



Proposed Aberdeen Local Development Plan 2015 Representation Form

Please use this form to make comments on the Proposed Aberdeen Local Development Plan, ensuring that your comments relate to a specific issue, site or policy in either the Proposed Plan, Proposed Supplementary Guidance, Proposed Action Programme or Strategic Environmental Assessment Environmental Report. Please include the relevant paragraph(s) and use a separate form for each issue you wish to raise.

The consultation period runs between Friday 20th March and Monday 1st June 2015. Please ensure all representations are with us by 5pm on Monday 1st June.

Name	Mr <input checked="" type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms <input type="radio"/> John Findlay
Organisation	Ryden LLP
On behalf of (if relevant)	Dandara Limited
Address	25 Albyn Place Aberdeen
Postcode	AB10 1YL
Telephone	<div style="background-color: black; width: 100%; height: 15px;"></div>
E-mail	<div style="background-color: black; width: 100%; height: 15px;"></div>

Please tick if you would like to receive all future correspondence by e-mail

What document are you commenting on?	Proposed Plan	<input checked="" type="checkbox"/>	
	Proposed Supplementary Guidance	<input checked="" type="checkbox"/>	
	Proposed Action Programme	<input type="checkbox"/>	
	Strategic Environmental Assessment Environmental Report	<input type="checkbox"/>	
Policy/Site/Issue	Objections to Policies D3, T5, H4, H5, NE4, R7 and their Associated Supplementary Guidance.	Paragraph(s)	As referenced in the Paper Apart.

What would you like to say about the issue?

Please refer to attached Paper Apart.

What change would you like to see made?

Please refer to attached Paper Apart.

Please return the completed form by:

- post to the Local Development Plan Team, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB; or
- email to ldp@aberdeencity.gov.uk

The representation form can be filled in, saved, e-mailed and/or printed. You must “save as” to ensure the completed form is saved with the changes you have made. If you need more space, please fill out another representation form or send a word document attachment via e-mail with your completed representation form. **Please ensure all representations are with us by 5pm on Monday 1st June.**

Thank you. For more information, please visit www.aberdeencity.gov.uk/aldp2016 or to contact the Local Development Plan Team call 01224 523470.

Data Protection Statement

The comments you make on the Proposed Plan will be used to inform the Local Development Plan process and the Examination into the Local Development Plan by the Scottish Ministers' Reporter. You must provide your name and address for your representation to be considered valid, and this information will be made publicly available. Other personal contact details such as telephone and e-mail will not be made public, although we will share these with the Reporter, who may use them to contact you about the comments you have made. For more information about how Aberdeen City Council maintains the security of your information, and your rights to access information we hold about you, please contact Andrew Brownrigg (Local Development Plan Team Leader) on 01224 523317.

PAPER APART

REPRESENTATIONS ON BEHALF OF DANDARA LIMITED TO THE PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN 2015

OBJECTION 1:

POLICY D3 – BIG BUILDINGS AND ASSOCIATED SUPPLEMENTARY GUIDANCE

Introduction

Dandara Limited generally welcome the Policy on 'Big Buildings' and the associated Supplementary Guidance. However, Dandara consider that the supporting text to the Policy and the Supplementary Guidance should provide more flexibility on the location of such buildings, rather than a restriction to the city centre and its immediate periphery.

In relation to the Supplementary Guidance, Dandara object to the statement that developments should adhere to and go beyond low and zero carbon measures.

Modification Required

The supporting text to Policy D3 and the Supplementary Guidance should provide a clearer definition of what constitutes a 'Big Building'. The Policy, Supporting Text and Supplementary Guidance should be amended to permit such buildings throughout the city rather than only in the city centre and its immediate periphery.

The second paragraph in Section 2.3.1 of the Supplementary Guidance should be amended to simply state that the document shall apply on a city wide basis. The paragraph entitled "Green Credentials" in Section 2.3.2 of the Supplementary Guidance should be deleted.

Justification

Dandara Limited generally welcome the recognition in the proposed Plan that well placed big buildings within the city can reinforce the city's urban experiences and opportunities. However, they take issue with the focus of big buildings being within or on the immediate periphery of the city centre. There are examples throughout the city of where big buildings have contributed to the character of the area. Clearly, siting and design is of paramount importance, but if the criteria set out in Policy and the Supplementary Guidance are adhered to, big buildings should be permissible throughout the city rather than simply restricted to the city centre and its immediate periphery.

Examples of successful big buildings outwith the city centre include the University of Aberdeen's Library Building in Old Aberdeen, the recently completed buildings at The Robert Gordon University at Garthdee, and in terms of residential development, Dandara's recently completed developments at Oakhill off Midstocket Road and at Stoneywood. Such buildings

create interest in an area or a particular site and contribute to the character of that area. Currently the Policy, as proposed, places too much emphasis on the location of such buildings within the city centre rather than an acceptance of them citywide in appropriate locations.

In the context of the above various changes should be made to Policy D3 and the supporting text. Similar changes are required to the Supplementary Guidance and in particular, the second paragraph of Section 2.3.1 requires to be amended or deleted. It is not clear why it applies on a city wide basis to Listed buildings and those within Conservation Areas. It should simply apply citywide.

It is noted that the Supplementary Guidance includes a paragraph on 'Green Credentials' of big buildings. Such matters are, however, addressed elsewhere in the Plan under Policy R7 and should not be replicated in the Supplementary Guidance on big buildings. Separate objections have been submitted on behalf of Dandara Ltd to Policy R7 and these require to be read in conjunction with this objection. In any event, the Supplementary Guidance, in stipulating that developments will go beyond low and zero carbon measures, is entirely unacceptable. No justification whatsoever has been provided for this statement and it is entirely inappropriate to impose a different requirement from that set out in Policy R7, should that policy be retained. The paragraph on Green Credentials should be removed from the Supplementary Guidance.

Furthermore, a number of drafting errors require to be corrected in the text of the proposed Plan, Policy D3 and also within the Supplementary Guidance. Errors in the latter have been highlighted above. The references in the final paragraph of Policy D3 do not relate to big buildings and the opening sentence of big buildings on Page 23 of the proposed Plan requires clarification.

OBJECTION 2: POLICY T5 – NOISE AND ASSOCIATED SUPPLEMENTARY GUIDANCE

Introduction

Dandara Limited acknowledge the need to prevent and limit the adverse effects of noise through the Planning System, but would emphasise the need for a flexible approach reflecting individual site and locational circumstances.

Presently, the wording of Policy T5 and its associated Supplementary Guidance is ambiguous and does not fully reflect Planning Advice Note (PAN) 1/2011: Planning & Noise. Specifically, the use of the term "significant" to define noise and mitigation measures is ambiguous and unhelpful. PAN1/2011 notes that individual sensitivity to noise is highly subjective and is affected by a range of factors. The Advice Note seeks to provide a context for acceptable and unacceptable levels of noise and it would be helpful to reflect this in the Supplementary Guidance.

A flexible approach should be adopted, both through Policy and Supplementary Guidance. In particular, a pragmatic and practicable approach should be adopted towards mitigation, mindful of cost versus benefit.

Modifications Required

To provide context to the term “significant” used in Policy T5, examples should be provided of the scale of change likely to be considered significant.

The term “significant mitigation” used in Policy T5 should be amended to remove the word “significant”. The emphasis is inappropriate and unnecessary.

The Supplementary Guidance, particularly when addressing development management in Section 7.3.4 should be amended to more properly reflect the text of Planning Advice Note 1/2011.

Justification

The use of the term “significant” to define exposure to noise is ambiguous. It provides no indication of the magnitude of increase in noise levels, which may be acceptable or indeed, what may be considered significant. PAN 1/2011 notes that individual sensitivity to noise is highly subjective and is affected by a range of factors. Whilst it goes on to note that as these can include non-acoustic matters, such as attitude to the noise source, sensitivity may not always relate directly to the level of noise, it nevertheless provides some context for the assessment of loudness.

The PAN notes that the selection of a site, the design of the development and the conditions which may be attached to a planning permission can all play a part in preventing, controlling and mitigating the effects of noise. The PAN advocates a flexible approach where the level of detail required in respect of noise should be balanced against the degree of risk to environmental quality, public health and amenity. Whilst the Supplementary Guidance encourages early discussion with the Planning Authority, it fails to acknowledge that the level of detail in a Noise Impact Assessment must be balanced against risk. It is clear from the Advice Note that more detailed assessments may be required for certain proposals and a “one size fits all” approach is unacceptable.

Where mitigation is required, the nature, scale and extent of that mitigation will be determined by the Noise Impact Assessment and be appropriate to address the issues arising. Policy T5 as presently worded, advises that “...**noise sensitive developments will not normally be permitted close to existing noisy land uses without significant mitigation measures**”. The word “significant” is superfluous to the intent of the text, which seeks to ensure that the problem is mitigated. The mitigation required will be at a level necessary to address the problem. The word “significant” should be deleted.

The Supplementary Guidance, when dealing with development management should be amended to more properly reflect the advice provided in PAN 1/2011. As an example,

Supplementary Guidance advises that “...**Acceptable noise levels should be achieved within dwellings with windows sufficiently open for ventilation**”. By comparison, the Planning Advice Notes takes a more flexible and practical approach, advising that it is “...**preferable that satisfactory noise levels can be achieved within dwellings with windows sufficiently open for ventilation**”. It further advises that local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows. Where satisfactory levels with open windows are not achievable, it advises that practicable mitigation solutions should be explored, taking into account their possible impact on the built environment. It further accepts that, in some circumstances, closed windows with alternative means of ventilation may be unavoidable.

It is accepted that the Supplementary Guidance attaching to Policy T5 acknowledges that desirable noise levels may not be achievable in all circumstances, but that development in those areas would, nevertheless, be desirable. Notwithstanding this, it is contended that the Guidance requires amendment to better reflect the more flexible approach advocated by the PAN.

It is also acknowledged that where mitigation is necessary, that mitigation should be conditioned and implemented prior to the occupation of development. However, it is important to recognise that there may be a range of potential mitigation measures and in determining the preferred mitigation cost versus benefit should be a consideration. The current reference in Policy to ‘significant’ mitigation would suggest that the Council would seek to impose the most expensive mitigation rather than the most effective.

OBJECTION 3: POLICY H4 – HOUSING MIX

Introduction

Dandara Limited object to the proposed changes to Policy H4 specifying housing mix. It is for the market to determine the appropriate mix of housing and the requirement to provide smaller 1 and 2 bedroom units should not be driven by Policy.

The proposed Plan advises that the requirement arises as a consequence of an ageing population with over 65’s likely to comprise 35% of the population by 2030. In response to the Main Issues Report, Dandara contended that all new homes, to satisfy Building Standards, must be capable of adaption for varying needs. This, coupled with other LDP Policy requirements, were considered sufficient to ensure that new dwellings are attractive to the needs of a variety of people.

Modification Required

Policy H4 should be amended to reflect that of the extant Local Development Plan (2012). In particular, the final sentence requiring the provision of smaller 1 and 2 bedroom units should be deleted.

The Supporting Text, and in particular, paragraph 3.79, should be amended to remove the emphasis on the needs of an ageing population. The wording should reflect the needs of the entire population rather than a certain element of it.

Justification

The focus of the Local Development Plan should be on addressing the Policy principles set out in Scottish Planning Policy. Specifically, it should be identifying a generous supply of land to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times. It should enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites. Should the Council consider that a certain sector of the population is not being catered for their focus should be on ensuring that sufficient land has been allocated through the Development Plan to allow the development industry to provide the mix of housing required.

It is the market that should ultimately determine the housing mix. Providing sufficient land is available the development industry responds to the demands of potential purchasers. If there is no demand for a particular product there is no incentive upon the industry to provide it. That demand can be driven by a number of factors, not least personal choice, and many elderly people may simply not wish to downsize or relocate from a house they may have lived in for many years.

The development industry already provides for a mix of house types and sizes on major development sites, but it is inappropriate to specify in Policy that it should include smaller 1 and 2 bedroom units. Imposing such a requirement makes provision a pre-requisite on every site, even though individual site circumstances, the character of an area mix of existing provision may suggest that such a requirement is unnecessary. Indeed, Paragraph 3.78 of the proposed Plan specifically notes that the character of the area, site characteristics, the market and housing needs will dictate different mixes on different sites across Aberdeen. As such, there is no justification for the prescriptive approach taken by Policy.

Furthermore, a Policy stipulation that every site should include smaller 1 and 2 bedroom units is likely to result in conflict between the development industry, the Council and the wider community. It is not justified by the supporting text, nor by the Housing Needs & Demand Assessment. Should the Council consider there to be a shortfall of homes for older people and people with particular needs they should use contributions collected via their Affordable Housing Policy to deliver this. Alternatively, if there is a particular need identified in a specific area the Council could, as advocated by SPP, identify specific sites for the provision of such accommodation. A further approach would be to make such development more attractive to

the development industry by, for example, reduced planning obligations, relaxation of parking requirements etc.

Older people should not feel or be pressured into leaving their family home. As recognised in the Main Issues Report, the Scottish Government's key Policy priority is to support people to remain at home for as long as possible. In effect, they should be encouraged and assisted to stay in their home for as long as they are happy to do so. Dandara highlighted in response to the MIR that should elderly people wish to leave their homes for a new home, current Building Standards require that new dwellinghouses are suitable for adaption again, ensuring that people can stay in their home for as long as possible.

Chapter 7 of Age, Home & Community: A Strategy for Housing for Scotland's Older People 2012 – 2021, recognises that in **"...the current economic situation and rate of increase in the number of older people, we have to be realistic and recognise that only a small proportion of older people will live in new build housing"**. On the basis of the above, Policy 4 of the extant LDP 2012 should be maintained. That Policy, as worded, is considered sufficient to secure the delivery of a mix of housing types and tenures.

OBJECTION 4:

POLICY H5 – AFFORDABLE HOUSING AND ASSOCIATED SUPPLEMENTARY GUIDANCE

Introduction

Whilst the wording of Policy H5 generally reflects that of the extant Local Development Plan Dandara Limited request that it be amended to more properly reflect the requirements of the most recent Scottish Planning Policy (SPP). As worded it seeks to impose a minimum requirement across the City. Also, it does not provide flexibility for a reduction in exceptional circumstances.

The acknowledgement in paragraph 3.82 of the proposed Plan that the provision of affordable housing should not jeopardise the delivery of housing as this would be counter-productive is welcomed. Dandara agree that the affordable housing requirements must be realistic and take into consideration the Strategic Development Plan, affordable housing targets and the provisions of PAN 2/2010 – Affordable Housing and Housing Land Audits.

The provision of affordable housing relies on the delivery of mainstream housing and the onus is on landowners to make land available for development. If an unacceptable burden is placed on land values there is likely to be a reluctance on the part of landowners to release land for development. Whilst the supporting text to Policy recognises this, concern must be expressed regarding the inflexible approach to delivery, as set out in the text and the associated Supplementary Guidance. Off-site provision should be as acceptable as onsite provision. The key is the delivery of affordable housing in areas of need. Commuted sums can play an important role in the delivery of affordable housing potentially acting as a catalyst for delivery

on specific sites. Accordingly, there should be a wider acceptance of the benefit of commuted sums.

However, objection is taken to the method of calculation of commuted sums and the prospect of that being reviewed on an annual basis. Such an approach removes any certainty from the Planning Process and is entirely un-acceptable.

Modifications Required

The term “**no less than**” should be removed from Policy as the wording does not reflect the most recent SPP.

Substantial changes are required to the Supplementary Guidance. It should be amended to permit a more flexible approach to the provision of affordable housing in terms of on-site and off-site provision and the range of tenures acceptable. There should be greater scope to address the provision of affordable housing through commuted sums, but the calculation of those commuted sums must be transparent and should not be determined by sub-market areas. Any review of those sums should be through the Local Development Plan review process and not on an annual basis.

The proposed Plan should be more pro-active in the delivery of affordable housing. Consideration should be given to the allocation of specific sites for affordable housing and in particular, surplus Local Authority owned land or buildings should be identified for affordable housing as advocated by PAN 2/2010: Affordable Housing & Housing Land Audits.

Justification

The use of the term “**...no less than...**” is not acceptable. It seeks to impose a minimum requirement whereas SPP advises that the affordable housing requirement should “**...generally be no more than 25%...**”. There is a subtle but important difference and policy should properly reflect SPP which takes precedence.

Whilst Dandara Limited welcome the recognition in the proposed Plan that affordable housing requirements must be realistic, it is considered that the burdens imposed may limit provision. Scottish Planning Policy (SPP) at Paragraph 129 advises that Planning Authorities should consider the level of affordable housing contribution, which is likely to be deliverable in the current economic climate, as part of a viable housing development. As affordable housing provision is dependent upon the delivery of mainstream housing, it is imperative that consideration is given to the economic climate in formulating Policy and negotiating the level of on-site provision. It benefits neither the development industry nor the Planning Authority, in terms of its requirement to deliver affordable housing, if development is stifled by the requirements of either Policy or Supplementary Guidance.

The burden of providing affordable housing ultimately falls on landowners and this is recognised in the Supplementary Guidance. Land owners are also expected to carry the cost of any infrastructure or community facilities required as a consequence of development. If the burden

placed on land values becomes too great, many landowners may simply not be prepared to release their land for development. Not all are in the position where they have to sell their land. Development must remain viable and as such, a flexible approach is necessary to the provision of affordable housing.

Dandara, through their representations on the Main Issues Report, argued for a more flexible approach and contended that the proposed Plan should allocate specific sites for affordable housing. In PAN 2/2010 it is clear at paragraph 2 where it advises that the advice in the Planning Advice Note has to “...**be applied constructively and with flexibility in response to financial and market conditions**”.

Presently, the proposed Plan places the burden of delivering affordable housing firmly on the development industry. It is, however, contended that the Plan should be more pro-active in terms of identifying and allocating specific sites for affordable housing. Planning Advice Note 2/2010 promotes four additional or alternative means of delivering affordable housing, which could be considered by Planning Authorities. These include:

1. Allocating new sites in Local Development Plans specifically for affordable housing.
2. Identifying plots for self-build dwellings.
3. Using Compulsory Purchase powers to support the delivery of a new supply and regeneration.
4. Making appropriate surplus Local Authority land or buildings available for affordable housing.

Given the encouragement and mechanisms available to Aberdeen City Council to take a proactive approach to delivery, this should be reflected through the Local Development Plan. Specific sites should be identified for the provision of affordable housing along with the method by which they will be delivered. The alternatives also clearly support the principle of off-site provision.

Indeed greater flexibility should be permitted in both the on-site delivery of affordable housing and off-site delivery. SPP at Paragraph 126 highlights the various ways in which affordable housing can be provided. PAN 2/2010 sets out a range of tenure types which can contribute to affordable housing and emphasises that it is important that Local Authorities, developers and Registered Social Landlords (RSLs) consider the **full range** of options and apply them as appropriate.

Unfortunately, whilst the Supplementary Guidance acknowledges the options for affordable housing provision and the potential categories of affordable housing, it then imposes a preferred approach to delivery. This pre-empts any discussions between the housebuilder and the Housing Authority and limits the scope for flexibility in terms of delivery. Whether appropriate or not, these preferences are applied throughout the Plan area. To assist the development industry in their negotiations with landowners the proposed Plan should provide an indication of the preferred tenure on a site specific basis. PAN 2/2010 at paragraph 5 is clear that the Local Authority should provide as much clarity as they can in Local Housing Strategies and Development Plans given the impact of tenure type on the valuation of land.

There should be greater flexibility to allow off-site provision of affordable housing. In many instances, it may simply not be feasible or viable to provide affordable housing on-site. In some developments, the factoring costs for shared amenities and open space provision are simply not capable of being met by RSLs or the occupiers of affordable housing. Dandara have experienced this on a number of sites where an RSL has declined interest in the site as a consequence of the council tax payable and factoring costs; costs outwith the gift of Dandara. There are also instances where no funding has been available to these bodies to enable them to take up the transfer of serviced land.

There may be other reasons why RSLs are not in a position to take up the affordable housing land. PAN 2/2010 highlights that this could be for reasons of site size, its location, topography, conversion of buildings where relevant standards cannot be met and other local circumstances, such as whether an appropriate tenure mix can be delivered. These examples should be referred to in the Supplementary Guidance and a welcoming and flexible approach taken to off-site provision. Such an approach could assist with the delivery of affordable housing, enable early delivery and ultimately, deliver a greater number of units.

The flexibility advocated for sites of up to 20 units, in terms of the way affordable housing contributions are secured, is welcomed. The threshold appears to be based on the assumption that a minimum of 5 affordable units is required to allow for effective management of any category of affordable housing that is to be provided. However, Dandara's experience would suggest that RSLs may be reluctant to take on limited developments of 5 units. In the circumstances, it would be appropriate for the threshold to be increased from 20 to 50 units, thereby coinciding with the threshold for a major application.

For those sites in excess of the threshold, whether that be 20 or 50 units, the scope for payment of commuted sums should not be seen as the final option. The payment of commuted sums, or indeed a combination of commuted sums and on-site or off-site provision, could greatly assist the Local Authority and RSLs in funding affordable housing delivery in areas of acute need. Those commuted sums could be the catalyst to enable development on sites owned by the Council or an RSL.

In considering off-site provision and the scale of commuted sums, the Supplementary Guidance makes reference to sub-market areas. This is unacceptable. Aberdeen City, along with its immediate hinterland lying within Aberdeenshire, comprise a single housing market area and it is not appropriate to divide this into sub-market areas. Such an approach contravenes SPP and the Strategic Development Plan. If sub-market areas are to be adopted then the Strategic Development Plan should be identifying the housing requirement for those sub-market areas. There is a very real danger that the approach advocated could distort the housing market. Similarly, inconsistencies in the delivery of affordable housing and the calculation of commuted sums in those parts of the Aberdeen Housing Market Area lying within the City and Shire could also distort the market and favour development in certain areas over others. There should be a consistent approach applied throughout the Aberdeen Housing Market Area comprising both the City and part of the Shire.

The scale of commuted sums set out in Table 1 of the Supplementary Guidance is unacceptable. The Guidance provides no indication of how the sums were derived or how each market area is defined. The Local Development Plan must be transparent and all parties must be confident that the sums being sought are justified. This is essential for developers in negotiating with the landowners and PAN 2/2010 specifically advises that developers will expect certainty from the Development Plan and the development management process.

Furthermore, the proposal to review the commuted sums and the low cost home ownership benchmark on an annual basis is entirely unacceptable. Many land deals can take over a year to conclude and the potential for costs to increase with such regularity is unacceptable and fails to provide the development industry and landowners with any degree of certainty. Any review of the commuted sums and benchmark prices should only be undertaken in consultation with the development industry and the appropriate forum for that is through the Development Plan process. It must be emphasised that any figure used should be for the duration of the Plan to ensure certainty for all concerned. All the land allocated in the Local Development Plan should have their commuted sums fixed at the level pertaining at that time.

Overall, whilst Policy H5 and the supporting text in the proposed Plan are generally acceptable, Dandara have a number of fundamental issues with the Supplementary Guidance. It should provide greater flexibility in terms of provision and the categories of affordable housing. It should avoid highlighting preferences and instead, adopt a more proactive approach to the delivery of affordable housing, as set out in SPP.

OBJECTION 5:

POLICY NE4 – OPEN SPACE PROVISION IN NEW DEVELOPMENT AND ASSOCIATED SUPPLEMENTARY GUIDANCE

Introduction

Dandara acknowledge the fact that the Policy on open space provision in new development has been carried forward from the extant LDP 2012. Nevertheless, Dandara object to the requirement that at least 2.8 hectares per 1,000 people of meaningful and useful open space is provided in new residential development.

That requirement advocates a “one size fits all” approach to each and every site. This contradicts other parts of the Policy which, recognising the findings of Aberdeen’s Open Space Audit 2010, proposes a flexible approach to identifying the exact level and mix of open space and being responsive to the level of existing provision, and its quality and accessibility.

Modification Required

The requirement in Policy NE4 to provide at least 2.8 hectares per 1,000 people of meaningful and useful open space in new residential development should be deleted. That requirement

should only apply to those areas of the city where the Open Space Audit has demonstrated a clear deficit.

Consequential amendments also require to be made to the associated Supplementary Guidance.

Justification

Paragraph 3.104 of the proposed Plan advises that the Council's Open Space Audit 2010 showed an uneven distribution and varying quality of open space across the city wards. Paragraph 8.4.2 of the Supplementary Guidance on open space and green infrastructure provides further clarity and advises that the Audit identified a need for higher quality and more accessible open space, rather than simply extra quantitative provision. The Guidance further advises that it is for this reason that quality and accessibility, as well as quantity, is included in Aberdeen's Minimum Open Space Standards for New Developments.

It does not follow, however, that every new development should provide at least 2.8 hectares per 1,000 people. The Guidance advises that the approach to identifying the exact level and mix of open space requirements should be flexible and responsive to the level of existing provision, and its quality and accessibility. The Policy, as presently worded, requires the same level of provision on every site and effectively ignores the 2010 Open Space Audit.

Figure 1 of the Supplementary Guidance on open space and green infrastructure provides a flow chart for calculating the required open space provision. This properly requires that regard be had to the quantity of existing provision within the area and also to the quality of that provision. Only in instances where there is an under-provision is there a requirement to provide additional open space. Not every site should provide that scale of provision if those standards are met in the general area.

The Supplementary Guidance very sensibly takes account of existing provision, both in terms of quantity and quality. Only where there is a shortfall in quantity should additional provision be required on-site. A distinction also requires to be drawn between the development of Brownfield sites within urban areas where a higher density of development will be anticipated with reduced open space provision compared to the development of peripheral Greenfield sites where there may be opportunities in the immediate vicinity for passive recreation. The Supplementary Guidance seeks to address this, but the Policy requirement conflicts with that approach and should be amended as a consequence.

OBJECTION 7:

POLICY R7 – LOW AND ZERO CARBON BUILDINGS, AND WATER EFFICIENCY AND ASSOCIATED SUPPLEMENTARY GUIDANCE

Introduction

Whilst Dandara Limited recognise the importance of addressing climate change, the requirements set out in Policy R7 should more appropriately be addressed through Building Regulations rather than through the Local Development Plan. The requirements for carbon reduction and the calculation of those reductions are complex and the Policy is in effect duplicating other controls.

The housebuilding industry maintains that a “**fabric first**” approach should be adopted ahead of the requirement to install low and zero carbon generating technologies. Such technologies are often unproven, significantly add to the cost of development and are not recognised by mortgage lenders.

Similarly, water efficiency measures are more appropriately controlled through Building Regulations rather than through the Local Development Plan, which essentially controls the use of land.

Modifications Required

Policy R7 should be re-written to focus only on those matters which can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction achieved by installing low and zero carbon generating technologies in new developments should be removed.

Justification

The need to address climate change is recognised and the focus of Scottish Planning Policy on sustainable development is welcomed by Dandara Limited. However, in seeking to reduce carbon emissions and adapting to climate change to create a low carbon place, the focus of SPP is in supporting diversification of the energy sector with the spatial strategy of the National Planning Framework 3 (NPF3) aimed at reducing greenhouse gas emissions and facilitating adaptation to climate change. The focus is on the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector.

The requirement to install low and zero carbon generating technologies in new residential developments does not flow directly from SPP. It encourages Local Development Plans to take a more holistic view by, for example, using heat mapping to identify the potential for the co-location of developments with a high heat demand with sources of heat supply. It advises that heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and anchor developments, such as hospitals, schools, leisure centres and heat intensive industry. The onus is, therefore, on the planning authority through their Local Development Plans to be more proactive in terms of identifying opportunities for co-

location of development. Paragraph 159 specifically advises that Local Development Plans should identify where heat networks, heat storage and energy centres exist or would be appropriate and include the policies to support their implementation. The policy as presently worded places the burden firmly on the housebuilding industry.

It is accepted that Section 72 of the Climate Change (Scotland) Act 2009 directs Planning Authorities to include policies in their Local Development Plan to ensure that **“...all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero carbon generating technology”**.

Low and zero carbon generating technologies are complex, as are the legislative issues regarding their implementation. These are beyond the scope of planning control and in particular, the Local Development Plan process. It is essential that technical matters of construction and design are regulated by the building standards rather than by planning policy. The standards expected of new development are set by the Building Regulations and should not be undermined on an arbitrary basis by planning policy.

The housebuilding industry is clear and made the point in representations at the Main Issues Report stage, that such technologies are uneconomic, not wanted by most customers, cause problems for funding, insurance and maintenance, and do not contribute significant energy and carbon savings in a context where Scottish housebuilding is already amongst the most energy efficient and low carbon in Europe. The housebuilding industry contend that the focus should firmly be on a **“fabric first”** approach.

The Climate Change Act was subject to Statutory Review by Ministers in 2014 and the Government recognises that the requirement to use low and zero carbon technologies is proving impractical and problematic. The Sullivan Panel, referred to in the supporting text to Policy, was appointed by Scottish Ministers in 2013 to provide an update on a Low Carbon Building Strategy for Scotland. The Panel specifically noted that concerns can arise from requirements and prescription on low carbon equipment within the Scottish Planning System, in addition to provisions under Building Regulations. In reviewing the staged improvements, the Panel asked the Scottish Government to examine elements of the planning & building standards system which addressed greenhouse gas emissions. They advised that **“...these should offer consistency and alignment in policy approach and delivery, providing clarity to developers”**.

The Panel also acknowledged that delivery of zero carbon objectives through an entirely on-site strategy is not currently a realistic approach for mainstream housing production, due to issues of cost and practicality of building to such a standard on many sites. In taking forward the standard set for building-related measures the Panel took the view that development should focus on reducing energy demand through a **“fabric first”** approach, with efficient services, supported by the use of renewable technologies, where appropriate. They emphasised that this was particularly relevant for new homes and strongly advocated the use of simple solutions rather than layering of complex technologies.

Notwithstanding the acknowledgement of the Sullivan Panel in the supporting text, the wording of policy takes little cognisance of the issues raised by the Panel. At the very least, it should be amended to reflect the Supplementary Guidance to policy, which highlights instances when policy will be relaxed. Through the Supplementary Guidance the Council acknowledge that developments, such as passive housing, aim to reduce their energy consumption significantly rather than installing low and zero carbon generating technologies. As a consequence, the Guidance acknowledges that development will be deemed to have complied with the requirement to install low and zero carbon generating technologies if it can be demonstrated that the development will achieve a CO₂ saving of 15% greater than required by the current Building Standards. This should be reflected in policy and in the supporting text to policy.

The need to improve water efficiency, thereby reducing the need for water extraction from the River Dee and the pressure on water infrastructure is recognised by Dandara. As a responsible housebuilder, Dandara already implement a number of the water saving measures highlighted in the Supplementary Guidance. However, it is again contended that such measures should fall to be implemented through Building Regulations rather than Development Plan Policy.

Like low and zero carbon generating technologies, these are technical measures best addressed through Building Regulations rather than through a land use Planning Policy document.