

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to ldp@aberdeenshire.gov.uk or send this form to reach us by 31 July 2020*.

We recommend that you keep a copy of your representation for your own records.

**UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

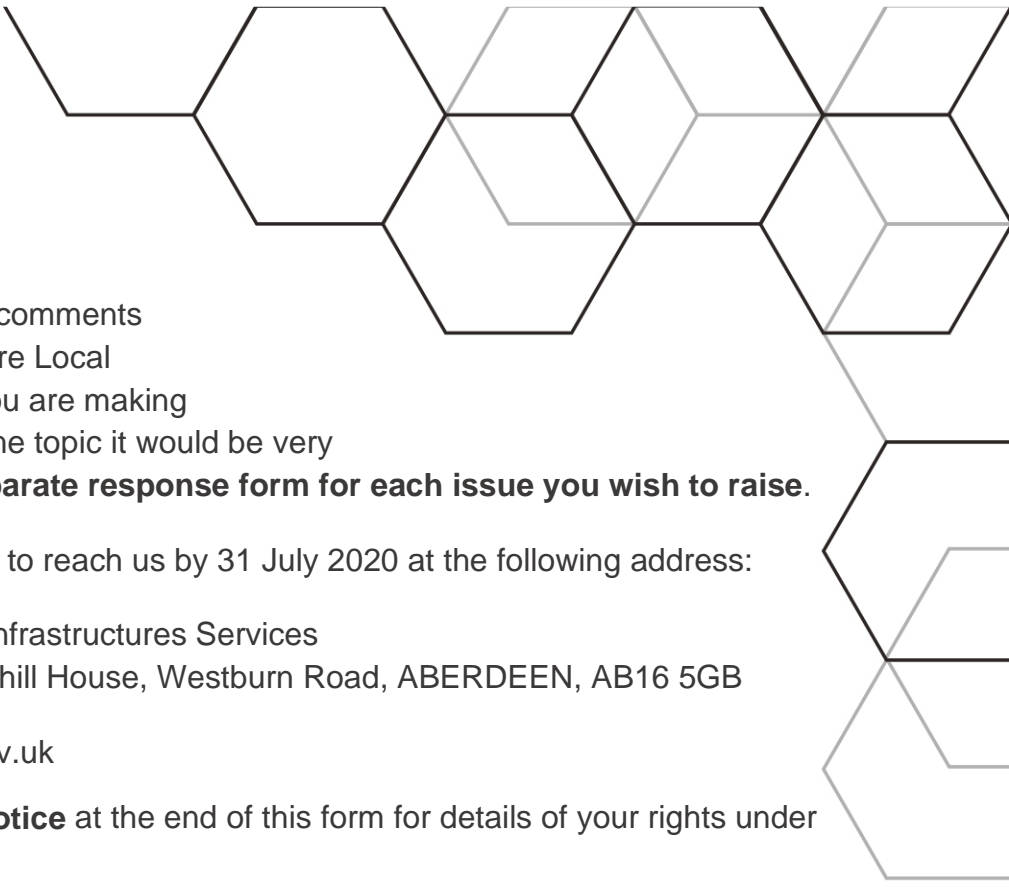
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

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

Tel: 01467 536230
Email: ldp@aberdeenshire.gov.uk
Web: www.aberdeenshire.gov.uk/ldp
Follow us on Twitter @ShireLDP

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



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	James
Surname:	Lochhead
Date:	22 June 2020
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████████

Are you happy to receive future correspondence only by email? Yes X No

Are you responding on behalf of another person? Yes X No

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

- Include KN001 within the Drumlithie village envelope Opportunity "OP" Allocated Sites in the Local Development Plan 2021 (13 Appendix 07e – Kincardine & Mearns Settlement Statements, Item 5, P573)
- Correct the wording in the Biodiversity & Landscape assessment sections which states that the development will result in loss of existing trees (29 SEA ER Assessment of Bid Sites - Kincardine and Mearns, Pgs 10 & 11)
 - As per the proposal shared with the council in February 2018, no trees will be lost
- Correct the wording in the Climatic Factors assessment section which refers to a risk of surface flooding (29 SEA ER Assessment of Bid Sites - Kincardine and Mearns, Pgs 10 & 11)
As highlighted in the response to the Main Issues Report, the SEPA Flood Map shows that the site is free from flooding, including from surface water

Reason for change:

BACKGROUND

The Lochhead Consultancy has fully engaged in the plan preparation process including the 'call for sites' and responding to the publication of the Main Issues Report. It is now necessary to lodge a formal objection to the proposed plan due to my clients land at Burnside, Drumlithie being excluded from the village envelope. The site, referenced as KN001 by the Council, was previously considered through the Examination process associated with the current Local Development Plan. In this regard it is useful to consider the comments of the Reporter. He concluded: *"4. This modest triangular site falls within the protected land designation P1, which is intended "to conserve the woodland corridor and amenity area for the village". The site does have a rather unkempt appearance, and given it relates well to the village and site OP1 I consider that a modest development which retained the trees adjacent to the burn, together with the two mature trees on the western boundary of the site, would not compromise the integrity of the P1 designation.* *5. Whilst I find the site does have some planning merit, the inclusion of this site is unjustified as a structured environmental assessment process has not been undertaken, nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 'Development Planning'. On this basis no modifications are recommended. There is however scope for a small-scale proposal on the site to be considered through the development management process, in the context of policy R2."*

Clearly, the Reporter had some sympathy for my client. However, we recognise that we 'came to the table' late in the day and did not engage in the plan making process at an early enough stage. However, the Reporter considered that a planning application could address the issue of environmental assessment and public consultation. However, in discussion with the Development Management Team it was considered that the most appropriate way forward was to promote the land through the review of the Local Development Plan.

As a result of this engagement, this modest site has been fully considered through the environmental assessment process. It was with some surprise therefore, to see that the site was not included within the village envelope in the proposed LDP 2021.

Following subsequent clarification with the Planning Team, the reasons given for the exclusion of the proposed site from the village envelope were: (1) sufficient additional housing land allocations are identified in the Rural Housing Market Area, and (2) Drumlithie has an appropriate amount of land identified for housing to meet local housing needs during the Plan period from the consented housing site OP1 (30 homes).

In our view, the KN001 proposal for limited housing (3 homes) would have an

insignificant impact on the amount of land identified for housing to meet local needs. Furthermore, allowing such a small scale redevelopment would ultimately improve the character and environment of the village and complement the OP1 site.

STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE SITE

Within the supporting documents that accompany the Proposed Plan is an environmental assessment of each site considered during the plan preparation process. In view of the comments of the Reporter who considered the existing Local Development Plan it is worthwhile to consider this assessment.

- There is capacity in the local WWTP and the WTW;
- A 'buffer strip' can be provided along the Drumlithie Burn;
- A Flood Risk Assessment could be undertaken to determine the scale and location of the new houses (note the proposal is for three houses);
- The SEA stated that the centre of the site is at risk from surface water flooding. However, it is of note that The SEPA Flood Map show the site is free from flooding including surface water;
- The proposed development would result in potential remediation of contaminated soil (part of the site included a WWTP many years ago);
- The SEA is mistaken to state that there would be a loss of trees. **No trees will be felled.**
- The development of the site may enhance biodiversity through the redevelopment of a brownfield site;
- There would be no pressure on the local infrastructure;
- Limited impact on the population;
- Unlikely to have any effects on the historic environment.

The main issue would appear to be that trees would be lost as a result of the proposed development. Clearly there has been some misunderstanding, and I reiterate that no trees will be affected by the proposal.

Other matters can be included as 'developer requirements' associated with any allocation, such as:

- Undertaking a flood risk assessment,
- Retaining a buffer strip along the side of the burn; enhancement of the strip with supplementary tree planting
- Extension of the existing Tree Preservation Order
- Creating a cycle / footpath that links to footpaths in the adjacent OP1 site, and the Millenium Path, thus providing an additional safe route to walk to

school and enhancing the community amenity

It is of note that neither SNH nor SEPA had any objections to allocating the land for a modest development of three houses.

MERITS OF THE SITE

As previously communicated, the land adjacent to Burnside Croft fronting Glenbervie Road represents a logical direction for limited growth of the village. Furthermore, the proposal for a limited number of houses would enhance the setting of the village.

The land currently forms part of a much wider designation known as P1 which seeks to conserve the woodland corridor and amenity area for the village. However, the limited release of land to be contained within the village envelope would not conflict with this aim. Significant tree cover already exists along the western and northern (partly) boundaries of the site which would not be affected in any way by this small development.

Conclusion

In our view there is much merit in altering the settlement boundary of Drumlithie to allow for a limited, organic growth which can be achieved without compromising the P1 designation. The comments of the Reporter who conducted the Examination of the existing Local Development Plan suggest support for this view particularly now that all the relevant assessments have been undertaken.

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

