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LOCAL DEVELOPMENT PLAN

PUBLIC COMMENT

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The Data Protection Officer can be contacted at Town
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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
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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:

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- 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:
 - Consent; or
 - Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.



HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS & PLANNING CONSULTANTS

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 refer to Aberdeenshire Council's Privacy Notice at the end of this form for details of your rights under the Data Protection Act.

Your Details

Name:	HALLIDAY FRASER MUNRO
Date:	16.07.2020
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

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

Are you responding on behalf of another person? Yes ☒ No ☐

If yes who are you representing? SEAFIELD AND STRATHSPEY ESTATES

☒ 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.



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Your Comments (no more than 2000 words)

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):

Appendix 7a Settlement Statements Banff and Buchan: Portsoy
Re-allocate site BB028 (formerly OP3) for 125 houses.

Reason for change:

Please see attached statement.



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**ABERDEENSHIRE LOCAL DEVELOPMENT PLAN
RESPONSE TO PROPOSED LOCAL DEVELOPMENT PLAN
LAND AT PORTSOY
BB028**

JULY 2020

On behalf of
Seafield and Strathspey Estates

Introduction

- 1.1. This report has been prepared by Halliday Fraser Munro, Chartered Architects and Town Planning Consultants, on behalf of Seafield and Strathspey Estates. It is written in response to the Proposed Aberdeenshire Local Development Plan 2020.
- 1.2. This response objects to the failure to allocate site BB028 (formerly site OP3) in Portsoy.

Modifications sought: *Reinstate site OP3 / BB028 for 125 houses*

Reasons for change: *To support the sustainable delivery of housing in the Rural Housing Market Area, and in particular to support the future growth of Portsoy and support the town's existing services. There is no evidence to support flood risk concerns, and the site may be able to offer a positive solution to existing drainage issues in the area.*

Portsoy

- 2.1 Seafield and Strathspey Estates submitted a bid (reference BB028) in support of the continued allocation of site OP3 in Portsoy. The site at Durn Road is located to the south west of the town, between the Soy Burn and Durn Avenue. The site extends to 14.7ha. The site is well located for development, the site is relatively flat, and has existing development on three sides. There is a core path running along the northern boundary of the site, ensuring good pedestrian access to the settlement.

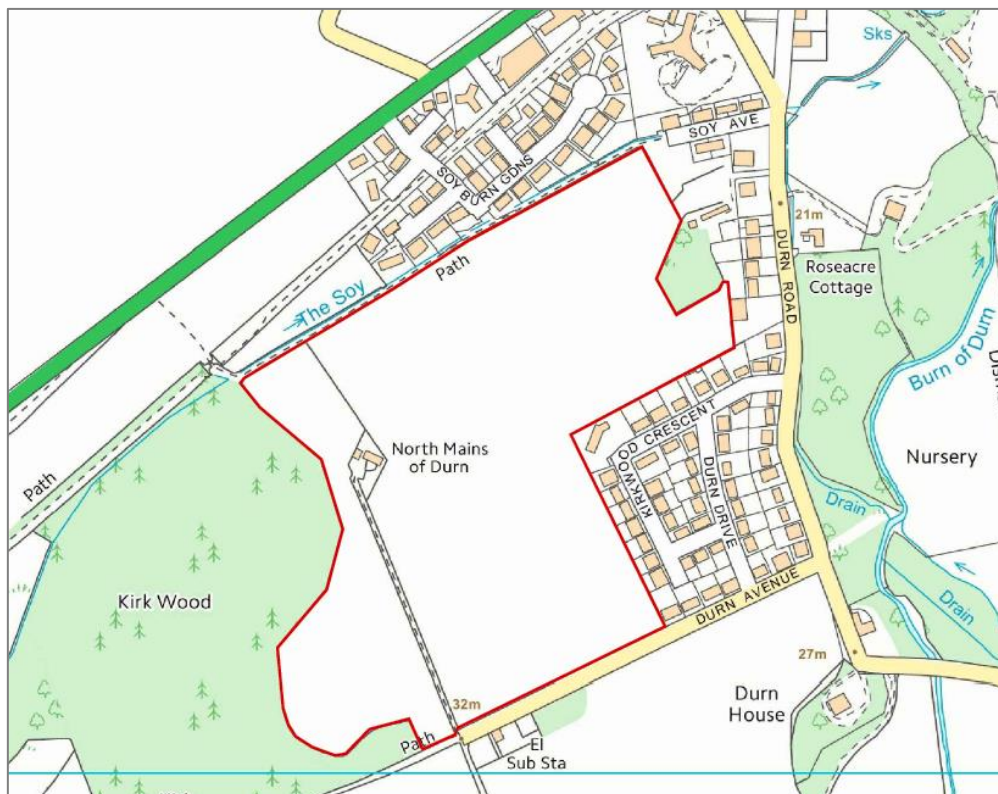


Figure 1: Site Location



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- 2.2 Despite being an allocation in both the 2012 and the 2017 LDP, the site has been removed from the Proposed Plan. The Council has suggested that a history of flooding to the north of the site cannot be overcome by surface water drainage due to the topography of the site. It is also suggested that two access points could not be achieved as one of them has the potential to flood thereby cutting off access to the site. They also suggest that the community wish to see the site removed.
- 2.3 The site is not identified at risk of flooding from fluvial or surface water on SEPA's flood maps (see figure 3 below). However, the site sits adjacent to the Soy Burn, which has in the past contributed to flooding on Soy Avenue. SEPA commented in their response to the MIR that there may be opportunities on this site to mitigate and/ or restore the burn **to assist the situation**. The development of the site would be subject to a drainage assessment, and it may be that additional infrastructure on the site could assist with surface water drainage to the benefit of adjacent development. Drainage is a technical issue, to which there will be a technical solution. SEPA recognise the opportunity to improve/restore the burn. We therefore disagree that flooding is an issue for this site and, in fact, the development of this site could be of benefit to the settlement in that respect.
- 2.4 In relation to access our client disagrees that a viable access solution could not be achieved. That is the purpose of a Transport Assessment and a Flood Risk Assessment (as access may be taken over the burn). Our client maintains that access can be achieved via Durn Avenue.
- 2.5 It is noted that the Council suggest the community would wish to see this site removed, yet we have seen no evidence to support this claim. There were no representations to the MIR from individuals or the Community Council. We would suggest that the town needs additional development to sustain local services. Portsoy currently sustains local shops, hotels, sports facilities, a primary school and a petrol station. Portsoy Primary School is operating at 55% capacity, with capacity for over 100 pupils.
- 2.6 The site would enable the delivery of 31 affordable homes and thus help improve the viable operational capacity of the primary school. There are no other major allocations in Portsoy, nor in the vicinity of the settlement and no better sites for a large scale development to support the growth of Portsoy. Other allocated development in Portsoy amounts to 16 houses. Site OP5 has planning permission for 44 dwellings. [REDACTED] are currently building that site out so it should be complete by the time the 2021 Plan is adopted.



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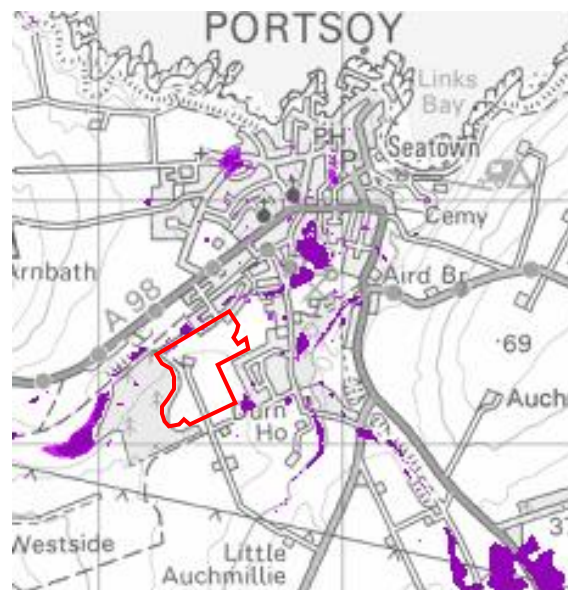
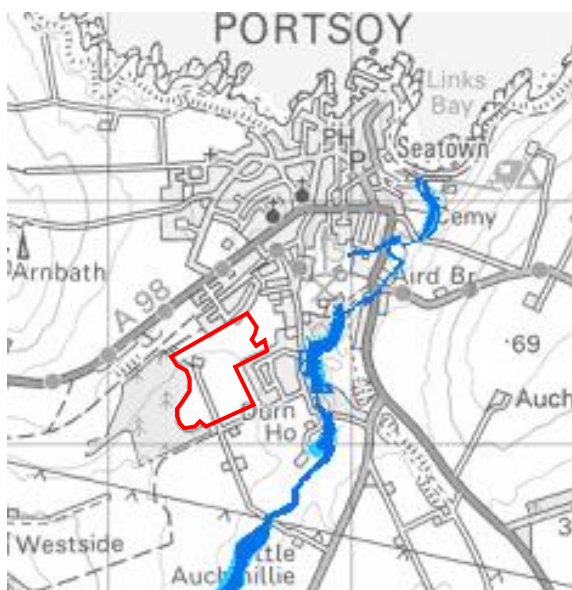


Figure 2: SEPA Flood risk Maps: River Flooding

SEPA Flood Risk Maps: Surface Water Flooding

Source: <http://map.sepa.org.uk/floodmap/map.htm>

2.7 The Strategic Environmental Assessment (SEA) of the site has been appraised and the Estate are of the view that the draft SEA is overly negative in relation to site BB028. The SEA of the site is undertaken by the Council to assess the impact of the plan on the environment. A full review of the SEA is included at Appendix 1, but Table 1 below reviews the SEA Summary and finds that the site would have a slightly positive impact, given that the flooding and drainage issues can be reviewed through a flood risk assessment and drainage assessment, and that a technical solution is likely to be found. There is no evidence to support the officer's claim of significant flood risk and if that is removed the site would be considered positively in the SEA.

	Air	Water	Climate	Soil	Biodiversity	Landscape	Material Assets	Population	Human Health	Cultural Heritage
Officer's assessment	0	--	--	0	+	0	+	+	+	0
	Site has an overall negative impact with the effect of significant flood risk overriding the positive effects of good connectivity with existing settlement and access to local services, facilities, green space, and potential biodiversity enhancement.									
Proposed Assessment	0	0	0	0	+	0	+	+	+	0
	The site has a slightly positive impact. The site is not identified at risk of flooding on SEPA's flood maps, and a FRA would be carried out to support development on the site. A technical solution to flooding and drainage can be found. The site is in a sustainable location, with good connectivity to the settlement, and would sustain local services and provide material assets to the benefit of the settlement.									

Figure 3: SEA Summary & Review



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Delivery of Housing in the Rural Housing Market Area (RHMA)

- 3.1 The Rural Housing Market Area has a large percentage of sites constrained by marketability, and a dependence on small and windfall sites to deliver the housing requirement. Marketability can be an issue in the rural area, but a wider choice of sites should be made available to ensure that the effective land supply is met. Portsoy, with a population of over 1700 people, supports local services which additional housing allocations would help to sustain. It is preferable to allocate housing in settlements, which will support the wider area, as well as Portsoy.

Conclusion

- 4.1 The Estate strongly believe that Portsoy should have additional housing allocations should ensure additional growth to support the services supported by the town. Site BB028 is the only site that can offer a medium scale allocation to satisfy the longer term needs of the town. The site was previously allocated as site OP3 for 125 houses but been removed on the basis of possible flood risk. There is no evidence to support that claim and therefore no basis for the removal on the site from the Proposed Plan. The development of the site could be positive for the settlement and assist with alleviating flooding downstream.
- 4.2 We therefore respectfully request that site BB028 is allocated for 125 units, with the recognition that a flood risk assessment may be required, and proposals would require to be supported by a detailed drainage assessment. This is standard practice for sites close to watercourses.




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APPENDIX 1

Review of Strategic Environmental Assessment of Site BB028

Officers Comments by SEA Topic	Response
Air: "For the most part, air quality is likely to have short to medium-term temporary insignificant effects."	Agree that the effect would be neutral (0).
<p>Water:</p> <p>"The WWTW capacity is not confirmed for this area.</p> <p>Some localised impacts on watercourses would occur during the development phase of this site i.e. change in water table, stream flows, site water budgets, silt deposition and water-borne pollution. The impact is likely to be long term.</p> <p>The site has a history of surface water flooding from the Soy Burn with risk of downstream impacts caused by development of this site. It is unlikely that this can be mitigated against.</p> <p>The proposed development on a greenfield site is near a watercourse where the quality of water bodies (ground, coastal, transitional or loch) is <i>moderate</i>."</p>	<p>The area is served by Portsoy WWTW. The Scottish Water Asset Capacity search confirms the WWTW has capacity for 176 housing unit equivalents. There is therefore sufficient WWTW capacity.</p> <p>The localised impacts on watercourses during construction are not likely to have a long term impact. It is suggested that the development of this site could improve run-off into watercourses.</p> <p>A flood risk assessment and drainage impact assessment are required to determine the flood risk impact, and it is likely that a technical solution can be found to improve the current situation.</p> <p>Disagree that the effect would be significantly negative (--). Suggest that that the effect would be neutral (0).</p>
<p>Climatic:</p> <p>"There would be minimal CO2 emissions from general heating and travel as the site has good connectivity with the settlement.</p> <p>The development is in an area identified at <i>fluvial and surface</i> water flood risk and is likely to have a long-term effect on climate and the water environment. History of flooding on site is a significant issue – surface water flooding from the Soy Burn. SUDs unlikely to be able to mitigate due to sloping site."</p>	<p>Agree that the site has good connectivity to the settlement and CO2 emissions would be minimal.</p> <p>The site is not identified at risk of flooding on the SEPA flood map (the site location is shown by the red dot):</p>  <p>SEPA Flood Map extract (source: http://map.sepa.org.uk/floodmap/map.htm)</p> <p>It is acknowledged that flooding has been an issue in the locality, but a flood risk assessment and drainage assessment are required to fully assess the issue and explore technical solutions. The site is flat, and a technical solution to SUDs is likely to be achieved.</p>



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	Disagree that the effect would be significantly negative (--). Suggest the effect should be neutral (0).
Soil: "The proposed development is likely to have short-term adverse effects on soil through soil erosion, desegregation, compaction and pollution during construction phases."	Agree that the effect would be neutral (0)
Biodiversity: Unlikely to have long-term adverse impact, currently low biodiversity value. Potential to enhance green networks, and opportunity for enhancement such as buffer strips	The site has a low biodiversity value as agricultural land. Biodiversity could be enhanced on the site through open space, green networks, and buffer strips. Agree that the effect would be positive (+).
Landscape: No significant impact on landscape, site is contained. Would not significantly alter character of the area Site is relatively flat and is a logical extension to the existing settlement. Impact could be mitigated by strategic landscaping.	Agree that the landscape impact is not likely to be significant. Agree that the site is relatively flat and is a logical extension to the settlement. Agree that the effect would be neutral (0).
Material Assets: WWTW capacity is unconfirmed for this area but will have a <i>temporary affect</i> . Will help support and sustain local facilities and services. Social Infrastructure enhancements will include new foot and cycle path links, connectivity to the natural environment (woodland) facilitated through the site together with woodland and biodiversity enhancement.	There is capacity in Portsoy WWTW. The development would sustain local services. New assets would be created through development of the site. Agree that the effect would be positive (+).
Population: "A mix of house types proposed resulting in some housing choice for all groups of the population."	Agree that the effect would be positive (+).
Human Health: Potential to provide good links to existing path network. Provision of new housing can enhance good health and social justice	The site would provide additional open space and enhance core paths. The site would deliver affordable housing. Agree that the effect would be positive (+).
Cultural: "Unlikely to have any effects on the historic environment The development is unlikely to weaken the sense of place, and the identity of existing settlements."	The development of the site is unlikely to have an impact. Agree that the effect would be neutral (0).