



From mountain to sea

Development Plan Scheme

Aberdeenshire Local
Development Plan

March 2022



Aberdeenshire Development Plan Scheme 2022

Introduction

Aberdeenshire Council are required to produce a statement of the timetabling, the project plan, and an account of what public consultation will be undertaken for the production of a Local Development Plan. This **Development Plan Scheme** sets out those matters for the Aberdeenshire Local Development Plan 2022, which is likely to be published later in the year.

We know that the planning system is undergoing fundamental change as a result of the enactment of the Planning (Scotland) Act 2019, and the Scottish Government has been consulting on draft regulations that will govern this new approach to the Local Development Plan. We are of the view that we have insufficient understanding of the implications of these changes at this time and cannot provide certainty for any programme of work beyond the adoption of the Aberdeenshire Local Development Plan 2022.

In this context it will be necessary to produce a second Development Plan Scheme during 2022 that provides information on the programming and engagement that we anticipate for a Local Development Plan likely to be adopted in 2027. We expect we will be able to provide a Development Plan Scheme for the LDP2027 in the autumn of 2022. This will give us the opportunity to assess the new system being promoted by the Scottish Government and engage with our stakeholders on the most appropriate way to deliver that plan before we commit to a document that will govern actions thereafter.

As a consequence, this should be seen as an interim document that meets our legal obligations to publish a Development Plan Scheme on an annual basis and is only relevant for the last few months in the development of the Local Development Plan 2022.

The Development Plan in Aberdeenshire

The statutory development plan scheme in Aberdeenshire consists of the Aberdeen City and Shire Strategic Development Plan (approved by Scottish Ministers on 12 August 2020) and the current Aberdeenshire Local Development Plan 2017 (adopted on 17 April 2017). To support this plan Aberdeenshire Council published 9 volumes of Supplementary Guidance (See appendix 1).

Shortly, on its approval by the Scottish Parliament the National Planning Framework 4 will replace the Strategic Development Plan as part of the statutory planning system.

Within the Aberdeenshire Council Area, the Local Development Plan is applicable in all areas except the Cairngorms National Park Plan Area, which has its own Local Development Plan:



It can be anticipated that the Aberdeenshire Local Development Plan 2022 will be adopted within a matter of months from the approval of this Development Plan Scheme. The exact date will be dependent on the date of close of the Examination, a matter that is out-with the control of Aberdeenshire Council.

Timetable for the production of the Local Development Plan 2022

The Aberdeenshire Local Development Plan 2022 will replace the Aberdeenshire Local Development Plan 2017 and its associated supplementary guidance.

Work on the Aberdeenshire Local Development Plan started in 2017 and a Proposed Plan was published on 25 May 2020. Since that time the plan has been consulted upon and the representations made presented to the Scottish Ministers, who have, since 24 May 2021, been conducting an examination of unresolved representations through Reporters from their Directorate of Planning and Environmental Appeals (DPEA). This is in accordance with Section (19) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Table 1 sets out the complete timetable followed for the production of the Aberdeenshire Local Development Plan 2022.

Table 1. Stages of the ALDP 2022

| Milestone | Strategic Environmental assessment (SEA) milestone | Completed during... |
|--|---|---|
| Pre-Main Issues engagement | Preparing SEA scoping report | Up to January 2019 |
| Publication and consultation on the Main Issues Report and publication of a draft Proposed Local Development Plan | Publication of the interim Environmental Report of the SEA | From 14 January 2019 to 8 April 2019 |
| Publication and consultation on the Proposed Local Development Plan | Publication and consultation of the Environmental Report of the SEA of the Proposed Local Development Plan | From 25 May 2020 to 31 July 2020 |
| Proposed Local Development Plan and unresolved objections submitted for examination to the Scottish Ministers | Publish responses to the consultation on the Environmental Report of the SEA of the Proposed Local Development Plan | Submitted to Scottish Ministers on 12 March 2021 |
| Examination of the Proposed Local Development Plan. Conducted by lead reporter Alison Kirkwood, the examination is considering unresolved representations relating to 58 topics. Requests for further information have been made on 10 topics (as of 31 December 2021) | | 12 March 2022 to 22 February 2022 (DPEA target date) |
| Reporter's Report of the Examination published | | As of 22 February the DPEA have clarified that two thirds of the schedule 4s had been finalised and the last site visits would be undertaken before the end of February 2022. They anticipate that the report will be completed in May 2020 |
| Reporter's Report and its implications considered | | Due to the potential disruption to the political |

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| by Committees of Aberdeenshire Council | | process that will result from the Local Government Elections on 5 May 2022, the start of the summer recess for Aberdeenshire Council, and the legal obligation to adopt the Local Development Plan within three months of the receipt of the Reporter's Recommendation the adoption of the Local Development Plan will only be considered by Aberdeenshire Council, probably on the 30 June 2022. |
| Aberdeenshire Council to advertise and publish the modifications to be made and the Plan as it intends to adopt, and advise all representees. | Post Adoption Statement is published and the Environmental statement of the Proposed Local Development Plan to be modified in the light of modifications made. | Aberdeenshire Council to resolve on the Plan it intends to adopt within 8 weeks of the Reporter's recommendation*. |
| Scottish Ministers to be advised of the Proposed Local Development Plan Aberdeenshire Council would wish to adopt | Modified environmental statement of the Proposed Local Development Plan the Council intends to adopt submitted to Scottish Ministers. | Estimated July 2022 |
| Confirmation from Scottish Ministers, or expiry of 28 days, and adoption of the Aberdeenshire Local Development Plan 2022 | | Estimated August 2022 |
| Period for Legal challenge | | Estimated August 2022 to October 2022 |
| Revised Acton Programme published | | Estimated October 2022 |

On a decision by the Council of its intent to adopt the Plan, modified as required, the Council will:

- Publish a notice in a local newspaper noting Aberdeenshire Council's intention to adopt the Plan and advising where it may be inspected;

- Make copies of the Local Development Plan the Council would wish to adopt available in public libraries, Area Planning Offices (provided Covid 19 restrictions have been lifted) and on the Aberdeenshire Council website; and
- Notify people who made representations in respect of the Plan that the Proposed Plan has been published in the form in which the Council propose to adopt it, and where and when it can be viewed.

The Council is required to advise Scottish Ministers of its intent to adopt the Plan and, barring a direction from the Scottish Ministers, 28 days later the Plan can be formally adopted. At this point the Council will:

- Formally Publish the Plan;
- Publish the Plan on the Aberdeenshire Council website;
- Advertise its publication and availability in a local newspaper; and
- Notify people who made representations in respect of the proposed Local Development Plan of its publication and availability.

How to get involved (The Participation Statement)

Aberdeenshire Council remains committed to the involvement by interested parties and stakeholders in the formulation of the adopted Local Development Plan. Throughout the production of the Proposed Plan 2020 we have embraced the National Standards for Community Participation:



The actions that we have taken are set out in the "Statement of Conformity with the Participation Statement" that was the first matter considered by the PLDP examination. These included our award-winning approach to digital consultation, adopted in 2020. The

Reporters considered this document and found that the Council had acted appropriately: that our engagement was sufficient and, therefore that the Plan was competent for examination.

We have published this statement on our website at

<https://www.aberdeenshire.gov.uk/media/26310/conformitywithparticipationstatement2021.pdf>.

Opportunities for people to express their views on the proposed modifications recommended by the Reporters are now limited. While it is possible to disagree with the Reporter's recommendations the scope to do this is limited by the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 as follows. The circumstances where authorities may depart from recommendations are where the recommendation(s):

(a) would have the effect of making the LDP inconsistent with the National Planning Framework, or with any SDP or national park plan for the same area;

(b) is incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994;

(c) would not be acceptable having regard to an environmental assessment carried out by the planning authority on the plan following modification in response to recommendations;

(d) are based on conclusions that could not reasonably have been reached based on the evidence considered at the Examination.

No formal opportunity is to be provided for lay-people to comment on these issues although there will be opportunity to lobby Elected Members prior to the Aberdeenshire Council Meeting at which the Reporter's recommendations are to be discussed.

Recently, it has been the case that errors in judgement within the Reporter's Recommendations or the subsequent actions by Planning Authorities have been tested in the Courts following adoption of the plan. The risk of a legal challenge cannot be discounted.

Future Local Development Plans

The timing of Regulations governing the "Transforming Planning" agenda still makes it very difficult to anticipate when the process of preparing a new Local Development Plan will start. However, we fully anticipate that, following the publication of draft regulations, there will be some certainty on this matter by the time the Aberdeenshire Local Development Plan 2022 is adopted.

We anticipate that the process for drawing up the next Local Development plan will be significantly different from that used previously, with greater emphasis on an evidence and outcome-based approach which focuses on areas of significant areas of change and takes a specific "place based" perspective. Greater attention will be given to the key principles promoted by the Scottish Government in draft National Planning Framework 4 of sustainable places, liveable places, productive places, and distinctive places.

Currently we think that the first two years of plan development are likely to concentrate on collecting core data and coming to conclusions on what this data tells us about planning needs within Aberdeenshire to help us set the spatial strategy for the new plan. These conclusions will be tested at a "Gate Check" examination by the Directorate of Planning and Environmental Appeals and will form the basis for a "Call for ideas" to inform the subsequent draft local development plan. Following consultation and modification this will

then be examined by the DPA before adoption of the plan. This draft workplan may be subject to change as details on the Development Plan Regulations become clearer.

The Scottish Government advise that after the provisions of the 2019 Act are brought into force, it will be important for the first round of 'new style' Plans to be brought forward in a timely fashion. On that basis, it is envisaged that every Planning Authority in Scotland will have a 'new style' Local Development Plan in place by 2027.

Timescales for preparing Aberdeenshire Council's next Local Development Plan will be included in a future Development Plan Scheme when further information is available from the Scottish Government. It is anticipated that work on the Local Development Plan will commence immediately after the adoption of the Aberdeenshire Local Development Plan 2022, initially focussing on collecting information to produce an "Evidence Report", identified as a key early stage in new style Local Development Plans. A key part of this will be early engagement with key agencies, developers, local communities and children and young people.

Over the next six months we will engage with our customers and stakeholders to be able to present conclusions on how engagement on the Local Development Plan 2027 should take place. This will involve direct engagement with Community Council Forums and Development interests to evaluate what forms of engagement worked well during the formulation of the Proposed Local Development Plan 2020 and may be applicable to a 'new style' Local Development Plan process. Already some actions on this have taken place: The following further actions are proposed:

- Questionnaire to Community Council on their perception of the most valuable elements of the process that delivered the Proposed Local Development Plan 2022.
- Questionnaire to development agents seeking advice on the clarity and appropriateness of the methods used in developing the Proposed Local Development Plan 2022.

The following further actions are proposed:

- Open Seminar with Major Housebuilding interests to help identify the best way of delivering the outcomes of the Draft Development Plan Regulations.
- Open seminar with Community Council Area Forums to help identify the best way of delivering the outcomes of the Draft Development Plan Regulations.
- Citizens Panel questionnaire on satisfaction with the engagement on the Proposed Local Development Plan 2020.
- Engagement through Heads of Planning Scotland with other Local Authorities on consultation methods being used.
- Engagement with Aberdeenshire Youth Council to explore the best way on engaging with young people.

It is anticipated that these discussions will provide a firm background for a Development Plan Scheme to be published in November 2022.

Appendix 1 - Supplementary guidance

1. Affordable Housing
2. The Regeneration Priority Area
3. Energetica
4. The Coastal Zone
5. Local Nature Conservation Sites
6. Areas safeguarded or identified as areas of search for minerals development
7. Developer Obligations
8. Aberdeenshire Forestry and Woodland Strategy
9. Special Landscape Areas