

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 kitą kalbą arba taisyklų, paprastą tekstą, parašytą Brailio arba šiuo gestų kalbą, 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.

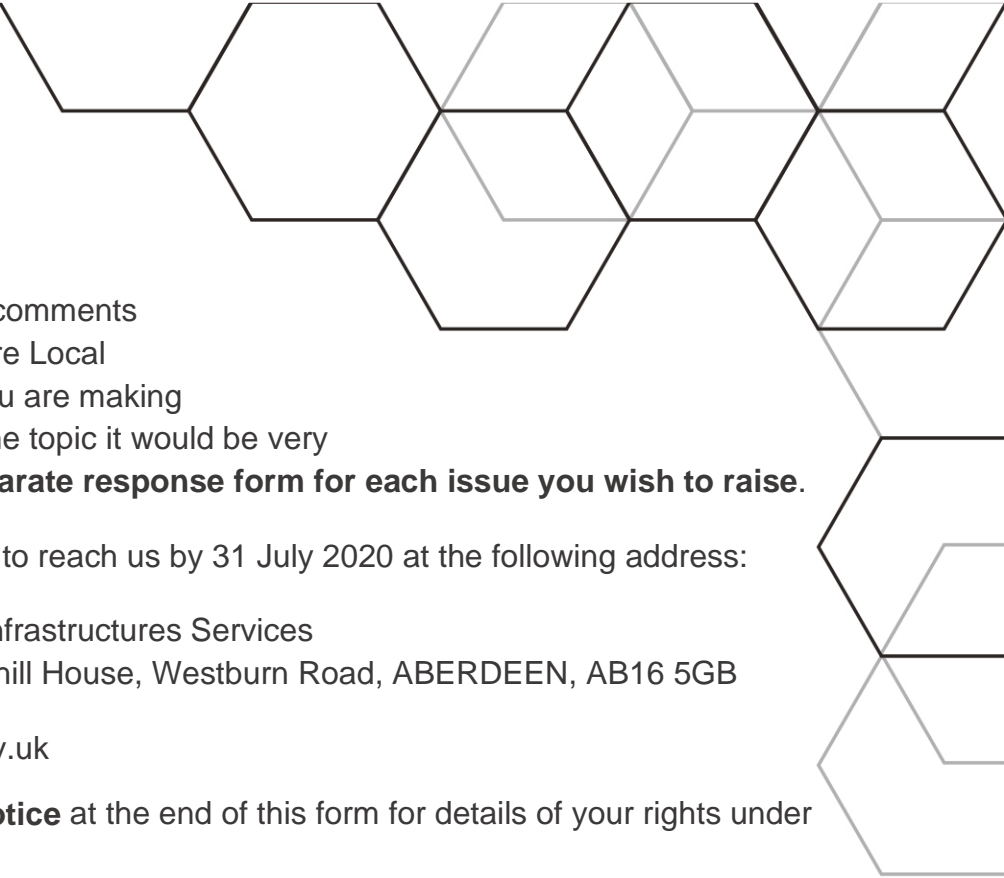
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Jajums nepieciešama šī dokumenta sniegtā informācija kādā citā valodā vai lielā drukā, vieglilās mātekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

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?

N/A

☒ 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 - Leslie Family Summary (Reference LDP2021NN)

We are writing as Potterton residents to object to the Aberdeenshire Council Proposed Local Development Plan (PLDP) 2020, sites OP1 and OP2 on Green Belt land north and north west of Denvie Road, Potterton.

We are of the opinion that information presented by Aberdeenshire Council within the 2019 Main Issues Report (MIR), the 2020 PLDP and various supporting documents

- does not fully align with the Scottish Planning Policy (SPP), National Planning Framework (NPF) and the Aberdeen City and Shire Strategic Development Plan (SDP),
- contains numerous examples of inaccurate and misleading information, and
- does not contain sufficiently clear and complete information to enable informed judgments to be made by consultees.

As such, we 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.

We have provided a summary of the reasons for this change below. Additionally, my family and I have provided further detail on specific issues within our further individual responses (3 of) submitted along with this response.

Reason for change:

1. **The 2020 PLDP** fails to deliver numerous objectives, strategies, visions as set out in national and regional policy and plans. Examples are provided within **Reference a - c** below.
 - a. **SPP**, Paragraph 52 - the proposed development does not achieve the objectives of this Paragraph as the proposed development is not the type and scale of development which would be appropriate within a green belt. **See Further Response-CL**
 - b. **NPF** - the proposed development does not deliver the NPF3 plans and strategies for environment, climate change or transport e.g.
 - i. Section 1.3 – *“investment in the low carbon economy”* and Section 3.26 - *“Planning of rural towns and their surrounding areas must support.....decarbonisation of heat and transportation”*. The proposed development does not demonstrate investment in the low carbon economy / decarbonisation of transport. **See Further Response-DL**
 - ii. Section 5.5 – *“We want to significantly increase levels of everyday cycling and walking within and between our settlements, with Action Plans for both Walking and Cycling”*. The proposed development does not significantly increase levels of safe, everyday cycling and walking within and between our settlements, rather it increases risk to cyclists and walkers. **See Further Response-DL**
 - c. **SDP** - the proposed development does not deliver the SDP vision and spatial strategy for transport.
 - i. Section 2, “Vision for the Plan” – *“make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices”*. The proposed development would not make sure walking, or cycling are attractive choices. Additionally, public transport would provide limited choice which is unlikely to be considered an attractive option by many. **See Further Response-DL**
 - ii. Section 3, “Spatial Strategy” – *“Reducing travel distances and making walking, cycling and public transport more attractive to people is vital”*. The proposed development does not achieve these vital objectives. **See Further Response-DL**
2. **The 2020 PLDP** and supporting documents fail to fully deliver the following basic requirements set out by the Scottish Government “Planning and Architecture” webpage:
 - i. *“Development plans should be up to date, succinct and map-based, reflecting the unique characteristics of the places and communities they cover and enabling planning authorities to deliver the right development in the right place”*. The PLDP is not up to date as it does not reflect the changing current economic situation in the North East of Scotland as a result of Covid-19 and a shrinking oil and gas industry. Additionally, although not explicitly stated, it is implicit that the PLDP will contain accurate information which does not mislead, such that the proposals presented for consultee review and comment are properly informed.

- ii. *“Planning authorities are responsible for the development plan in their area, but they have to consult with us and other stakeholders during the plan preparation process”*. In consulting with the Scottish Government and other stakeholders, the local authority have not presented a development plan which is sufficiently clear and in a sufficient state of completeness to ensure consultees are in a position to undertake an informed review and make reasoned judgments as to the appropriateness of the development.

Examples of where the 2020 PLDP and supporting documents fail to meet these requirements are provided in **References a - h** below.

- a. **2018 Call for Sites**, Bids FR140 and FR141 includes the following issues:
 - i. These bids state the sites are not within 500m of Ancient Woodland – this is incorrect. **See Further Response-EL**
 - ii. *“Local bus services 67 + 49 within walking distance* – this is both incorrect and misleading. **See Further Response-DL**
 - iii. *“easier and safer to travel by walking and cycling in this area”* – this statement is inaccurate and misleading. **See Further Response-DL**
- b. **2019 MIR** includes the following issues:
 - i. Chapter 1, Pg 4 - Aberdeenshire Council state the Planning Policy which PLDPs must contribute to i.e. *“sustainable, low carbon, natural, resilient and connected places”*. This development does not contribute to low carbon transport and the C-class / local roads (yet to be assessed in a Traffic Assessment) are likely to impact the development’s connection to places. **See Further Response-DL**
 - ii. Chapter 5, Pg 13 – the proposed development would be on green belt land, which does not conform with either the preferred or alternative options provided within Main Issue 5. Additionally, no justification has been provided within either the report or supporting documents for developing on green belt, which is not in accordance with Scottish Planning Policy Paragraph 52. **See Further Response-CL**
 - iii. Chapter 10, Pg 33, “Protecting Resources” – *“Ancient woodlands are places where these tests are likely to result in a recommendation for refusal of planning permission, unless there are truly exceptional reasons”*. The proposed development will be directly adjacent to ancient woodland within which a local population of bats may roost. **See Further Response-EL**
- c. **2020 PLDP – Introduction and Policies:**
 - i. Section 5.15 of the PLDP document includes the statement *“Development in Westhill remains stalled until transport assessments are undertaken over the next few years and the Regional Transport Strategy identifies the nature of a solution that may be required”*. Precedent has been set such that this proposed development cannot proceed until a Transport Assessment has been undertaken to properly inform the Regional Transport Strategy with regards to improvements which would be required to local roads impacted by the development. **See Further Response-DL**
 - ii. Policy P1.5 within this PLDP document states *“We will only approve development designs that demonstrate the six qualities of successful*

places, which are..... safe and pleasant, encouraging both activity and privacy, providing security and protecting amenity". Based on this policy commitment Aberdeenshire Council will not be in a position to approve the proposed development it cannot be credibly demonstrated that walking and cycling activities on the roads around these development sites will be safe.

See Further Response-DL

d. **Appendix 4, "Boundaries of the Green Belt":**

Map 3 shows that Bid Sites OP1 and OP2 are not green belt (a change from the 2017 PLDP), which is incorrect, misleading and does not align with the information provided within the MIR, PLDP and other supporting documents which confirm this development would be on green belt land. **See Further Response-CL**

e. **Appendix 7c, Settlement Statement for Formartine** includes a substantial amount of incorrect and/or misleading information which will misinform consultees. Additionally, this document includes a substantial number of potential issues which still require assessment and which if realised will negatively affect the Strategic Environmental Assessment (SEA) and impact Potterton residents.

i. Pg 476 states there is a "Forsyth Hall Men's Shed" – this is incorrect. **See Further Response-EL**

ii. Pg 477 – *"Primary education: All residential development may be required to contribute towards additional primary school capacity"*. The 2020 PLDP does not explicitly state that developers will be required to provide improvements to Balmedie primary school which is forecast to go over capacity by 2023. However, the Draft PLDP 2019 (which supports the 2019 Main Issues Report), 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. **See Further Response-EL**

iii. 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. **See Further Response-EL**

iv. Pg 476 *"Part of sites OP1 and OP2 lie within the Scottish Environment Protection Agency's (SEPA) indicative 1 in 200 year flood risk area, or have a small watercourse running through or adjacent to the sites. A Flood Risk Assessment may be required"*. However, the following further statement is then provided on Pg 476 - *"A Flood Risk Assessment will be required as well as the use of Sustainable Drainage Systems as a mitigation measure for site OP1 and OP2 due to surface water flooding"*. These statements are not aligned and demonstrate uncertainty as to whether a Flood Risk Assessment will actually be undertaken. **See Further Response-EL**

v. Pg 477 – *"A route assessmentshould be provided to determine potential improvement works required to accommodate the overall expansion of Potterton"*. However, the final MIR for Formartine, Pg 84

states “A Transport Assessment would be required to assess the cumulative impact with FR104 on the C class and an unclassified roads that will serve these developments”. These statements are not aligned and demonstrate uncertainty as to whether a Transport Assessment will actually be undertaken. **See Further Response-DL**

- vi. Pg 477 – “There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Network investigations may be required by new developments in Potterton”. Given this system does not have the capacity for the advised proposed developments, no assurance is provided that developers will be required to undertake network investigations. **See Further Response-EL**

References *iv – vi* above clearly show there are a substantial number of assessments and investigations to be undertaken outwith this consultation, meaning consultees will not be provided with either subsequently identified issues or knock-on impacts to the SEA requiring additional mitigating actions. As such, the consultees are unsighted on important information which is integral to the decision making process with regards to this development.

f. **Flood Risk Assessment:**

Pg 18 does not include Potterton within the list of places within Aberdeenshire which are problem areas for surface water. However, Pg 45 states “A Flood Risk Assessment will be required as the site lies within a flood risk area and has surface water risk. A buffer strip will be required adjacent to the watercourse on the western boundary”. **See Further Response-EL**

g. **Transport appraisal guidance (DPMTAG):**

This report makes no reference to proposed developments OP1 and OP2 at Potterton which includes 233 additional homes. This is a significant failing as the impact that approximately 400 additional cars from this development would have on the local Potterton roads and on the A90 has not been assessed and as such this report does not properly inform the PLDP. **See Further Response-DL**

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

Pg 119, Assessment Table, “Effect – post mitigation” – on the evidence presented for Climatic Factor, Landscape, Material Assets, Human Health and Cultural Heritage, the “neutral effects” rankings are questionable given the negative impacts listed for these SEA topics. **See Further Response-EL.**

In conclusion, we are of the opinion that the issues identified above and expanded upon within our further submissions Response-CL, Response-DL and Response-EL justifies removal of the proposed development on sites OP1 and OP2, on Green Belt land north and north west of Denvie 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.

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- 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.

