

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.

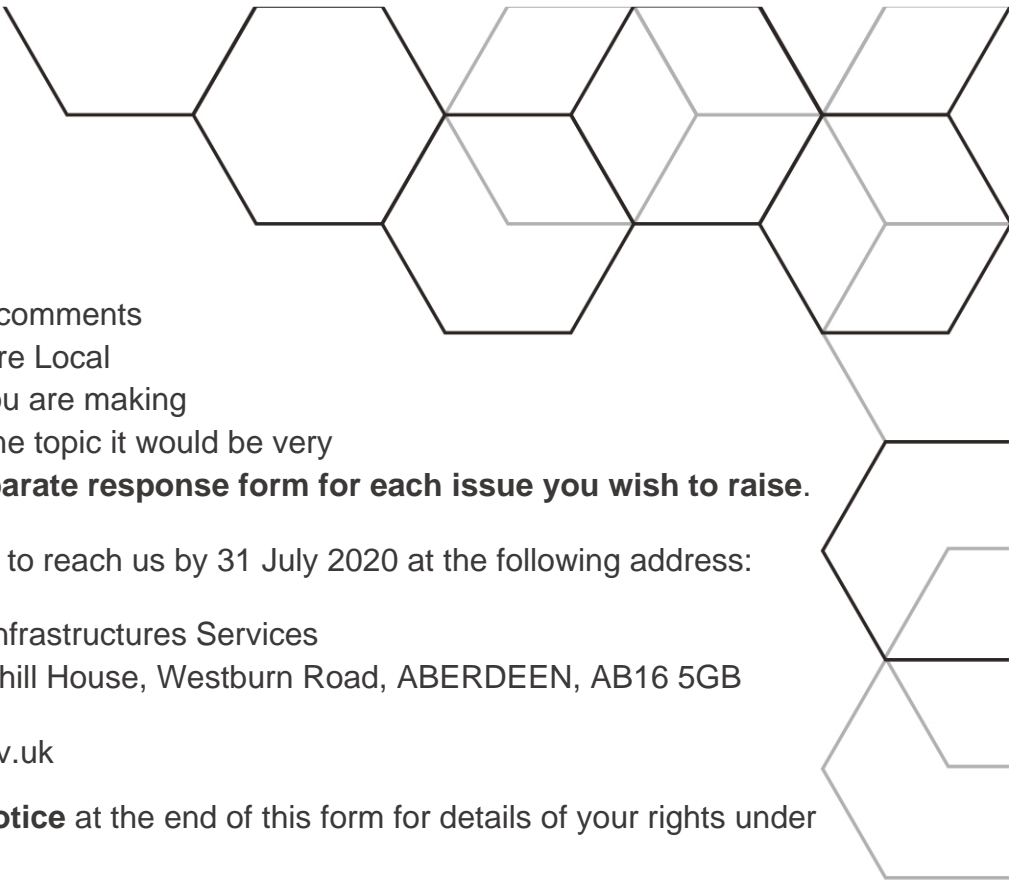
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Scottish Renewables
First Name:	n/a
Surname:	n/a
Date:	31 July 2020
Postal Address:	██
Postcode:	██████
Telephone Number:	██████████
Email:	██

Are you happy to receive future correspondence only by email? Yes No

Are you responding on behalf of another person? Yes No

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Please see attached paper apart

Reason for change:

Please see attached paper apart

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:

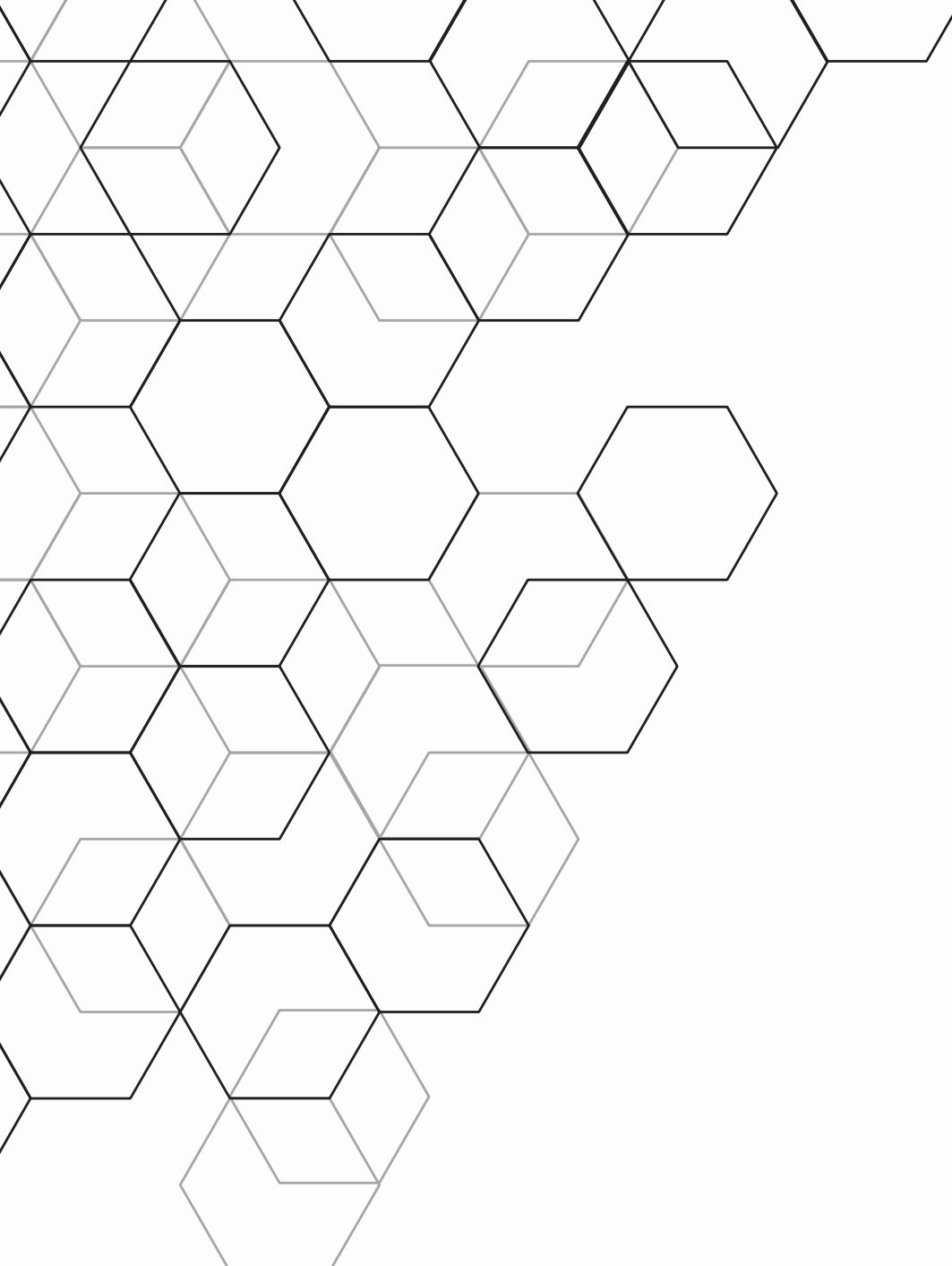
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue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



PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020

This document sets out Scottish Renewables' response to the Proposed Aberdeenshire Local Development Plan (LDP) 2020 consultation.

We would encourage the council to consider our comments alongside Scottish Renewables' Position Statement on National Planning Framework 4 (NPF4)¹, as well as our Supplementary Papers on Climate Change and Deployment Targets², Landscape Capacity v Sensitivity Studies³, Spatial Planning⁴ and Peat and Carbon Rich Soils⁵. These are relevant to the proposals in the LDP, specifically the policies relating to renewables.

General Observations

Legislative and Policy Context

The Proposed LDP does not mention the Scottish Government's declared 'climate emergency', nor is there any mention of the Scottish Government's target of net-zero greenhouse gas emissions by 2045 contained in the Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. These are significant statements and legally binding commitments from the Scottish Government that must be central to planning policy and therefore must be reflected in the Proposed LDP.

In December 2015 the Paris Agreement was concluded, which commits signatories, including the UK, to restrict the increase in the global average temperature to below 2C above pre-industrial levels, and to pursue efforts to limit increases to 1.5C, as well as aspiring to achieve net-zero GHG emissions by 2050. The Scottish Government also adopted their Onshore Wind Policy Statement in 2017, which states: 'Achieving appropriate environmental protection means that the relevant planning and consenting processes must remain aligned with the policy context and desired outcomes.'

Section 3ZA (1) of the Planning (Scotland) Act 2019 (the '2019 Act') is in force and also of relevance to the Proposed LDP. This states that 'The purpose of planning is to manage the development and use of land in the long term public interest'. Section 3ZA (2) clarifies that 'anything which contributes to sustainable development... is to be considered as being in the long term public interest'. In setting out changes to the content of the new NPF4, Section 2(4) of the 2019 Act identifies 'outcomes' for NPF4, one of which (e) is 'meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009.'

The Scottish Renewables NPF4 Supplementary Paper on Climate Change and Deployment Targets sets out the challenges facing Scotland in meeting our national targets for emission reduction and to achieve net zero by 2045.

¹ <https://www.scottishrenewables.com/publications/560-sr-position-statement-on-npf4>

² <https://www.scottishrenewables.com/publications/623-sr-npf4-supplementary-position-statement-cc-and-deployment-targets>

³ <https://www.scottishrenewables.com/publications/621-sr-npf4-supplementary-position-statement-lcs-v-lss>

⁴ <https://www.scottishrenewables.com/publications/622-sr-npf4-supplementary-position-statement-spatial-planning-for-onshore-wind>

⁵ <https://www.scottishrenewables.com/publications/618-sr-npf4-supplementary-position-statement-peat-and-carbon-rich-soils>

The Scottish Government's Programme for Scotland 2019-2020 'Protecting Scotland's Future', which was published in September 2019, is of relevance to the Proposed LD, and reinforces the important role that the planning system has to play in delivering greenhouse gas targets. In the Ministerial Foreword, the First Minister references the climate emergency and notes that the Programme 'raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets, but we must also redouble our efforts to meet them'.

Chapter 1 of the Programme 'Ending Scotland's Contribution to Climate Change' notes that 'adopting a net zero emissions target by 2045 underlines our ambition that Scotland will no longer contribute to global climate change'. The Scottish Government clearly sees the planning system as playing a crucial role in responding to the climate emergency and the Programme notes on page 38 that one of the major commitments in the response to the climate emergency will be the introduction of NPF4 which 'will help to radically accelerate reduction of emissions'. The Programme notes that the climate emergency necessitates a debate on 'more radical planning policy options' and that planning 'is a vital tool in leveraging the changes we need to make to achieve our goals'.

It is clear therefore that at the heart of the recent changes to the Scottish planning system is a recognition of the vital role the planning system must play in tackling climate change and reducing greenhouse gases.

Scottish Renewables and our members would like to see the Proposed LDP amended to acknowledge and give prominence to the climate emergency and net zero targets, including the important role that Aberdeenshire must play in delivering these targets. This view is supported by the very recent June 2020 Committee on Climate Change (CCC) Progress Report to Parliament, which notes that 'delivering net zero emissions by 2050 in the UK will require a strong policy framework at all levels of government'. It continues and notes that "the UK cannot achieve net zero in 2050 without strong policy from its devolved partners across key areas including planning, agriculture, land use, housing regulations and local government".

Aberdeenshire Council itself adopted a 'Climate Change Declaration' on 18 March 2020, which recognised that the Council's "...responsibility is to provide leadership in order to move to a more sustainable and low carbon future." The Declaration sets out a number of things which the Council will do in order to do this, including (emphasis added):

- ***"Update our relevant policies, to ensure they meet this declaration;***
- *We will all adopt a positive, genuine and collaborative spirit to working towards tackling the climate crisis."*

Overarching Point: LDP Policies

An Environmental Impact Assessment (EIA) Report submitted alongside a planning application may identify 'significant' environmental effects. A significant effect in EIA terms does not make a proposal unacceptable in land use policy terms.

A common theme throughout the Proposed LDP is that some policies are discussed in terms of the 'acceptability' of environmental effects, whereas others are not. This introduces inconsistency across policies and sets different 'bars' for different receptors. To ensure consistency throughout the Proposed LDP, the wording of policies should be amended to include reference to 'acceptability' which would allow the decision maker to exercise a degree of judgement in applying policy.

Policies should also be reviewed and amended to ensure consistency with SPP and to ensure that the correct policy test is applied to each topic.