

7. How will we take the Local Development Plan forward?

This Main Issues Report is the start of a process, not its conclusion. It is the focus for consultation on the options available for the Local Development Plan, and is not the settled view of the proposed plan that will be published in early 2010.

Aberdeenshire Council has sent copies of this document to over 300 groups and agencies active within Aberdeenshire, to stimulate the debate of how we should deliver the targets set out in the Aberdeen City and Shire Structure Plan.

While we have presented a series of 20 specific questions throughout the text of the document, we are sure that what is presented will raise significantly more issues than just those that the questions ask. We are happy to receive any representation on the Main Issues Report, but have provided a response form to capture key information about who is making the response, and to help us understand what the comment is about.

The closing date for submissions to us on the Main Issues Report is **10am on Monday 6 July 2009**.

All submissions made will be acknowledged.

All submissions will be summarised and catalogued to group similar issues together. For example, all comments on a particular policy will be grouped together, and all comments on a particular settlement will be grouped together. This will mean that some representations will be split up to ensure that the issues that they raise are considered in an appropriate context.

All summarised comments will be considered and an individual response developed. All comments and planning officers' comments on them will be presented to the Members of Aberdeenshire Council, as the Council develops the next stage in the Local Development Plan process – the preparation of the Proposed Plan.

All those making submissions will be advised of Aberdeenshire Council's views on the comments made, and will be specifically invited to comment on the Proposed Plan, when this is published.

The proposed timetable and participation arrangements for the Aberdeenshire Local Development Plan have been set out in the Aberdeenshire Local Development Plan Scheme, available on the Aberdeenshire Council Website at www.aberdeenshire.gov.uk/ldp.

It is anticipated that the Proposed Plan will be published in February 2010 for formal objection, subsequent to it progressing to a Public Local Inquiry later in the year. At that point there will be a formal opportunity for any unresolved objections to be debated after which an informed decision will be made and a decision made by an independent Reporter appointed by the Scottish Government.

Glossary

Affordable – As in ‘affordable housing’, it refers to housing which is made available at a cost below full market value to meet an identified need. The term includes homes rented from the council and housing associations and, in some cases, homes sold or rented from the private sector.

ALP – Aberdeenshire Local Plan, published in 2006.

Area of Landscape Significance – An area designated by Aberdeenshire Council in the current local plan as being of importance not only for its physical landform and for the flora and fauna it supports, but also for the environmental assets that it represents.

Assets – Land, facilities, property, plant or machinery that is valuable or useful. As examples, a harbour and a waste water treatment plant are assets.

At Risk Register – A document published by Historic Scotland identifying historic buildings, which are at risk through vandalism and natural decay.

“Bad Neighbour” Uses – Land uses which may give rise to noxious smells, noise through the night, or other irritations, which would affect neighbouring property holders.

Brownfield Sites – Land which has been built on or used in the past for some development purpose. Brownfield land does not include private or public gardens, sports pitches, woodlands or open spaces used for leisure and recreation purposes. The grounds of institutions (such as schools and hospitals) that are no longer used are not considered as brownfield sites.

Cross-funding – Using funds accruing from one undertaking to finance a related enterprise.

Development Brief – A document that provides prospective developers with information which, in the case of a residential development, would identify constraints and opportunities, and specify the number of houses, points of access, community facilities to be provided, areas to be landscaped area, and so on.

Design Code – A document that sets rules for the detailed design of new buildings in a development. It can be thought of as a means by which design guidelines or standards can be applied within a masterplan or development brief.

Design Framework – Document identifying the key elements and relationships in a specified area and which seeks to ensure that new development enhances rather than conflicts with what exists.

Design Statement – Document which sets out the design principles which determine the design and layout of a development proposal. A design statement enables the applicant to explain why the selected design solution is the most suitable in the circumstances.

Disjointed Incrementalism – “Add-on” development where new housing layouts, for example, are added to existing settlements without any thought being given to the shape, form or function of future development.

Effective – Available, or free from constraints within a defined period. The ‘effective housing land supply’ would be the land specifically designated for housing and free from constraint, on which to build new homes.

Fines – Fine residue from mineral workings.

Greenfield Sites – Sites which have never been previously developed, or are fully restored derelict land.

Infrastructure – Services and facilities needed to allow development to take place. This can include roads, sewers, planting, schools, open space, bus services, community halls, and waste management considerations such as mini-recycling centres etc.

Landscape Character – The particular variations in topography, drainage, vegetation and land-use which define the perception of an area.

Local Housing Strategy – A statutory document produced by Aberdeenshire Council setting out its aspirations for both public and private housing.

Marketable -Land that is readily available for development, or sale.

Masterplan – Plan drawn to a recognised scale, which shows the precise layout of roads, location and size of buildings, facilities, landscaped areas etc in a development, and which should be adhered to.

Mitigation – works to reduce the effects of an adverse action.

Natura 2000 - A European network of protected sites, which represent areas of the highest value for natural habitats and for species of plants and animals which are rare, endangered or vulnerable in the European Union. The areas are known as either ‘Special Areas of Conservation (SAC)’ or ‘Special Protection Areas (SPA)’.

Overburden - Term used in mining to describe material that lies above the area of economic interest, e.g., the rock, soil and ecosystem that lies above the coal seam. Also known as 'waste'.

Over-Development – Development significantly out of scale with the site or its surroundings.

Pattern Book – Document containing suggestions as to how buildings may be treated in terms of style, materials, textures and finishes. The need for homogeneity and harmony between components is stressed.

Proposed Plan – This document will be developed from the Main Issues Report and consultation responses received at that stage. It essentially forms the plan that Aberdeenshire Council would wish to see adopted and will require to be fully consulted upon. At this stage the Proposed Plan will have some materiality in relation to planning applications. This stage in the plan-making process will be dependent on approval by Scottish ministers of the finalised Structure Plan.

Ramsar Site – Wetlands of international importance, particularly those containing large numbers of waterfowl. Sites include marshes, fens, peatlands, estuaries, open water and inshore marine areas.

Resources – Sources of economic wealth such as scenery, fertile farmland, or mineral deposits, which may be exploited through the use of assets (see above).

Resource-Efficiency – this involves managing raw materials, energy and water in order to minimise waste and reduce cost.

Restoration – A process of restoring land following mineral extraction or historic buildings suffering from decay to as near their former state as possible.

Rural Diversification – the use of rural land and buildings for non-agricultural or forestry purposes, such as industrial and commercial development, to meet the needs of rural areas and to support the local community.

SPP & NPPG Scottish Planning Policy is currently set out in the following documents:

- the National Planning Framework (NPF)
- the Scottish Planning Policy (SPP) and National Planning Policy Guideline (NPPG) series

- Designing Places
- Circulars

Scottish Planning Policies are in the process of replacement by a single policy.

Settlement Strategy – A justified overview of the distribution of development opportunities between settlements.

Structure Plan – Guides the physical growth of communities for the next 20 years, establishing a broad framework for development and the way in which the use of land should evolve. It is approved by the Scottish Government.

Supplementary Guidance – Guidance prepared by the Council, which supplements the guidance given in the Local Development Plan, and has equal weight in decision-making.

Sustainable Location – A location which allows the best use to be made of sustainable options such as public transport, and in the case of housing maximises micro-climatic and other intrinsic benefits.

Tiered Approach – An approach where particular constraints to development are graded in terms of their relative importance. A specific policy in the current Aberdeenshire Local Plan describes the application of the tiered approach.

Waste Hierarchy – A way of thinking about waste, which focuses on reducing waste in the first place through re-using, recycling and recovering waste. Waste disposal in landfill sites is at the bottom of the hierarchy.

Appendix 1 Draft main issues policies

The following pages present the suggested draft wording for the new policy approaches described in section 5. In addition to comments on the approach, we would welcome any comments you may have on the detail of these draft policies. Please note that these policies are based on the preferred policy approach, and do not reflect any of the possible alternatives discussed in section 5.

i. Developer contributions for facilities serving sub regional areas

Draft preferred policy

Developer contributions

Development will be approved in principle, if:

- a) The developer makes a fair and reasonable contribution, in cash or in kind, towards the cost of public services, facilities and infrastructure and the mitigation of adverse environmental impacts, which would not have been necessary but for the development. This will include cumulative impacts that can reasonably be predicted and are identified on the proposals maps.
- b) The developer agrees to retrospectively fund infrastructure that has already been delivered by Aberdeenshire Council, and is directly related to the cumulative impact of their development.
- c) Such contributions are consistent with the scale and nature of the development and are based on the requirements set out on the proposals maps and in accordance with supplementary guidance published separately.

Reasoned justification

The aim of this policy is to ensure that the cost of new or additional infrastructure required for new development will be met by the developer/s and not by the general public.

Developer contributions can help to overcome obstacles in granting planning permission, by allowing development to proceed and negative impacts to be reduced, eliminated or compensated. Any type of development may give rise to these requirements. Developer contributions will be sought for:

- the timely provision of on-site facilities to serve the reasonable expectations of the intended occupants of the new development in the interest of good planning; and/or
- the provision or improvement of off-site facilities, where existing facilities or infrastructure will be placed under additional pressure. Such contributions may be governed by the terms of Circular 12/1996 or delivered under the terms of Acts other than that relating to planning.

Supplementary guidance will give a clear indication of what new facilities and infrastructure will be required and what contribution should be sought from new development. Development occurring in each settlement will have to contribute to the associated infrastructure 'need' that has been identified for that specific place. However, it is unrealistic to expect the Council to anticipate every situation where the need for a contribution will arise.

Areas are highlighted where a masterplan will need to be adopted through supplementary guidance, to compel all developers within this area to work together to deliver the outcome. It will be stipulated what infrastructure requirement is needed for each area and the appropriate amount of development that can take place to subscribe to this. In many cases the developers will be expected to fund the infrastructure as it is required. However, there may also be opportunities for up-front funding from Aberdeenshire Council, to deliver infrastructure requirements within the masterplanned area and for it then to be recouped from developers as the development itself follows.

Outwith these masterplanned areas the emphasis will focus on up-front funding from the Council and then recouping money from development as and when this gets built.

Section 75 agreements and other agreements will still need to be in place to address issues that are site specific, for example, relating to specific education or affordable housing requirements. Supplementary Guidance on Planning Gain will aid developers and the Council in highlighting the associated needs and requirements for new developments.

ii. Planning for minerals

Draft preferred policy

Minerals

A) New housing industrial, commercial and other development

New development likely to sterilise workable mineral reserves will be refused, unless the new development is of strategic importance, there is no alternative site for the development, and, where it is realistic, the opportunity has been given for the extraction of mineral resources before the development commences. Details of the location of these reserves will be identified in Supplementary Guidance.

B) Mineral extraction

Mineral development will be approved in principle, if:

1. sufficient information has been submitted with the application to enable a full assessment to be made of the likely effects of development, together with proposals for appropriate control, mitigation and monitoring; and it shows the development will not significantly affect the amenity of local residents or communities;
2. within 5km of a settlement, the development will increase to three or more the number of mineral or landfill developments, and it will not result in adverse cumulative impacts;
3. the development will not be likely to have an adverse long-term or cumulative impact on other local economic activity in the surrounding area;
4. a Transport Assessment has been submitted in support of the application and it shows the development and any mitigation measures proposed will not have significant adverse transport impacts on the existing transport infrastructure, services or settlements;
5. land restoration, after care and after use details have been submitted and are to the satisfaction of the Planning Authority;
6. it has been demonstrated that material from mineral working deposits, including extraction and processing materials such as overburden, waste rock and fines, will not have any adverse impacts on the local amenity, landscape character or environment and will be reused wherever possible;
7. the market area's mineral landbank for construction aggregates (sand and gravel), will not be exceeded by 15 years as a result of the development.

Areas of search will be identified in supplementary guidance to safeguard these mineral reserves. New development other than for mineral extraction, which is proposed within an area of search, will have to satisfy Part 1 of this policy.

Where necessary, the planning authority and operator will agree a buffer distance, in consultation with local communities, that is reasonable, and

takes into account the specific circumstances of the proposal. The relevant circumstances will include the development's location, size, expected duration and method of working, along with the local topography, the characteristics of the various environmental effects likely to arise, and the mitigation that can be achieved.

Reasoned justification

The aim of this policy is to promote a sustainable approach to mineral extraction that reconciles the need for minerals with concern for the natural and historic environment and communities. It also aims to ensure mineral resources are not unnecessarily sterilised or made impractical to work where they will contribute toward a landbank of mineral resources.

Minerals are valuable finite resources. They are important in terms of their end use and for the employment opportunities they create. It is therefore important that the sterilisation of this resource is avoided where possible.

Market areas ensure landbanks do not significantly exceed the market requirements. The Scottish Government defines the Aberdeen city region as the principal market area for construction aggregates in the northeast. The main market for construction aggregates is likely to be the Aberdeen Housing Market Area, where the Structure Plan requires over 75% of all development to take place. The boundaries of the market area for construction aggregates is generally determined by the distance over which it is not economic to transport further. This will depend on a wide range of factors including road conditions, congestion and improvements. All of these change over time and this makes it appropriate for market areas to be defined in supplementary guidance. As a general rule this is likely to be within 20km of the Strategic Growth Areas.

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

If the landbank for certain mineral reserves falls below market demand, or it is placed under pressure from other land uses, it may be necessary to identify areas of search to safeguard mineral deposits for future use. The areas of search will be provided in supplementary guidance, and will be identified (or removed) when the plan is reviewed every five years.

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

iii. Planning for waste

Draft preferred policy

Waste management

A) Waste management in new housing, industrial and commercial development

New housing, industrial and commercial development (including changes of use) must comply with the following principles.

An application will not be approved unless a Waste Management Plan for the site is submitted in support, which will detail how the waste that is generated by the development will be dealt with. This will include what steps will be taken to reduce, re-use and recycle wastes and how any remaining wastes will be disposed of.

The Council will promote the use of reclaimed building materials and the use of secondary aggregates, screened soil and other recycled materials in all developments, unless it can be demonstrated that none is available for practical purposes. Developments of 10 or more dwellings, or more than 2000m² of floorspace, must demonstrate how the design will include the use of secondary materials. Supplementary guidance will provide examples of ways this could be achieved, and set standards on detailed issues relating to the provision of waste management facilities and the space standards required in each type of development.

A change of use for part of a site should not result in the loss of the external space provided for the storage and separation of wastes for the original use.

B) Waste management facilities

While development which assists the reduction, re-use, recycling, composting and recovery of waste will be considered favourably, any waste management facility will be required to demonstrate that:

1. it conforms to the National Waste Plan and to other area and local waste plans and strategies;
2. there is a clearly established need for the development to serve local and regional requirements for the management and disposal of waste;
3. it is located in an area of search identified in Supplementary Guidance, or otherwise minimises transport of waste from its source;
4. it is the “Best Practicable Environmental Option” for the waste stream;
5. it will not compromise public health or safety, and sufficient information has been submitted with the application to enable a full assessment to be made of the likely effects of the development, together with proposals for appropriate control, mitigation and monitoring;
6. it will not impact negatively on the character and amenity of the surrounding area, ensuring there is no significant adverse impact upon nature conservation, landscape or townscape character, or on buildings, monuments or areas of historical interest, or on the amenity value of the area;

7. it can be safely and easily accessed;
8. where required, a Transport Assessment shows the development and any mitigation measures proposed will not have significant transport impacts on the existing transport infrastructure, services or settlements;
9. where required, an Appropriate Assessment shows the development and any mitigation measures proposed will not significantly affect the qualifying interests of any Natura 2000 and/or Ramsar sites;
10. a design statement has been submitted in support of the application where the development would have more than a local visual impact;
11. if the development will increase to three or more the number of landfill or mineral developments within 5km of a settlement, then it will not result in adverse cumulative impacts; and
12. land restoration, after-care and after-use details (including the submission of bonds, where appropriate) have been submitted and are to the satisfaction of the Planning Authority.

All known waste management facilities will be identified in supplementary guidance and safeguarded from inappropriate neighbouring developments that may compromise waste-handling operations.

If there is a need for a specific waste management facility not already identified in the plan, areas of search will be identified in supplementary guidance to safeguard these sites. Other types of new development proposed within an area of search for a waste management facility will have to demonstrate that no alternative location is available and, if necessary, provide an alternative site for the waste management facility.

Reasoned justification

The aim of this policy is to promote sustainable waste management and to encourage responsibility for waste at producer level (householder, business or developer). Source segregation is likely to feature in waste collection systems for the foreseeable future, and so it is important that adequate facilities are provided to allow this to happen.

The layout of development can have a significant impact on collection vehicles. One aim of this policy is to reduce the number of vehicle movements, particularly reversing movements, to ensure that any health and safety risk is minimised as far as possible.

Developments should also include the use of reclaimed materials, which will assist to reduce the volume of construction waste being sent to landfill or other forms of disposal. Consideration should also be given to how the wastes that are produced by the development can be minimised.

Safeguarding external space for the storage and separation of wastes will ensure that if the site were to return to its previous use, the application will still conform to the requirements of this policy.

It is expected that waste management facilities will normally be sited on an existing or planned supply of industrial land. The most appropriate locations would be on Class 5 “general industrial” land, where additional protection can be

provided by Pollution Prevention and Control (PPC) and through more stringent controls over noise, vibration and hazardous substances. In the case of waste transfer stations and materials recycling facilities, the most appropriate locations would be on Class 6 “storage or distribution” land (where the distinction with Class 5 is on the basis of a higher level of lorry and van movements). Other types of site, such as brownfield land, would each be treated on their merits.

Supplementary guidance will be produced to safeguard sites for waste operations, and to provide further advice on waste management schemes, including small-scale developments (e.g. providing criteria for the siting of mini-recycling sites; or on the design and integration of waste management facilities in new developments). Areas of search will be identified in supplementary guidance for facilities which are not accommodated in the plan, but where the need is identified in a subsequent national, area or local waste plan.

iv. What approach should we take for “enabling” development?

Draft preferred policy

Enabling development

Enabling development proposals which have not already been identified in the Local Development Plan will be acceptable:

- A) Where it is the only means of retaining a Listed Building. In such cases, any enabling development must be designed to retain and enhance the special interest, character and setting of the listed building. In order for an enabling development application to be considered:
1. the proposed development must be essential to enable the primary use to be restored and the agreed minimum necessary to achieve such restoration; and
 2. the applicant must have exhausted all other possibilities of development funding to make the project viable.

In order to meet this requirement, applicants who propose enabling development for restoration purposes will have to satisfy the planning authority of the following:

- a) that they have exhausted all possible sources of development grant assistance (this includes putting the building on the open market and determining if any others such as a Building Preservation Trust are willing to take the restoration on);
- b) that they do not have a development elsewhere or a possible viable use for the building at risk, which would finance the restoration, and that they have not recently disposed of such an opportunity; and
- c) that, if enabling development is the only remaining option, then:
 - i. The building must be Listed and be proved to be seriously at risk of imminent collapse or further decay to the satisfaction of the planning authority.
 - ii. The developer and the planning authority will agree on the terms of restoration for the building in question at the outset of the application. In the case of a building being on the Buildings At Risk Register, restoration will bring the building off the Register. In all cases restoration will ensure the building is wind and water-tight, in order to prevent the threat of imminent collapse or further decay of the listed building. In all cases restoration will include the provision of essential infrastructure services to the building.
 - iii. The developer must demonstrate that the enabling development applied for is the MINIMUM required to achieve restoration. The applicant will be required to prove this by providing an independent professional survey chosen from the Authority’s list of approved consultants.
 - iv. The developer must demonstrate that the enabling development will retain and enhance the special interest, character and setting of the listed building. If this is not the case, the application will either have to be modified or may not be considered further.
 - v. Housing permitted as enabling development will have to satisfy this plan’s Housing Policies (x to x), according to the site on which it is located.

- vi. Housing permitted as enabling development will preferably be developed in full by the developer, not in plots for resale. The housing will preferably be built off-site at an appropriate location suitable to the scale required.
- vii. Where housing cannot be built off-site, the developer must demonstrate that the enabling development will retain and enhance the special interest, character and setting of the listed building. If this is not the case, the application will either have to be modified or may not be considered further.
- viii. Housing development will be subject to this plan's affordable housing policy (x). The planning authority will decide whether this is to take the form of a contribution or if affordable housing is to be developed on-site.
- ix. All enabling development will be tied to the renovation of a building in agreed stages through a Section 75 agreement, which will ensure that funds raised are successfully and timeously channelled into the conservation of the building(s) to which the enabling development relates.

B) In the case of an employment, leisure or tourism use within regeneration or remote rural areas, where the council is satisfied that the wider public benefits of securing the primary use justify overturning the normal policy presumption against development. In order to confirm such a case, the applicant must demonstrate that the enabling development is:

- 1. essential to enable a rural diversification or regeneration opportunity which could not otherwise be achieved;
- 2. the minimum necessary to achieve the primary use; and
- 3. not a substitute for normal development funding, or intended to subsidise the profitability of the venture beyond start-up costs.

Applications which convince the planning authority of their overall public benefit, and have satisfied the criteria under B. 1-3, will also have to adhere to the criteria under A. (iii) and (v)-(viii) . A planning agreement will be used to ensure funds are successfully channelled into the development of the defined business opportunity.

Reasoned justification

The aim of the policy is to allow appropriate enabling development for both restoration and rural development purposes in limited circumstances. The policy provides measures for the planning authority to assess the merits, plausibility and detail of applications.

Enabling development applications will be encouraged to come through the development plan. However, it is accepted that due to the nature of this type of proposal such a scenario will not always be the case. The development plan should also provide an opportunity to assess the merits of applications which arise unforeseen.

The policy reinforces the overall ethos of an enabling development policy as a tool for assessing whether or not the wider public benefits of securing the primary use justify the overriding of normal development plan presumptions and policies. It only allows for assessment of these proposals and is not to be implemented, if the planning authority is not convinced that the public interest is being served.

For proposals associated with restoration, the physical separation of the primary use and the enabling development is normally preferred. All enabling development proposals should, if at all possible, take place on land identified in the Local Development Plan for the relevant purpose. It may be necessary to delay any proposals to allow for the enabling element to be progressed through a Local Development Plan or as a revision to Supplementary Guidance (where this does not risk the viability of the business opportunity or of the restoration).

Affordable housing can be justified as another public benefit, even if this will increase the overall requirement for housing in terms of units. All applications will be subject to affordable housing requirements. Whether the affordable housing takes place on or off-site will be decided on a case by case basis.

v. Planning within the landscape.

Draft preferred policy

Landscape

Development will be approved in principle, where its scale, location and design are appropriate to the landscape character of the area.

Development will not be supported if the quality, composition and/or character of the landscape are adversely affected as the result of:

- a) the scale of the development being inappropriate to the character of the particular landscape;
- b) the siting of structures in the development resulting in the loss of or significant alteration to key features of the landscape character, particularly those defined in supplementary guidance as “significant”;
- c) the design of the development not respecting the landscape character, composition or quality, particularly if the landscape is currently largely unspoiled by obtrusive or discordant features;
- d) the development intruding visually on one of the designated “valued scenic views”, which will be identified in supplementary guidance; or
- e) adverse cumulative effects as the result of any mixture of a), b), c) and d) above.

Reasoned justification

The aim of this policy is to provide all landscapes within Aberdeenshire with adequate protection against damaging development. The finalised Structure Plan identifies the environment as a valuable resource, and that landscape can be vulnerable to the effects of new development.

In the 1990s, SNH published three Landscape Character Assessments, which identified 42 landscape character areas in Aberdeenshire. They highlighted the differences between the landscape characteristics in Aberdeenshire. The qualities of individual landscape character areas could easily be destroyed or damaged by even a relatively small, insensitive development or in some areas by any development at all. Therefore the impact a development may have on the key characteristics within any of these landscapes must be considered. We will publish an amalgamated revision of these Landscape Character Assessments in supplementary guidance, along with indicative guidance in each case on the implications for development proposals. This guidance will include the need for a particularly high standard of design within the character areas coincident with what have historically been identified as Areas of Landscape Significance.

We have also carried out an audit of scenic views of special value to each community across Aberdeenshire. These will equally be identified in supplementary guidance.

When notified, the Council will require the formal approval of new agricultural buildings or the significant extension or alteration of existing buildings that raise an issue of impact on the quality or character of the landscape.

vi. Destination retailing in rural areas.

Draft preferred policy

Retail development in the countryside

- A. The erection of a farm shop in the countryside will be approved, in principle, if:
- 1) The produce sold is produced on-site; and
 - 2) The retail unit is ancillary to the existing use.
- B. The erection of a retail unit in the countryside will be approved, in principle, if the retail use is ancillary to an existing tourist or recreation facility.

In either case A. or B. above, the following conditions must also be met:

- a) the development must respect the natural and built environment, and protect 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;
- b) reasonable account must be taken by the developer of the possibility either of using disused/derelict buildings or of locating a new building on brownfield land; and
- c) there would be no detrimental impact on the vitality or viability of town centres.

The expansion or intensification of an existing retail unit in the countryside will be approved, in principle, where the use and scale of development are appropriate to the rural character of the area, and there would be no detrimental impact on the vitality or viability of town centres.

Reasoned justification

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

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

vii. How should rural development, including housing in the countryside, be accommodated?

Draft preferred policy

Development in the countryside

In accessible rural areas there will be a presumption against new development unless:

- a) the development is an extension to an existing use; or
- b) it is a development for minerals or waste disposal that requires a specific location due to the availability on-site of a specific resource; or
- c) it is the redevelopment or replacement of an existing or disused building, or site which has previously been developed; or
- d) it is for a single dwelling house required for a worker who is employed in an enterprise related to the primary use of the land, and whose presence is essential to the operation of the enterprise.

In intermediate remote rural areas there will be a presumption in favour of new development that:

- a) is a development that would be permissible in accessible rural areas (see above); or
- b) is for the development of a single dwelling house on a site within 400m of the edge of an identified village that contributes to the organic growth of that settlement; or
- c) is for an economic development proposal which has no need for on-site housing development; or
- d) Is for a single dwelling house associated with the retirement succession of a farm holding.

In very remote rural areas there will be a presumption in favour of new development provided that the infrastructure costs are assessed and any increased cost to the public purse made good.

Within all cases above where a new building is proposed, the siting and design of the development will be primary considerations in determining whether planning permission should be granted. Sites which subdivide fields, breach skylines, or are unrelated to existing landscape features are unlikely to be acceptable. Redevelopment of vernacular buildings will always be preferred, and the character of these buildings should be retained in all cases.

Supplementary guidance may be introduced to provide additional clarity on the criteria above.

Reasoned justification

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

Need for development is accommodated by allowing retiring rural workers to remain on the land, where they can continue to make a valuable contribution to the farming enterprise, and for those rare circumstances where an on-site presence is required.

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

The policy allows those that aspire to live or work in the most remote rural areas to do so, reflecting the social and economic benefits that even small numbers of additional homes or businesses can bring to these fragile communities.

The policy applies to all forms of development outwith settlements, including holiday homes, the conversion of vernacular buildings and steadings, replacement buildings and new-build. No restriction is placed on the size of replacement of existing buildings, or of the footprint that such a building should occupy, provided the site has previously been developed. If proposals for replacement of buildings require any measure of undeveloped land, then this would be classed as a new dwellinghouse rather than a redevelopment.

vii. How can design quality be improved?

Draft Preferred policy

Layout, siting and design of new development

The design of new development will be approved in principle, if:

- 1) it conforms with any approved masterplan, development brief, design statement or design code prepared for the site;
- 2) it successfully combines responses to the following design issues:
 - a) dealing with the local climate, including the mitigation of cold winds and maximisation of passive solar gain;
 - b) optimising energy-efficiency, including the use of renewables, minimisation of light-pollution, and friendliness of the layout to walking, cycling and public transport;
 - c) optimising resource-efficiency, including appropriate compactness of built form, optimisation of embodied energy, and appropriate management of water and waste;
 - d) optimising social comfort, including ease of access (“connectivity”), balance of community, sense of place, security and privacy;
 - e) optimising biodiversity;
 - f) optimising the visual appeal of the detailed design, including issues of appropriateness and style;
 - g) respect for its setting, including its relationship to the landscape, townscape and neighbouring features;
 - h) the internal consistency of its form, including the unity and rhythm of elements in its design, and how well these relate to neighbouring buildings and to climatic factors;
 - i) the appropriateness of the materials in the construction; and
 - j) lifetime implications of the construction’s long-term use, including likely running costs, maintenance needs, and flexibility to adapt to the needs of different occupiers.

We will publish supplementary guidance to provide more detailed guidance on how these issues should be interpreted and assessed, as required.

In major developments the Council will encourage developers to incorporate art or craftwork projects into new development to provide added amenity or character to an area in accordance with the Council’s Adopted Public Art Strategy.

Reasoned justification

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

Drawing these strands together the policy identifies the issues which require attention, if development is to receive planning permission. Their assessment will be carried out in the light of more detailed supplementary guidance, which will be based on the Urban Design Tool Kit (as contained in Planning Advice Note 67), the Scottish Government’s “Manual for Streets” and other assessment tools as appropriate, for example “Index21”. Index 21 is an ongoing project between Aberdeenshire Council and the Scott Sutherland School of Architecture at The Robert Gordon University to promote environment-friendly housing layouts and designs.

However, the process of dealing with planning applications is just one end of the design process. For it to succeed, it is essential for the Council to generate masterplans and development briefs, as appropriate, for each development site. We intend to do this in a collaborative process with the development industry. We will also expect developers to submit design statements and design codes applicable to each site for approval by the Council. Finally, in order to encourage the highest standard of design, we will continue to promote a biannual series of design awards, but will now also pursue the introduction of a Design Panel of distinguished practitioners to advise on the merits of particularly important design cases.

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