

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:	Mr
First Name:	Colin
Surname:	Innes
Date:	31 July 2020
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

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

Are you responding on behalf of another person? Yes ☐ No ☒

If yes who are you representing?

Harriot Tennant and Sophia Tennant [REDACTED]

☐ 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):

1. Appendix 7F Settlement Statements – Marr – Alford. Amendments to settlement description under heading Natural and Historic Environment by adding text to reflect the representation set out below.
2. To add a further area of protected land under an allocation P6 to protect the setting of Balfluig Castle.
3. Text also to cover cluster expansion in and around Alford and cross referenced to Policy R2.16, Section 07.

Reason for change:

Introduction

This representation is made on behalf of Harriot Tennant and Sophia Tennant and relates to the proposed Local Development Plan Settlement Statement in respect of Alford and as set out in Appendix 7(f) (page 773). The objection is that the current policy framework does not adequately protect the setting of the Category A listed Balfluig Castle. The castle is located to the south east of Alford and has, over a period of time, had its setting eroded by both the expansion of Alford to the south and south east and also by further isolated residential development in the rural areas and in particular, through the extension of existing clusters. The combination of these two pressures has now reached a stage where the rural setting of the castle has been undermined and any further housing development is likely to further exacerbate and damage the rural setting. [REDACTED] Balfluig have previously commissioned reports about the impact of the development of site OP5 which was included very late in the day in the last Local Development Plan and also residential allocation bids for proposals to the east of that site. These reports can be made available and both highlighted the fact that development would have a significant impact and further erode the rural setting of the Castle. In addition, we would also highlight that development expanding clusters has had an adverse impact. A recent example of this is illustrated by the construction of a further house at the cluster at Little Endovie, to the south west of the castle.

Policy context

There are a number of policy documents that are relevant to this representation. We do not propose to have an extensive discussion and merely set out in bullet point format the various policy matters that are likely to be most relevant to the formulation of the plan and consideration of representations.

Legislation

Section 3ZA of the Town and Country Planning (Scotland) act 1997 (as amended) sets out the purpose of planning which includes the management of land in the long term public interest. This specifically includes, under subsection (2), anything which contributes to sustainable development or achieves the national outcomes is to be considered as being in the long term public interest.

Protecting, enhancing and promoting cultural heritage is included under the list of factors set out in paragraph 29 of the SPP. These identify what is deemed to contribute to sustainable development. Furthermore, there is also a specific national outcome related to cultural heritage.

"We value and enjoy our built and natural environment and protect it and enhance it for future generations." (outcome 12).

These matters should be key considerations for the Council in the formulation of the LDP and also the consideration of objections to it.

Policy

SPP

- Key references in the SPP include paragraph 29 (reference to importance of protecting, enhancing and promoting cultural heritage).
- Paragraph 137 setting out key broad objectives as to policy principles clearly recognising the importance of promoting the care and protection of the setting of key assets.
- Paragraphs 138 and 139 specifically identify that the LDP and supplementary guidance should provide a “framework” for protecting and where appropriate, enhancing all elements of the historic environment.

Historic Environment Scotland

- Historic Environment Policy for Scotland (HEPS) (April 2019) sets the general framework for the value and protection of historic environment. A key to those considerations is a proper understanding of the impacts and effects (we confirm that we would be more than happy to make available a copy of the previous study and addendum should this be of assistance either to the Council or any Reporter considering this representation).
- Managing Change in the Historic Environment: Setting. We do not propose to go through the detail of the setting guidance provided by Historic Environment Scotland. However we would wish to stress that the nature and character of the setting must be considered with regard to the particular asset in question and is not a visual impact assessment. It is not restricted to intervisibility to and from the asset in question. In particular emphasis should not be placed on the limited screening provided by modern planting. In the context of Balfluig Castle, the key setting issue is how the planning system should properly and adequately protect the rural setting of the Castle which has, through recent development, been materially eroded.
- Section 11 of the draft LDP sets out the policies relating to protecting and improving the historic environment. General policies relating to listed buildings are incorporated under HE1. This reinforces the strong policy protection that should be provided to the setting of listed buildings. Similarly worded general policies have been incorporated in prior versions of the LDP and the Local Plan before that. This has not prevented the recent and material erosion of the rural character of Balfluig. In the circumstances, it is submitted that, given the sensitivity of this particular property, specific acknowledgement and protection requires to be acknowledged in the settlement strategy for Alford.

Representations in respect of the proposed LDP

1. On page 773, under the settlement context for Alford, there is a heading “Natural and Historic Environment”. Underneath the heading there is confirmation that the Category A listed Balfluig Castle is in close proximity to the south east of the settlement.

In terms of the text at this point of the LDP, it is suggested that further wording is required to identify the relevance of the reference to Balfluig Castle. In particular, it is suggested that the rural landscape around the castle is an important component part of its setting and should not be further eroded by further residential development. It is essential, having regard to the statutory requirements and policies set out above that an appropriate “framework” for the protection of Balfluig is provided. A general policy set out in the policy section of the Local Plan is not sufficient and nor does it highlight the particular concerns about the potential impacts on the rural character of the setting of this Category A listed building. There should not be a debate about what is important about Balfluig when considering every planning application. It should be properly signposted within the LDP and this should set the context for development management in the area.

2. The Local Plan sets out settlement features and identifies various protected land. It is suggested that land to the south east of the settlement should be given protected land status on the premise that it forms an integral part of the wider setting of Balfluig Castle. This was a matter which had been raised in representations to the Main Issue Report (see Issue 154 Alford). In particular, there was a specific proposal put forward to provide a protected zone to the north of Balfluig as set out in Bid MR022. Historic Environment Scotland responded to the Main Issues Report by letter dated 15 April 2019. Historic Environment Scotland identified in response to MR022 that

“Development in this area would have the potential to erode the wider landscape setting of Balfluig Castle. This area is identified as a safeguard against such impacts. The SEA of this allocation would serve to protect an important element of the setting of the castle.”

It had earlier also rejected potential bids for further housing development under reference MR015. SNH also agreed with the landscape justification for MR022. In the circumstances, it would be appropriate to add a further protected area P6 to the LDP with the specific purpose of protecting the wider landscape setting of Balfluig Castle. This should be with specific text and it should be coloured on the settlement plan.

It should also be made clear within the text that other policies of the plan require to be interpreted in light of the protected area. There is no point in having a protected area if it then is not properly given a priority in a policy sense.

Further Concerns

The concerns regarding the proposed LDP have further increased due to the proposed changes to the policies relating to the expansion of existing clusters. Alford sits in a rural area which is permissive of further development adjacent to clusters. This was reflected in the previous LDP by Policy HOU2. This in turn has been replaced in section 07 of the proposed LDP by Policy R2.16. Again, the countryside around Alford is located in an area which is permissive of cluster expansion. However, the policy contained in R2.16 is even more permissive than the previous policy provided in the 2017 LDP. In particular, in relation to Balfluig, the Little Endovie cluster might well be considered to have 5 homes and under the new policy there is every possibility that it could arguably be expanded with up to a further 3 houses during the plan period. Whilst there is a general policy R2.1 that indicates that siting and design will remain a key consideration, there is obviously a clear risk of further expansion of settlement clusters within this general area.

The cluster at Little Endovie has recently been expanded by a new property. The site chosen is in a prominent position and is highly visible and is a clear extension of the cluster (photographs can be provided). The design is a modern and bold approach which has increased the urban influence. There has already been a significant and material erosion of the rural setting of the nationally important Balfluig Castle. Any "cluster" policy should be subject to a proviso that it does not erode the setting of a listed building which in this case is a rural one.

This further reinforces the need for very specific policy reference within the settlement strategy which would ensure that the setting issues of Balfluig were given the appropriate framework protection as set out in the SPP. This would be consistent with both sustainable development objectives and national outcomes. There is a very real risk that these will be prejudiced unless appropriate policy protection is provided to this setting.

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.

