

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.

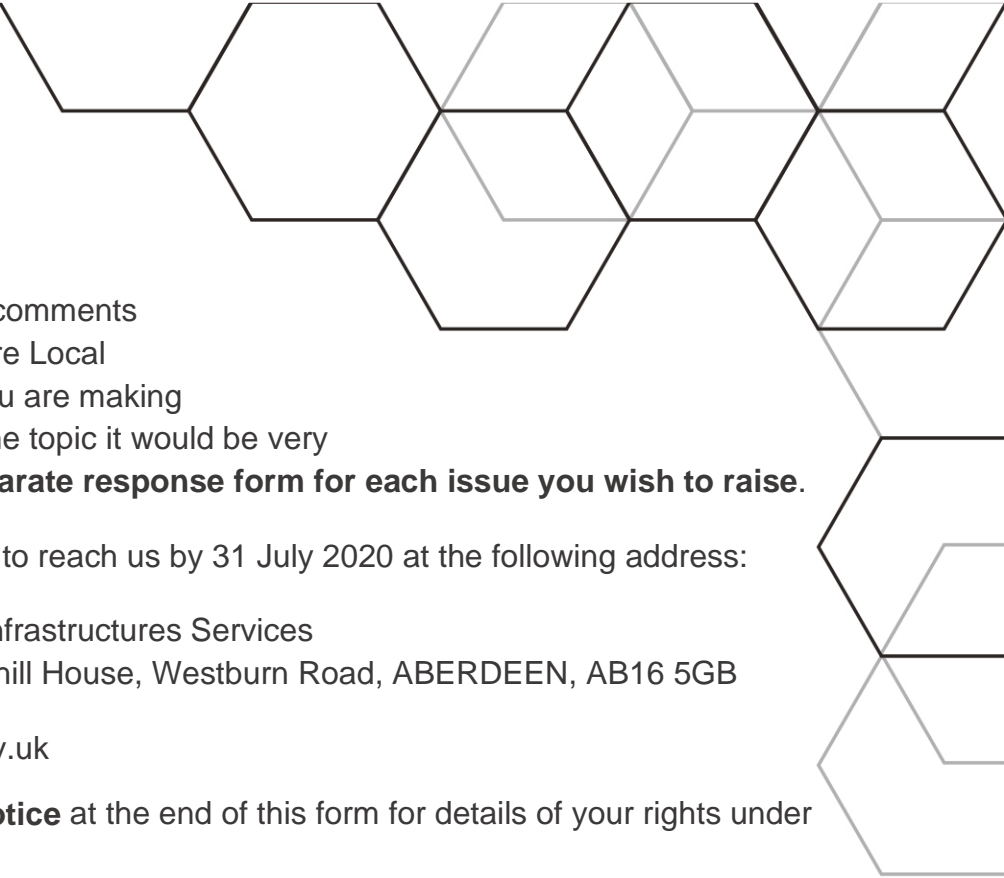
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Simon
Surname:	Herriot
Date:	28/07/20
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?

Renewable Energy Systems Ltd

☐ 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):

Section 13 'Climate Change'

Suggested changes to various policies as noted below to ensure consistency with SPP, Scottish Government renewable targets and other policies of the Proposed Plan. These comments should be read in tandem with RES comments on other Sections of the Proposed Plan as they are inter-related.

Reason for change:

Policy C2 'Renewable Energy'

As an overarching comment, RES welcomes the statement in Policy C2.1 that the Council will support further applications for renewable energy developments where these are appropriately located and sized. However, as noted in the general comments on the overall Plan strategy and vision, RES is disappointed to note that the Proposed Plan makes no reference to the climate emergency or the legally binding net-zero greenhouse gas emission reduction target by 2045. There is a concern therefore that the Proposed Plan renewable energy policies do not adequately reflect the nature of the climate emergency or the important role of the planning system in helping to achieve the net-zero target.

Section 13 of the Proposed LDP should be updated to reflect these key issues and, for the reasons noted below, individual policies should be amended accordingly too.

Policy C2.2 'Wind Energy'

This is the main policy against which wind energy proposals will be assessed and RES welcomes the statement in the policy that the Council 'will approve' further wind development in appropriate locations. RES does however have concerns with the detailed implementation of this policy, as follows.

Firstly, this policy does not contain a set of criteria against which the Council will assess wind farm applications. As noted in other RES representations, there is some uncertainty about which other Proposed LDP policies would be applicable to the assessment of a wind energy application and clarity is required in Policy C2.2, to ensure there is no dubiety on this issue. SPP, paragraph 169, provides a list of assessment criteria to assess renewable energy applications. Perhaps Policy C2.2 could cross refer to SPP or be amended to include a list of assessment criteria, noting where there is, or is not, cross reference with other Proposed PLDP policies (see RES comments on policies PR1.1, R3 and R4 as examples of where clarification is required).

Secondly, RES has significant concerns over the reference to the 2014 Strategic Landscape Capacity Assessment for Wind Energy in Policy C2.2 and its potential role in the assessment of future applications. RES disagrees with the comment in the policy that this document remains relevant, even for the larger turbines now proposed.

RES notes that the Executive Summary of the 2014 Capacity Study states that ‘the assessment has determined that there are no areas of Aberdeenshire suitable for extensive windfarms with large turbines’ (underlining added). Given that the Capacity Study defines large turbines as 80m+ and very large turbines as 125m+ (Section 6.2.1), this statement gives RES cause for concern if this document is to be used, in some capacity, to help inform decisions on future wind farm applications. How can this document provide a suitably positive framework to assess future applications, if it has already determined there is no scope for large turbines? If the Study felt in early 2014 that there was no scope for further large scale turbines at that time, how can this document then be used to help support the delivery of new wind energy proposals, particularly given that it is increasing common for applications to now comprise turbines with tip heights in excess of 150m to blade tip?

In addition, the Capacity Study was published in March 2014, prior to publication of SPP, prior to declaration of the climate emergency and prior to the net-zero target. Renewable energy and greenhouse gas reduction targets have changed substantially in the interim period, and there is now a demonstrably greater need for further renewable energy than there was at the time the Capacity Study was produced over 6 years ago. It is a document that must now be treated with some caution given the significant change in the energy policy landscape in the intervening period, the change in the cumulative situation and the change in turbine technology. The continued relevance of this document for the foreseeable future is therefore questionable.

In addition, it is noted that the Capacity Study does not form part of the Development Plan. By contrast, the spatial framework (page 86) does and this follows the Spatial Framework set out in Table 1 of SPP. Policy C2.2 should be amended to remove reference to the Capacity Assessment with greater emphasis given to the Spatial Framework.

RES notes that the Spatial Framework Map itself (page 86), identifies ‘areas with strategic capacity for wind turbine development’, as required by paragraph 162 of SPP. This Framework is identical to the Spatial Framework in the current LDP and clarity on the source of this strategic capacity would be useful. There is also uncertainty to what scale of development (tip heights for example) this strategic capacity refers – clarity on this would be useful.

The identification of large areas of strategic capacity for wind turbine development in the Spatial Framework Map, while welcome in principle, does highlight the problem of Policy C2.2 referring to the 2014 Capacity Study as a basis to assess wind energy applications. As noted above, that document states that there are ‘no areas of Aberdeenshire suitable for extensive windfarms with large turbines’. This statement conflicts with the identification of large areas of strategic capacity on the Spatial Framework Map and highlights the issues all stakeholders will face when trying to reconcile these very different stances on the capacity for future wind energy development in Aberdeenshire.

Policy C2.3

RES has no concerns with the first sentence of this policy but does question the necessity/appropriateness of the rest of the text to be embedded within a policy. This text, starting with the second sentence, feels more suited to introductory commentary at the outset of this Section, as it provides advice on issues such as repowering and lifetime extensions. What the policy doesn't do is set out the Council's position on repowering and lifetime extensions. Given that these types of applications are likely to be increasingly common over the lifetime of the Proposed Plan, as well as physical extensions, Policy C2.3 should be amended to clearly set out the Council's in principle support for such applications. This would be consistent with the Onshore Wind Policy Statement (2017) and would help ensure that the Proposed Plan creates a positive policy context to help address the climate emergency and net-zero target.

Policy C3 'Carbon Sinks and Stores'

This policy states that the Council will protect the above resources from disturbance or destruction. As noted in other representations, these resources also benefit from protection in Policies PR1.1 and PR1.10, albeit not consistently and not in accordance with SPP. As currently worded, the Policy is not consistent with SPP, which groups carbon rich soils as a Group 2 interest in terms of the SPP Spatial Framework. SPP states that any significant effects upon these interests should be substantially overcome. This is a different and less stringent test than that set by Policy C3, which simply notes that these resources will be protected from 'disturbance or destruction'. Policies PR1.1, PR1.10 and C3 should be reviewed and where necessary amended to bring them into line with SPP, as they relate to wind farm developments, as also to ensure they are consistent with each other.

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.

