

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.

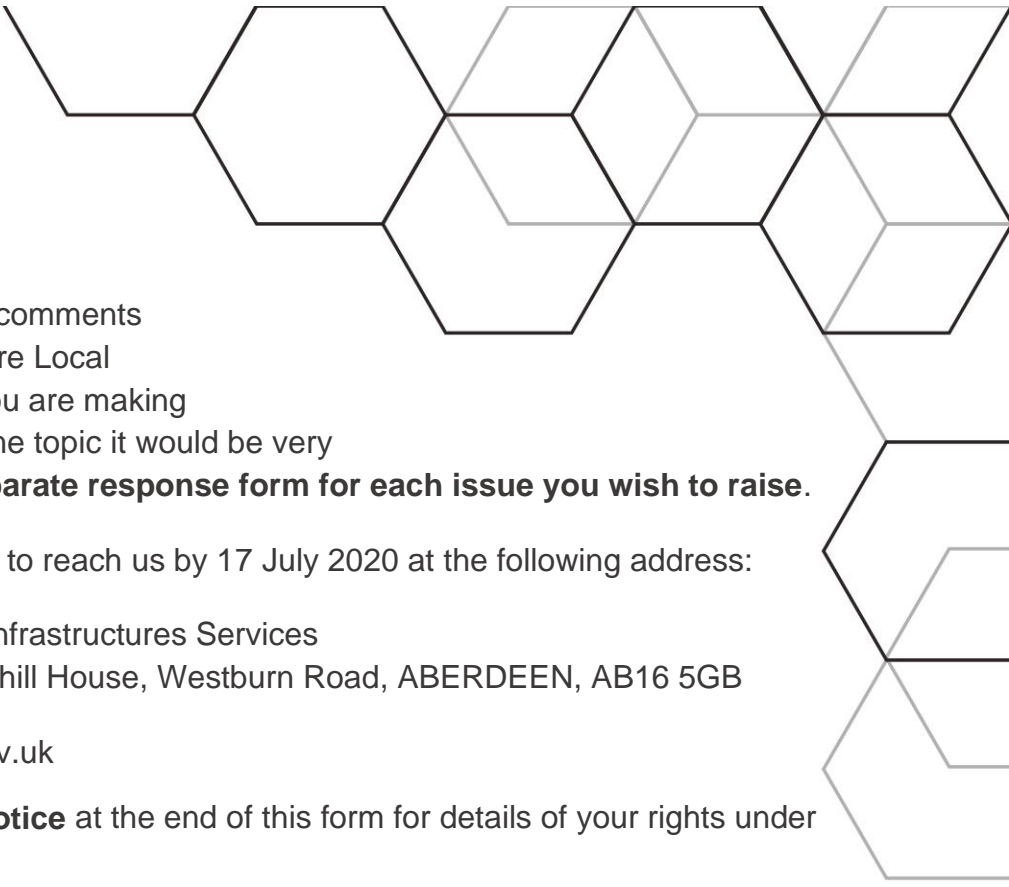
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Alexander
Surname:	Fernandez-Ritchie
Date:	25/07/20
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):

With respect to 'OP1: Land at Braehead' in Gourdon (Appendix 7E). Primarily, to change the current allocation for 49 homes and instead allocate the land as protected land; or, secondarily, to change the current allocation for 49 homes and instead allocate the land for community facilities (i.e. local gym and café).

Reason for change:

Please see the accompanying document attached in the email.

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:

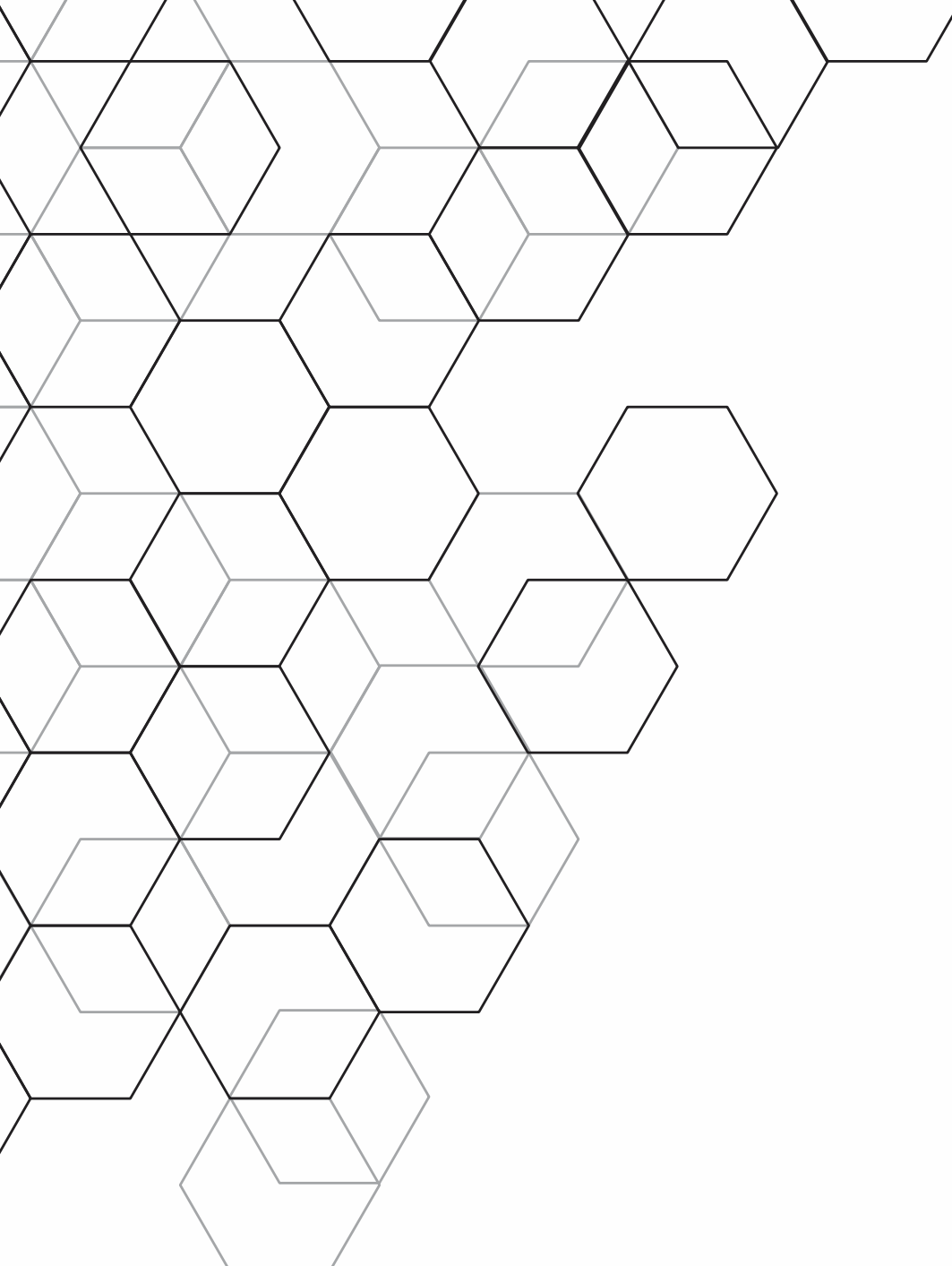
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue 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.



I am writing to you, as a resident of Gourdon, Aberdeenshire, to make representations for your public consultation on the 'Proposed Aberdeenshire Local Development Plan 2020'. Gourdon is a small, tight-knit village community (with its own unique local dialect! – <http://www.maggielaw.co.uk/guidgurdenwords.asp>), that is known for its close socio-cultural ties to its natural rural and coastal environment, with a strong maritime history in fishing and adventurous voyages to the distant native lands of the Inuit people in Meta Incognita.

Please find below a very brief summary of representations (due to the mentioned 2000 word limit, I can only provide a few grounds without much detail), ultimately in objection to the proposal, to develop the "OP1 in Gourdon", between the local/historical graveyard and the Linton Business Park, into 49 houses. Implicit reference is made, of course, to the 'Proposed Aberdeenshire Local Development Plan 2020' documents and other related information on your website – and to relevant legislation and case law where necessary. The same representations below could also apply generally to the 200-house development plan for Inverbervie; however, despite the large environmental disruption it would cause, I am not an Inverbervie resident. Although, I would strongly recommend that further environmental research (and mitigation) is done on the long-term effects with respect to that development as building 200 houses, with roads, is a very large and disruptive process in a rural area. It would be unwise to build homes in our region at the expense of its unique and natural ecological beauty for which it is internationally renowned, attracting thousands of tourists each year. Despite any minor economic benefit, the developments may have for local government and the local builders, the developments could not be more strongly unwelcomed by the wider Gourdon community. In summary, here are (4) grounds for objection with respect to planning considerations that I suspect have not been adequately raised before if mentioned at all due to many residents being unaware of the development plans:

(1), Public Right of Way – the land of which has been proposed to be developed into 49 houses is land that members of the local community have continuously enjoyed as a public right of way to reach the scenic coastal views and stunning natural beauty of Gourdon and the neighbouring Inverbervie. It is also enjoyed whilst dog walking, and the dogs enjoy it too. Of course, the use of such a public right of way is proportional to the very small population of mainly upper-Gourdon, with residents of lower-Gourdon preferring the route to Johnshaven to avoid climbing that infamously steep road. The current development plans would significantly interfere with this public right of way and enjoyment of the route itself. So, in consideration of this ground only, the number of houses planned must at least be significantly reduced to a quarter of its proposed area, with adequate green and pedestrian-only areas along the route.

(2), Human Rights Act 1998 – per the HRA 1998 “it is unlawful for a public authority to act in a way which is incompatible with a Convention right”, and that there is a “right of respect for private and family life...”. That, visiting the local/historical graveyard (to mourn, place flowers, etc.), directly next to the land on which the proposed development is to be built, in a small and quiet village, would be excessively interfered with by the noise, and builders and builder’s vehicles moving around the small area of land and working in that area of Gourdon for an extended period of time, in building a significant development of housing equivalent to around one quarter to a third of the already existing settlement, in contravention of the aforementioned Art. 8. And, that notwithstanding developments for a graveyard extension or car park, a large housing development in the small community of Gourdon is not a necessary interference to the benefit of the community for some ‘pressing social need’, per *Belgian Linguistics Case (1968)* – ‘economic well-being’ being outweighed by the detriments to social and environmental ‘well-being’ – the small community of Gourdon has no such need for extensive housing developments that, as mentioned above, would be equivalent to adding an enormous one quarter to one third of the existing settlement onto the side of Gourdon over prime farmland.

(3), Other planning policies – per *Myton Ltd v Minister of Housing and Local Government (1963)* and similar cases, connected or pre-existing policies, with or without formal approval, are material considerations. Contrary to the “Planning Advice” in the recent ‘Built Heritage Appraisal’ by Aberdeenshire Council, the extensive housing development, between the road and the scenic open area and coastline, would contravene the following general principles: “retention of... particular views and vistas through the village [as] important elements in the townscape...”; and, “protection and enhancement of existing... open spaces”. So, solely on this ground, it must be a material consideration of Aberdeenshire Council to uphold their pre-existing commitments to the people of Gourdon and not to go ahead with massive disruption to the scenic open spaces and overall unique character of Gourdon.

(4), Climate change and sustainable development – per the *Stair Memorial Encyclopaedia*, the “Climate Change (Scotland) Act 2009 requires public bodies... to act in a way best calculated to... be most sustainable”; the Scottish Government gives the following objectives for decision making by local authorities: protect and enhance the natural environment, including biodiversity and the landscape; maintain, enhance and promote access to open space; take into account the implications of development for water, air and soil quality. It is quite clear that the developments would, as mentioned above as a contravention of pre-existing commitments of Aberdeenshire Council to Gourdon, interfere with the local community’ access to the scenic, open space. As for the environment and ‘implications’, it is quite clear that, with respect to water and air, there would be no long term effects excluding the large increase in vehicle pollution of the surrounding natural environment (“not likely to have significant effect” according to Aberdeenshire Council); but, with reference to the ‘Strategic Environmental Assessment of New Allocated Sites and Alternative Bid Sites – Kincardine and Mearns’, it is [REDACTED] clear that the proposed 49 homes would have “negative effect” on the natural landscape (long-term), and worse, have “significant negative effect” on the soil. To quote the findings of the assessment with respect to soil: “the proposed development would result in significant loss of prime agricultural land and result in soil sealing, structural change in soils and change in soil organic matter... impacts are likely to be local and long-term... prime agricultural land is a limited resource and cannot be replaced... no intervention is available to mitigate this loss”. This is clearly unacceptable, and utterly in breach of the sustainability requirements for local authorities as a destruction of precious and irreplaceable prime farm land (one of our most precious, but scarce, natural resources), and such degradation of the natural environment and destruction of the farming land ecosystem of worms, insects, and its wider effects on pollination – further it contradicts sustainability and environmental protection commitments such as the ‘Aberdeenshire Council Pollinator Action Plan 2019 to 2021’. For the council to propose such environmental destruction breaks all trust between the local community and Aberdeenshire Council for purporting to do one thing and then doing the complete opposite, notwithstanding an outright breach of climate change law. Per the ‘Review of SG Safeguarding 2: Protection and conservation of agricultural land’ document: “SG SR2 promotes the retention of prime agricultural land where possible and only allows the permanent loss of such land where it has been allocated within the development plan or it is demonstrated that the proposal has overriding social or economic benefit”. The social or economic benefits of extensive (and unneeded by the local Gourdon community*) housing developments over open and scenic natural land (prime farm land) to the local people of Gourdon are absolutely not overriding in the face of the extreme environmental damage, amongst other disruption mentioned on the above grounds. Thus, Aberdeenshire Council’s proposal for that area of land in Gourdon cannot and must not go ahead. (*the ‘local’ people of Gourdon are in no need of significant housing developments for we are already fully housed without any issues of homelessness, and any suggestions that housing is needed to meet local need is a sweeping, top-down generalisation that may apply to other regions in the vast Aberdeenshire area, but not to the very small, tight-knit community of Gourdon).

Considering the above representations, I hope you will respect our local community and our strong ties to the natural environment and for those reasons to designate the area as protected in a similar fashion as the "P6" between Inverbervie and Gourdon to "protect the area of open space, landscape buffer [and scenic natural environment overlooking the coast] as a significant contribution to the character of the place [etc]" preventing disruption to our local community and any permanent damage to our natural environment in future.

If you reject the duty to make planning decisions with respect to the aforementioned grounds and especially that pertaining to climate change and environmental/ecological protections, then please strongly reconsider the development area not for blocks of housing which are not needed by the small community, but for community facilities and places to socialise such as a local gym and recreation facility with a café for which there is an actual strong and possibly overriding social and economic need (that could be used also by the local Rowing Club or Primary School for physical exercise); community facilities of which were a key recommendation made in the aforementioned ‘Gourdon Built Heritage Appraisal’ and other relevant planning development documents – it would at least provide some social benefit, and long-term employment opportunities, to the community at the permanent environmental cost and loss of prime farm land.

Yours sincerely,

Alexander Fernandez-Ritchie, Gourdon