

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.

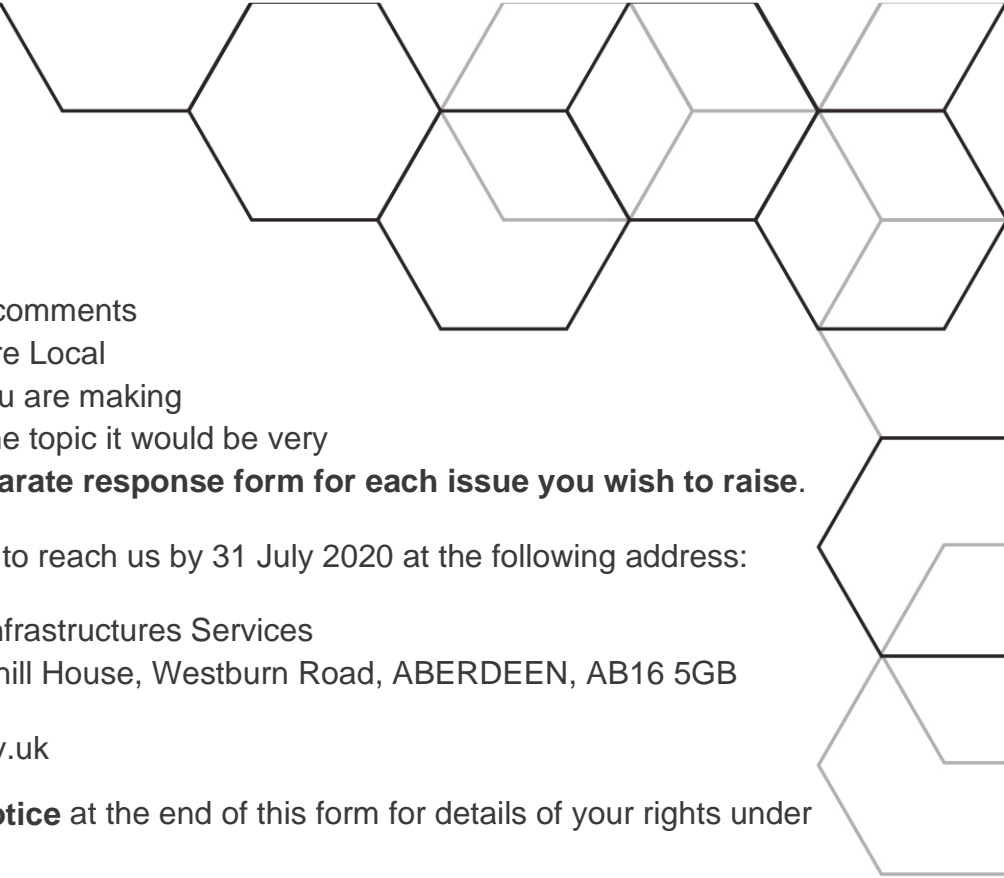
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	ERIK
Surname:	LESLIE
Date:	26 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):

Response - Strategic Environmental Assessment (SEA) and Other Issues

(Reference LDP2021NN)

I am writing as a Potterton resident to object to the Aberdeenshire Council Proposed Local Development Plan (PLDP) 2020, proposed sites OP1 and OP2 on Green Belt land north and north west of Denview Road, Potterton.

I am of the opinion that information presented by Aberdeenshire Council within the Strategic Environmental Assessment to support the 2019 Main Issues Report (MIR) and the 2020 PLDP and various supporting documents in relation to the SEA for Formartine, adjacent ancient woodland, primary school capacity and other issues

- do not provide necessary assurance that the requirements of the Scottish Planning Policy (SPP) will be met,
- do not fully align with the Scottish Government Guidance on SEA (30 Aug 2013),
- contains numerous examples of assessments of effects which are not justified, and
- do not contain sufficiently clear and complete information to enable informed judgments to be made by consultees.

As such, I wish to see these proposed development sites removed from the PLDP until such time the identified issues have been resolved, for potential inclusion within a future PLDP should the amendments undertaken justify this.

I have provided a summary of the reasons for this change below.

Reason for change:

1. 2020 PLDP, “Strategic Environmental Assessment of New Allocated Sites and Alternative Bids – Formartine” (SEA)

a. Biodiversity:

“The development of a greenfield site is unlikely to have long-term adverse impact on biodiversity through the loss of habitats and/or habitat fragmentation and/or disturbance to species that use the site as a habitat”. The SEA has not considered that the proposed development will be on green belt land (i) directly adjacent to ancient woodland within which a local population of bats may roost and (ii) on which bats catch insects at night. As such the proposed development has the potential to disturb bats which is an offence under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The SEA does not contain any information on whether a Bat Assessment has been or will be undertaken, therefore the effects the proposed development will have on bats or the legal consequences of potentially disturbing this protected species has not been assessed or presented to consultees.

b. Climatic Factors:

“The development could have a long-term negative impact due to the potential for increased travel requirements (the need to travel long distances to services) and increased emissions”. The SEA correctly assesses that the impact is likely to be long-term and negative, however it underestimates the likelihood of this impact occurring i.e. *“The development could have a long-term negative impact”.* The proposed development is almost certain to have a long-term negative impact for the following reasons:

- i. while a number of residents of the proposed development may elect to use the scheduled bus service for some travel to / from Aberdeen, current evidence shows that most will use cars
- ii. all residents will be reliant on car travel to Balmedie, Ellon and other towns/villages to use amenities in these locations as there is no bus service between Potterton and these places, and cycling / walking is not a safe or feasible option.

Given the likelihood of long-term negative impact on the atmosphere as a result of increased emissions for which no mitigation is presented, then the change from “negative effect” pre-mitigation to “negative/neutral effect” post mitigation (i.e. an improved ranking) is not justified.

c. Landscape:

“The site is found in the greenbelt”. The SEA confirms that the development will impact the greenbelt. The SEA also confirms *“the nature of land use in the area will be changed and displaced”* and *“the landscape experience is likely to change”.* The SEA goes on to conclude that *“given that over a long-term, what gets developed becomes part of the landscape, the effects are only likely to be medium-term”* which is not justified given the impact to greenbelt, land use and the landscape experience will be permanent and irreversible. Further, given the permanency and irreversibility of these impacts, the assessment that the advised “mitigations” alters the assessed effect from “negative effect” to “neutral effect” is not justified.

d. Material Assets:

The SEA states *“There are a number of infrastructure constraints associated with the site, namely Balmedie Primary School which will have a long-term or temporary affect. Access relies on a C class road”* before going on to conclude *“The proposal will not lead to any significant pressure on local infrastructure”*.

Given the large number of unknowns in relation to transport, drainage and sewage which will all require to be assessed following / outwith the PLDP process, then the SEA cannot credibly conclude there will be no significant pressure on local infrastructure. Further, given these unknowns and that the SEA puts forward no mitigations, then the change from “negative effect” pre-mitigation to “neutral effect” post mitigation is not justified.

e. Cultural Heritage:

“Invariably, the allocation will adversely affect the built features, their context, pattern of past historic use, and the setting in which they sit”. The SEA correctly determines there will be adverse effects as a result of the proposed development. However, given these adverse effects and that the SEA puts forward no mitigating actions, then the change from “negative effect” pre-mitigation to “neutral effect” post mitigation is not justified.

Considering the identified deficiencies above, it is clear that this assessment does not conform to the Scottish Government Guidance on SEA (30 Aug 2013) in the following areas:

- It does not *“Make the key findings of the SEA clear so those preparing a plan and those being consulted, can see what the significant environmental effects are likely to be and if and how these effects can be addressed”*. This is the conclusion reached as a result of the unknown potential effects of this proposed development on transport, drainage and sewage which will all require to be assessed following the PLDP process, which will be done out of sight of public consultees.
- It has failed to fully *“identify the important environmental issues early”*, as demonstrated by the absence of any assessment of the disturbance to bats that use the site as a habitat.
- It appears to *“Use the SEA to defend a plan or attempt to sell its benefits”*. This is the only plausible explanation for the numerous questionable and unjustified post mitigation effect rankings provided in the SEA.

2. Ancient Woodland

a. Scottish Planning Policy, 2014 (SPP):

Policies 194 and 216 require *“ancient semi-natural woodland”* to be protected and enhanced. Insufficient demonstration has been provided through the PLDP process to give assurance that this requirement will be met. See examples below:

- 2019 Main Issues Report (MIR)** - Call for Sites, bids FR140 and FR141, state the site is not within 500m of Ancient Woodland which is not the case. Confirmation is provided throughout the PLDP and supporting documents that the proposed development would be adjacent to ancient woodland to the east of the site.
- 2019 Main Issues Report (MIR)** - The Woodland Trust Scotland comments on the 2019 MIR confirms there is ancient woodland adjoin the east of the

development. Further, the Trust states *“The following site allocations would not be supported by us for development allocation: Formartine FR140 Land North of Denview Road Potterton”*.

- iii. **Appendix 7c, Settlement Statement for Formartine** - Pg 478 *“There is ancient woodland to the east of the site and this should be preserved and incorporated into the open space provision”*. This statement does not provide full assurance that the ancient woodland will be preserved.

3. School Capacity

a. SPP:

Policy Principle 29 requires that *“policies and decisions should be guided by the following principles..... supporting delivery of infrastructure, for example transport, education....”*. Insufficient demonstration has been provided through the PLDP process to give assurance that this requirement will be met. See examples below.

- i. **2020 PLDP, Appendix 7c, Settlement Statement for Formartine** - Pg 477 - *“Primary education: All residential development may be required to contribute towards additional primary school capacity”*. The Draft Proposed Local Development Plan 2019 (which supports the 2019 MIR), Pg 69, states *“Primary education: All residential development must contribute to a new primary school in the catchment area”*. These statements are not aligned and demonstrate uncertainty as to whether developers will actually be required to contribute towards additional school primary school capacity.
- ii. Balmedie Primary School is currently forecast to exceed capacity in 2023 i.e. prior to additional intake resulting from this proposed development. The PLDP does not demonstrate how the local authority will deliver the necessary infrastructure required by the SPP.

4. Other Issues

a. Draft PLDP, supporting document for the 2019 MIR:

- i. Pg 69 – *“There is a clear need for a new community hall in the village to supplement the Forsyth Hall Mens Shed”*. It is unclear who has determined the need for a new community hall, when this was determined and what consultation was held with Potterton residents regarding this matter – as such this statement should not be included within the PLDP. Further, there has never been a Forsyth Hall Men’s Shed (**see Item 3b below**).
- ii. Pg 69 – There is no allocation of enhanced facilities for Potterton as part of the proposed development, which will in effect turn Potterton into a large housing scheme which existing residents did not choose when investing in their homes. Further, the PLDP states that developers may be required to contribute to facilities for Community / Sports & Recreation in Ellon and Waste & Recycling / Health in Balmedie, which means any use of these facilities by Potterton residents will contribute to increased CO2 emissions from car travel as there are no public transport links to these locations.
- iii. Pg 70 – the site is *“of a proportion that will not constitute over development, but will help meet the significant housing demand in Potterton”*. The proposed

development constitutes an approximate 60% increase in the size of Potterton (233 homes vs 2011 census 375 homes) with no provision of new facilities. One definition for over-development is *“an amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character”* (https://www.planningportal.co.uk/directory_record/414/over-development). Based on this definition, the proposed development could be deemed to be over-development. In addition, the PLDP does not demonstrate that there is a significant housing demand in Potterton – current evidence is that the housing market has slowed down and houses are taking time to sell.

b. 2020 PDLDP, Appendix 7c, Settlement Statement for Formartine:

- i. Pg 476 - The PLDP states there is a “Forsyth Hall Men’s Shed”, presumably at Belhelvie Church. This statement is inaccurate and misleading as there has never been a Forsyth Hall Men’s Shed - this was an aspiration which never materialised. Additionally, if this Shed existed then it would be located approximately 2 miles from Potterton, which means any use by Potterton residents would further contribute to CO2 emissions as there are no public transport links to this location.
- ii. Pg 477 - the developers “may be required” to contribute to facilities for Community and Sports to be located in Ellon and Recreation and Waste & Recycling / Health is to be located in Balmedie. It is unclear whether the developers will be required to contribute to these facilities, and if this is not required then who will actually contribute to these facilities. Regardless, what is clear is that Potterton, which the Vision section of this document states *“has a limited number of services”*, will have fewer services per head of population as the proposed development will not provide any additional amenities to Potterton. This will, in effect, turn Potterton into a large housing scheme with the existing residents did not choose or invest in.

In conclusion, I am of the opinion that the issues identified above, justifies removal of the proposed development on sites OP1 and OP2, on Green Belt land north and north west of Denview Road, Potterton, from the 2020 PLDP.



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.

