

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

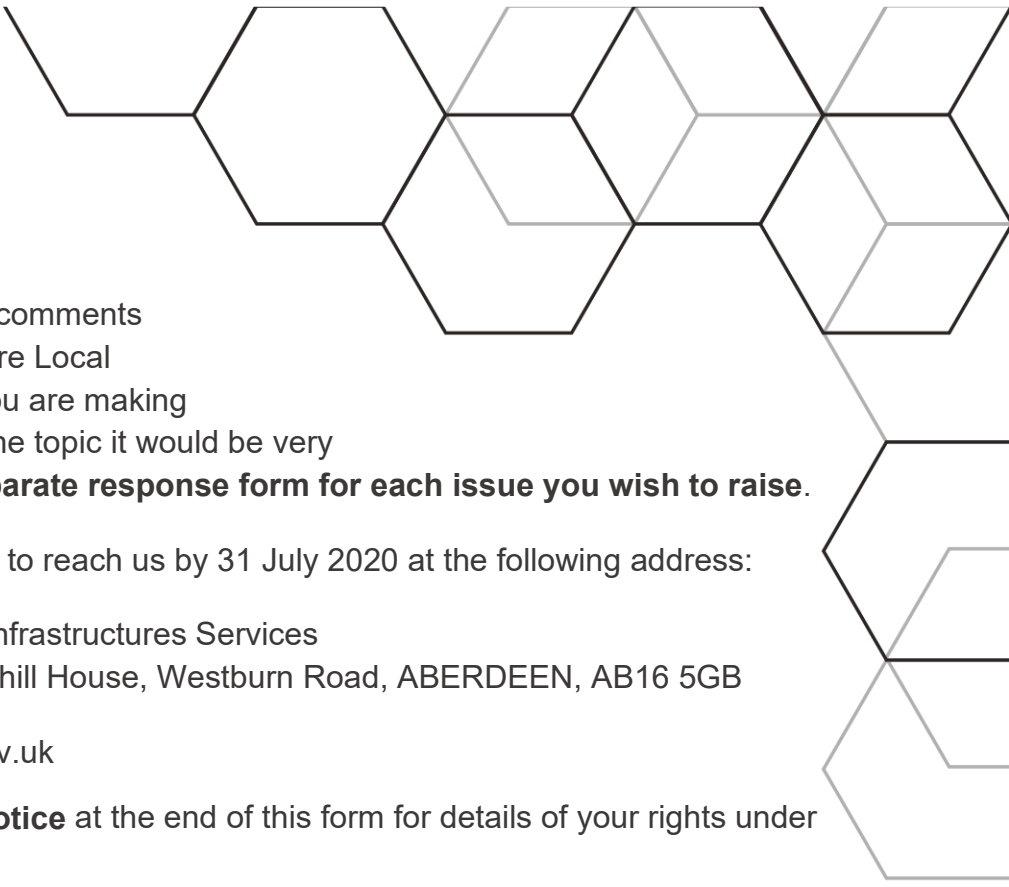
Tel: 01467 536230

Email: ldp@aberdeenshire.gov.uk

Web: www.aberdeenshire.gov.uk/ldp

Follow us on Twitter [@ShireLDP](https://twitter.com/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:	Mrs
First Name:	Katherine
Surname:	Sneeden
Date:	27.07.2020
Postal Address:	Jigsaw Planning, [REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

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?

Asda Stores 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):

Removal of proposed foodstore allocation for Portlethen – proposed allocation OP6 – Land East of Badentoy

Reason for change:

Site OP6 has been put forward as a potential site for food retail (1100m²) and drive through restaurant (450m²) or for a garden centre and restaurant (2500m²). The Council commented at the MIR stage that "The proposed site falls within the existing protected golf course/green space network, which is identified as protected land (site P5) in the Local Development Plan 2017 and contains semi-natural habitat. However, this site does not form part of the golf course and indicative details show the small uptake of the site with enhanced 40m deep tree belt would minimise impacts. While there are concerns about splintering the town centre across the A92(T) (formerly the A90(T)), the development provides a well-located retail asset, and modest sized restaurant, on an accessible site at the edge of the defined town centre."

In the draft LDP, within the Settlement Profile for Portlethen, it states that "The town has a good provision of services, but they are scattered across three different retail centres. The lack of a place for people to meet in the town centre is an issue for the local community, and extending the town centre west of the A92 for a mix of uses may help to address this issue."

It is Asda's concern that this allocation is not founded on any basis of qualitative or quantitative deficiency. There has been no retail study undertaken that identifies such a deficiency. The Town Centre at present is elongated and to expand it further over the A92(T) would further exacerbate this.

The former [REDACTED] unit within the Town Centre is now vacant, is a sequentially preferable site and has unrestricted open A1 retail use. Since the MIR stage, [REDACTED] have been confirmed as the intended occupier of this unit along with a comparison retailer. There are live applications with the Council to facilitate this reoccupation. There is therefore no requirement to have a further allocation for a foodstore given [REDACTED] are intending to open.

The draft LDP and the MIR comments above identify a perception that there is no meeting place within the town centre, however it is unclear how a further retail unit on the opposite side of the A92(T) will address this. It will surely seek to further dissipate town centre users across a wider area. Should the additional retail unit go ahead, what is likely to happen is that shoppers would drive to this peripheral location and not undertake the linked trips with other services that take place at the moment. The site would be located away from residential areas and would not have a convenient walk in catchment which is offered by the rest of the town centre. The A92(T) acts a significant barrier to the free movement of pedestrians, something which is critical to a successful town centre.

At paragraph 62 of the Scottish Planning Policy it is states that development plans should identify centres which have a 'high level of accessibility' and which display 'integration with residential areas'. The proposed allocation site and related town centre expansion exhibits neither of these qualities given it is isolated and on the opposite side of a trunk road.

It is therefore recommended that the proposed allocation here is unfounded and it is requested that the proposed allocation should not be taken forward.

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Acknowledgement within the Section 8 'Shaping Homes and Housing' and policy H1 that cognisance must be given to the Chief Planner's letter dated 16th February 2018 regarding the 'Agent of Change' principle to ensure that any proposed housing is designed to ensure that appropriate mitigation against any impacts from existing businesses.

Reason for change:

The Asda stores at Peterhead and Fraserburgh has been providing facilities for their local areas since 2005 and 2013 respectively. We note there are proposed housing allocations adjacent to these stores in the draft Plan. Asda supports the principle of these allocations.

The Scottish Government's Chief Planner issued a letter to all Heads of Planning in February 2018 which sets out the Government's position in relation to the Agent of Change principle. The Agent of Change movement was instigated by the live music industry however it is clear that its basis applies equally to all land uses. As set out in the letter, the Agent of Change principle is consistent with the statutory requirement for planning decisions to be made in line with the development plan, unless material considerations indicate otherwise. Existing guidance is already within SPP in terms of decision-making which promotes a sustainable pattern of development and PAN 1/2011 Planning and Noise provides advice on the role of planning to prevent and limit the adverse effects of noise. The Scottish Government have also announced their intention to incorporate the Agent of Change principle into the National Planning Framework and Scottish Planning Policy.

Recent experiences throughout the UK have come to light where established Asda stores or distribution centres have been affected by development on land adjacent to them. Often Asda stores operate around the clock to ensure that produce is delivered to stores to meet customers' needs. Housing development in particular can cause some issues. Asda are of course delighted to have additional potential customers close by but there needs to be proper and thorough consideration of the implications of noise, particularly in terms of service yard activity. We would encourage the Council to be aware of this when setting indicative dwelling numbers for sites and when assessing any forthcoming planning applications for the housing site. As such the LDP needs to be consistent with national policy in this regard.

We would suggest greater emphasis on this requirement within policy and a requirement for noise impact assessments to be submitted in support of any forthcoming planning application and appropriate mitigation considered, which may impact on the capacity of the site.

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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):

Policy B1 'Town Centre Development' – we request that the threshold at which a Retail Impact Assessment is required is set at a lower level than 'major' developments.

Reason for change:

We note that the Council seek to protect town centres by requiring that development likely to attract significant footfall be located in town centres. Policy B1 requires that in the case of major retail proposals, a Retail Impact Assessment must demonstrate there will not be a significant adverse effect on the viability or vitality of existing town centres.

It is assumed that the use of the term 'major' refers to SPP threshold of 2,500sqm.

Asda are concerned that this approach would mean that a large number of retail proposals in out of centre locations would not be subject to scrutiny with regards to impact on existing centres. Many local planning authorities have adopted a lower threshold as they are aware that smaller retail developments can still have significant impact on existing centres. We therefore recommend a lower threshold of 400sqm gross.

This would ensure that proposals for such development are required to adequately assess their proposals in retail terms and the tests set out in SPP. This is vital to ensure that such proposals are correctly scrutinised and the relevant centres are protected against unacceptable impact.

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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):

Appendices 7 a – 7f Settlement Statements

Reason for change:

There is reference to 'neighbourhood' facilities in some of the housing allocations. Asda recommend that any new retail facilities should be clearly restricted by maximum floorspace levels and not just designated 'neighbourhood' to prevent ambiguity. They should also be subject to retail impact assessments where over 400sqm gross floorspace as set out in our previous comment.

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.

