

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:	Roger
Surname:	Laird
Date:	23 rd July 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?

MAK Properties Aberdeen Ltd

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):

- 1) Delete the land at Burn of Daff (please see attached supporting statement for details) from the Coastal Zone.
- 2) Allocate the site in question for the erection of 10 dwellinghouses.
- 3) To facilitate this, identify Downies as a settlement (within K&M Settlements).

Reason for change:

Please see attached supporting statement.

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.





**Representation on Proposed Aberdeenshire Local Development Plan 2020
Allocation of Land at Burn of Daff, Downies
For MAK Properties Aberdeen Ltd**

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1.0 Introduction

1.1 This representation has been prepared in behalf of MAC Properties, and promotes the land on the southern edge of the village of Downies, which is known as the Land at Burn of Daff, for the erection of 10 residential dwellings.

2.0 Location and Description of Site

2.1 The site in question is located on the south site of the village of Downies, which lies on the coast approximately 600 metres to the east of Portlethen. The location of the site is illustrated in Figure 1 below and its area is approximately 0.8 hectares.



Figure 1 – Location of Land at Burn of Daff, Downies

2.2 The land in question is agricultural in nature, however at present it is not being actively farmed, as illustrated in Figure 2 overleaf. This provides a view of the site looking from the western edge, in an easterly direction. The land is adjoined on the northern side by the village of Downies, and on all other sides it bounds onto agricultural land.



Figure 2 – View of Site from Western Boundary, Looking East

3.0 Reasons the Proposed Plan Should be Changed

3.1 The current consultation opportunity requests that representations make explicit the changes which are suggested to the Proposed Plan. In this regard, the following changes are promoted as part of this representation:

- Delete the site in question from the Coastal Zone which has been identified in the proposed plan;
- Allocate the site for the erection of 10 dwellinghouses;
- To facilitate this, identify Downies as a settlement.

4.0 Reasons the Proposed Plan Should be Changed

4.1 The land allocations included within the proposed LDP Aberdeen to Laurencekirk Strategic Growth Area are overly reliant upon the very large allocation of 4045 units at Chapelton of Elsick. This has been at the expense of allocation of a broader range of smaller sites. Scottish Planning Policy requires that Local Development Plans in city regions allocate a range of sites (SPP para. 19), and this approach is not delivered by such a heavy reliance on one very large site. This problem is compounded by the very low delivery rate of units at Chapelton, with the most recent Housing Land Audit in 2019, confirming the following completion rates:

2016	2017	2018
45 units	19 units	38 units

4.2 At such rates it will take a very long time to deliver the 4045 units which are allocated, and to overcome a problem in shortfall in effective land supply, a range of other sites should be

allocated. The proposed site at Burn of Daff represents a good example of an additional site which should be allocated, and the following paragraphs provide further justification for its inclusion in the new LDP.

Coastal Zone

- 4.3 The site in question is identified as falling within the Coastal Zone of the Proposed Plan. Within such areas, Policy R1 of the Proposed Plan, explains that opportunities for small scale development will be restricted to reflect the special nature of these areas. Paragraph R1.3 goes on to explain that in the Coastal Zone, development must require a coastal location, or there must be clear social, economic or community benefits arising. It also states that there must be no coalescence of coastal developments or adverse impacts on natural coast processes or habitats.
- 4.4 This representation advocates the re-allocation of the site as a development opportunity for 10 houses, and as such it would then fall outwith the Coastal Zone policy requirements. However when considered the site against these policy criteria, it is clear that no contravention would occur. In relation to coalescence, the village of Downies is located well away from the nearby settlements, with the following distances applying:
- Portlethen Village – 1.3km north
 - Portlethen – 600m west
 - Newtonhill – 1.5km south, all as illustrated in Figure 3 overleaf

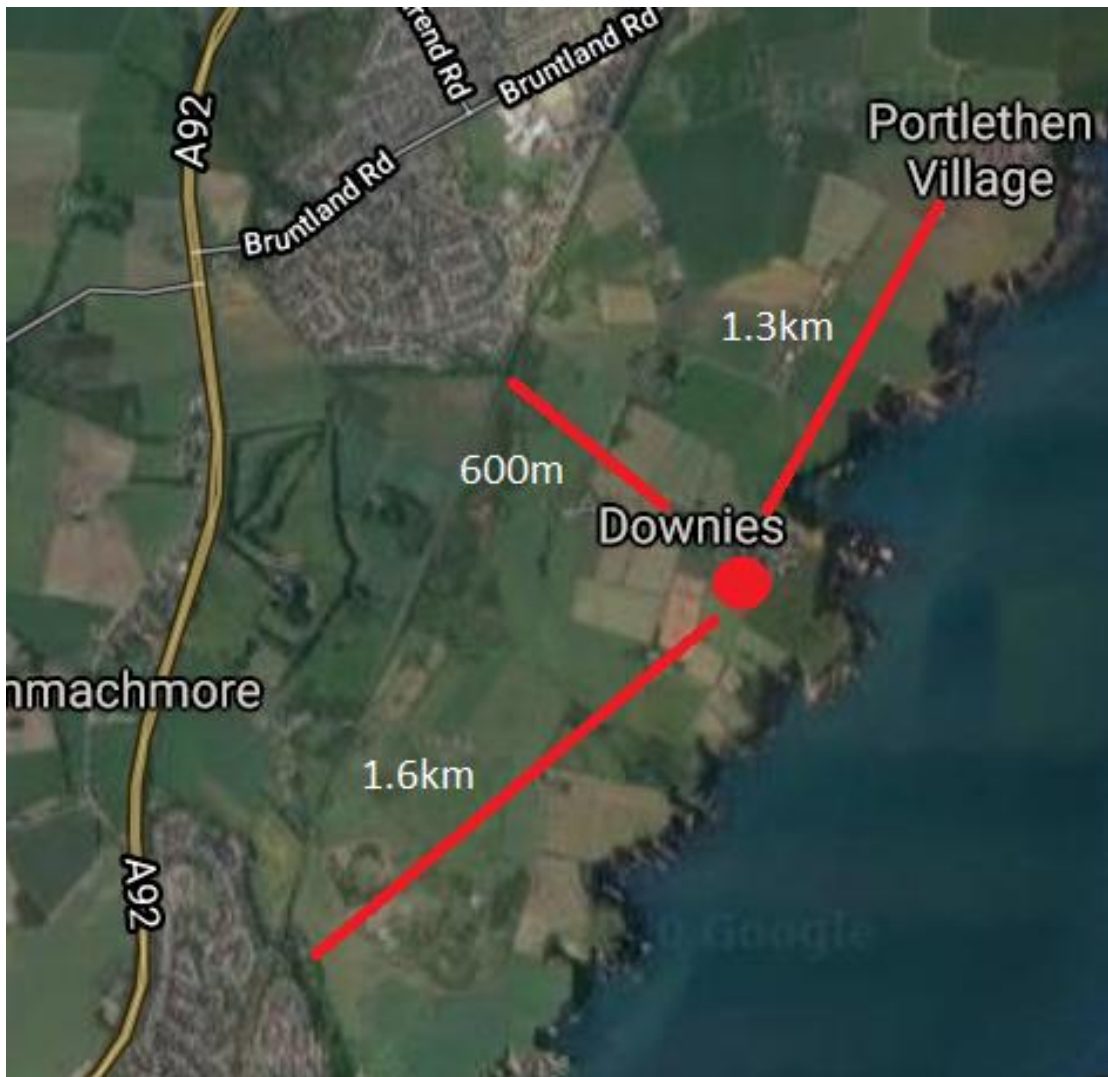


Figure 3 – Illustration of Separation Distances from Site to Adjoining Settlements

- 4.5 Of all the nearby settlements, the town of Portlethen is the nearest, being approximately 600m to the west. However any prospect of coalescence is prevented by the presence of the defensible boundary of the East Coast Main Line, which has always acted as a realistic barrier to the eastward expansion of Portlethen. A photograph of the railway-line is included in Figure 4 overleaf.



Figure 4- East Coast Rail Line Preventing Eastward Expansion of Portlethen

- 4.6 The topography to the north of Newtonhill is steep, thereby discouraging potential expansion in a north-easterly direction, and the site's separation from this settlement of over 1.5kms means that there is no prospect of the 2 villages joining together.
- 4.7 Similarly the small Portlethen Village is over 1.3kms to the north, and given its scale, there is no prospect of it merging with Downies. Drawing these matters together, there is no likelihood of a small 10 house development encouraging coalescence of the settlements along this section of the Coastal Zone in Kincardine and Mearns.
- 4.8 A further policy criterion contained in R1 states that development should not have any adverse effects on coastal processes or habitats. In this regard the site well elevated above any coastal processes which take place at the bottom of the nearby cliffs, thereby ensuring no interference would occur. Moreover, examination of Scottish Natural Heritage's inventory of natural heritage protection sites confirms that none affect the site in question, and none are located in close proximity to it.
- 4.9 The final policy requirement of R1 notes that for development within the Coastal Zone, there must be clear social, economic or community benefits. The development of 10 dwellings would represent a small scale economic benefit, which would also be advantageous to the local community as a result of a small increase in its population. This combination of factors confirms that the proposal does not offer any conflict with the policy principles established by the requirements of R1 as contained in the Proposed Plan.
- 4.10 The acceptability of the allocation of the site for residential development also requires to be assessed against the other relevant policy requirements which are contained within the Proposed Plan. One of these key policies is E2 – Landscape, which requires that any development should not represent an unacceptable effect on key natural heritage landscape elements or the quality of landscape character. Figure 5 overleaf illustrates the view of the site from the east (looking west) and shows that its proximity to the southern edge of the village, means that it would be constructed as a natural expansion of the settlement, thereby

avoiding any particular adverse landscape impacts. Strategic landscape planting would be carried out on the southern boundary to further ensure that the landscape setting of Downies was protected.



Figure 5 – Site within Landscape Context, Showing Existing Settlement Boundary to North

- 4.11 Scottish Planning Policy encourages Local Authorities to allocate a range of sites, in locations in which people wish to live. Downies and the surrounding area offer a stunning natural environment, with an example of the nearby cliffs which exist a few hundred metres of the site to the east shown in Figure 6 overleaf. This would be a highly attractive location, which is anticipated as being popular with prospective house purchasers. As such, allocation of the site accords with the important aim of Scottish Planning Policy to deliver a range of sites in locations in which people want to live.



Figure 6 – Site’s Attractive Coastal Setting

- 4.12 The site does adjoin the built up edge of Downies, and as such care would require to be taken to ensure that the existing residential amenity of the existing properties was protected. The area of the site at 0.8 hectares is generous for 10 houses, and this would allow sufficient flexibility in the design process to ensure that no adverse effects on the neighbouring properties occurred.

5.0 Access and Infrastructure

- 5.1 As part of this representation, consideration has been given to the practical delivery of the development, as described in this section.

Access

- 5.2 Figure 7 below illustrates the 2 possible routes for vehicular access into the site. The first is along the road to the west of the site, which is under the control of the proposer of the land. This route is illustrated in Figure 9 overleaf, and there is scope for this route to be modified to comply with the requirements of the Council’s Roads Service.

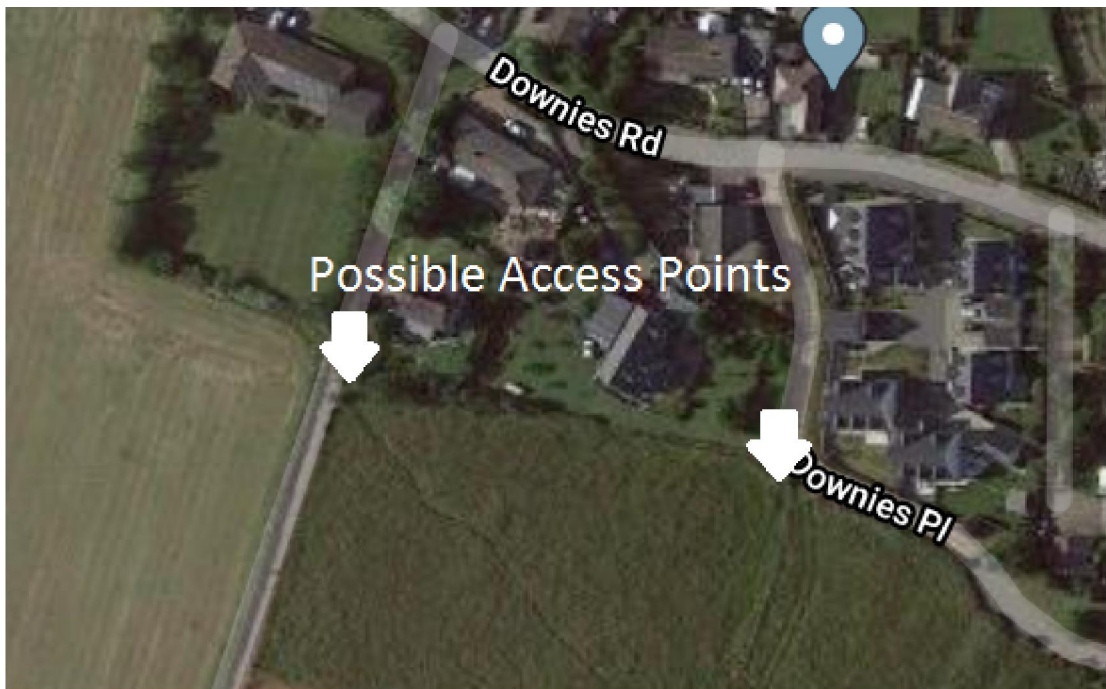


Figure 7 – Possible Vehicular Access Routes into Site

- 5.3 The second possible access route is via Downies Place, which runs immediately adjacent to the northern boundary of the site, thereby allowing a connection to be taken to it. Given that only 10 houses are being proposed, these 2 possible access routes are considered to offer adequate options to allow vehicular access to be taken. In both cases satisfactory visibility onto Downies Road exists, to cater for the small number of additional vehicles which would be generated. The view from the access emerging onto Downies Road is included in Figure 8 below, which confirms that adequate visibility exists in both directions.



Figure 8 – Visibility at Junction onto Downies Road



Figure 9 – Potential Access Route into Site from Western Boundary

Water Supply and Sewers

- 5.4 Aberdeenshire Council’s Action Programme, which was published in July 2019 provides information on the status of the relevant infrastructure in the area. In relation to water supply, it confirms that capacity exists in the local Portlethen area, although local network reinforcements may be necessary.
- 5.5 The Action Programme also confirms that there is sufficient capacity in the water supply and mains sewers, although local network reinforcement and drainage impact assessment may be required.

Flooding

- 5.6 The SEPA Flooding Map confirms that the area in question is not adversely affected by fluvial or pluvial flooding.

Electricity

- 5.7 Examination of Figure 9 above confirms that an electricity connection exists in the immediate proximity of the western boundary of the site, thereby confirming the presence of the necessary supply.

Education

- 5.8 Downies Village falls within the catchment of Portlethen Academy, and examination of the School Rolls produced by Aberdeenshire Council confirms that there is sufficient capacity within this school to cater for children from the development for the next 4 years.
- 5.9 The relevant primary school is Fishermoss, which has a capacity of 358 pupils. The predicted school roll does not breach 300 during the projected years, thereby confirming the ample capacity which exists within the primary school.
- 5.10 The foregoing confirms that there are no infrastructure issues which would prevent the development from proceeding at an early stage of the new Proposed Plan. This gives further support to the allocation of the site in question.

6.0 Conclusion

- 6.1 This statement has shown that the site in question complies with the relevant policy requirements of the Coastal Zone, particularly as a result of the fact that there is no prospect of coalescence with the adjoining towns and villages.
- 6.2 The landscape impact of the development is mitigated by the fact that the development would be seen as a natural expansion to the village of Downies, and strategic planting on the boundaries would be implemented to further ensure that no adverse effects occur.
- 6.3 At present the housing land supply in Kincardine and Mearns is constrained as a result of the heavy reliance upon Chapelton of Elsick. This site is delivering at a much slower rate than expected, and as such is not providing the necessary number of units for this part of the Shire. To overcome this, a number of smaller sites in attractive locations should be added to the Local Development Plan. The site at Burn of Daff in Downies is a perfect example of such a site, and its suitability for development is reinforced by the fact that there are no technical or infrastructure reasons which would prevent it from proceeding in early course.
- 6.4 In light of all of the above factors it is respectfully requested that the site in question be added as an allocation to the new Local Development Plan.