

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.

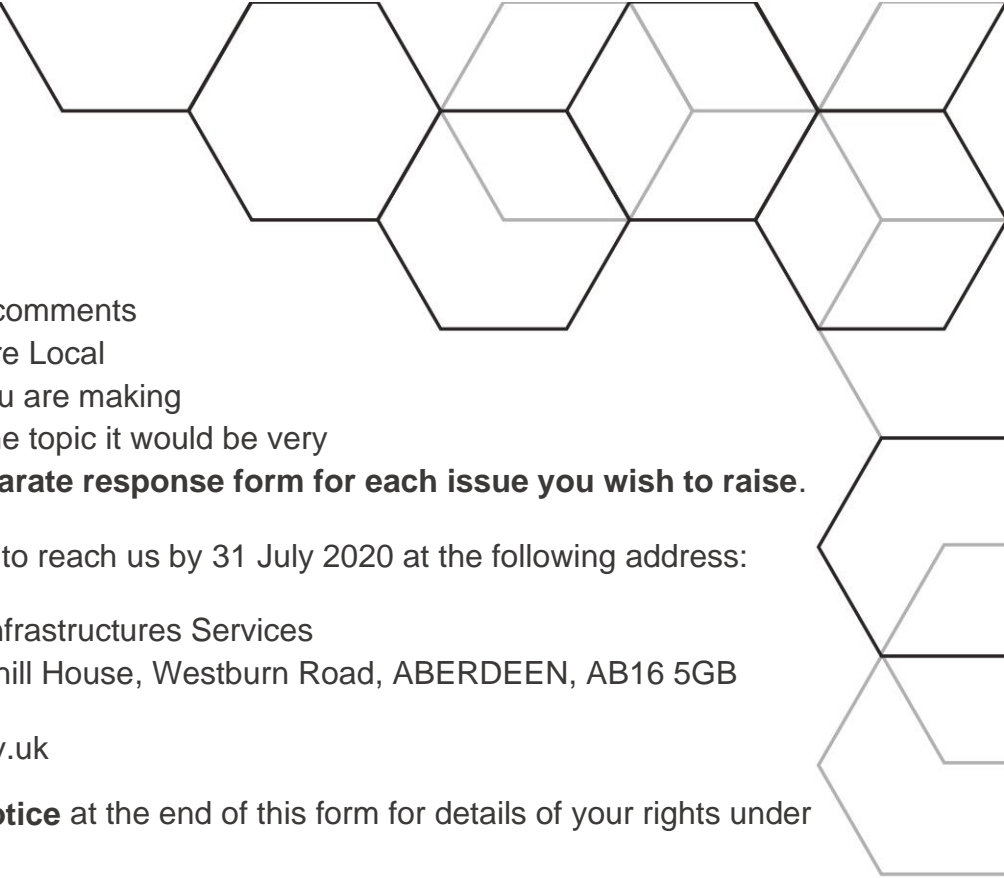
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Miss
First Name:	Sarah
Surname:	Lowe
Date:	July 2020
Postal Address:	Peacock and Smith Limited, [REDACTED] [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?

WM Morrison Supermarkets PLC

☐ 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):

Peacock + Smith have been instructed by WM Morrison Supermarkets PLC ('Morrisons') to seek the removal of the proposed cemetery extension designation in Banchory, which is identified as part of Policy PR2: Reserving and Protecting Important Development Sites and marked as "R2" on the Banchory Proposals Map.

Reason for change:

Morrisons supermarket in Banchory has been trading since 2009. Prior to this, the site was occupied by [REDACTED]. The supermarket site forms a long-standing, well-established use, benefiting from good access off the A93.

The draft Policy PR2 states:

"We will protect and not allow alternative development on sites that may reasonably be needed in the future for [inter alia]:

- *Cemeteries"*

Morrisons, as part of this Local Plan consultation, wishes to protect its land and assets from development and restrictive policies which may hinder its operations now or in the future. Any future uses on land within Morrisons ownership must be beneficial to, and complement, the food store

Land Ownership

The land identified as R2 on the Proposals Map for a cemetery extension at Banchory lies entirely within Morrisons ownership. Morrisons does not wish to make its land available for this purpose. Morrisons have not submitted the site for consideration as part of the Council's Call for Sites process, nor have any discussions taken place separately with the Council relating to its availability or suitability for alternative uses.

On this basis, the proposal for a cemetery extension at this location is undeliverable and the policy designation should be removed.

Scottish Planning Policy and National Policy Framework 3 advocate a sharp focus on the delivery of allocated sites. An independent review of the Scottish planning system (May 2016) confirmed the vital role which deliverability plays in successful planning. Proposal 5: Making plans that deliver, in the Scottish Government's consultation paper 'People, Places & Planning' (January 2017) advocated a focus on providing greater confidence on the effectiveness of sites and when they can be delivered, including appraisal of

information before any site is allocated. Therefore, in proposing a site for allocation which is not available, and in turn has no prospect of delivering the use which the Council anticipates, the Council's planning strategy is flawed and the established needs of the community will not be met.

The adopted Aberdeenshire Local Development Plan 2017 identifies an area of land, to the north of Banchory for a cemetery, on land to the north of Upper Lochton. This area of land has not been identified for a cemetery extension in the 2020 Proposed Local Development Plan; there is no proposed designation for any purpose covering this land in the latest iteration. It is clear that alternative sites have been found in Banchory as recently as 2017 to be available and deliverable for such a use. These options need to be reassessed and carried forward into the new plan period.

The proposed designation of a cemetery extension also leads to issues relating to amenity and parking, which are discussed in further detail below.

Amenity

Morrisons delivery/service yard is situated and accessed on the southern side of the store. Being located here, the main access to the site is able to be kept clear at all times (i.e. delivery lorries do not have to manoeuvre at the site entrance) aiding traffic flow and circulation. In addition, the yard is located the furthest distance away from the majority of noise sensitive uses, including residential properties. To the east lies a number of commercial/manufacturing units along with a Water Treatment Plant. To the south lies the River Dee. Most residential properties are located to the north of the site on St Nicholas Drive, on the north of the A93. To the west lies some detached properties on Leys Drive, largely screened from the service yard by the supermarket building itself.

Whilst Morrisons strives to keep any disturbance to a minimum, it is the nature of deliveries that there is an element of noise associated with manoeuvring vehicles and unloading of goods. In order to ensure the store is adequately stocked of products, deliveries can take place at varying times throughout the course of a day; the delivery pattern can vary day-to-day, and week-to-week. Although there is a brick-built wall on the boundary of the service yard and the car park to assist with screening, this does not completely enclose the service yard area.

The proposed cemetery extension will be approximately 18m to the west of the service yard. The boundary is open between Morrisons existing car park and the land proposed for allocation to the west. There are no trees or fencing in place to offer visual screening along the boundary, and nothing which would offer any kind of sound attenuation.

There are no details given in any policy which indicate how an expanded cemetery will integrate into its surroundings, or how any buffer could be achieved to ensure that the supermarket's operations can continue in the manner in which they have established.

Without these reassurances, Morrisons is concerned that the noise arising from daily operations at Morrisons (including customers using the car park) is not compatible with the ambiance and serenity that a cemetery requires and seeks to achieve.

On this basis, it is clear that any future uses on land within Morrisons ownership must be beneficial to, and complement, the existing use of Morrisons' site.

Parking

The existing cemetery site has some on-road visitor only parking on Station Road; there is no off-road parking provided. Owing to the location of the proposed cemetery extension, it is not considered there is scope to introduce parking to the site owing to access constraints. An increase in the size of the cemetery will inevitably increase the number of visitors to the location.

There is a footpath which leads from the western boundary of Morrisons car park, southwards towards the River Dee. The proposed cemetery extension would include this footpath, therefore connecting the sites.

Morrisons wishes to stress that its car park is a private car park for customer use and does not wish its car park to be used as an 'overflow' for other uses in the area. Such an arrangement would be detrimental to Morrisons customers who may find it difficult to find vacant parking bays, which in turn would affect the performance of the store.

Conclusion

Morrisons emphasises that its land in Banchory is not available for consideration for a cemetery extension as part of this Local Plan process. On this basis, the removal of the proposed cemetery extension designation in Banchory, identified as part of Policy PR2: Reserving and Protecting Important Development Sites and marked as "R2" on the Banchory Proposals Map, is requested.

Continuing with the designation would result in an allocated site which is not available, and in turn has no prospect of delivering the use which the Council anticipates. On this basis, the Council's planning strategy is flawed and the established needs of Banchory will not be met.

In addition, the area of land identified for a cemetery extension would have implications for Morrisons operations in terms of amenity and parking.

Morrisons wishes to protect its land and assets from development and restrictive policies which may hinder its operations now or in the future. Any future uses on land within Morrisons ownership must be beneficial to, and complement, the existing food store

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.

