

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

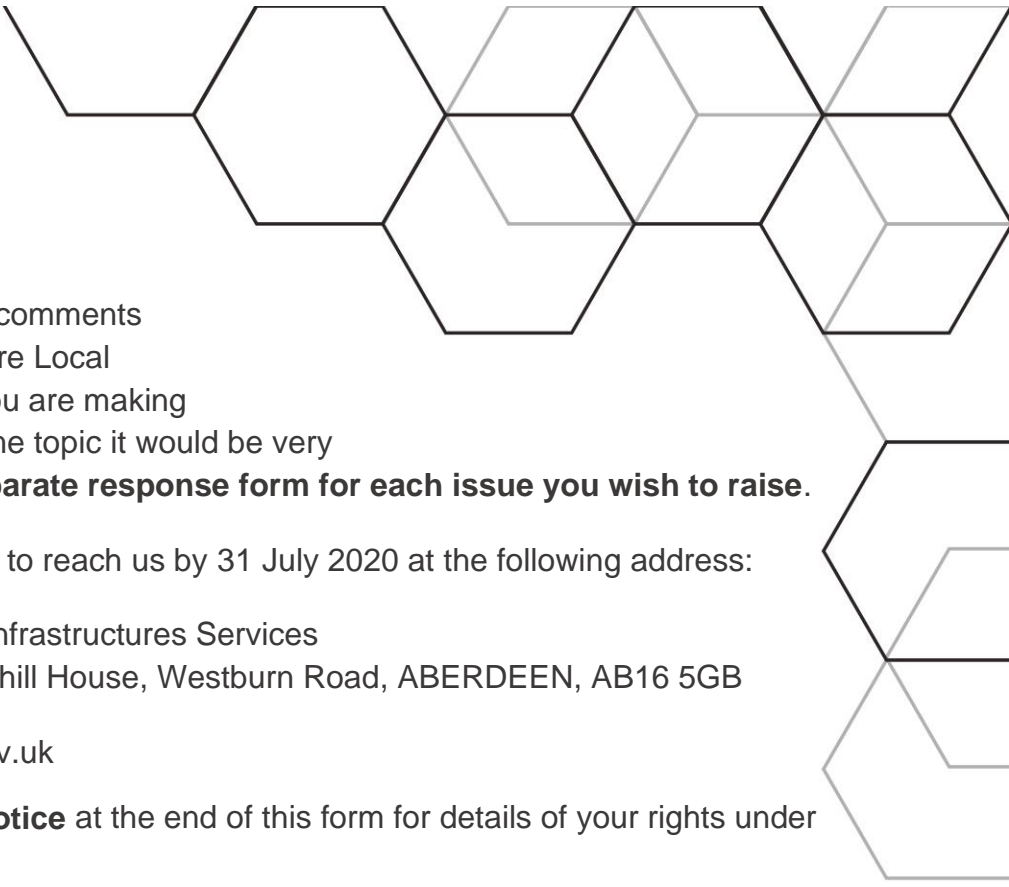
Tel: 01467 536230

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:	Malcolm
Surname:	Smith
Date:	
Postal Address:	TMS Planning Services Ltd, [REDACTED], [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? Yes

Are you responding on behalf of another person? Yes

If yes who are you representing?

yes 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):

Appendix 4 – Boundaries of the Greenbelt. Modification to defined Greenbelt boundary as presently detailed on **Greenbelt Map 5** sought. The identified site to be excluded from the Greenbelt, lying to the West of the Mains of Drum Garden Centre as detailed on attached Plan 1 "Location Plan" and Plan 2 "Area to be Removed from the Greenbelt", should be removed from the Greenbelt as the proposed amendment, as shown on Plan 5 "Amended Greenbelt Boundary", represents a far more logical and defensible boundary for the defined area within this section of the designation without having any material impact on the underlying rationale for the designation of the Greenbelt in the first instance.

Reason for change:

It is stated in the emerging LDP **Appendix 4 – Boundaries of the Greenbelt** that "*the green belt has boundaries defined by an empirical assessment of the countryside areas around Aberdeen and the function that they currently have in the development plan*". There is no way to determine what the "*empirical assessment*" comprised or how that was used, at whatever point in the past, to define the presently designated boundary but it is clear, from the assessment set out in this representation, that the boundary for this part of the Greenbelt should be altered to a more logical and defensible location as per the proposed modification plan (refer Plan 5 "Amended Greenbelt Boundary").

Appendix 4 advises that "*For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations ... However, where the Planning Authority considers it appropriate, the development plan may designate a green belt around a city or town to support the Spatial Strategy by:*

- *directing development to the most appropriate locations and supporting regeneration;*
- *protecting and enhancing the character, landscape setting and identity of the settlement; and*
- *protecting and providing access to open space*".

The suggested change to the Greenbelt boundary set out in this representation (Plan 5), a very modest but entirely logical alteration, would have no impact whatsoever on the underlying rationale/justification for the existing Greenbelt designation set out in the emerging Local Development Plan (as per the above requirements) and would, therefore, be entirely consistent with the underlying strategy of the Plan (including the Spatial Strategy) and other related/relevant strategic and national policy considerations.

Scottish Planning Policy confirms that: -

“49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;*
- protecting and enhancing the character, landscape setting and identity of the settlement; and*
- protecting and providing access to open space”.*

Scottish Planning Policy goes on to state that: -

“50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt”. In addition, “51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to: -

.... establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.”

Looking at the Greenbelt boundaries presently defined at the subject site, it is patently clear that the western boundary (defined by a farm access track and, to a limited extent, a stand of trees, and, at the southern end dissecting a small open field – refer Plan 3 “Existing Greenbelt Limit West Boundary) is far from being a *“clearly identifiable visual boundary”* defined by any landscape features (over extensive parts of the boundary) as required by Scottish Planning Policy. There is limited containment overall and certainly no logical rationale for this to be the defined outer edge of the Greenbelt in this location. This is clearly demonstrated by the attached photographs within Plan 3 and will be readily apparent from site inspection This is not a “sufficiently robust boundary” as per SPP requirements. Greenbelt boundaries should be readily identifiable and logical, and the constraints and opportunities in such areas be readily understood based on an informed and objective assessment of the designated boundary - that has clearly not occurred with respect the subject site and it is unclear whether it has objectively occurred for the designation as a whole.

As an alternative, it is proposed in this representation, to redefine the western boundary (and to alter the southern boundary accordingly to a point further east on the A93) to a point defined by a public road (the road running from the A93 towards Drum Castle) and, most significantly, by a well-established tree belt providing a strong visual landscape feature within the local area, this representing a far more logical and defensible Greenbelt boundary at this point (refer Plan 4 “Proposed Greenbelt Limit West Boundary” and Plan 5 “Amended Greenbelt Boundary”). The precise alignment of the amended designation at this point (centred on the road) as shown on Plan 5 therefore results in the Greenbelt being defined by *“clearly identifiable visual boundary markers”* as per the SPP requirements.

The realignment of the western Greenbelt boundary as proposed provides a far more identifiable and logical boundary at this point for the reasons stated above and as

demonstrated by Plans 3 and 4. With this alteration in place the northern boundary would comprise the woodland at Drum Castle, with the southern section being delineated by the A93. In all respects, the amendment being proposed would result in the Greenbelt being defined by “...**clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads.**” This is fully in keeping with the rationale for the designation and its clear and logical physical definition.

Amending the boundary as proposed has no impact on any other landscape or other features within the local area, meets with the terms of Scottish Planning Policy, complies with the LDP's Spatial Strategy, and, effectively, provides a more logical and robust Greenbelt boundary at this location.

For all of the reasons set out above it is requested that this representation be upheld and the Greenbelt boundary be amended accordingly.

Documents

Plan 1 - Site Location Plan;
Plan 2 - Area to be removed from the Greenbelt;
Plan 3 - Existing Greenbelt Limit West Boundary;
Plan 4 - Proposed Greenbelt Limit West Boundary; and
Plan 5 - Amended Greenbelt Boundary

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:

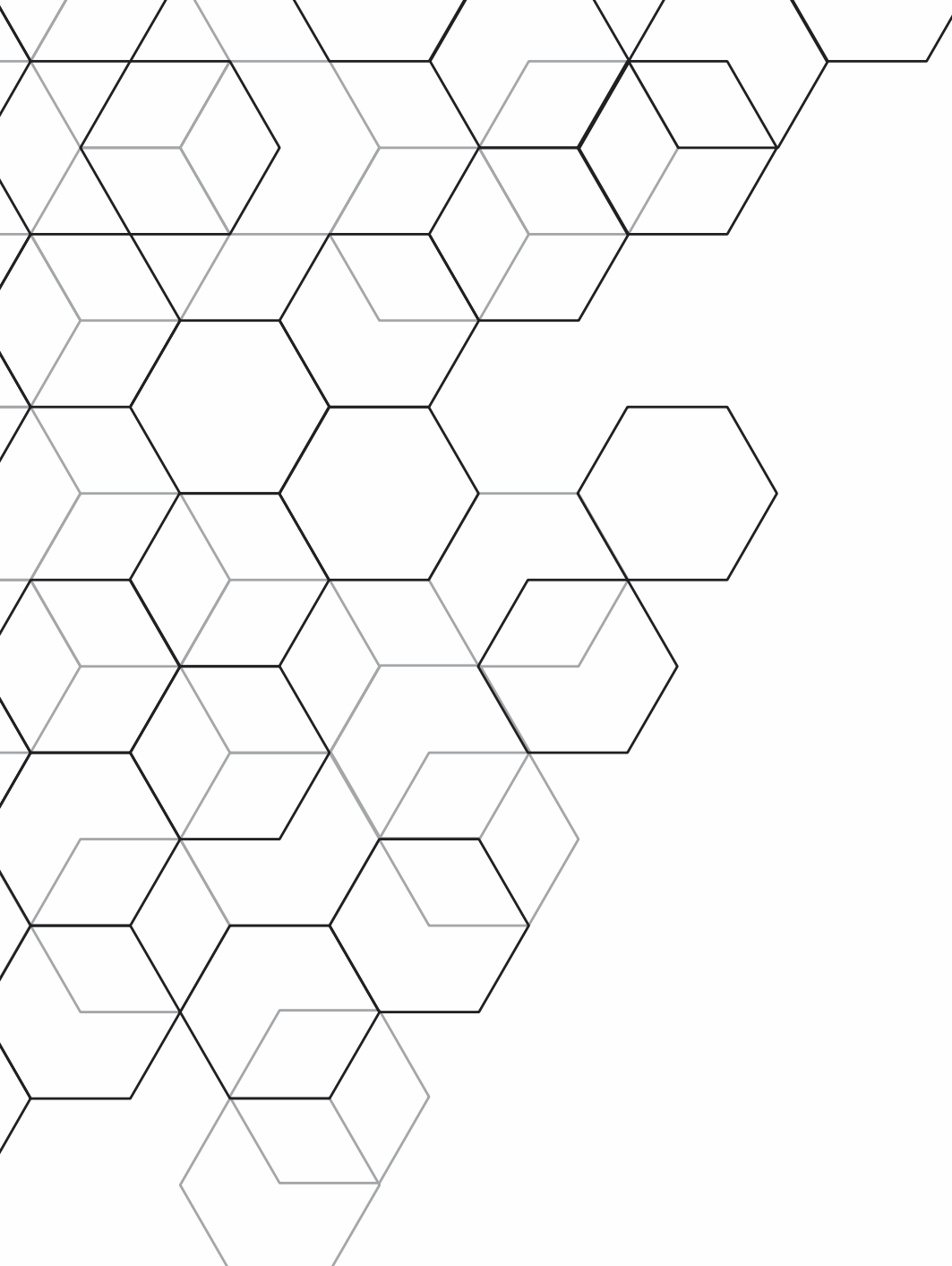
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue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

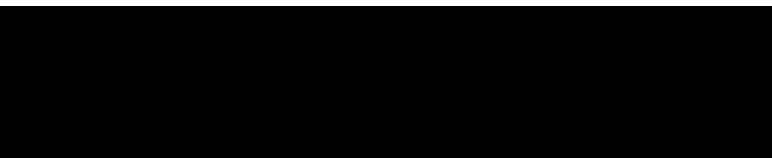
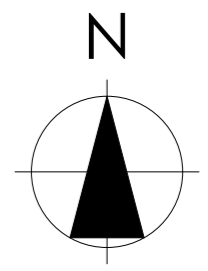
The following automated decision-making, including profiling, will be undertaken:

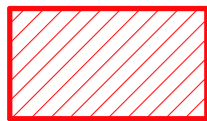
Not applicable.

Please note that you have the following rights:

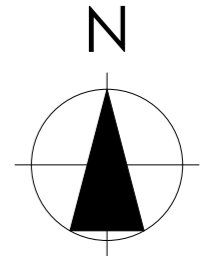
- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis 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.







AREA TO BE REMOVED FROM GREEN BELT





WESTERN BOUNDARY as Existing



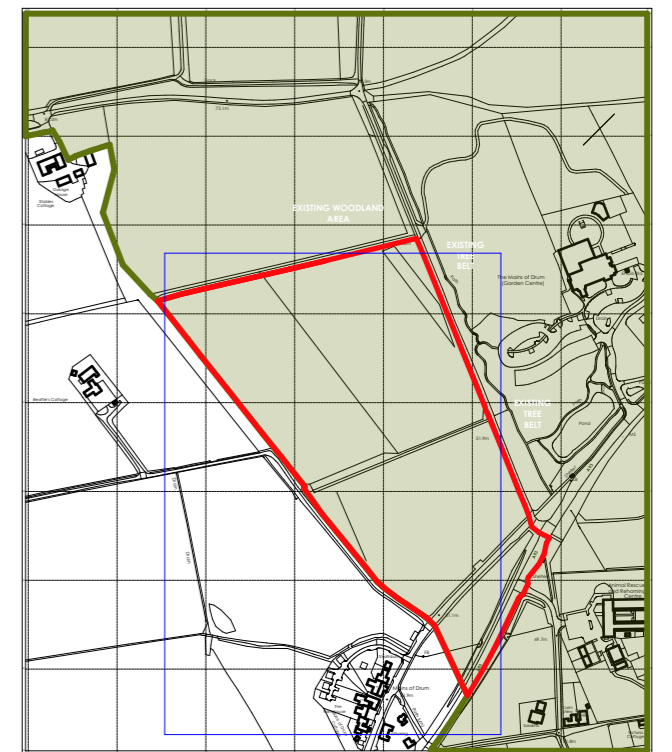
PHOTO 01



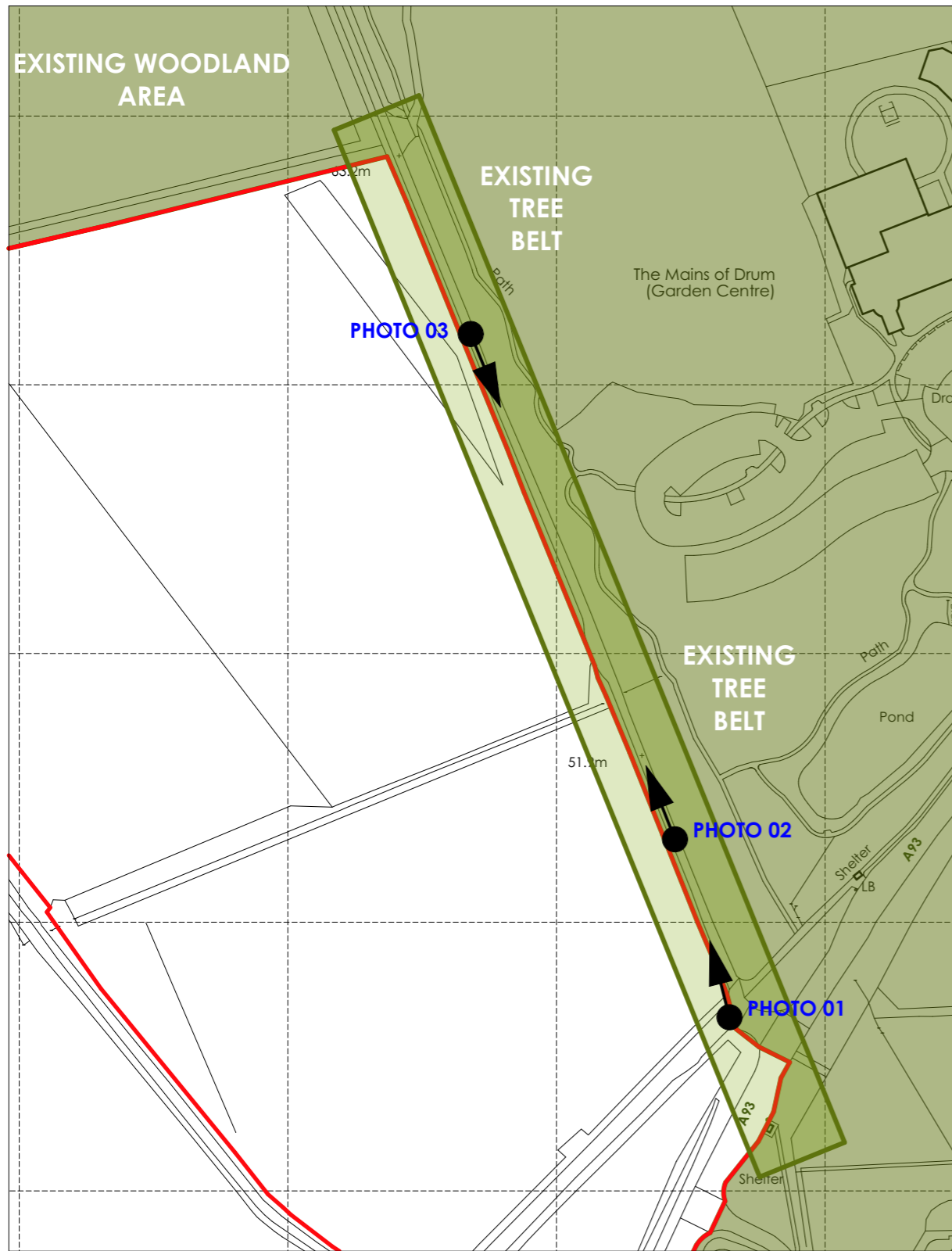
PHOTO 02



PHOTO 03



LOCATION KEY



WESTERN BOUNDARY as Proposed



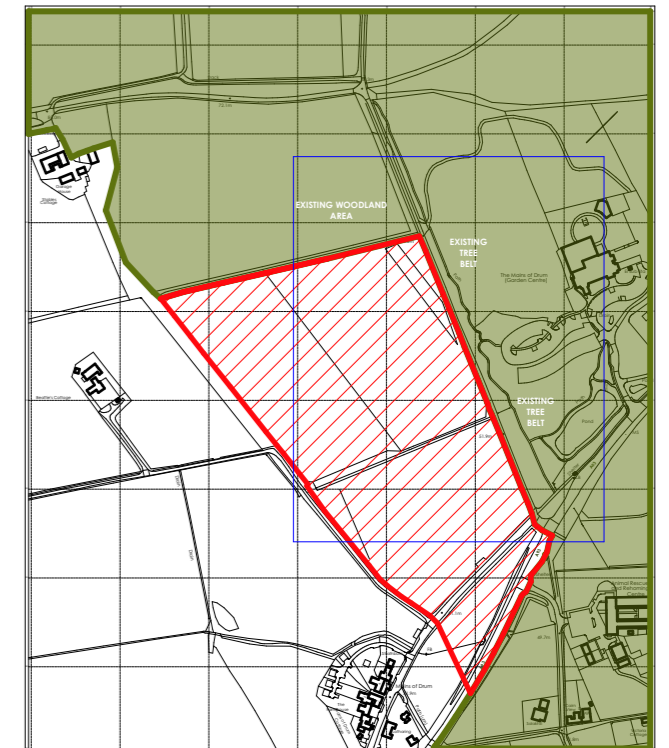
PHOTO 01



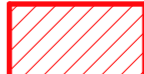
PHOTO 02

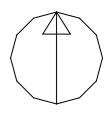
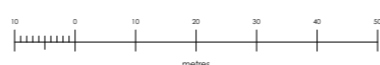
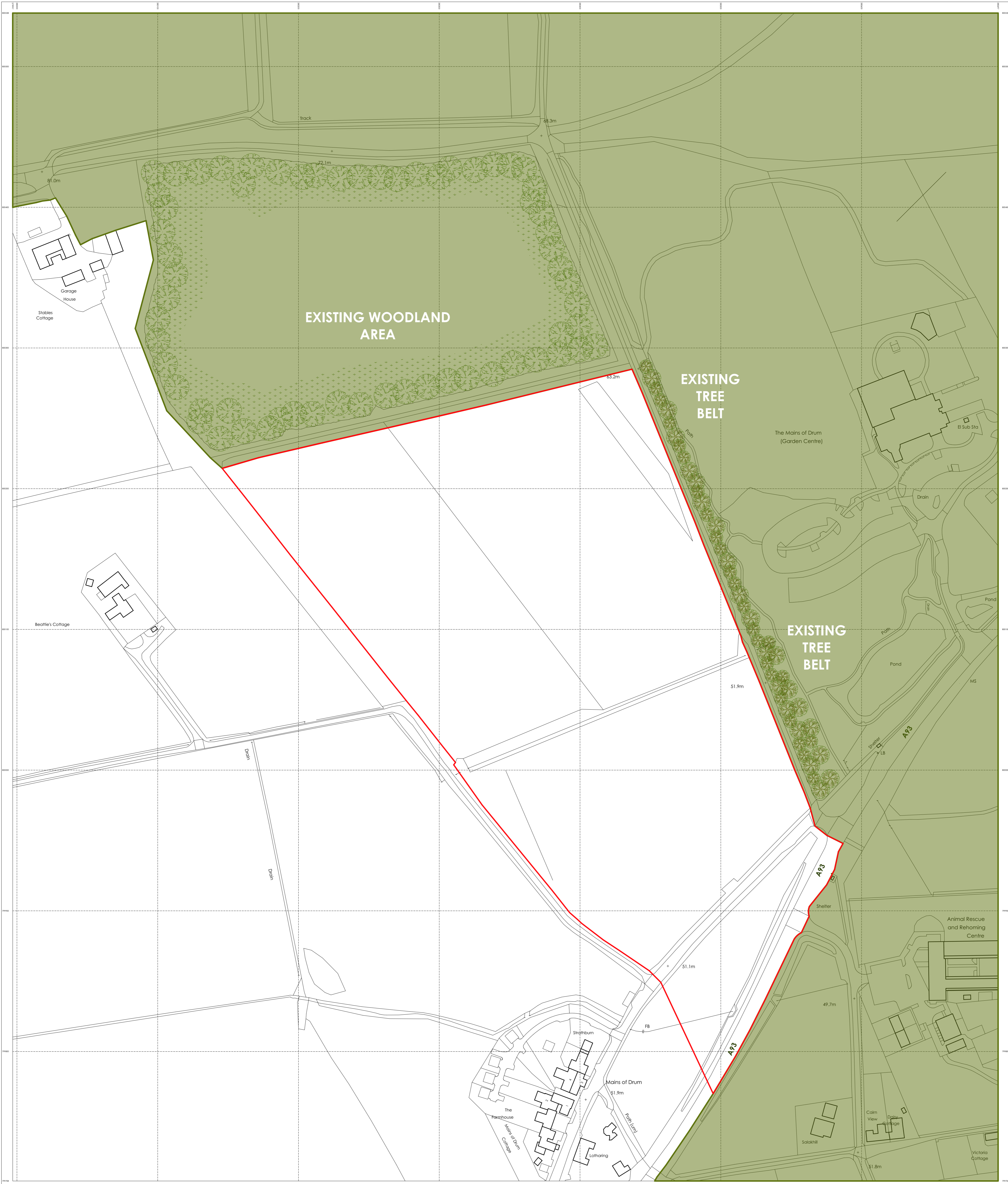


PHOTO 03





LOCATION KEY

 AREA TO BE REMOVED FROM GREEN BELT



 PROPOSED GREENBELT

DRAWING TITLE			Do not scale. All dimensions to be checked on site prior to commencement of work.	
PLAN 05: Proposed Greenbelt Boundary Change			SCALE: 1:1250	DATE:
JOB TITLE		DRAWN BY:	CHECKED BY:	
Drumoak, Deeside, Aberdeenshire		DRAWING NO:	REV:	
for 		3542/F/901		