

# 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](mailto: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.

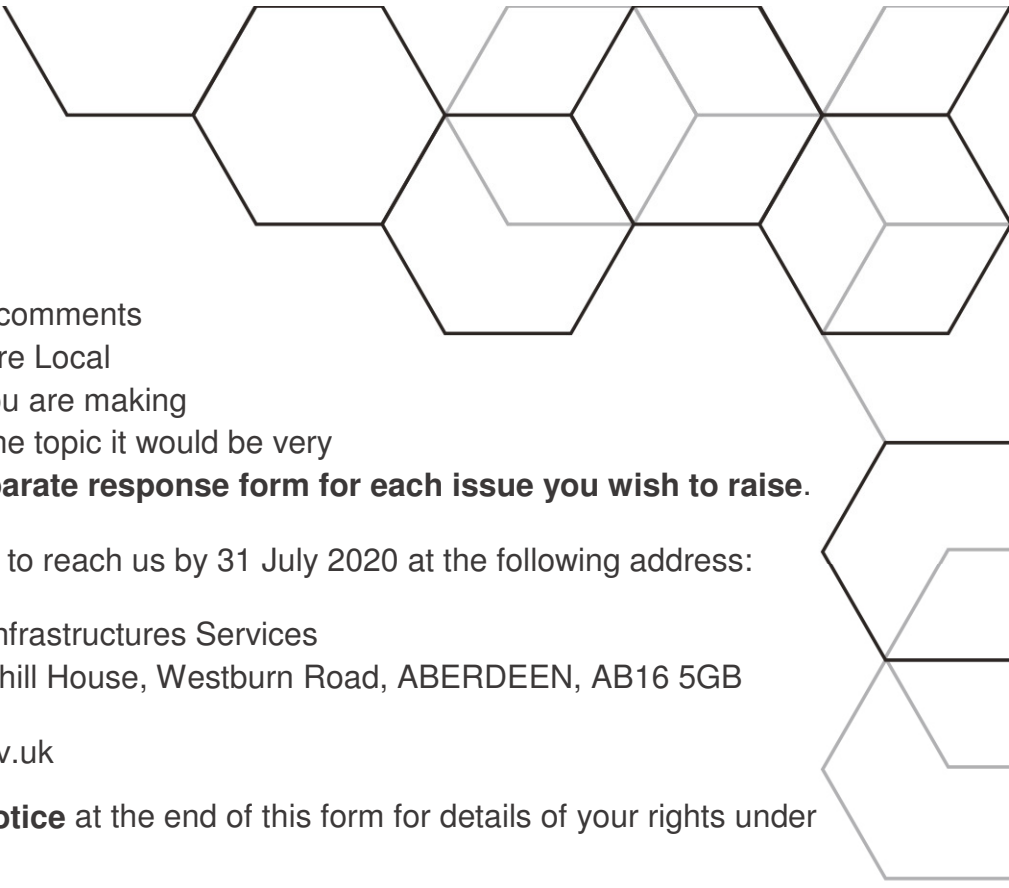
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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](mailto:ldp@aberdeenshire.gov.uk)  
Web: [www.aberdeenshire.gov.uk/ldp](http://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](mailto: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](mailto: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:	John
Surname:	Wright
Date:	31/07/2020
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████████████████████████████

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

Are you responding on behalf of another person? **Yes** ☐ ☐

If yes who are you representing? **Corsindae Estate**

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

*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):

Amend Appendix 7 (Garioch Settlement Statements) to include land adjacent to Midmar Primary School within the settlement boundary for Midmar (on the inset map at pg. 606), reference the allocation in the settlement statement for a housing development (20 homes) for delivery in this plan period.

## Reason for change:

We have previously highlighted the issues and situation relating to the currently favoured OP1 site in Midmar, however from our reading of the Committee Reports summarising the representations received to the MIR (Sept 2019 Garioch Area Committee Report – Issue 113 Midmar), the Council do not appear to have read our representations, and we are frustrated at having to reiterate our objections at this stage.

Whilst our objection to the OP1 site (favoured by the Council) is set out in detail in our objection to it, we do not believe that it meets the tests of effectiveness (PAN 2/2010) necessary to secure an allocation. The OP1 site was to be landscaped as part of the consent granted (a breach of consent that we have sought enforcement action over, and understand that the Council are aware of the breach), due to the landscape sensitivity of this edge of Midmar, and reverting from the consented landscaping and public park (a long term aspiration of the Community) would be a significant retrograde step to the detriment of the community, and the amenity of the settlement. In light of the current consent that requires this to be delivered (secured by condition) until such time as that is amended this land is not available for development and would immediately be considered non-effective and the next opportunity to rectify the resultant shortfall being at the “mid-term review” in approximately 5 years’ time.

Whilst we agree with the Council that it is right to consider Midmar a suitable location where new housing should be supported in order to achieve LDP priorities (i.e. to meet local housing need in the settlement and to support local services including the primary school). However, we believe that these priorities can be better achieved on another site within the settlement, which would allow another LDP priority to be met (to preserve the amenity of the village) by securing the delivery of the consented public gardens on the OP1 site.

The P3 area, and the Primary School, have recently benefitted significantly from the removal of the commercial forestry plantation on this adjacent site (the subject of this submission). Having previously been in the shade for much of the day, they both now benefit from significantly more natural light, a situation which would likely be reversed if development is not possible and the area is replanted with commercial forestry.

The Councils reasons stated in the MIR, and again in their consideration of MIR Responses (Sept 2019 Garioch Area Committee Report – Issue 113 Midmar), for continuing to support the OP1 site and resist this site are;

- *SNH has not disputed the status of Bid site GR054 (in respect of Ancient Woodland designation)* – neither have they followed their own guidance and examined the site on the ground, examined old maps, or sought specialist advice. Had they done this, they would likely have arrived at the same conclusion as us (see below) that this does not constitute ancient woodland. We have nevertheless agreed a compensatory planting area with the Forestry Commission.
- *The Planning Service is not aware that the felled woodland within bid GR054 has been replanted* – It has not been replanted. Agreement had been reached with the Forestry Commission for compensatory planning to be provided elsewhere, but due to the transition to Scottish Woodlands written confirmation of this has not been possible to obtain at present, if confirmation is received it will be provided to the Council and Reporter as applicable.
- *Areas of ancient woodland as an important and irreplaceable natural resource* – As the Council are aware this has recently been clear felled and in line with the questions over re-planting, would appear to be “replaceable” therefore not Ancient Woodland.
- *On this basis, there is not a strategic need to allocate further development opportunities in addition to GR047 (now OP1) in Midmar at this time* – There are certainly 2 allocations nearby at Millbank (1<sup>st</sup> allocated 2006 – no applications) and at Park (1<sup>st</sup> allocated 2012 – no applications) neither of which has been subject to an application, both remain in the control of landowners. In light of those 2 sites nearby with significant question marks over their deliverability, it may be worth considering this site in addition to the other if required.

The Council in their Site Assessment of this site acknowledged that the site is “*well related to the rest of the settlement, particularly the Primary School*” however, the issue of Ancient Woodland was raised as well as a reference to Local Roads which may need to be upgraded.

As the reference to Local Roads was not made in respect of the preferred OP1 site, we are of the view that this comment relates to the road between this site and the OP1 site and we are still seeking clarification of this from the Council. As a result, we have not had an opportunity to discuss this issue with the Councils Roads Officer, but are of the opinion that a solution to any issues can be found within the extent of the adopted highway. Therefore, we are of the view that this site is not constrained, and any remaining issues can be addressed.

We acknowledge that the subject site is identified on the Councils mapping as Ancient Woodland (Marywell Wood). However, as this mapping is (by the producers of the mapping) provisional, not definitive, should be used with care, and is not protected by legislation, we have undertaken what we believe the Council and SNH should have, followed the SNH Guidance and;

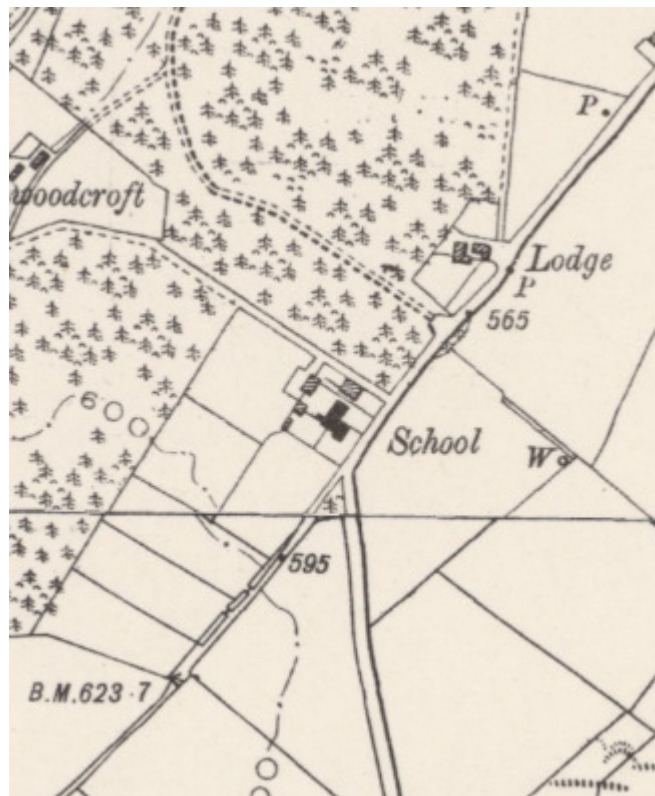
- 1) Examined the Site on the Ground – The site is currently clear felled commercial forestry. The land is divided by the remains of low walls forming historic farming plots.

- 2) Examined old maps – Whilst on the 1<sup>st</sup> Ed OS Mapping (1842-1952) the site is shown as “Fir Plantation” (extract provided below).



On the OS 1900s mapping the site is very clearly not “Fir Plantation” rather farming plots, and therefore does not meet the criteria for Ancient Woodland as it is not “*currently wooded*” (as seen by the facts on the ground) and has not been “*continually wooded, at least since 1750*” (as shown by the historic mapping).





- 3) Seek specialist advice if required – given the above, we did not feel it was necessary to seek specialist advice.

The site adjacent to Midmar Primary School meets the tests of effectiveness as set out in PAN 2/2010 Affordable Housing and Housing Land Audits – para 55;

- ownership: the site is in the ownership of a party who is going to build out the development and is prepared to progress an application on receipt of an allocation for housing.
- physical: the site is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development.
- contamination: the previous use has not resulted in contamination of the site.
- deficit funding: whilst a growth project may be required (a private solution could be put in place in the short term) it is Scottish Waters legal obligation to provide capacity for the consented contents of the Development Plan and therefore no reason to believe this element of public funding would not be forthcoming.
- marketability: the site can be developed in the period under consideration.
- infrastructure: as indicated above in relation to Scottish Water, any required infrastructure can be provided realistically by the developer (through a private solution) or another party (Scottish Water through a growth project) to allow development; and
- land use: housing is the sole preferred use of the land in planning terms (whilst continued commercial forestry would be an option (albeit not desirable, given the adjacent playground and primary school) marketability points to housing being a realistic option.

The Local Housing Strategy identifies a number of “Actions” for this area which is to “increase the supply of intermediate housing, including market rental and affordable home ownership options by 85 units per year” and to “enable the provision of affordable housing in our rural communities”.

Therefore, we are of the view that the proposed development of this site for approx. 20 homes comprising 60% Affordable Housing (approx. 12 homes in the form of Low Cost Home Ownership) and 40% Market Housing (approx. 8 homes to be sold at reasonable levels on the open market) would:

- have no negative impact on the settlement or protected features;
- assist in meeting the aims of the Local Housing Strategy;
- have a positive impact on both the vital facilities in terms of supporting the Primary School Roll (utilising safe routes to school);
- not adversely affecting an area of land safeguarded (and consented) that is to be delivered as open space (a significant amenity to the village);
- have no potentially prejudicial impact on the activities carried out in the Village Hall;
- the proposed development would not represent overdevelopment;
- the land is not prime quality agricultural land for the purposes of planning (Grade 3.2);
- the ancient woodland issue has been addressed;

We have considered the viability of this and believe that there are significant benefits to the area to be derived from this proposal which will not be delivered by others, and should therefore receive your support.



# 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](mailto: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:

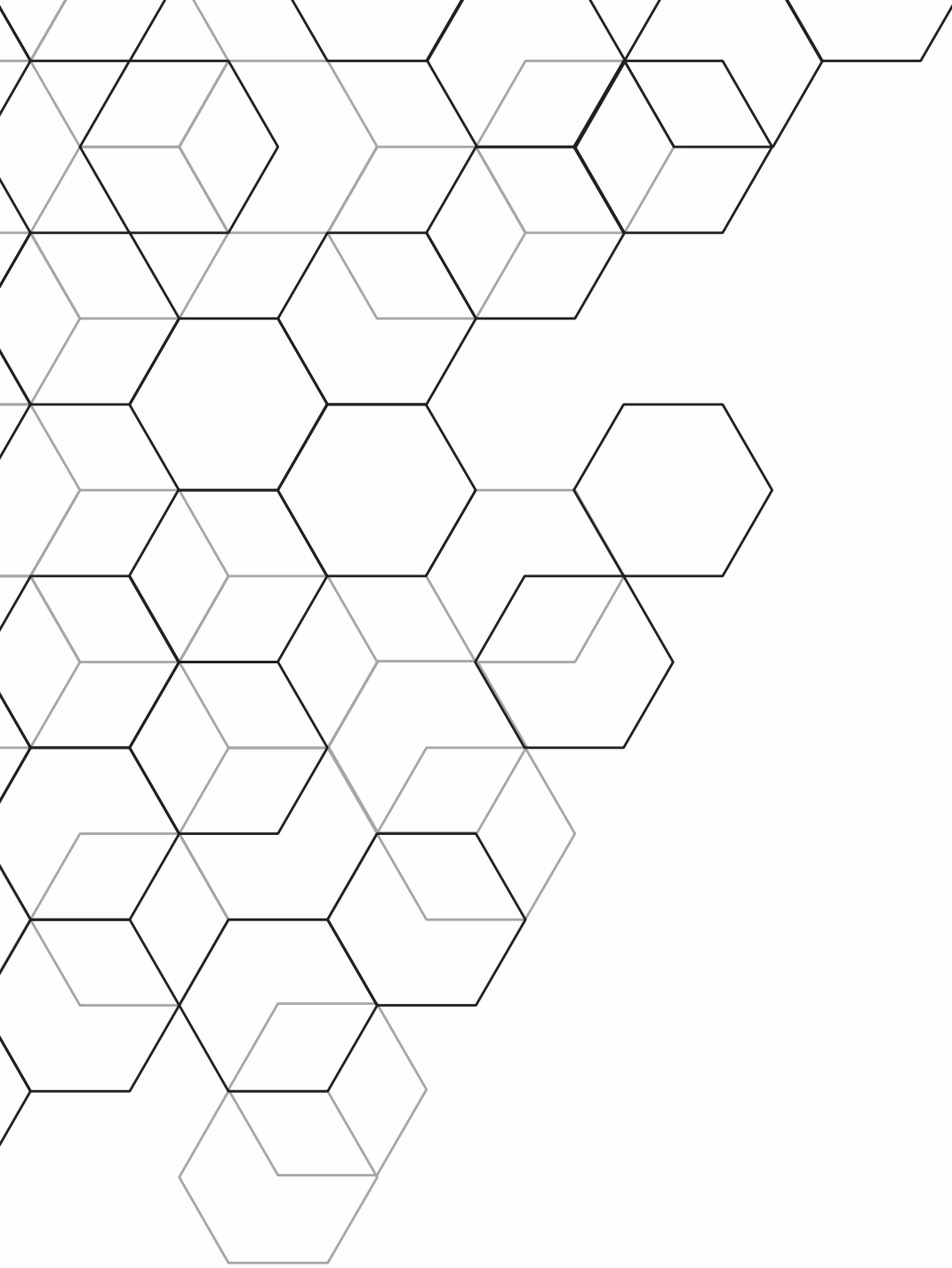
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue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



# A vision for Midmar

Land south of Midmar Primary School. Midmar



## Introduction

This vision statement has been prepared on behalf of Corsindae Estate to accompany a representation to MIR document for proposals to provide additional housing within the settlement of Midmar, Aberdeenshire, with an aim to illustrate the suitability of the proposals.

## Aims of applicant

The application site and much of the surrounding land is under the ownership of the applicant, Corsindae Estate. Their key aims for the proposals are;

- To provide affordable and reasonably priced housing to assist in meeting the aims of the Local Housing Strategy as identified in the MIR.
- To support the local primary school roll, also a planning objective noted in the MIR. Safe pedestrian access between the proposed developments to the school is of vital importance.
- To enhance the sense of community in the area by supporting use of the village hall and public facilities such as the playing fields.



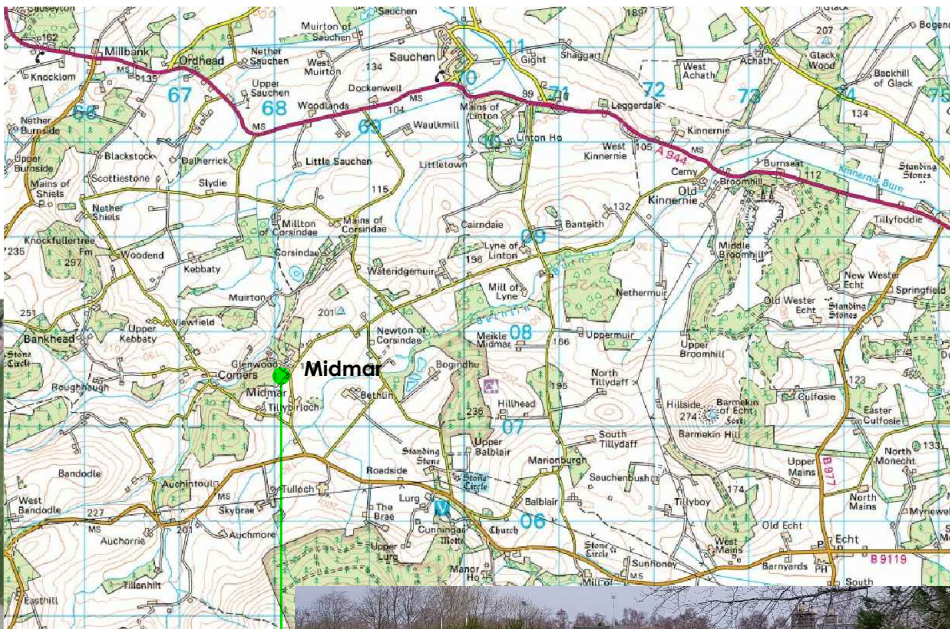
Appraisal

Local area

Midmar is a small rural settlement in Aberdeenshire. The village has a school, village hall and playing fields along with circa 30 residential properties. The surrounding area is predominantly agricultural with some areas of forestry. The proposed development site is located to the south-west of Midmar, immediately to the south-west of the school.



Google maps imagery



OS maps imagery

Proposed development site

The proposed site

The site is owned by the applicant and is currently an area of clear-felled commercial woodland, currently overgrown with broom. To the north is the village school and playing fields, to the south and east is farmland and to the west is Marywell wood, which provides a sense of containment to the settlement. Notable site features include:

- A pathway running along the eastern boundary of the site, linking Midmar with the nearby settlement of Tillybirloch.
- A forestry access along the northern boundary and this is to be retained as part of the proposals.
- A dilapidated dyke running along the western boundary. OS mapping also indicates a system of dykes within the site; however this is not currently visible due to vegetation. Retention of the dyke system should be considered where possible as part of any detailed landscaping scheme.
- A small copse of mature Beech woodland to the east of the site, adjacent to the proposed access to the site.

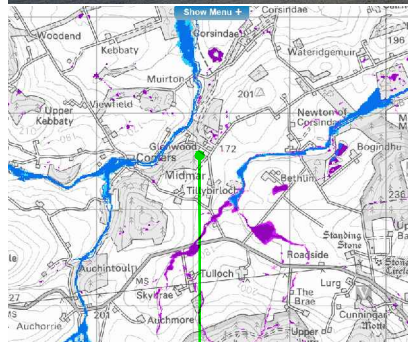
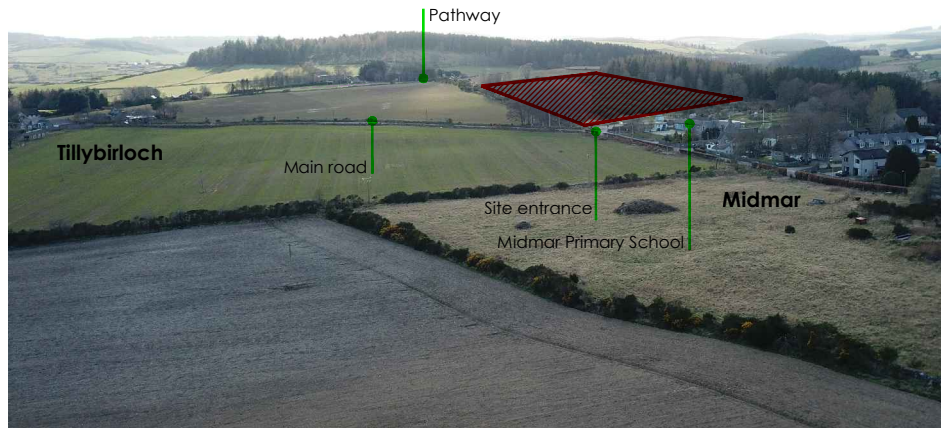


Proposed development site from Tillybirloch path

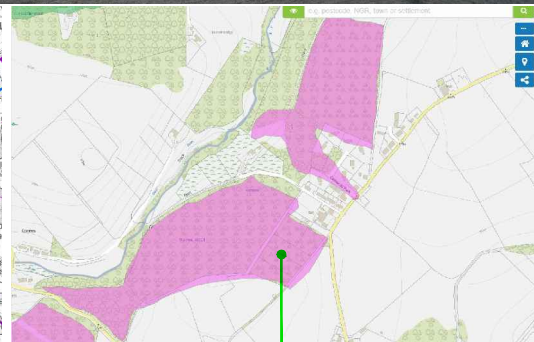
Proposed development site from the east



Existing forestry access along northern boundary



No flood risk- SEPA map



Extent of 'long established' woodland- SNH

The historic use of the site is not clear, however it is believed that it may at one time have been agricultural land and the presence of the dyke system supports this, though the agricultural land would have been of fairly poor quality. The site is listed as ancient woodland (long established of plantation origin) and being part of Marywell wood, though the particular area of land the site covers is in fact 'School wood'.

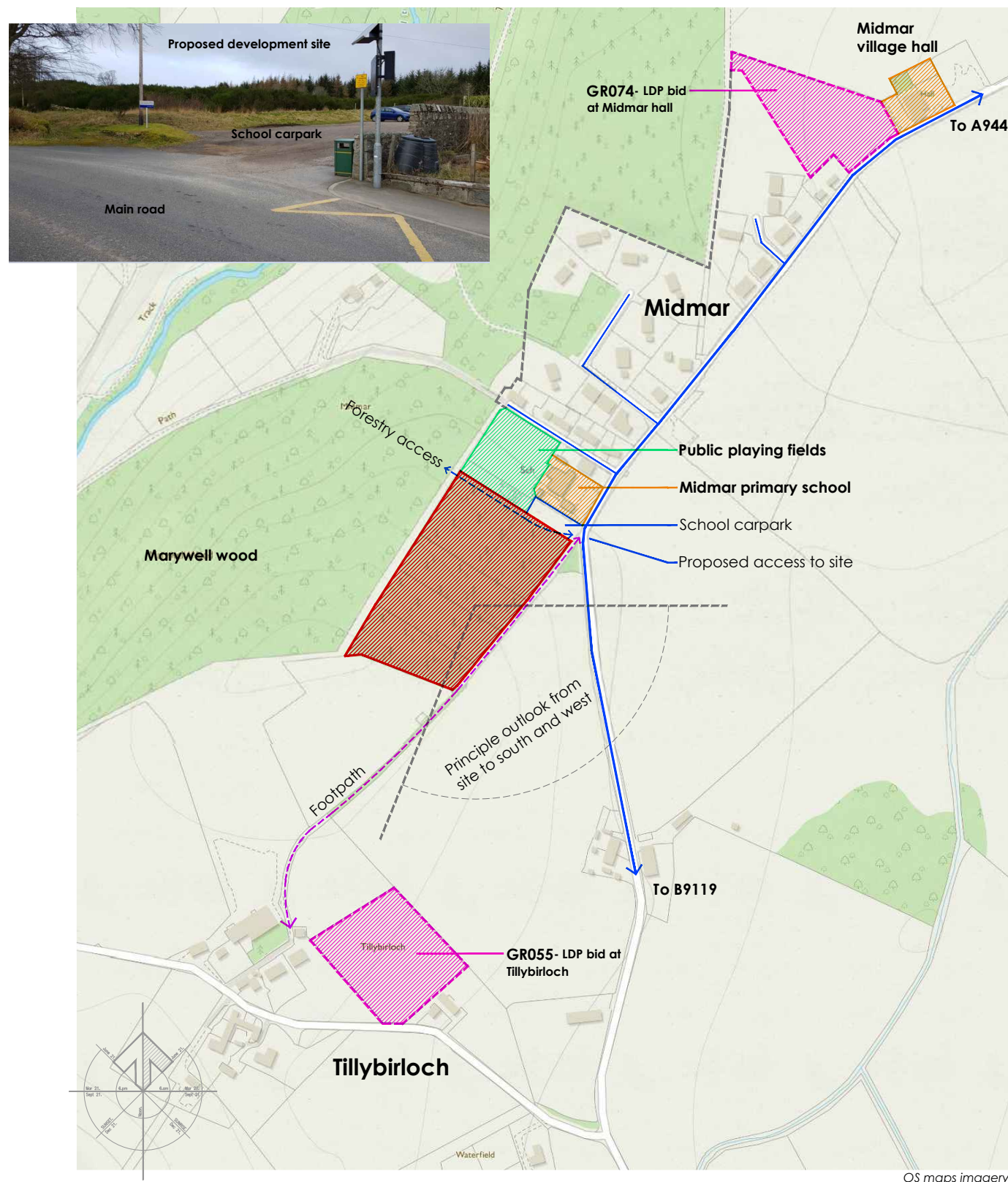
The site slopes gently down from the south towards the village and SEPA's flood map indicates that there is no risk of flooding on or near the site.

The site can be expected to be fairly open and sunny, sheltered from the north and open to the south. The most advantageous outlook would be from the east through to the southwest. And the best position on site likely to be to the southern, higher end of the site.



## Services

The site currently is un-serviced though electricity, telecommunications and water supply are present within the village and it is assumed at this stage will have sufficient capacity to accommodate the proposed development. The public sewer is not expected to have capacity and so private foul and surface water arrangements are anticipated to form part of any detailed submission.



## Connection

The development is adjacent to the local primary school and is in the catchment area for Alford academy. There are no public transport routes through the village however the 218 bus route (Aberdeen-Alford) bus route passes along the A944 to the north. The principle vehicular access road to and through the village is by way of a minor road leading to both the A944 and the B9119 (Aberdeen- Tarland).

The site is accessed via an existing informal access to the south of the school onto the main road. Being located on the apex of the corner, visibility at the junction is good however works would be required to widen and formalise the access. The entrance to the School carpark is immediately adjacent to the proposed access and the school bus drop off point is a short distance away, this will have to be considered in preparation of detailed proposals for the new access.

The village has street lighting and pavements, though pedestrian access throughout the village is not continuous. Pedestrian access to the school and playing fields from the site, incorporating access along the existing pathway from Tillybirloch, is to be incorporated into any detailed layout proposal.



## Identity

Within the settlement there are a variety of building types and styles. With the exception of the traditional Schoolhouse, properties are generally from a more modern era with a variety of external materials in use including slate effect and ceramic effect roof tiles, brickwork, granite, drydash render and wet roughcast wall finishes, timber and PVC window frames, generally, but not exclusively, finished brown.

The dwellings are generally 'storey and a half' though there are a few examples of two storey properties throughout the village. There is no formal street pattern evident with the village.

In terms of landscaping there is an informal, rural feel with mature trees and hedgerows throughout the village.



Village play area to the rear of the school with the proposed development site beyond



Google streetview images showing a large variety of housetypes throughout the village with a fairly wide pallet of external materials used. There is an informal street scene with areas of mature green space throughout



## Planning history

Development bid sites have also been put forward for a small site to the west of the public hall and at the nearby hamlet of Tillybirloch. The site adjacent to the public hall has been identified as officers' preference while the site at Tillybirloch is currently not preferred.

A bid for this proposal has been put forward for inclusion within the local development plan and main issues report subsequently received, with the proposed site listed as 'not preferred'. While acknowledging that 'The proposed site is situated adjacent to the settlement boundary and is well related to the rest of the settlement, particularly the primary school' concerns were raised regarding development on an area of 'ancient woodland' and the capacity of the local road network.

While the site is shown to be included as 'ancient woodland' as part of Marywell wood, it should be noted that this is an area of clear-felled commercial woodland, clearly distinct from the neighbouring Marywell wood and defined by existing stone dykes. Compensatory planting is proposed elsewhere by the applicant.

It is anticipated that the applicant will work closely with the roads department before and during any detailed design stage in order to overcome any technical issues regards road safety and capacity.

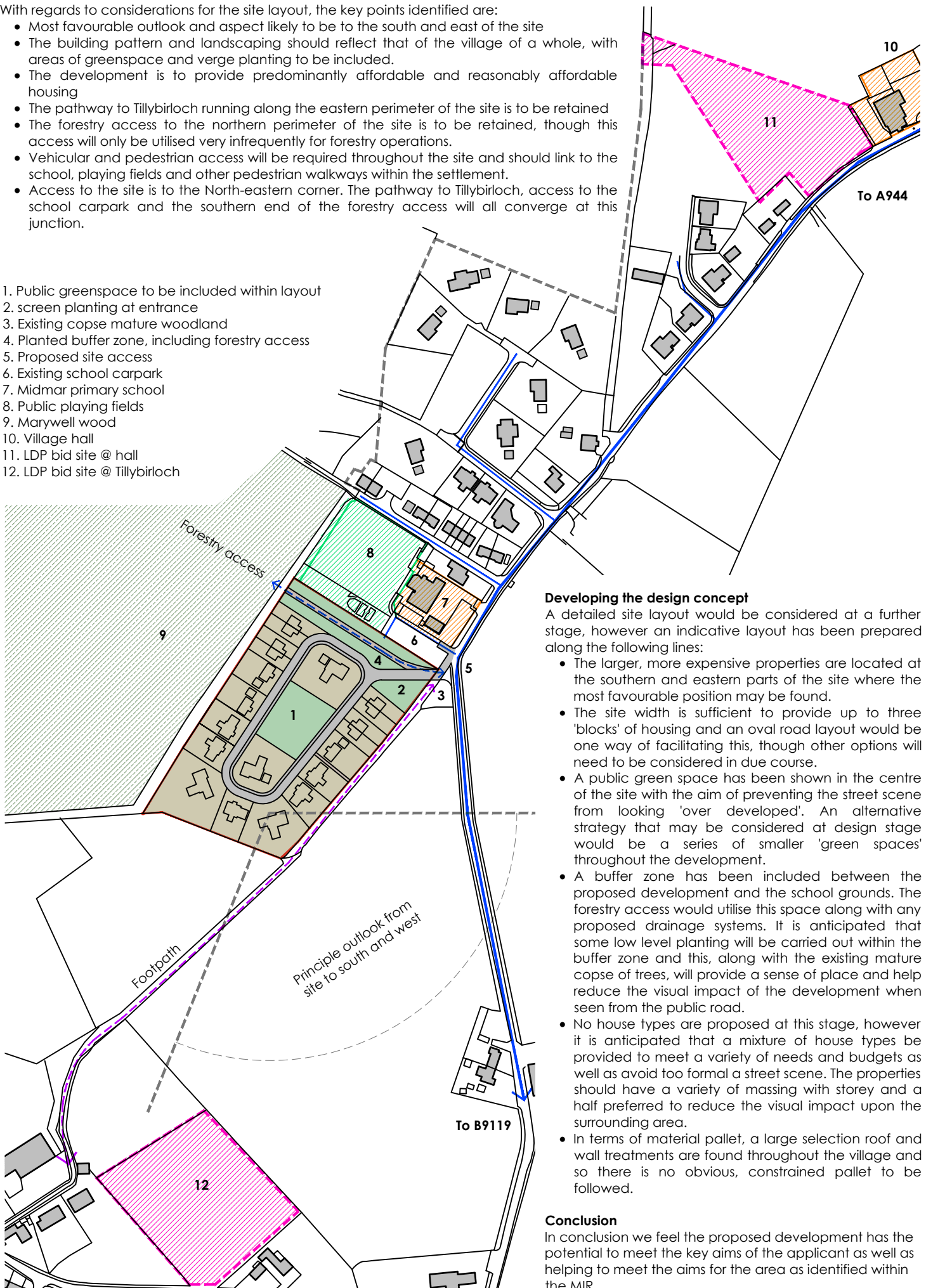


## Site considerations

With regards to considerations for the site layout, the key points identified are:

- Most favourable outlook and aspect likely to be to the south and east of the site
- The building pattern and landscaping should reflect that of the village of a whole, with areas of greenspace and verge planting to be included.
- The development is to provide predominantly affordable and reasonably affordable housing
- The pathway to Tillybirloch running along the eastern perimeter of the site is to be retained
- The forestry access to the northern perimeter of the site is to be retained, though this access will only be utilised very infrequently for forestry operations.
- Vehicular and pedestrian access will be required throughout the site and should link to the school, playing fields and other pedestrian walkways within the settlement.
- Access to the site is to the North-eastern corner. The pathway to Tillybirloch, access to the school carpark and the southern end of the forestry access will all converge at this junction.

1. Public greenspace to be included within layout
2. screen planting at entrance
3. Existing copse mature woodland
4. Planted buffer zone, including forestry access
5. Proposed site access
6. Existing school carpark
7. Midmar primary school
8. Public playing fields
9. Marywell wood
10. Village hall
11. LDP bid site @ hall
12. LDP bid site @ Tillybirloch



## Developing the design concept

A detailed site layout would be considered at a further stage, however an indicative layout has been prepared along the following lines:

- The larger, more expensive properties are located at the southern and eastern parts of the site where the most favourable position may be found.
- The site width is sufficient to provide up to three 'blocks' of housing and an oval road layout would be one way of facilitating this, though other options will need to be considered in due course.
- A public green space has been shown in the centre of the site with the aim of preventing the street scene from looking 'over developed'. An alternative strategy that may be considered at design stage would be a series of smaller 'green spaces' throughout the development.
- A buffer zone has been included between the proposed development and the school grounds. The forestry access would utilise this space along with any proposed drainage systems. It is anticipated that some low level planting will be carried out within the buffer zone and this, along with the existing mature copse of trees, will provide a sense of place and help reduce the visual impact of the development when seen from the public road.
- No house types are proposed at this stage, however it is anticipated that a mixture of house types be provided to meet a variety of needs and budgets as well as avoid too formal a street scene. The properties should have a variety of massing with storey and a half preferred to reduce the visual impact upon the surrounding area.
- In terms of material pallet, a large selection roof and wall treatments are found throughout the village and so there is no obvious, constrained pallet to be followed.

## Conclusion

In conclusion we feel the proposed development has the potential to meet the key aims of the applicant as well as helping to meet the aims for the area as identified within the MIR.