heritage can be a material consideration whether or not a designated area is likely to be affected. Features such as wildlife corridors, trees, woodlands and hedges, and wetlands should be protected and local designations taken into account where relevant.

4.11.5 The NPPG also sets out the range of mechanisms such as planning conditions, planning and countryside act agreements, environmental assessment and withdrawal of permitted development rights to implement these policies and to effectively use the principles of precaution and mitigation.

4.12 **SPP 15 Planning for Rural Development (2005)**
(Material considerations – adopted government policy)

- 4.12.1 For the purposes of this SPP, rural Scotland means the countryside and settlements of 3000 population or less, although the guidance will have wider relevance as the links between rural areas, small towns and urban areas are also important. It encourages a more supportive attitude towards 'appropriate' development whilst acknowledging and valuing the enormous diversity of rural Scotland. It is estimated that about a million people, 19% of Scotland's total, live in rural areas and that this proportion was increasing in 2005, especially in more accessible parts. The SPP states that rural areas have an important role in helping to meet the resultant demand for development although most new development is likely to be located in or adjacent to existing urban areas. It further states "The countryside should be able to absorb more people content to live and able to work there. Coastal areas too should play their part."
- 4.12.2 The overarching aim of the SPP is for planning to assist the development of a prosperous rural economy, with a stable or increasing population that is more balanced in terms of age structure and where rural communities have reasonable access to good quality services. The aim is not to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the Scottish countryside or to erode the high quality of its environment. Rather, it is to ensure that planning policy regimes are put in place to accommodate selective, modest growth. Small towns should be self sufficient and able to maintain their function in the local economy. They have a key role in providing services to the wider catchment population.
- 4.12.3 Planning for Rural Development provides support for the development of the tourism and leisure industry, and addresses large scale mixed use projects, such as those involving a golf course. It states "Large scale mixed use projects, such as those combining a golf course with housing and commercial development, present a particular challenge. The quality of the final product is crucial and planning authorities will have to carefully weigh the economic benefits with the environmental and social impact. Other policy guidance deals with diversification, small scale development, holiday homes, brownfield and derelict property, accessibility etc..
- 4.13 **SPP 17 Planning for Transport (2005)**
(Material considerations – adopted government policy)
- 4.13.1 SPP17 Planning for Transport was published in the context of greater emphasis in transport strategy on delivery of major projects and integration of land use and

transport with the aim of supporting economic growth and sustainability. It states that “land use planning should assist in reducing the need to travel; in creating the right conditions for greater use of sustainable transport modes; and in avoiding or mitigating adverse environmental impacts.”

4.13.2 The SPP stresses that assessing development proposals involves getting location policy right; having a set of maximum parking standards; using Transport Assessment methodology; and using travel plans to promote sustainable transport to end users of developments. Development likely to affect trunk and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of strategic traffic. Developers must be prepared to mitigate impacts through contributing to necessary works and new motorway or trunk road junctions will only be considered exceptionally if significant developer funding is available. A green travel plan should be provided, which will set out the measures to be adopted to promote cycling, walking and the use of public transport.

4.13.4 In the rural context the SPP states that most additional housing, employment, retail, leisure and other services should be located where there is access from an existing road or footpath to a rail station or bus route, and there is proximity to local services e.g. schools and shops ideally within walking or cycling distance.

4.14 **NPPG 18 Planning and the Historic Environment (1999)**
(Material considerations – adopted government policy)

4.14.1 NPPG18 is drafted to give protection to the built and cultural heritage of the nation and deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens, designed landscapes and their settings. *[Menie House is a B category listed building within the site and there are 25 other listed buildings within the 5 km radius study area used for the Environmental Statement. The designed landscape setting of Menie House is not designated but is considered of interest.]* The NPPG relates to the statutory framework for listed buildings and conservation areas as well as planning.

4.14.2 It states “Care of the country's heritage is a fundamental element of environmental stewardship and sustainable development which is at the heart of Government policy” and “The relationship between historic buildings, cultural features and the natural environment can help give an area its particular identity and character. The spaces between buildings, the settings of historic buildings and areas, historic

landscapes, urban parks, historic street patterns, historic battlefields and memorials are particularly significant in this respect. It is also important to remember that good quality modern development forms an important part of our heritage.”

4.14.3 The NPPG reminds us of the statutory requirement for planning authorities in the determination of an application for planning permission for development affecting a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting. It confirms that the effect of proposed development on an historic garden or designed landscape is a material consideration. It further deals with the detail of development planning for the historic environment and decision making with regard to listed buildings and conservation areas, the importance of recording evidence and using design guidance to put the historic environment into context for new development.

4.15 **Draft SPP 23 Planning and the Historic Environment (2008)**
(Material considerations – current consultative draft government policy to replace existing NPPG18 in autumn 2008)

4.15.1 This SPP is intended to replace NPPGs 5 and 18. It introduces a new relationship with the more recent suite of government guidance, the Scottish Historic Environment Policy (SHEP) series of Historic Scotland. It updates the arrangements for designated sites. The policy objectives relate to the international image of Scotland, the regeneration of communities, education and employment opportunities and successful place making. The emphasis is on sustainable development and change management.

4.15.2 There is intended to be a stronger role for management of the Historic Environment through the planning process using strategic environmental assessment, supplementary planning guidance, model policies, pre-application discussion, sympathetic adaptation and enabling development, planning conditions and agreements etc..

5 **Planning Advice Notes (PAN)**

(Material considerations as government advice on techniques and procedure.)

5.1 **PAN 38 Housing Land (Revised 2003)**

This Planning Advice Note (PAN) updates and supersedes the advice on good practice in the assessment of housing land requirements contained in PAN 38 (Revised) *Structure Plans: Housing Land Requirements* published in 1996. Its purpose is to promote greater consistency and transparency in method. It also seeks to encourage the public and private sectors to develop a more consensual long-term view of housing land provision and work together in determining both the scale of the requirement for new housing and the location of future housing development. The advice will have particular relevance to planning authorities where housing markets are buoyant.

5.2 **PAN 42 Archaeology - The Planning Process & Scheduled Monument Procedures (1994)**

This PAN includes advice on the handling of archaeological matters within the planning process and on the separate controls over scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. The PAN supports the associated National Planning Policy Guideline 5 - Archaeology and Planning.

5.3 **PAN 43 Golf Courses and Associated Development (1994)**

Gives advice as to the handling of planning applications for golf course developments. Details the approach to protection of the natural heritage of the site and to in depth assessment within an ES. With regard to housing developments linked to golf and leisure, it examines the implications of the policy imperative in SPP3 that there should be an acceptable environmental impact and a viable market for the houses. The leisure or tourist facility should not in itself provide the basis for approving housing development which would not normally be acceptable in planning terms. 30. Where leisure uses such as golf courses are proposed with related housing in high amenity rural areas, special attention needs to be paid to their overall impact, particularly on landscape character and the settlement pattern. The housing element should be considered within the development plan requirement for housing land and assessed against development plan policies.

5.4 **PAN 44 Fitting New Developments into the Landscape (1994)**

This Planning Advice Note, with the attached consultants' manual, follows up earlier advice in PAN 36 on the siting and design of new housing in the countryside (which dealt with proposals for individual houses and small groups) with a consideration of design principles for larger developments. The advice offers suggestions to help planners, developers and local communities achieve residential developments which are in harmony with their landscape setting.

5.5 **PAN 53 Classifying the Coast for Planning (1998)**

The classification seeks to provide a practical framework within which planning authorities, in their structure and local plans, can classify the coast as a basis for the promotion and control of development. The approach has to be pragmatic; it is not seen as prescriptive but is intended to provide a coherent and consistent framework for development planning and development control which does not undermine the ability of planning authorities to respond to local circumstances.

5.6 **PAN 58 Environmental Impact Assessment (1998)**

5.6.1 This PAN provides information and advice on:

- a) the legislative background to EIA;
- b) EIAs in Scotland;
- c) the process of environmental impact assessment ;
- d) environmental studies and statements;
- e) the evaluation of environmental information by the planning authority;
- f) implementation through the planning decision.

5.6.2 It relates specifically to environmental impact assessment for development projects authorised under planning legislation. EIA may be required under other legislation, for example trunk roads under the Roads (Scotland) Act 1984, but the basic principles of this advice are likely to be relevant.

5.7 **PAN 60 Planning for Natural Heritage (2000)**

This Planning Advice Note (PAN) provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues. It complements the National Planning Policy Guideline on Natural Heritage (NPPG

14), with examples of good planning practice in relation to natural heritage drawn from across Scotland highlighted in a number of case studies.

5.8 **PAN 61 Planning for SUDS (2001)**

The PAN gives good practice advice for planners and the development industry complementing the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, which was published by CIRIA in March 2000 for the Sustainable Urban Drainage Scottish Working Party.

5.9 **PAN 63 Waste Management Planning**

The purpose of this PAN is to:

- a) Provide advice on a sustainable approach and change of emphasis from waste disposal to integrated waste management;
- b) Assist planning authorities in ensuring that development plans reflect the land use requirements for the delivery of an integrated network of waste management facilities;
- c) Provide a basis for more informed consideration of development proposals for waste management facilities;
- d) Enable planning authorities to implement the emerging and future Area Waste Plans; and
- e) Provide developers seeking planning permission for waste management facilities with advice on the issues taken into consideration when determining applications.

5.10 **PAN 69 Planning and Building Standards Advice on Flooding (2004)**

This Advice takes as a starting point the responsibilities of local authorities and developers in ensuring that future built development is not located in areas with a significant risk of flooding, including functional flood plains. However, there are circumstances where development would benefit from selecting designs, forms of construction and materials which may help to minimise the effects of a flood event on the property. 3. The first part of this Advice sets out background information on the water environment and the factors which contribute to flooding. This includes watercourses, coasts, sewer surcharging, groundwater, and the influence of climate change. The document also contains advice on addressing flood risk in development

plans and in dealing with planning applications, and promoting a flood prevention scheme. It also covers the role and remit of Flood Liaison and Advice Groups (FLAGs).

5.11 **PAN 73 Rural Diversification (2005)**

There are different interpretations of rural diversification and of planning authorities' roles in achieving it. This PAN is intended to assist all those involved in rural diversification projects. It draws on recent research as well as existing initiatives, policies and best practice, across Scotland, the UK and further afield to highlight how the planning system can assist in rural diversification by:

- promoting diversification through development plans;
- giving sound and helpful advice;
- encouraging sustainable diversification;
- addressing issues of accessibility, infrastructure, scale and design; and
- recognising individual circumstances.

5.12 **PAN 74 Affordable Housing (2005)**

This Planning Advice Note sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic. The planning contribution is set within the wider housing policy context and recognises other mechanisms for the provision of affordable housing, some of which are delivered by public agencies.

5.13 **PAN 75 Planning for Transport (2005)**

The PAN provides good practice guidance which planning authorities, developers and others should carry out in their policy development, proposal assessment and project delivery. The document aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information.

5.14 **PAN 79 Water and Drainage (2006)**

The Planning Advice Note provides advice on good practice in relation to the provision of water and drainage in a planning context. In particular, it encourages partnership working and the sharing of information in order to ensure a common understanding of capacity constraints and agreement on the means to accommodate new development. It explains the framework within which Scottish Water provides strategic water infrastructure and pays a contribution towards the cost of local infrastructure. It clarifies the role of the planning authority in setting the pattern and direction of development to inform the planning and delivery of new infrastructure in a coordinated way. It contains advice on the appropriateness of private schemes. It also highlights the respective roles of Scottish Water and the Scottish Environment Protection Agency (SEPA), and indicates when and how they should interact with the planning system.

5.15 **PAN 84 Reducing Carbon Emissions in New Development (2008)**

This Planning Advice Note (PAN) provides information and guidance on implementing the target in Scottish Planning Policy (SPP) 6, Renewable Energy, that all future applications proposing development with a total cumulative floorspace of 500 square metres or more should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 building regulations carbon dioxide emissions standard by providing technical advice on planning for the use of energy efficient, micro-generating and decentralised renewable energy systems.

6 **OTHER GOVERNMENT POLICY DOCUMENTS**

6.1 **The Government Economic Strategy (Nov 2007)**

(Material considerations – adopted government strategy)

This document from the new Scottish government administration supersedes the *Framework for Economic Development for Scotland* referred to in SPP2. Features which have added significance for planning include the main aim of sustainable growth in the context of the administration's 5 Strategic Objectives (wealthier and fairer; smarter; healthier; safer and stronger; greener). It also highlights the objective of stimulating population growth and the importance of infrastructure, sustainable places, social, regional and intergenerational equity, and key sectors including tourism.

7. THE STATUTORY DEVELOPMENT PLAN

7.1 Aberdeenshire Structure Plan 2001 – 2016 (approved)

The Aberdeenshire Structure Plan 2001-2016 ("NEST") was approved by Scottish Ministers on 21 December 2001. A new Structure Plan (anticipating the form of the Strategic Development Plan to be introduced under the provisions of the Planning Etc (Scotland) Act 2006, once commenced in 2009) is in the course of production with a draft likely to be published in early June.

7.2 The overarching vision of the current Structure Plan is sustainable development, embracing the social and cultural identity of the North East in a way that improves its economic competitiveness, and delivers prosperity and a high quality of life for everyone within a secure and well-managed environment. Achieving this will be based firmly on three principles:

- responsible management of our natural, built and community resources;
- fairness in allocation of these resources between competing demands; and
- the need to benefit both existing and future generations.

7.3 The spatial strategy underpinning the plan includes 11 strategic land use and locational objectives and is dominated by the theme of connecting communities to create locational advantage through growth corridors and strong central places. Specific guidance on matters relating to the Trump development is addressed in the individual policies as explained below.

7.4 **Policy 3 Other Employment Opportunities** states that proposed employment uses on unallocated sites shall be considered acceptable providing they respect relevant structure and local plan policies and reasonable account is taken of the following criteria:

- a) the proposal is well integrated with the existing pattern of land use and will
- b) not adversely affect the amenity of neighbouring land uses
- c) the proposal takes account of the availability or the need for access and
- d) infrastructure and has regard to the proximity of existing and potential
- e) transport corridors
- f) the proposal is located close to existing population in order to provide
- g) opportunities for people to work near to their home and help promote social

- h) inclusion
- i) the proposal makes use of derelict, despoiled, unused and underused land
- j) and buildings where appropriate the proposal can demonstrate a proven economic need and takes advantage of opportunities provided by major inward investment or other economic initiatives and
- k) the proposal minimises the impact of any pollution generated

7.5 **Policy 6 Tourism** states that tourism and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment.

7.8 **Policies 7 to 10** These policies set out the land supply for housing over the period of the plan. Policy 7 indicates how the objective to secure a 5 year forward supply of housing land is to be achieved in terms of overall numbers within two identifiable housing market areas, the Aberdeen Housing Market Area and the Rural Housing Market Area. Policy 8 indicates the required level of housing land release from 2000 to 2005 in different local areas within the two HMAs. Policy 9 does the same for the period 2006 to 2010, and Policy 10 provides an indicative level of housing land release within the two HMAs for the period 2011 to 2015.

HOUSING LAND SUPPLY STATEMENT

The applicants and the Plannign authority have agreed a statement on current housing land supply for submission to the Inquiry, under the terms of these polcies and in the light of the annual housing land audit.

7.9 **Policy 11 General Housing Considerations** states that Local Plans shall ensure that housing developments respect all planning policies and:

- a) make a positive contribution to sustaining the community in which they are located through sensitive siting, good quality design and the use of appropriate densities
- b) offer a choice of residential environments and house types
- c) take account of the availability of infrastructure, services and facilities
- d) direct housing preferentially to brownfield sites within settlements

7.10 **Policy 12 House Building in the Countryside Beyond the Green Belt** states that in countryside not designate as Green Belt there shall be a presumption against house building except:

- a) rehabilitation or extension of an existing house

- b) replacement on the same site of a largely intact house
- c) a new house which is essential to the efficient operation of an enterprise which is in itself appropriate to the countryside and in the interest of local needs, local economic development and services
- d) conversion of existing non-residential vernacular buildings
- e) within the rural housing market area, a house within an existing cohesive group

7.11 **Policy 13 Developer Contributions** states that developers will be required to address the impact brought about by development including any exceptional servicing costs likely to be incurred in the lifetime of the development. Local plans will identify criteria and circumstances where contributions will be required towards the cost of infrastructure, community facilities and any other elements. Contributions will be related to the scale and kind of the development.

7.12 **Policy 14 Affordable and Special Needs Housing** states that appropriate levels of affordable and special needs housing shall be secured.

7.13 **Policy 16 Sport and Recreation Facilities** states that Local plans shall set out a framework for levels and scales of open space, playing fields and sport and recreation provision. Local plans shall set out policies to protect open space and playing fields and to encourage the provision of new sports and recreation facilities and will set out criteria to guide their location so as to:

- be close to where people live
- reduce the need to travel
- be accessible by a range of modes of transport and
- should not increase reliance on the use of the car

7.14 **Policy 17 Countryside and Open Space Access** states that Local plans should encourage and protect responsible access to the open space, countryside, coast and inland water by promoting and protecting a network of routes and facilities throughout the North-East. Care must be taken, however, to minimise detrimental impact on the environment.

7.15 **Policy 19 Wildlife, Landscape and Land Resources** covers the various levels of designations and how development proposals should be judged against these.

- a) International designations: Development which would have an adverse effect on a Natura 2000 or Ramsar site will only be permitted where there is no alternative

solution and there are imperative reasons or over-riding public interest, including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (through Scottish Natural Heritage) is required, unless the development is necessary for overriding public health or safety reasons.

- b) National designations: Development which would have an adverse effect on a Site of Special Scientific Interest, National Nature Reserve, National Scenic Areas, Prime Quality Agricultural Land or habitat or species identified as priorities in the UK Biodiversity Action Plan will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.
- c) Regional/Local designations: Development which would have an adverse effect on local or non-statutory Nature Reserves, District Wildlife Sites, Ancient Woodlands, wildlife corridors, species and habitats identified as priorities in the Local Biodiversity Action Plans, Sites of Interest to Natural Science, Areas of Landscape Significance, or other sites identified in local plans will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest. Where development is allowed which could affect any of the above designated sites, including beyond their boundaries, appropriate measures shall be taken to conserve and enhance the site's ecological, geological or geomorphological interest.
- d) Everywhere else: Development will be sited and designed to avoid adverse impacts on the biodiversity of the site, including the environmental quality, ecological status and viability. All new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Developers are encouraged to seek sites which would not entail the permanent loss of productive agricultural land.

- 7.16 **Policy 20 Built Heritage and Archaeology** states that the built heritage of the North-East will be conserved and promoted as a valuable non-renewable resource. Enhancement, active use, conservation and access to our built heritage should be encouraged wherever possible. Local plans should include policies which:
- protect the integrity and setting of listed buildings and Scheduled Ancient Monuments
 - protect other archaeological sites and archaeologically sensitive areas. Where this is not feasible, proper recording and analysis shall take place; and

- protect and enhance conservation areas, historic gardens, designed landscapes, town centre and other historic features of value.

7.17 **Policy 21 Design** states that an improvement in the general standard of design shall be encouraged through the production of general design guidelines and the preparation of design briefs for specific sites. In addition, local authorities shall promote:

- environmentally friendly layouts
- energy efficient designs
- thermally efficient buildings
- habitat enhancement
- mixed use development where appropriate and
- the adoption of 'lifetime standards' by the developer

7.18 **Policy 22 Water Management** states that local authorities in the North East will work with the Scottish Environment Protection Agency, North of Scotland Water Authority and other appropriate agencies in identifying:

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

7.19 Development shall be directed away from areas at significant risk from flooding according to the sensitivity of the development and the risk of flooding the site. Functional flood plains should be allowed to flood naturally where appropriate. Local plans shall identify areas at risk wherever possible and set appropriate criteria. Development shall also be sited and designed to protect the natural heritage value and water quality of lochs, ponds, watercourse, aquifers and wetland within the context of water course management. Developers shall deal with surface water treatment in a sustainable manner and in ways that avoid flooding and pollution. They shall also be required to provide Flood Risk Assessments for their proposals in appropriate cases.

- 7.20 **Policy 29 Coastal Planning** states that the structure plan classifies the coastline around the North East as 'undeveloped coast' except for areas around larger settlements classified as 'developed coast'. These zones will be shown in detail in local plan proposals maps. In general development that requires a coastal location or that contributes to the social and economic wellbeing of settlements should be restricted to the developed coast. Proposals on the undeveloped coast should only be considered where social and economic benefits outweigh any detrimental environmental impact and where there are no other alternatives on previously developed land or in existing settlements. Development shall be prohibited on any parts of the coast that are identified as at risk from flooding or erosion.
- 7.21 **Policy 31 Connecting Communities** within the North East states that development proposals:
- will be well related to existing settlements and avoid dispersed patterns of development
 - will be close to existing public transport services or deliver major improvements to public transport services
 - together with the management of transport infrastructure, will maintain or enhance the vitality and viability of the economy, in particular Aberdeenshire town centres and Aberdeen city centre Priority will be given to proposals that increase the proportion of journeys by public transport, rail and sea freight, walking and cycling and help reduce demand for private car travel.
- 7.22 **Policy 33 Sharing Responsibility for Transport** states that developer contributions secured by planning or legal agreement will be required to mitigate any adverse effects on the existing transport infrastructure or services, or the wider community, and should address any shortfalls in the choice of transport available to the development. There will be a presumption against development whose travel demands (identified in a transport assessment) will not be satisfied by the following measures: proposed car parking up to the maximum number for the development or possible new public transport, cycling, walking and other non-car measures.

8. Aberdeen City and Aberdeenshire Structure Plan 2007-2030, Provisional Draft
(material considerations only – provisional draft plan for consultation intended in summer 2008))

8.1 Aberdeen City Council and Aberdeenshire Council are currently preparing a new Structure Plan for the period to 2030. The joint Aberdeen City and Shire Strategic Planning Committee has recently consulted the two Councils on a provisional draft prior to commencing a formal public consultation. The spatial strategy set out within the current version of the Plan has three main elements, strategic growth, local growth, and regeneration priority areas. The strategic growth, around 75% of the total expansion proposed for the region, is to be accommodated in three main areas. These are Aberdeen City, the rail corridor between Laurencekirk and Huntly, and the A90 corridor from Aberdeen north to Peterhead. This latter strand is of most significance to the development proposed at Menie, given its location within the corridor.

8.2 The land allocation schedule attached to the provisional draft indicates that the timescale for any land release in this corridor lags slightly behind that of the proposed development in this application. However, at the meeting of Aberdeenshire Council's Infrastructure Services Committee on 8 May 2008 it was agreed to place greater emphasis on the importance of this particular strategic growth area in recognition of the aspirations of the Aberdeen City and Shire Economic Forum to promote this as the focus for future economic development (the 'Energetica' concept), and of the potential for the future expansion of business at the port of Peterhead. In this context it is anticipated that some of the potential land releases will be brought forward to the earlier part of the plan period, although this will not be confirmed until the next meeting of the Strategic Planning Committee on 23 May 2008. The draft plan is expected to be published for formal consultation during the summer of 2008.

9 Aberdeenshire Local Plan 2006 (adopted)

9.1 The Aberdeenshire Local plan was adopted by the planning authority Aberdeenshire Council in June 2006 in conformity with the structure plan (NEST). It is therefore relatively up to date and will be replaced in due course by a local development plan under sections 15 to 20A of the 1997 Act as amended by the 2006 Act, after a development plan scheme has been prepared as will be required under section 20B.

- 9.2 The local plan adopts the same 11 objectives as NEST for implementation at a local level. It sets out the proposals for each settlement within 6 areas, one of which is Formartine, which contains the application site.
- 9.3 **Policy Env/1 International Nature Conservation Sites** states that development likely to have a significant impact on a site designated or proposed under the habitats or birds directives (Special Area of Conservation and Special Protection Area) or on a Ramsar Site and not directly connected with or necessary to the conservation management of the site, must be the subject of an appropriate assessment for the implications for the site's conservation objectives. It will then only be permitted where the appropriate assessment indicates that:
- it will not adversely affect the integrity of the site, or
 - there are no alternative solutions, and
 - there are imperative reasons of over-riding public interest, including those of a social or economic nature.
- 9.3.1 Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest.
- 9.4 **Policy Env/2 National Nature Conservation Sites** states that development that would have an adverse effect on a Site of Special Scientific Interest or a National Nature Reserve will be refused unless the developer proves:
- any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of national importance
 - the objectives of the designation and overall integrity of the area will not be compromised and
 - there is no alternative site for the development
- 9.4.1 Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest.
- 9.5 **Policy Env/3 Other Recognised Nature Conservation Sites** states that development that would have an adverse effect on a Site of Interest to Natural Science, a Local Nature Reserve, an Ancient Long Established Woodland, a raised

peat bog, wetland or non-statutory Nature Reserve will be refused unless the developer proves:

- its public benefits at a local level clearly outweigh the nature conservation value of the site, and
- there is no suitable alternative site for the development

9.5.1 Where development is allowed which could affect any of the above designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest.

9.6 **Policy Env/4 Biodiversity** states that development that would have an adverse effect on habitats or species protected under British or European Law, or identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats and species, will be refused unless the developer demonstrates:

- that the public benefits at a local level clearly outweigh the value of the habitat for biodiversity conservation
- that the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability, and
- that there will be no fragmentation or isolation of habitats as a result of the development

9.6.1 Where there is evidence to suggest that a habitat or species of importance existing on the site, the developer may be required at his own expense to undertake a survey of the site's natural environment. Where possible, developers should incorporate existing habitats and identify suitable opportunities for creating and restoring habitats, wildlife corridors and enhancement schemes using best practice.

9.7 **Policy Env/5B Areas of Landscape Significance** states that development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. Where acceptable, in principle, development must conform to Appendix 1 and Appendix 5. In all cases the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping, will be required.

9.8 **Policy Env/6 Coastal Development** states that development on undeveloped coast will be refused unless:

- the social and economic benefits clearly outweigh any adverse environmental impact
- there is no suitable alternative site for the development
- it respects the character, environment and amenity of the surrounding area

9.8.1 In all cases, development shall be prohibited on any parts of the coast that are identified as at risk from flooding or erosion, where applicable the development must conform to policy Gen/4 of Countryside policy and satisfactory account must be taken by the developer of locating the proposal in an existing settlement, on brownfield land or in disused buildings and an assessment will be required to evaluate the impact of development, individually or cumulatively, on natural and cultural heritage interests, and on open space and access.

9.9 **Policy Env/8 Trees and Woodlands** states that development that would cause the loss of, or serious damage to trees or woodlands, which are either covered by an existing or proposed Tree Preservation or of significant ecological, recreational, historical, shelter or landscape value, will be refused unless:

- its public benefits at the local level clearly outweigh the value of the habitat
- the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability
- there will be no further fragmentation or isolation of habitats as a result of the development and
- the development incorporates satisfactory measures to replace and/or enhance existing trees and woodlands

9.10 **Policy Env/11 Agricultural Land** states that development that would cause the permanent loss of productive agricultural land will be refused unless it has been allocated for development in the Plan or the developer demonstrates:

- its social or economic benefit clearly outweighs the agricultural value of the site and
- there is no suitable alternative site for the development

9.11 **Policy Env/15 Aquatic Engineering Works** states that engineering works that would result in the deterioration of the ecological status or potential of a river, wetland, standing, tidal or coastal water or prejudice the ability to restore such water

bodies to good ecological status, through impacts on water quality, quantity or flow rate, riparian habitat or protected species, will be refused.

- 9.12 **Policy Env/18 Listed Buildings** states that all Listed Buildings shall be protected against any works which would have a detrimental effect on their listed character, integrity or setting by the refusal of listed building consent and/or planning permission.
- 9.13 **Policy Env/19 Archaeological Sites and Ancient Monuments** states that development which would have an adverse effect on and Ancient Monument or archaeological site of national or local importance or on their setting, will be refused unless:
- there are imperative reasons of overriding public interest, including those of a social, environmental or economic nature and
 - there is no alternative site for the development
- When development is approved satisfactory steps must be taken to mitigate adverse development impacts at the developer's expense.
- 9.14 **Policy Env/20 Historic Gardens and Designed Landscapes** states that development that would have an adverse effect on the character or setting of an Historic Garden or Designed Landscape will be refused unless:
- the objectives of the designation and the overall integrity and character of the designated area will not be compromised
 - the significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefits of national importance, and in any case
 - mitigation and appropriate measures are taken to conserve and enhance the essential characteristics, aesthetics, archaeological, historical value and setting of the garden
- 9.15 **Policy Env/22 Public Access** states that development that would have an adverse effect on any existing or potential public access for walking, cycling or horse riding will be refused unless:
- it retains existing or potential public access while maintaining or enhancing its amenity value
 - it makes alternative access provision that must be no less attractive and is safe and convenient for public use

9.15.1 Encouragement will also be given to new access routes which promote 'green transport' while not adversely affecting the land concerned.

9.16 **Policy Hou/4 (Part 1) New Housing in the Countryside** states that the erection of new housing in the countryside will be approved if:

- a) it is for a full time worker in an enterprise which itself is appropriate to the countryside
- b) the presence of that worker on site is essential to the efficient operation of the enterprise
- c) there is no suitable alternative residential accommodation available
- d) the proposed house is within the immediate vicinity of the workers place of employment, and
- e) it conforms with Appendix 1

9.17 **Policy Hou/8 Affordable Housing** states that all development and in particular housing development can support a strategy to provide more affordable housing. Housing will be approved in principle if a contribution is made towards the provision of affordable housing where appropriate and satisfies all other relevant policies of the plan.

9.18 **Policy Hou/13 Public Open Space for Housing** states that new housing will be approved in principle if the provision and arrangements for maintenance of public open space conform to Appendix 6.

9.19 **Policy Emp/3 Employment Development in the Countryside** states that new employment development in the countryside will be approved if:

- a) the developer demonstrates that there is an economic need and that the benefits to the community outweigh any adverse environmental impacts
- b) the development respects the natural and built environment and protects the character and amenity of the surrounding area ensuring there is no significant adverse impact upon the nature conservation, landscape character or amenity value of the countryside
- c) the proposal is located as close as possible to the existing population in order to provide employment opportunities for people close to their homes and help promote social inclusion
- d) the proposal takes account of the need for access and infrastructure
- e) the proposal has regard to the proximity of existing and potential public transport corridors

- f) reasonable account has been taken by the developer of the possibility of using disused buildings or of locating a new building either on brownfield or allocated employment land
- g) new development is designed in accordance with the provisions of Appendix 1

9.20 **Policy Emp/9 Tourist Facilities and Accommodation** states that new or improved tourist facilities and accommodation will be approved if:

- a) they respect the character, amenity and scale of the development in the surrounding area
- b) they are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services in scale with the development
- c) they are well related to existing settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement to be near to the specific tourist interest being exploited, and that the facility will not damage those interests

9.21 **Policy Emp/10 Sport, Leisure and Recreation** states that new or improved sport and recreation facilities will be approved if:

- a) it can be demonstrated that the sequential approach set out in Emp/6 has been followed in regard to professional spectator sports
- b) they respect the character and amenity of the surrounding area
- c) they are readily accessible by public transport where available, cycling and on foot or would deliver major improvements to public transport services in scale with the development in order to reduce reliance on the public car
- d) they are located close to where people live and reduce the need to travel

9.22 **Policy Inf/1 Roads and Accesses** states that a new road or other access will be approved if:

- a) it is designed to be safe, convenient for pedestrians, cyclists and public transport, resource efficient and cause minimal impact on the character of the site and the surrounding area
- b) no new private access is taken directly from a road carrying more than 2000 vehicles per day
- c) satisfactory arrangements are made for its subsequent maintenance and

- d) where required, a Transport Assessment shows that the development and any mitigation measures proposed will not have significant transport impacts on existing transport infrastructure or services

9.23 **Policy Inf/2 Parking, Servicing and Accessibility** states that development will be approved if:

- a) it is well related to existing settlements, avoids dispersed patterns of development and complies with the Council's maximum parking standards
- b) it can be accessed conveniently by walkers and cyclists and is close to existing public transport services were available, or delivers major improvements to public transport services in scale with development
- c) it is designed to be safe, convenient, resource efficient and cause minimal impact on the character of the site and surrounding area
- d) developer contributions are provided where required to mitigate development impact and
- e) it can be safely and conveniently accessed by service, delivery and other goods vehicles as appropriate to the development

9.24 **Policy Inf/4A Foul Drainage Standards** states that development will be approved if proposals for foul drainage are to:

- a) connect to new or existing public drainage infrastructure
- b) where requested a Drainage Impact Assessment is provided at the applicant's expense to the satisfaction of the Planning Authority in consultation with the relevant agencies

9.25 **Policy Inf/4B Surface Water Drainage Standards: Sustainable Urban Drainage Systems** states that development will be approved if surface water is dealt with in ways that avoid flooding and pollution. Flood risk assessments will be required in those cases where flooding can be expected. The best available SUDS will be required as a means of achieving sustainable disposal and/or reuse/recycling of surface water. In all cases the developer will be required to demonstrate how the effectiveness of the measures taken will be maintained in perpetuity.

9.26 **Policy Inf/5 Water Supply** states that development will be approved if it can be satisfactorily served by mains water supply.

9.27 **Policy Inf/6B Waste Management Requirements for New Developments** states that new development will be approved if:

- adequate space for facilities to collect and store source segregated waste is provided in the layout and design and
- adequate space is made available for kerbside collection of source segregated waste and
- sufficient space for home composting is provided where appropriate

9.27.1 New developments will also be required where adequate space is not already available to provide space for communal waste recycling and collection facilities. This particularly applies to residential developments of more than 50 houses.

9.28 **Policy Gen/1 Sustainability Principles** states that development will be assessed against sustainability indicators that relate to the local environment, community and economy, demonstrated by whether the proposal:

- a) is concerned with the long term sustainable use and management of land
- b) is well related to existing settlements and avoids dispersed patterns of development
- c) reduces the need to travel using private cars by being close to existing public transport or allowing safe, easy access by walking or cycling
- d) protects or enhances any valuable natural resources, including landscapes and wildlife habitats and species
- e) does not damage built or cultural heritage resources
- f) does not impact negatively on the character, including landscape character, environment or amenity of the surrounding area
- g) makes full use of design and technology to maximise energy and resources and minimise light pollution
- h) does not prejudice future development opportunities nor create a precedent for inappropriate future development patterns
- i) reduces the production of waste and manages it as a resource in accordance with the waste hierarchy i.e. Reduce, Reuse, Recycle

9.29 **Policy Gen/2 The Layout, Siting and Design of New Development** states that new development will be approved if:

- a) it can be laid out to fit successfully into the site itself and respect the character and amenity of the surrounding area

- b) its scale, massing, height and density are appropriate whilst displaying a high standard of design, material, textures and colours that are sensitive to the surrounding area
- c) it respects existing natural and built features on or about the site which are worthy of retention
- d) it respects the characteristics of the landscape in which it will be situated
- e) it has an environmentally friendly layout particularly taking account of energy efficiency
- f) it respects important public views
- g) it is a bona fide mixed use development where appropriate
- h) 'lifetime standards' are adopted by the developer and
- i) it conforms with Appendix 1

9.30 **Policy Gen/3 Developer Contributions** states that development will be approved if the developer makes a fair and reasonable contribution in cash or kind towards the cost of public services and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development and in proposed housing developments such contributions are consistent with the scale and nature of the development and are based on the anticipated necessary requirements set out in Appendix 8.

9.31 **Policy Gen/5 Landscaping Standards** states that development will be approved if the provision of landscaping and proposals for subsequent maintenance conform to Appendix 5.

Dundas & Wilson CS LLP

On behalf of

Trump International Golf Links Scotland

21 May 2008