

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, zvaniem 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:	Iain
Surname:	Robertson
Date:	23/07/20
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?

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 12 'Protecting Resources'

Amendments to various policies are considered necessary to ensure that policies do not introduce unnecessarily high policy hurdles and that there is consistency between policies.

Comments in respect of these policies should be read in conjunction with comments on Section 13 of the Proposed Plan, particularly comments on Policy C3 'Carbon Sinks and Stores'.

Reason for change:

Policy PR1 'Protecting Important Resources'

Policy PR1.1 states that the Council will not approve developments that have a negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, peat and carbon rich soils etc.

While Statkraft recognises that these resources do merit protection through the planning system there is a concern that as currently worded this policy is not sufficiently flexible to permit developments where only a minor, and not significant, effect is identified.

While it is recognised that the second part of this policy identifies a scenario where developments may be permitted, the requirement to demonstrate that 'there are no reasonable alternative sites' is excessive and unwarranted.

In development management terms, the practical implications of this policy may be that the developer of a wind farm who prepares an EIA (which identifies a minor but not significant effect upon one of these resources) will either be refused planning permission or will have to demonstrate that there are no reasonable alternative sites. Negative environmental effects (whether significant in EIA terms or not) are not always unacceptable in policy terms and in fact it is most unusual for a large-scale EIA to identify no significant effects of some degree. The acceptability of these impacts is a matter for the planning authority to consider, balancing a range of other factors. This policy as currently worded takes away from the ability of the planning authority to balance a range of factors and sets a clear course for refusing permission, unless there are no reasonable alternative sites. This is considered unnecessary and could lead to over-complicated and unnecessary planning submissions in some cases.

By comparison, it is noted that Policy PR1.2 'Air Quality' does refer to new developments not having 'significant adverse impacts'. The reference to 'significant' here is notable

because it is absent from Policy PR1.1, yet both do apply to air quality. How would the Council apply these very different policy tests to the same development? Policy PR1.2 introduces a greater degree of latitude that is absent from PR1.1. Therefore there is a conflict between these two policies that requires to be addressed.

There is a further issue with Policy PR1.1 relating to its inconsistency with Table 1 of SPP, particularly as it relates to peat and carbon rich soils. In Table 1 of SPP these resources are a Group 2 interest. SPP states that developers must demonstrate that any significant effects on the qualities of these areas can be 'substantially overcome by siting, design or other mitigation'. SPP therefore recognises that, as regards wind farms, some negative effects may arise upon Group 2 interests but the key test is whether these can be substantially overcome. This is a different test from the one set by Policy PR1.1 which requires developers to avoid any negative effects whatsoever, or demonstrate that no alternative sites exist. Policy PR1.1 therefore sets a much higher test than SPP, as regards wind farm development – one that is not considered to be warranted.

It is recognised that Policy PR1.1 is not a renewables-specific policy and for this reason it is important that any changes made to the policy recognise that the primary point of assessment is against the renewables/wind energy policy of the LDP.

Statkraft therefore recommends that Policy PR1.1 is amended to firstly remove reference to the need to demonstrate that there are no alternative sites and also to make reference to the acceptability of impacts in the policy, e.g. 'We will not approve developments that have an unacceptable significant effect upon important environmental resources or where significant effects cannot be substantially overcome...'

Policy PR1.10 'Peat and carbon rich soils'

This policy seems unnecessary. It simply refers to Policy C3 and notes that these resources are protected under that policy. Policy PR1.10 fails to mention that these resources are also protected under Policy PR1.1, albeit the protection afforded to these resources under that policy is subject to the above comments and suggestions for change.

Policy PR1.10 should be deleted as it unnecessary and does not provide any basis for assessing applications.

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.

