

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:	Simon
Surname:	Herriot
Date:	27/07/20
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████████

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?

Coriolis Energy Limited

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):

Section 7 – 'Shaping Development in the Countryside', various policies and associated text.

Policy R1 'Special Rural Areas' and Policy R2 'Development Proposals Elsewhere in the Countryside'.

Policy R3 'Minerals'

Policy R4 'Hill Tracks'

These policies should be amended for the reasons noted below.

Reason for change:

Policy R1 ‘Special Rural Areas’ and Policy R2 ‘Development Proposals Elsewhere in the Countryside’.

Given the Scottish Government’s legislative commitment to delivering net-zero greenhouse gas emissions by 2045 and the declaration of the ‘climate emergency’, it is likely that further large scale renewable energy developments will come forward for consideration during the life of the new LDP. Many of these will be large scale developments and may involve a range of technologies ranging from onshore wind to solar and perhaps large scale battery storage.

These facilities will most probably require a countryside location and it is important this is acknowledged in the Proposed Plan. As currently worded, neither Policy R1 or Policy R2 make any provision for the possible location of such facilities in the countryside and special rural areas. It is unclear therefore how prospective future applications would be considered against these policies.

The absence of any acknowledgement in the Proposed LDP that a countryside location may be required for renewable energy facilities differs from the current LDP. In the ‘Shaping Development in the Countryside’ section of the current LDP, there is an acknowledgement that a countryside location is required for some forms of development. While renewables are not specifically identified in Policy R1 of the adopted LDP, it does make reference to ‘essential public infrastructure’ – which could encompass renewable and other forms of energy generation or distribution.

The draft wording of policies R1 and R2 is therefore more restrictive than the current LDP policies of the same name, as there is no recognition of the requirement for a countryside location in some instances for ‘essential public infrastructure’. It is important therefore that these policies are amended to recognise the highly likely scenario that renewable energy proposals will come forward within these locations in future years and to recognise the relationship between these policies and the mainly renewable energy policies of the LDP (such as Policy C2).

Policies R1 and R2 should be amended such that within these areas renewable energy proposals are identified as potentially acceptable land uses, subject to compliance with other detailed policy requirements (including the main renewable energy policy of relevance). In the absence of such a change, there is the risk that all renewable energy proposals will conflict with the policy criteria of these two policies, potentially leading to unnecessary (and unintended) policy conflicts.

Policy R3 ‘Minerals’

Clarity should be provided that this policy is not applicable to the consideration of renewable energy proposals (principally onshore wind farms and associated borrow pits). The policy requirements are clearly drafted for the purposes of considering large scale stand-alone commercial mineral extraction sites, and it is therefore important that renewable energy developers are provided with the necessary clarity that these policy requirements do not apply in cases where a renewable energy proposal may comprise a small ancillary borrow pit for aggregate requirements. This is not to say that such issues should not be considered as part of a renewable energy application but they should be considered as part of a wider range of issues to be considered e.g. as set out in paragraph 169 of SPP.

In Policy R3.2 the requirement for an environmental statement to show acceptable environmental impacts of the mineral development should be amended. It is not the role of the EIA process to show 'acceptable environmental impacts'. The Environmental Statement (now Environmental Impact Assessment Report) may identify significant environmental effects. The acceptability of those effects is a matter for the decision maker to take in the wider planning balance, considering a wide range of material factors. A significant effect in EIA terms does not make a proposal unacceptable in land use or policy terms and this element of Policy R3.2 should be amended.

Policy R4 'Hill Tracks'

For the same reasons as discussed in relation to Policy R3 above, clarity should be provided that this policy is not applicable to the consideration of renewable energy proposals. Onshore wind farms can involve extensive networks of access tracks necessary to access wind turbines for construction and maintenance purposes. These tracks are an operational necessity and should be considered as part of a wider range of policy requirements e.g. as set out in paragraph 169 of SPP. It is important that developers are provided with a sufficient degree of clarity on which policies are relevant to which types of development to avoid unnecessary policy duplication and analysis in planning submissions.

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.

