

YOUR DETAILS

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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):

Housing Land Allocation 'paper' at Annex 6 : Clarify how the land allocation figures have been informed by the Housing Need and Demand Assessment (future housing requirement) or the Local Housing Strategy (housing supply target).

Reason for change:

It is not clear how the housing land allocation figures have been informed by the Housing Need and Demand Assessment (future housing requirement) or the Local Housing Strategy (housing supply target). The plan figures appear to be lower than those in the HNDA or LHS. It is not clear if land allocation figures in the plan include any generosity as required by SPP.

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):

Housing Figures

The Spatial Strategy and/or Housing section of the proposed plan should be clearer on the housing figures from the Strategic Development Plan, specifically the plan should include the Housing Supply Target (separated into affordable and market sector), the generosity percentage and the Housing Land Requirement for the plan area.

Reason for change:

This would allow for a clear read across from the SDP to LDP by providing a clear and transparent explanation of the housing figures, including affordable housing, which would support and meet the requirements of paragraphs 113, 115, 116 and 128 of SPP

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):

Specialist Provision Housing

The proposed plan at paragraph H3.1 would benefit from clarifying what need was identified as part of the HNDA and what policies the plan intends to prepare to support the delivery of specialist provision housing.

Reason for change:

To meet the requirements of paragraph 132 of SPP which states 'As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites'.

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):

Chapter 6 Business and Development : The plan should be clear on how the business land audit ensures allocated sites meet current needs and market expectations as referred to in SPP 101a, 102 and 103.

Reason for change:

In order to accord with:-

SPP Para 101a which states LDPs should ... allocate a range of sites for business... (taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks

SPP Para 102 which (requires plans to) demonstrate that/how business land audits have been undertaken regularly by local authorities to inform reviews of development plans?

(... to monitor location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply)

SPP Para 103 which (requires plans to) identify new sites where existing sites no longer meet current needs and market expectations?

(where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.)

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):

The plan should be clear on how freight movements have been considered.

Reason for change:

The proposed plan has no explicit consideration of freight as required by SPP Paragraph 282.

In order to accord with SPP Para 104a which states that LDPs should ... locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network.

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):

Page 18, paragraph 5.10 should be deleted: *“Most sites in the Plan are greenfield allocations due to the cost differences to be found in developing brownfield land when compared to greenfield sites. Development to meet needs would not come forward if it were restricted to brownfield land.”*

Also in some cases greenfield site allocations seem to be due to cost differential between delivering greenfield and brownfield development

Reason for change:

The statement weakens the policy position to promote the re-use or re-development of brownfield land before new development takes place on greenfield sites and to accord with SPP Para 40 - *to consider the re-use or re-development of brownfield land before new development takes place on greenfield sites*

Greenfield site allocations which seem to be allocated due to cost differential between delivering greenfield and brownfield development would undermine proposed policies, and SPP, both of which seek to promote the re-use or re-development of brownfield land before new development takes place on greenfield sites.

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):

Page 82 Wind Energy - The development plan should be updated to indicate the minimum scale of onshore wind development that the spatial framework is intended to apply to

Reason for change:

To comply with paragraphs 161 of Scottish Planning Policy (SPP) which require the development plan to indicate the minimum scale of onshore wind development to which it applies. As written Policy C2 – Renewable Energy does not indicate the minimum scale of onshore wind development that a spatial framework applies to.

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 R3 Minerals - the policy should contain a statement around the maintenance of a minerals landbank, outlining that the plan has identified at least 10 years of construction aggregate.

Reason for change:

To accord with SPP para. 238 which states “Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search” or “As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available

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 C3 Carbon Sinks and Stores or Policy R3 Minerals - Requires a reference to commercial extraction of peat that outlines it will only being permitted in those areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Reason for change:

To accord with SPP para. 241 which states “Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.” It is our view the absence of this statement despite the protection offered by policy C3 peatlands not matching the criteria set out in SPP could be left vulnerable to commercial extraction.

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):

PR1.5 Prime Agricultural Land and policy PR1 - 1 Protecting Important Resources should be modified to read:- Prime agricultural land is defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series5 . Land falling within this classification should not be developed unless it is essential, allocated in the Local Development Plan or an independent assessment of the site confirms a lesser quality of land. For clarity, this includes, as a component of a settlement strategy or necessary to meet an established need, such as essential infrastructure where no other suitable site is available, for renewable energy generation or mineral extraction providing the site will be restored and returned to its original status. In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required.

Reason for change:

Paragraph 80 of SPP sets out development considerations for development on Prime Agricultural land. SPP is clear that development should not be permitted, except where this is its essential, within a range of given circumstances, and that where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required.

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 RD1.2, Electric vehicles should be worded more positively to reflect SPP paragraph 275.

Reason for change:

As currently worded, this policy allows complete discretion to the developer with regards to electric vehicle charging points for both housing and employment.

SPP paragraph 275 states that Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles. It is considered that the policy could be more positively worded to reflect this important ministerial priority.

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 08 p.877 should confirm that car parking standards meet the national standards set out in SPP 2014 and if it not the reasons should be explained.

Reason for change:

SPP is clear that car parking standards can be lowered where public transport provision is good, and increased where there is little available. However, text should clarify whether this document has been reviewed since SPP 2014. This is to ensure that car parking expectations reflect national guidance.

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):

We would encourage the authority to develop at least one exemplar walking at cycling friendly settlement.

Reason for change:

To align with NPF (2014) paragraph 5.14. There is no reference to a walking or cycling friendly settlement in the plan.

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):

Amend 1.8 to “To accord with the Scottish Government Zero Waste Plan and the Circular Economy Strategy, a Site Waste Management Plan will be submitted to demonstrate that developers have minimised the generation of waste and maximised reuse and recycling during the construction and operational phases of new development. ***In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products.*** These obligations may be controlled by conditions.

Reason for change:

To reflect the requirements of paragraph 180 of SPP on encouraging remanufacturing and reprocessing of materials as per the following “Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.”

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):

HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)
HE1.2 – uses the ‘statutory list of Buildings of Special Architectural or Historic Interest’ terminology and this should also be applied to scheduled monuments.
Insert the following “We will protect all listed buildings contained on the statutory list of Buildings of Special Architectural or Historic Interest for Aberdeenshire, all scheduled monuments contained on the statutory schedule of Monuments for Aberdeenshire and undesignated archaeological sites in Aberdeenshire.”

Reason for change:

To be consistent with the description of each statutory process – either use both references or just refer to as ‘designated Listed Buildings and Scheduled Monuments’.

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):

Page: 66

Scheduled Monuments and Archaeological Sites - HE1.5 and HE1.6 The requirement for Scheduled Monument Consent should be made explicit here as it is a separate consent process which is sought from Historic Environment Scotland.

Insert the following “Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and any requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH. Telephone: 0131 668 8716 or email: hmenquiries@hes.scot”

Reason for change:

To align with paragraph 145 of Scottish Planning Policy (SPP) as Historic Environment Scotland are the consenting authority for direct works affecting Scheduled Monuments.

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 2 – Application of Town Centre First Principle Page 105

On page 105 in the box for 'Other Town Centres' where the final column, indicates that the Town Centre First Principle does not apply to five of Aberdeenshire's towns (Insch, Kintore, Macduff, Newmachar and Portsoy), the words 'No' should be should be changed to 'Yes', or ideally that column should be removed as it should be explicit the Town Centre First Principle applies to all towns.

Reason for change:

The Town Centre First Principle, which was agreed with COSLA leaders, asks that local authorities put the health of town centres at the heart of decision making. The Town Centre Action Plan and Scottish Planning Policy expects the town centre first approach to apply to all town centres.

On page 105 of the Proposed Plan, Appendix 2 sets out the network of centres - there is a box for 'Other Town Centres', identified as towns which have "a minimum of one Academy or represent a local service centre for a wider area." We are concerned that in the final column of that box the plan indicates that the Town Centre First Principle does not apply to five such towns (Insch, Kintore, Macduff, Newmachar and Portsoy), and that these are to be treated differently from the other 'Other Town Centres'.

Whilst SPP policy allows scope for flexibility of the sequential test, Scottish Government's expectation is that this is done on a case-by-case basis, and not that LDPs exclude whole towns from the town centre first principle.

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 – Sequential approach Page 25

That footnote should be revised to fully reflect the sequential approach as set out in Scottish Planning Policy, paragraph 68, both in terms of the full range of used and the sequential order of locations, including to cover the point about, it's not just any out of town sites but those that can be, made easily accessible by a choice of transport modes.

Reason for change:

Policy B1.1, on page 25 talks about retail and other frequently visited uses, which it elaborates includes the other town centre uses as set out in SPP (paragraph 68) .

However, footnote 6 on that page, causes some concern, as it defines a sequential assessment as “An approach for choosing sites for retail development which requires developers to demonstrate that there are no suitable town centre sites, before considering sites on the periphery of the town centre and before considering other out of town sites.” This includes several discrepancies from the sequential approach set out in Scottish Planning Policy.

Firstly, it defines the sequential assessment as “An approach for choosing sites for retail development ...”. SPP as set out in paragraphs 60 and 68 is clear that the sequential approach should apply to uses which generate significant footfall, including but not exclusively retail, but also commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. These other uses should be fully reflected when the plan defines the sequential approach.

Secondly, the terminology used is different from SPP, referring to “sites on the periphery of the town centre”, rather than ‘edge of town centre’, and it does not cover ‘commercial centres’, and the sequential order in which they come. SPP paragraph 68 requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

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 – Retail Impact Assessments Requirements
Page 25

The requirements for Retail Impact Assessments should be clarified to reflect the 2,500sqm threshold and the terms of paragraph 71 of SPP.

This could be added in prior to what is currently said in relation to major retail.

For example to explain where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken; and then to provide more guidance as to what the Council is looking for as to the outcome of RIAs in relation to major developments, for proposals to be approved.

Reason for change:

There is some uncertainty as to when the plan requires Retail Impact Assessments.

SPP says (at paragraph 71) “Where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken.”

Rather than using the 2,500m² threshold set out in SPP, the Proposed Plan states in Policy B1.1 “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 and does not result in any issue identified by a Town Centre Health Check or Town Centre Strategy being made worse.” Major developments are defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which include a Schedule that sets out classes of development and corresponding thresholds. Retail would be likely to fall under paragraph 9 of the Schedule ‘Other Development’ for which the threshold is 5,000 sqm gross floorspace or sites over 2 ha. This is a much higher threshold, for a larger scale of development than where SPP sets the requirement for RIAs.

It is unclear if that threshold for major developments is intended to be used in relation to the requirement for RIAs. If so it could mean that some retail proposals, which could be significant in terms of their impact on town centres would not have to carry out the retail impact analysis expected by SPP, if they do not meet the major threshold, which could have negative impacts for town centres

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):

Transport Scotland Representation

It is recommended Policy RD1 includes clear information on the promotion of sustainable transport links, modes and choices for new developments and include reference to the sustainable travel hierarchy. It is vitally important that sustainable modes are prioritised and are provided for within new development to reduce inequalities, tackle climate change, help deliver economic growth and improve health and wellbeing. The Policy should support the NTS2 and detail developments should be planned that are or can be, strongly linked to accessible transport systems.

Reason for change:

Policy RD1 'Services'

As the Proposed Plan does not include a separate chapter on transport, the message of promoting sustainable travel modes, links and choices should be firmly embedded within the Plan. The Plan details in paragraph 4.7 the need to promote efficient use of transport and encourages using methods of transport other than the private car. However, it is considered the Plan does not sufficiently promote the sustainable travel hierarchy or sustainable travel modes as stated within the National Transport Strategy 2 (NTS2).

The NTS2 states on page 42; *“overarching all the Policies, to address the challenges and achieve the Priorities we will embed the Sustainable Travel Hierarchy in decision making by promoting walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.”*

NTS states on page 59; *“transport accessibility will influence the location and design of future development. Transport will help planning and development and also ensure our communities are sustainable. We will continue to create a planning system that puts in place options that will discourage people from owning or using cars. They will be designed so that workers in, and visitors to, an area are attracted to public transport or active travel options ahead of private cars. The transport system will also help ensure that places are convenient to get to without having to use a car. Strong links with spatial planning, including the National Planning Framework and local development plans, will ensure we understand and address these challenges....The transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places.”*

Scottish Planning Policy states in paragraph 275; *“Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this*

infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.”

The Plan does not mention the sustainable travel hierarchy nor promote the provision of sustainable transport links, modes or choices sufficiently in accordance with NTS2. Policy RD1 is considered not robust enough to comply with the National Transport Strategy 2 on prioritising non-motorised modes and providing sustainable travel links and choices in developments. Plans should raise the bar in terms of promoting accessible sustainable travel choices to fully realise and plan for sustainable places.

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):

Transport Scotland Representation

The Proposed Plan Settlement Statement for Ellon, including the OP1 Cromleybank site, and Delivery Programme should be amended to provide consistent information to developers and stakeholders on the specific trunk road mitigation requirements for Ellon. This should include the nature and scale of improvements required and associated cost, the mechanism whereby such contributions will be gathered, and when and by whom improvements will be delivered in accordance with SPP and Circular 2/2013 Planning Obligations and Good Neighbour Agreements.

The outcomes of the LDP 2021 DPMTAG Assessment Report which appraised the cumulative impact of development in Ellon and beyond concluded that A90(T)/A948 and A90(T)/B9005 junctions required improvement and the east-west link road was the preferred option. Transport Scotland has been involved in discussions which indicated the Cromleybank OP1 development would deliver the A90/A948 improvements in its entirety. If this position has changed and developer contributions from other development will be required, this should be clearly stated within the plan.

Reason for change:

Ellon – Settlement Statement

In accordance with Scottish Planning Policy (SPP), Aberdeenshire Council undertook a proportionate transport appraisal in line with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG). SPP states in paragraph 274; *"In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements."*

SPP states in paragraph 275; *"Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made."*

DPMTAG states *"Transport impacts should..... be considered early in the process of identifying sites for development, along with other key factors influencing land use proposals. In considering different land use proposals it is important to understand the consequences that changes in land use have on the Strategic Transport Network...."*. Additionally, *"Transport Scotland will be unable to give support in principle to a development plan: when there is insufficient detail on either the proposed land uses or associated Transport Appraisal to enable Transport Scotland to take an informed view of the effects of the development plan on the Strategic Transport Network."*

In relation to Ellon, the DPMTAG based appraisal detailed within the LDP 2021 DPMTAG Assessment Report (Aecom, 2020) concluded that the Ellon southern bypass/distributor road option with deliverable mitigation identified in the Ellon Traffic Modelling Study (ETMS) will mitigate the impact of development and is the preferred option. The ETMS included improvements to the A90(T)/A948 roundabout in the reference case; and improvements modelled to the A90(T)/B9005.

However, the Settlement Statement for Ellon includes text under the heading *'Local transport infrastructure'*; *"All sites will be required to contribute towards improvements to the A90/A948 roundabout"*, with no mention of the A90(T)/B9005 roundabout. Additionally, Transport Scotland has been involved in discussions with the Council and developer which concluded the Cromleybank OP1 development would deliver the

A90/A948 improvements in their entirety. If this position has changed and developer contributions from other developments will be required, this should be clearly stated within the Plan.

Site OP1, Cromleybank includes the following text;

"A Development Framework has been agreed for this site. A number of access points to the site will be required from South Road (B9005), and either a vehicular bridge across the River Ythan and/or an east-west link road from the B9005 at its junction with the A90 trunk road to the A920 at Wineburn will be required to ensure the local road network provides the necessary capacity to accommodate the traffic generated by the development. Public transport into the site is expected, particularly to and from the retail centre and Academy. An updated Transport Assessment will be required to determine mitigation requirements both within Ellon, particularly on the A920 Riverside Road/B9005 South Road Corridor, and on the A90 trunk road between the A90/B9005 and the A90/A948 junctions. The Transport Assessment should be updated to reflect current traffic conditions on the A90 at Ellon, and within Ellon since the opening of the AWPR and Balmedie – Tippetty dualling schemes and development phasing needs to be considered alongside strategic road network proposals for the A90 between Ellon and Peterhead/Fraserburgh."

This text does not take into consideration that an appropriate transport appraisal in the form of the LDP 2021 DPMTAG Assessment Report has been undertaken and concluded what mitigation is required to deliver the development. It is also not consistent with the results of this Assessment Report which identified the A90(T)/A948 and A90(T)/B9005 junctions required improvement and an east-west link road between these should be provided; nor with discussions that have already taken place surrounding developer mitigation with the Council and developer in relation to the Cromleybank site.

Consequently, it is concluded the Proposed Plan and Delivery Programme are inconsistent in the requirements for developers and do not contain the specific transport infrastructure required to facilitate and mitigate the impact of development on the safe and efficient operation of the trunk road within Ellon.

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):

Transport Scotland Representation

Inverurie settlement statement

It is imperative the LDP and Delivery Programme outline the specific required infrastructure that developments will be required to provide in order for development to be delivered. The Council should set out a clear position on what trunk road infrastructure is needed to support development within the Plan, in addition to how, when and by whom it will be delivered.

The plan should detail that sites OP5 and OP6 are required to deliver a new grade separated junction on the A96(T) to replace the current at grade A96 Crichtie and A96 Port Elphinstone roundabouts. This wording should be consistent throughout the plan and its accompanying documents i.e. within the settlement statements and Delivery Programme.

Consented sites OP5 and OP6 have been identified as delivering the A96 Crichtie grade separated junction. However sites OP9 and OP10 have also been linked to the delivery of this junction within the LDP 2021 DPMTAG Assessment Report. However OP10 has consent and does not contain any conditions requiring it to deliver or contribute to A96 Crichtie grade separated junction. Therefore the plan needs to be clear which sites are to contribute to, or deliver, the trunk road infrastructure needed to support development within the Plan, including the new A96 grade separated roundabout. It should also outline how, when and by whom the infrastructure is to be delivered for sites OP5 and OP6.

Transport Scotland is very concerned over the current capacity issues on the A96(T) in Inverurie and that new sites are being proposed with no information on the potential impact and potential mitigation measures. Sites OP15 and OP16 should have been appraised as part of the DPMTAG based appraisal to determine impact and mitigation. Therefore it is recommended text is included within sites OP15 and OP16 that a cumulative appraisal is required to be undertaken including both sites, utilising the data from the LDP 2021 DPMTAG Assessment Report which accompanied the Proposed Plan to determine any potential impact to the A96(T) and identify if any mitigation is required to deliver the additional sites.

Reason for change:

It is considered the Proposed Plan and Delivery Programme are not consistent in relation to the information included on transport infrastructure required to facilitate and mitigate development within Inverurie. The Settlement Statement for Inverurie and Delivery Programme details a confusing landscape of mitigation measures, which also do not link to the outcomes of the LDP 2021 DPMTAG Assessment Report.

It is recognised the infrastructure measures required to mitigate development in Inverurie are complex. A number of developments currently benefit from planning permission that require delivery of trunk road mitigation; some of these developments are currently in breach of planning conditions relating to these improvements whilst others require these improvements to be in place before they can proceed. Other developments require to deliver mitigation schemes that were agreed prior to the Scottish Government's decision to progress the A96 scheme, however it is recognised that until the preferred alignment of the A96 Scheme around Inverurie is confirmed, there remains a degree of uncertainty as to what the future infrastructure needs to serve development will be.

The DPMTAG based appraisal concludes for Inverurie; "*allocations OP9 and OP10 (2021 LDP designations for Axis Business Centre and Thainstone) should be linked to the provision of the grade separated junction*" at Crichie. Also; "*there remains concerns regarding the available capacity on the network at Inverurie*".

However, the LDP Settlement Statement does not link sites OP9 or OP10 to the delivery of the grade separation of Crichie, with site OP10 already having consent. The LDP does not link site OP9 to the provision of the grade separated junction either, instead detailing the site will require to assess network capacity at A96 Port Elphinstone and A96 Thainstone roundabouts. This contradicts the LDP 2021 DPMTAG Assessment Report.

The Delivery Programme details that after 300 units a new grade separated junction for Crichie has to be designed. It is not clear this is linked to sites OP5 and OP6, the 2021 LDP designations for development at Crichie. The Delivery Programme also details "*delivery of a grade separated junction on the A96 at Port Elphinstone roundabout*" in one entry and then a "*new grade separated junction to replace Thainstone and Post Elphinstone roundabouts*" in another. This is confusing as it is one roundabout proposed to replace both current at grade roundabouts which is the responsibility of sites OP5 and OP6 to deliver.

Contrary to SPP, the DPMTAG appraisal did not include the potential impact of the new development sites OP15 and OP16. Comments submitted by Transport Scotland in response to the appraisal in February 2020 requested that the cumulative impact of these new sites and those that are unconsented in Inverurie be considered and identify any potential mitigation measures that may be required within the Plan. However, the DPMTAG based appraisal did not include the new sites within the appraisal yet

concluded “*there remains concerns regarding the available capacity on the network at Inverurie*”.

Consequently, the LDP has not identified the potential impact on the safe and efficient operation of the trunk road network resulting from additional development. This is of significant concern to Transport Scotland given the uncertainty over trunk road capacity highlighted in the LDP DPMTAG Assessment Report that accompanied the Proposed Plan; and the inconsistency between the mitigation measures outlined within that appraisal, different parts of the Proposed Plan and the Delivery Programme. The plan is not clear on what mitigation is required to be delivered by whom, when or by what means in accordance with SPP. To date Transport Scotland has had to seek stand-alone mitigation for development in lieu of a holistic approach.

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):

Transport Scotland Representation

Kintore Settlement Statement

Given that, in addition to the further allocation of 400 houses at OP1 in addition to those that already have consent, a further three allocated sites identify potential upgrade relating of the A96/B987 Broomhill roundabout, the LDP should identify what, if any, improvement is required at this location on the trunk road network. This should include the nature and scale of improvements required and associated cost. If developer contributions are to be sought, the mechanism whereby such contributions will be gathered, and when and by whom improvements will be delivered should also be included in the LDP in accordance with SPP.

Reason for change:

In the Settlement Statement for Kintore, the LDP proposes under Allocated Sites on page 591 an allocation of 1000 homes at site OP1: Kintore East (Residential). This site was previously allocated as site OP1 in the LDP 2017 with a proposed allocation of 600 houses. Planning Permission in Principle was approved in 2015 for the 600 houses including required mitigation measures at the A96/B957, Broomhill roundabout.

No further assessment has been undertaken of the impact of this further allocation of 400 houses and the potential impact on the trunk road network at the A96/B987 Broomhill roundabout. The LDP states under OP1: *“A new distributor link is required to the B987 with upgrades to the B987 and A96 roundabouts provided as required.”* This statement is also included for allocated sites OP3, OP4, and OP5.

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):

Transport Scotland Representation

Chapelton settlement statement

Clarification should be provided within the LDP as to what mechanism the text on page 646 under Services and Infrastructure - Strategic transportation refers to with regard to the gathering of contributions, and the nature and scale of such contributions.

Reason for change:

The LDP states at p646 under Services and Infrastructure - Strategic transportation; *“Contributions will be required for cumulative strategic transportation improvements including interventions on the A90(T) and in Aberdeen City, to be agreed through the conditions of a Transport Assessment.”*

It is unclear what the above text is referring to in relation to the “cumulative strategic transport improvements”. The plan does not provide an explanation as to what these are or where they have been identified from. It is not clear if it is referring to the previous Strategic Transport Fund that had been applied by both Aberdeen City and Shire Councils, which is no longer applicable given the successful legal challenge; or another study/appraisal.

The phased development of the Chapelton development has been dealt with through conditions applied to the Planning consent granted and the associated Section 75 agreement of 2013.

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):

Transport Scotland Representation

Laurencekirk settlement statement

The Allocated Sites within the LDP, detailed on p646, indicates that the previous housing allocation OP1, has now been disaggregated to sites OP1, OP3, OP8, R3, & SR1. It states for each of these allocations *“A Development Framework is required for sites OP1, OP3, OP8, R3 and SR1.....”* However, it is not clear what such a framework would comprise.

A cumulative assessment of the potential transport impacts at the A90(T) north junction for the sites requiring a Development Framework, and any others which do not yet have consent, should be undertaken to understand what mitigation measures may be required, including how, when and by whom.

Reason for change:

The LDP states at p693 under Services and Infrastructure – Local transport infrastructure: *“Development beyond existing consents will be restricted until the A90 grade separated junction to the south is delivered and an assessment is undertaken of the existing north A90 junction.”*

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):

Transport Scotland Representation

Minlaw settlement statement

The LDP and Delivery Programme should clearly detail the required scheme of upgrade, its cost and how it will be delivered and if this will include developer contributions to ensure delivery within the appropriate timescale in accordance with SPP and Circular 3/2012. The LDP should also clearly indicate that development within Mintlaw will be constrained to agreed limits until such time as the necessary upgrades to Toll of Birness Junction have been identified and implemented.

Reason for change:

It is stated within the Settlement Statement for Mintlaw, on page 326, under Services and Infrastructure - Local Transport Infrastructure; *“All new development will require significant alterations to the A-road network and local road widening. Contributions will be required towards an upgrade of A952/A90 “Toll of Birness” junction. Development may be required to contribute to footway extensions, upgrades and crossing facilities, cycle infrastructure and public transport provision.”*

The Delivery Programme, whilst a non statutory part of the LDP, similarly states under Mintlaw, at p66; *“Improvements to the A952/A90 junction will be required. Conditions have been requested by Transport Scotland that cover the phased upgrade / improvement to the A90 / A952 junction.”*

The Delivery Programme, however, also states under Strategic Transport Projects, at p66 under Toll of Birness - A952/A90 project: *“The Toll of Birness junction has been found to be at or near capacity and developments may be required to contribute to improvements which are to be agreed with Transportation and Transport Scotland through the masterplan process.”* It also states that Transport Scotland is the Lead and Aberdeenshire/NESTRANS identified as participants with regard to responsibility for this project. The notes provided on this project state: *“A STAG Part 1 study has been completed by consultants commissioned by NESTRANS, as part of the wider Fraserburgh and Peterhead to Aberdeen Strategic Transport Study (FPASTS) and upgrade options are being considered. Transport Scotland's Strategic Transport Projects Review (STPR2) will consider the above scheme, as will City Region Deal funded Strategic Transport Appraisal (see below for more information)”*

Scottish Planning Policy states in paragraph 275; *“Development plans should identify any required new transport infrastructure or public transport services, including cycle and*

pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.”

Circular 3/2012 Planning Obligations and Good Neighbour Agreements states in paragraph 32; *“In drafting development plans, planning authorities should work with infrastructure providers, other local authority departments and consultees to undertake a robust assessment of infrastructure requirements, the funding implications and the timescales involved. From this the level of provision to be delivered under planning obligations can be identified. Broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the SDP or LDP, where they will have been subject to scrutiny at examination.”*

Therefore, it is considered that the information within the LDP and Delivery Programme provides a contradictory message on delivery and funding and does not provide the clarity with regard to the requirement for improvements to deliver development within the settlement of Mintlaw. In addition, while the LDP does state the requirement for all new development to contribute towards an upgrade of the A952/A90, Toll of Birness junction, no detail is provided on the nature and scale of upgrade, its associated costs, how contributions would be gathered and how it would be delivered in accordance with SPP and Circular 3/2012.

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):

Transport Scotland Representation

Peterhead settlement statement

It is considered that the statement: *"Transport Scotland must be consulted at the early stage of the planning application to agree on impacts related to the trunk road network"* is attached to the proposed allocation OP4 within the LDP as is detailed for site OP5.

The LDP identifies the need for the pedestrian / cycle route involving the Buchanan and Formartine Way to be grade separated but does not stipulate this for the other crossing points over the A90 within Peterhead. It would be Transport Scotland's preference that the LDP identifies that these other crossing points will require to be grade separated to provide developers with clarity as to what the infrastructure requirements will be with regards to pedestrian and cycle crossing facilities across the A90.

Reason for change:

The Settlement Statement of the LDP states under "Allocated Sites" at pages 354-355 that sites OP4, 5 and 6 were previously part of the allocated site BUS 3 in the 2017 LDP. This site has been partially developed covering site OP6. It states for site OP5 that; *"Transport Scotland must be consulted at the early stage of the planning application to agree on impacts related to the trunk road network."* No similar comment is made regarding Site OP4.

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):

Transport Scotland Representation

Action Programme 1

A96 Dualling Inverness to Aberdeen

We would request that the following changes are made.

1. Under the 'ACTIONS' section please change '2019' to '2020'.
2. Under the 'NOTES' section please replace the text with:

Design work is well underway on the dualling programme:

- A Public Local Inquiry on the Inverness to Nairn (including Nairn Bypass) scheme took place in October / November 2018 to consider objections received.
- The Reporters submitted their report to Scottish Ministers on 17 October 2019 and this is under active consideration.
- The Preferred Option for the Hardmuir to Fochabers section was announced at a series of public exhibitions in December 2018. Development and assessment of the Preferred Option is ongoing with draft Orders expected to be published in 2021.
- Route option assessment work on the section between east of Huntly and Aberdeen is also well underway. Due to the high level of feedback received on this section of the dualling programme Transport Scotland is working towards identifying a preferred option later in 2020.
- It is expected that Transport Scotland will commence the process to appoint a design consultant for the Fochabers to Huntly section once a preferred route for the Huntly to Aberdeen section has been announced.

Reason for change:

N/A

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):

Transport Scotland Representation

Action Programme 2 Aberdeen to Inverness

The following changes are recommended:

Actions

The second sentence should start “Phase 1 **also provided...**”

Notes

3rd sentence should read “The current journey times (around 2 hours 25 mins) and infrequent service (**around** every 2 hours).....

1st bullet point – “the redoubling of most of the track between Aberdeen and Inverurie (**completed**)”

3rd bullet point – “platform extensions and Inverurie and Elgin” (**completed**)

The paragraph after the bullet points should read “*Phase 1 was completed in December 2019 at a cost of around £330 million. The opening of Kintore Station has been delayed by the Covid-19 outbreak, but it is expected to open by the end of 2020. Dalraddy Station is expected to open by the end of the current Control Period (2019-24).*” Please delete the existing wording.

Reason for change:

N/A

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):

Transport Scotland Representation

**Action Programme 3
New Rail station at Kintore**

The following changes are recommended:

Notes

Please could the following replace the remainder of the section after the first sentence;
“The station was on course to open for the May 2020 timetable change date but work was halted in March 2020 as a result of the Covid-19 outbreak. It should now open in time for the December 2020 timetable change date.”

Reason for change:

N/A

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):

Transport Scotland Representation

Action Programme 4 Aberdeen to Central Belt

The following changes are recommended:

Notes – please use this wording:

“The Aberdeen to Central Belt Reference Group made its final recommendations in September 2019, including an indicative train service specification setting out maximum journey times and minimum frequencies for individual journeys on the route. The project is nearing completion of its feasibility stage, which has involved the creation of concept timetables and the identification of potential signalling and infrastructure enhancements necessary to deliver the timetables. The next stage will be the selection of the optimum enhancements for delivering the train service specification. Transport Scotland and Network Rail are confident of delivering the train service specification by the 2026 deadline set out by Ministers.”

Reason for change:

N/A