

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.

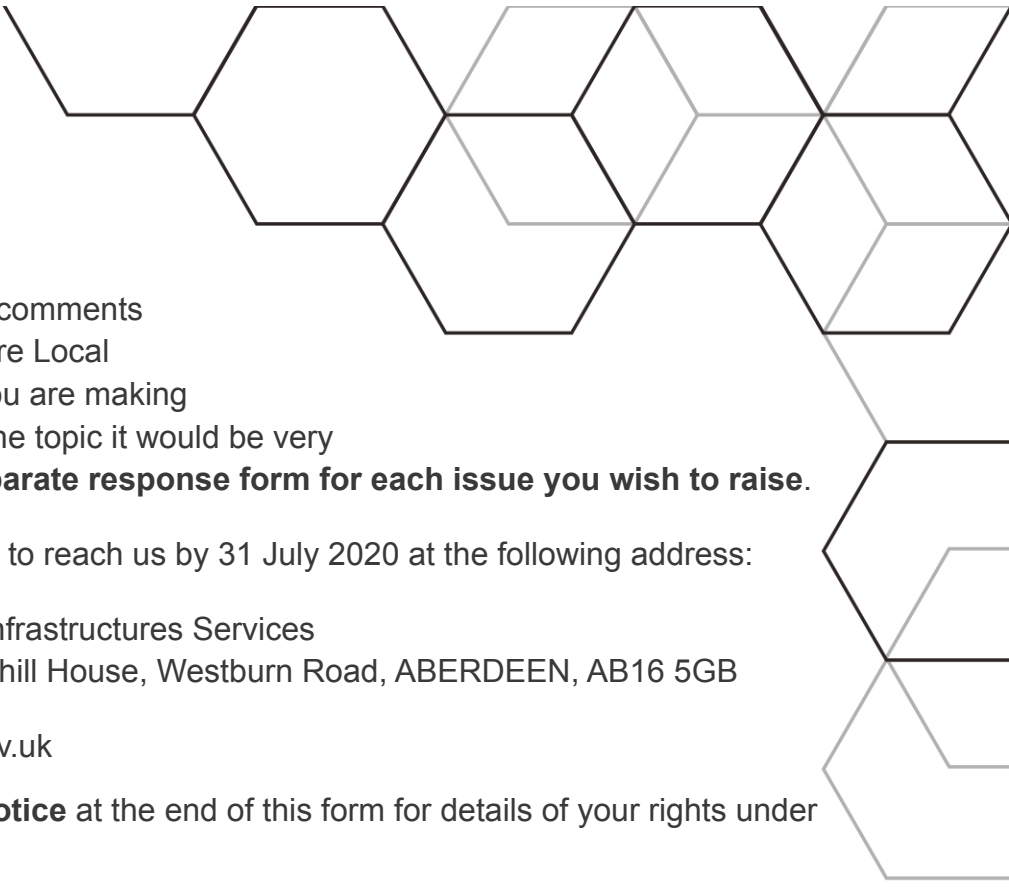
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Neil
Surname:	Corrigan
Date:	28 July 2020
Postal Address:	[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?

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):

I refer to Aberdeen City Council's LDP - specifically their inclusion of 'Royal Devenick Park' (OP46, bid 1308 'Leggart Brae') as a 'housing opportunity'. Part of this proposed site lies in the Shire's authority and is green belt land. I can find no mention of this site anywhere in the Shire's LDP. This site information should be included so that the public can comment.

Reason for change:

Affect on Protected Species and Habitats

The Shire LDP includes policies on *Natural Heritage and Landscape* - Section 10 Policy E1 Natural Heritage Nature Conservation Sites E1.1:

"We will not allow new development where it may have an unacceptable adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance..."

Furthermore, E1.4 identifies the importance of Local Nature Conservation Sites stating:

"... the proposal's public benefits must clearly outweigh the nature conservation value of the site."

The Den of Leggart lies within the proposed site and has Local Nature Conservation Site status (LNCS). The proposal of 'parkland' including new public paths (to the west of the Den) would disrupt the movement of family groups of roe deer that travel frequently between the Den of Leggart woodland, crossing the Causeymouth, to reach Tollohill Braes and surrounding areas. No amount of 'mitigation' can resolve this. The surrounding area of the proposed site has a number of designated species identified in the NESBReC 'Notable species search' (survey undertaken in July 2018). This identifies the following: bats, badgers, red squirrel, pine marten, otter, hedgehog; numerous birds including osprey, kingfisher, kestrel, barn owl, red kite and over 30 other species. Any development would affect this sensitive habitat. The Shire's LDP Policy E1.6 on Protected Species states:

"Development must seek to avoid any detrimental impact on protected species."

And E1.9 states:

"Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the site's environmental quality, ecological status, or viability."

New sites / revised bids

Finally, on the issue of the possibility that “new sites can be added into the Proposed LDP after this consultation”:

“Development ‘bids’ that were not allocated in the Proposed LDP may be considered for inclusion at Examination should a representation request the Proposed LDP be modified to include the bid. Representations will be considered by an independent Reporter, appointed by Scottish Ministers, to examine the LDP.”

Please make sure that there is full public consultation on any new/revised bids, as this was not the case during the MIR phase in 2019. New/revised bids and their assessments were problematic to access, there was no process for public consultation and comment, therefore undermining public trust and transparency.

The allocation by Aberdeen City Council of this site (OP46, bid 1308 ‘Leggart Braes’), appears to be inconsistent with the Aberdeen City and Shire’s Strategic Plan, 2018 i.e. policies on *Shaping Development in the Countryside* (chapter 5) , *Natural Heritage and Landscape* (ch 8, policy e1, e2) , *The Historic Environment* (ch 9, policies HE 1 and 2) , and *Protecting Resources* (ch 10). The City Council has not adhered to these policies whilst the Shire has.

I congratulate the Council’s fortitude in upholding important policies in order to keep Banchory Devenick, Aberdeenshire the fantastic place it is to live. I sincerely hope this fortitude holds up in the future so that your aim stated in your LDP 4.8 “the right development in the right place” is realised.

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN

PUBLIC COMMENT

Aberdeenshire
COUNCIL



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.

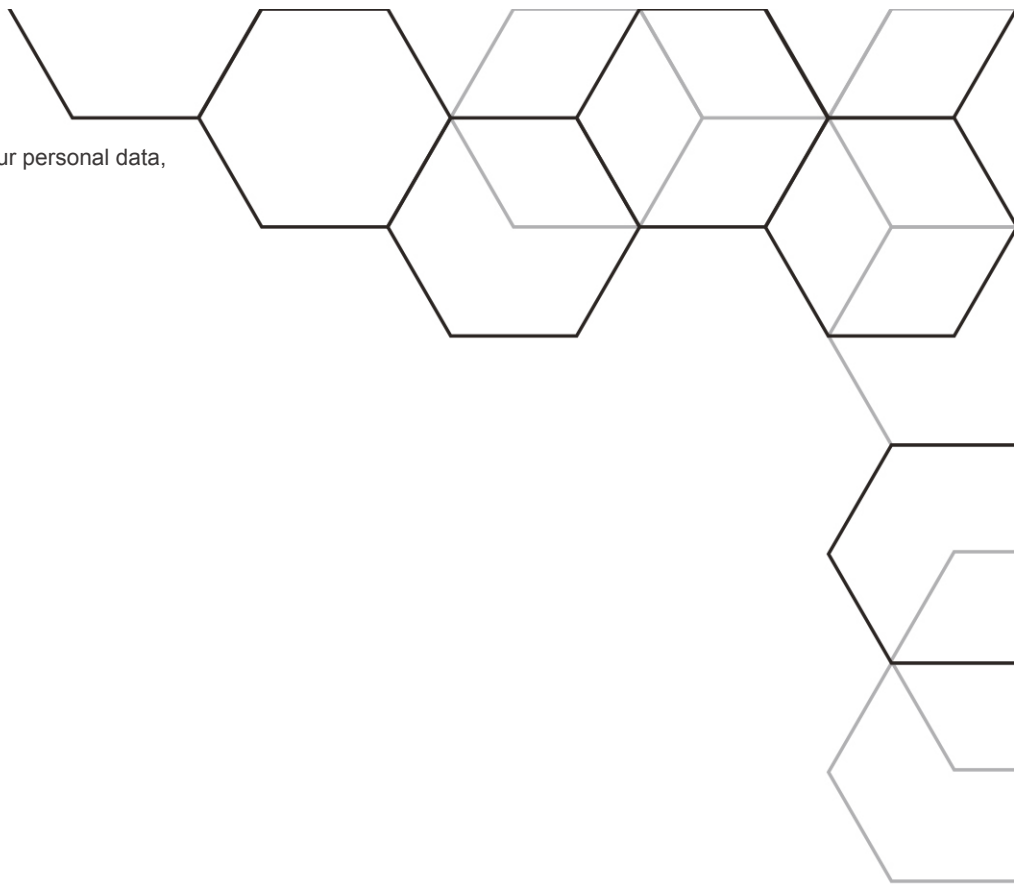
The following automated decision-making, including profiling, will be undertaken:

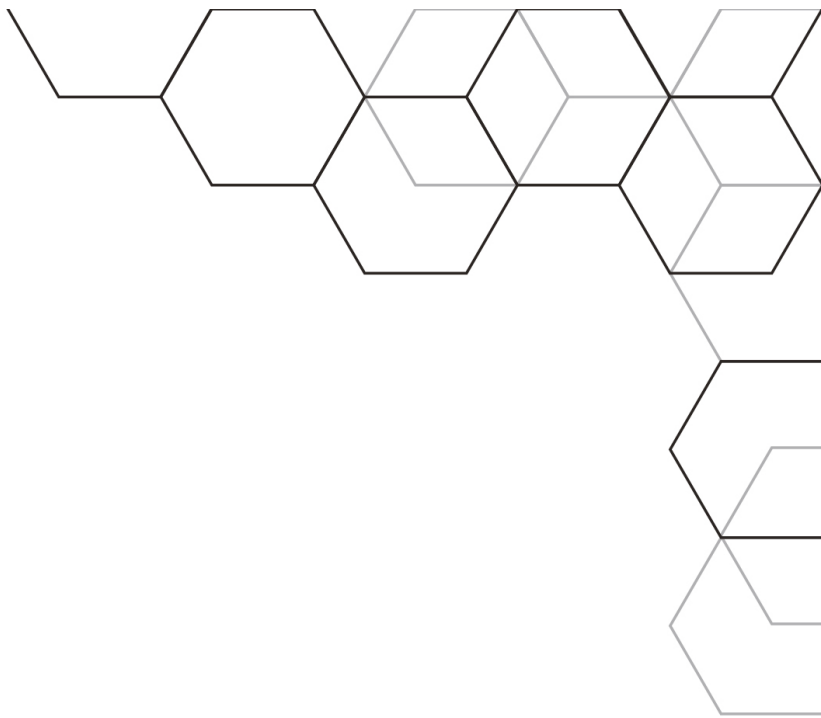
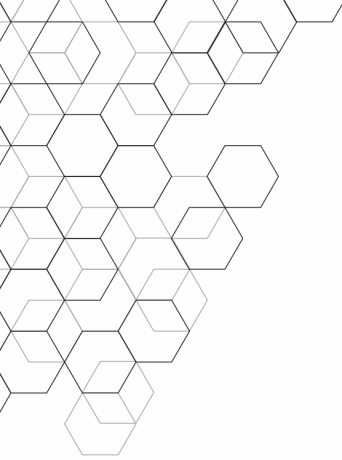
Not applicable.

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.





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