

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.

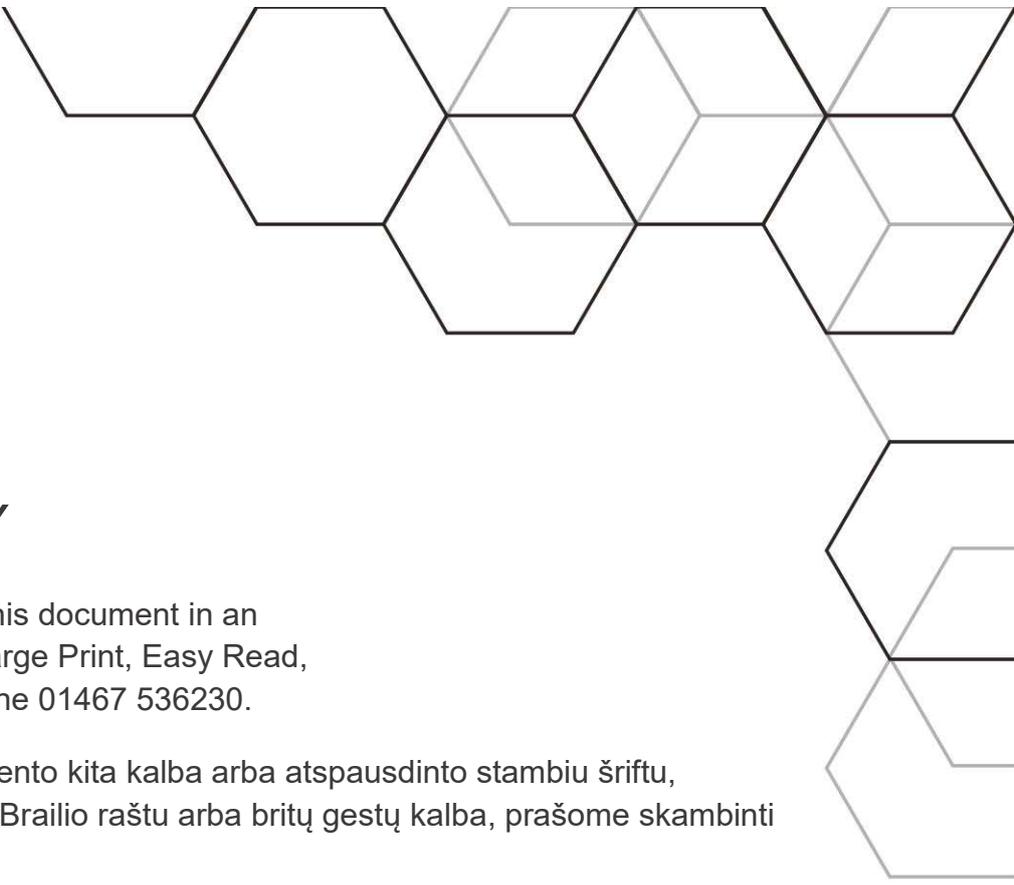
This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved 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

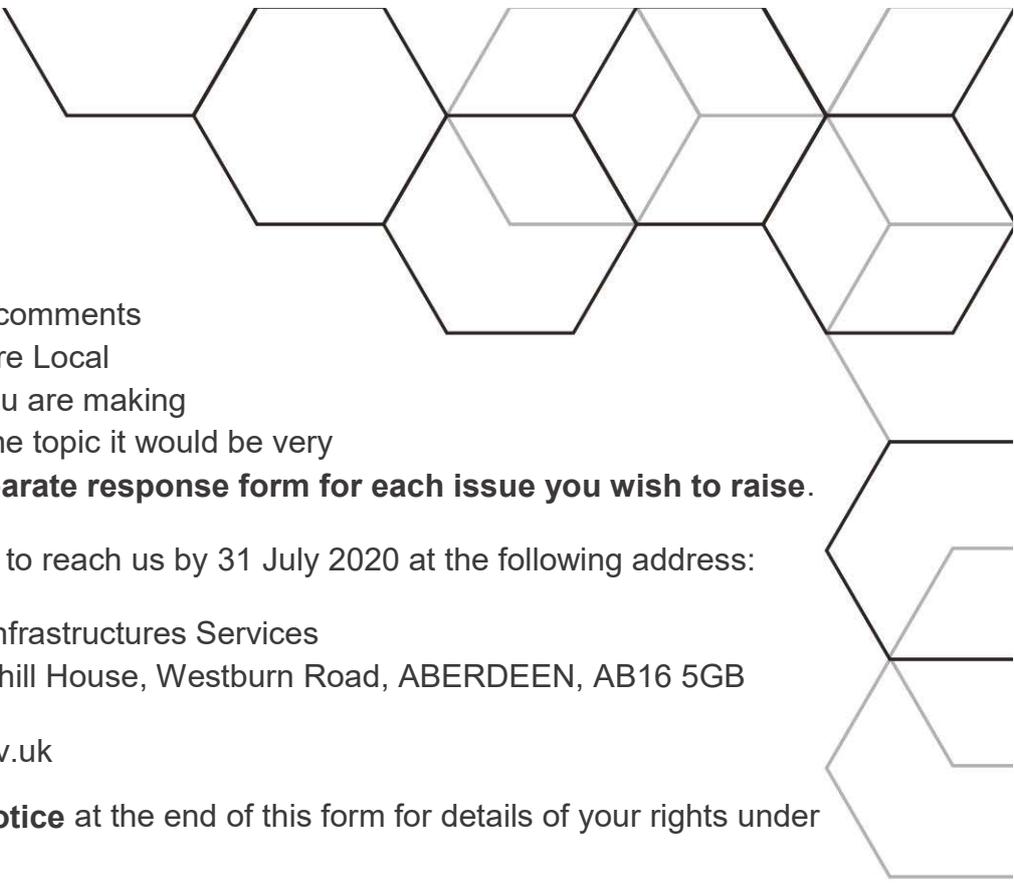
Tel: 01467 536230

Email: ldp@aberdeenshire.gov.uk

Web: www.aberdeenshire.gov.uk/ldp

Follow us on Twitter [@ShireLDP](https://twitter.com/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:	Mrs
First Name:	Hannah
Surname:	Darnell
Date:	
Postal Address:	Brodies House, [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?

Mr & Mrs Charles Miller

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):

Tillyfourie should be identified as a settlement within Appendix 7F Settlement Statements: Marr in the Proposed Local Development Plan 2021. The settlement boundary should be drawn to include our clients' land within that settlement boundary, as shown hatched in red on the attached plan and it should be identified as an Opportunity Site for residential development, open space and landscaping under Policy H1.1.

Failing identification as a settlement and an allocation under Policy H1.1, Tillyfourie should be included in the list of identified settlements to which reference is made in Policy R2.14, such that small scale growth may be permitted on our clients' land under Policy R2.11.

Reason for change:

Background

Tillyfourie was identified as a settlement until adoption of the 2012 Aberdeenshire Local Development Plan. Part of the Objectors' land was located within the settlement boundary, some as white land and some as part of a larger area for future housing (see Plan 1 - settlement statement plan for 2006 Local Plan). Planning permission for the erection of 6 houses on the fh1 land was granted in 2009 and the dwellings have been constructed.

The 2012 Plan removed Tillyfourie's settlement status, along with many others, and introduced the concept of housing clusters.

With the removal of the settlement boundary, the Objectors' remaining land reverted to countryside, notwithstanding the previous use of the land and its planning history. Tillyfourie was left as being too small to be considered a settlement, but too large to be viewed as a housing cluster.

Representations on behalf of the Objectors were submitted to the 2012 and 2017 Plans seeking restoration of the settlement status for Tillyfourie, without success. Proposals for a single house (shown as Plot 7 on Plan 2) have been rejected by planning officers as being contrary to the countryside policies. Given this approach, our clients' only option is to seek reconsideration of the village's settlement status through the development plan process.

Given the changes to the settlement strategy in the Proposed Plan and changes in the housing outlook and local economy, it is submitted that there are sufficient grounds for reinstating the settlement status for Tillyfourie and permitting small scale residential development on the Objection Site.

In considering this representation, it is important to note that Section 7 of the Plan advocates a welcoming approach to development in the countryside that meets local needs, and encourages prosperous, sustainable communities and businesses, while protecting and improving the quality of the environment.

It references the effect that rural living can have on the aims of reducing the need to travel and promotes different patterns of development within accessible and remote areas of Aberdeenshire.

The Plan notes that these areas are based on the Scottish Government's urban rural classification from 2016. This is primarily based on a 30-minute drive time of a settlement with 10,000 or more people. In that classification, it can be seen that 35% of the Aberdeenshire area is considered to be accessible rural.

The classification does not, however, determine what should or should not be identified as a settlement within an accessible rural area. It does not state that you cannot identify settlements within the accessible rural area, nor allocate land within those settlement for development.

It should also be noted that this approach to accessible and rural areas may require to be amended with the publication of the draft NPF4 which is to contain housing targets for all local planning authority areas.

The approach is also likely to have to alter in light of changing work practices, with many people now working from home following COVID-19 and no longer needing to travel to a larger settlement for work purposes.

Justification for identifying Tillyfourie as a settlement

The definition of "settlement" in the proposed Plan's Glossary states: "*A settlement has a recognised boundary/built up area, serves a residential function, features urban characteristics including street lighting and a reduced speed limit, has at least 15 residential address points and a facility as listed in the Rural Facilities monitoring Report published by the Council's Planning Information and Delivery Team. "Identified settlements" are settlements meeting the definition above, but are limited to 99 or fewer residential address points.*"

This definition does not come from either the extant 2014 Strategic Development Plan nor the proposed Strategic Development Plan which was published in 2018, but has not been adopted.

In responding to the Objectors' representations to the Main Issues Report 2019 seeking settlement status for Tillyfourie, the Officers recognised that Tillyfourie serves a residential function with at least 15 houses, but lacks "*sufficient urban characteristics and facilities to be defined as a settlement.*"

The most up to date Rural Facilities Monitoring report which is available online was published in January 2017. This report tracks the changes in the provision of services in rural area which are defined as those parts of Aberdeenshire which are outside of towns of more than 3,000 people. The report notes that all six administrative areas have experienced losses of what the report considers to be key facilities (shop; post office; petrol station; primary school; doctors' surgery) since 2000 and these losses have continued to 2016.

There has also been a drop in other facilities such as banks; chemist; police station; fire station; library; MOT garage; secondary school; hall; church; hotels and pubs.

The report also notes that facilities can close and open in the short term.

Tying the definition of a settlement to the specific facilities in a report which is out of date and itself recognises that these facilities are on the decrease makes the approach entirely arbitrary and unreliable. These facilities were not required when Tillyfourie was designated as a settlement up to 2012.

It is also failing to keep up with changes in the economy and the fact that many of these facilities are simply not viable in settlements these days. Indeed, the Planning Authority looks to landowners/developers to provide many of these facilities within new large developments (eg chemist; library; secondary school; community hall; schools) or contribute to existing facilities which serve a wider area. It is simply no longer economic for every village to have its own hall; or its own chemist; and churches need to pull their congregations from much wider areas than a single settlement.

The arbitrary nature of settlement identification is exemplified by Craigwell, which is also within the Marr Area. The settlement has no boundary on the plan and appears to be a loose grouping of farms. It has none of the characteristic required by the definition of a settlement. It appears to have been identified as a settlement purely to allocate land for a community recycling facility.

A further example is Drumblade, also in Marr. No defined boundary is drawn around the settlement as it is described as a dispersed group of homes. It does not have the urban characteristics which the definition of a settlement requires. It appears to have been identified as a settlement purely because it has a primary school which serves a much wider area.

Finzean- Whitestone has been identified as a settlement, yet appears to have only residential functions. A criticism which the Officers directed at Tillyfourie.

Kirkton of Tough, like Tillyfourie, is located just off the A944. Tough primary school is located outwith the settlement boundary shown in the Plan. The settlement statement for Kirkton of Tough states that efforts should be made to maintain or increase the school roll, which stands at 29 pupils. No land is allocated for development within the settlement.

Tillyfourie falls within the catchment of Tough primary school and housing there could contribute towards maintaining or increasing the school roll.

It is not unusual for a primary school to serve two villages and a wider area. Cairney Primary School also serves Ruthven. Ruthven is identified as a settlement yet lacks any facilities and indeed a focal point is specifically noted as being absent in the settlement statement.

These are but a few examples within the Marr Area which demonstrate that the Council's approach to identifying settlements is inconsistent.

Many of the settlements within the Plan fall within the accessible rural area of Aberdeen.

It is submitted that Tillyfourie is a settlement in the ordinary sense of the word in that it is a roadside village consisting of a mix of houses of different ages, sizes and styles. It is a 'non-nucleated' settlement characterised by groups of houses distributed and clustered on either side of the former quarry. Whilst now dated, in the DPEA appeal decision P/PPA/110/62 (relating to a planning permission appeal in Tillyfourie), the appointed Reporter referred to the village as the "long-established settlement of Tillyfourie."

There are 22 houses within the grouping and the village is well served by public transport. There are two bus services for transporting school-age residents to Tough Primary School and Alford Academy. Tillyfourie is also on the bus route, with the 421 bus service (Alford to Tillyfourie, to Kemnay and to Inverurie) stopping in Tillyfourie six times a day, the X20 bus service (leaving from Alford) stopping five times a day, the 218 bus service (Alford to Aberdeen) stopping five times a day, and returning from Aberdeen five times a day. There is a village hall at Millbank, which is nearby.

It is also a settlement in terms of the broad sense of the LDP definition, a definition which the Council appears to apply selectively.

Consistent with the proposed definition of a settlement, Tillyfourie previously had a recognised boundary (having been previously defined in the local development plan – see Plan 1). It features urban characteristics, such as signs marking where the settlement starts and stops, it has street lighting and a reduced speed limit.

Identifying a settlement boundary and allocating land for residential development provides an opportunity to provide facilities within the village for the benefit of existing and proposed residents.

The Objectors propose that the settlement boundary is drawn to include the land which they own, which is show hatched in red on Plan 3. This would allow for some additional housing, along with public open space and landscaping. The rest of the boundary could follow that shown in the 2006 settlement statement.

Should it no be considered that the settlement boundary should be redrawn as widely, then it should at the minimum be drawn to include the fh1 site from the 2006 Local Plan, such that it would include Plot 7 and the adjacent proposed landscaped area shown on Plan 2.

Opportunity Site

The Objectors own all of the land shown hatched in red on Plan 3. They own further land outwith this area, as shown hatched on Plan 2.

Part of the land, closest to the road, has been used by the Objectors for many years for commercial storage purposes and repair of vehicles and machinery related to the Objectors' business.

Planning permission for the development of 6 houses on site (fh1) in the 2006 Local Plan was granted on 7 April 2009 and the Objectors have built out the 6 units over the past ten years. This leaves vacant land at the end of the row of housing which is currently used as a storage area. The attached photographs show the condition of the land. The site is serviced.

If the boundary of the settlement was drawn to include the hatched red land on Plan 3, the settlement could be appropriately rounded off with a small development of housing, public open space (including play equipment or a small pitch and putt golf facility or a 'kick about' area) and landscaping, linking to the adjacent woodlands.

The land could be sensitively developed with no detrimental impacts upon the character, layout nor building pattern of the existing settlement, nor on the amenity of neighbouring properties. The commercial woodland has been felled adjacent to the Objectors' land. Planting on the Objectors' land would provide a long term defensible boundary to the settlement. This is an opportunity to remove an existing commercial use, and, through the wider landscaping and amenity proposals, the development would lead to significant environmental, visual and amenity improvement to the wider area.

A masterplan/development brief could be required as part of the allocation of the Objectors' land.

Organic Growth of Settlements

Policy R2 relates to development proposals in the countryside, which suggests that it applies to land outwith settlement boundaries as land within settlement boundaries would either have an allocation or would be considered to be white land/infill.

However, the subsequent policies would appear to suggest that settlements also fall within this policy. It suggests that there is a settlement hierarchy, as seen in other planning authority areas, but that is not made clear in the Plan.

Policy R2.11 allows for small-scale growth of identified settlements. In accessible rural areas, only settlements without an opportunity site will be considered for organic growth. No more than an additional 20% growth, up to a maximum of 10 new homes, will be permitted during the Plan period.

Policy R2.13 goes on to then require the development site to be within 200 metres of the settlement boundary and be a logical extension and not prejudice the character of the settlement.

The current list of identified settlements is unknown. The interactive version of the LDP online indicates that the list is not available. The criteria for being included on the list is therefore unknown. Policy R2.14 indicates that the list is subject to change during the Plan period. Again, how a settlement is added to or removed from the list is not known. The Objectors are materially prejudiced by the lack of the Planning Guidance on identified settlements.

Tillyfourie is located within the accessible rural area. It is submitted that if Tillyfourie is not reinstated as a settlement, with an allocation under Policy H1.1, as proposed above, Tillyfourie should be listed as an identified settlement under Policy R2.14.

Since it would not have an opportunity site for housing identified, the settlement boundary could be drawn around the existing housing as shown on Plan 1 and the Objectors' land could be brought forward for small scale growth under Policy R2.11, helping to maintain and sustain the school roll at Tough Primary, and providing public open space and landscaping for the benefit of the village.

Our clients' intention would be to provide appropriate planting on the land to the east, but also to provide community access to some or all of the land to the south, which would be for the benefit and purposes of the existing residents of Tillyfourie. This could be in the form of play equipment or a small pitch and putt golf facility or a 'kick about' area.

Conclusion

The LDP directs new development to settlements in accordance with the spatial strategy of the Strategic Development Plan. Within the accessible rural area of Aberdeenshire, new development can only happen within settlements on allocated opportunity sites or as organic growth on land within 200 metres of identified settlements.

Given the importance of determining whether a village or town should have settlement status, it is surprising that the Plan lacks appropriate criteria. The definition of a settlement relies on outdated information, no longer appropriate for current social and economic circumstances. In any event, the Council has not followed the definition in identifying certain villages or groups of houses as settlements.

It is submitted that Tillyfourie should have its settlement status reinstated; that the boundary be drawn to include the Objectors' land shown hatched in red on Plan 3 and the Objectors' land identified as an opportunity site for small-scale residential development, open space and landscaping under Policy H1.1. The development would help support the school roll in Tough Primary.

The list of identified settlements for organic growth in the countryside is not publicly available and is noted to be subject to change. It is not possible, therefore, to critically assess the merits of the Council's proposed identified settlements and compare Tillyfourie to those on the list.

If Tillyfourie is not to receive an allocation for residential development under Policy H1.1, it should be listed as an identified settlement within the accessible rural area under Policy R2.14 and the Objectors' land, or part thereof, could come forward as organic growth over the Plan period under Policy R2.11. Again, this growth would help sustain the local primary school roll.

In both circumstances, new development on the Objectors' land would bring environmental and social benefits to the area.

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:

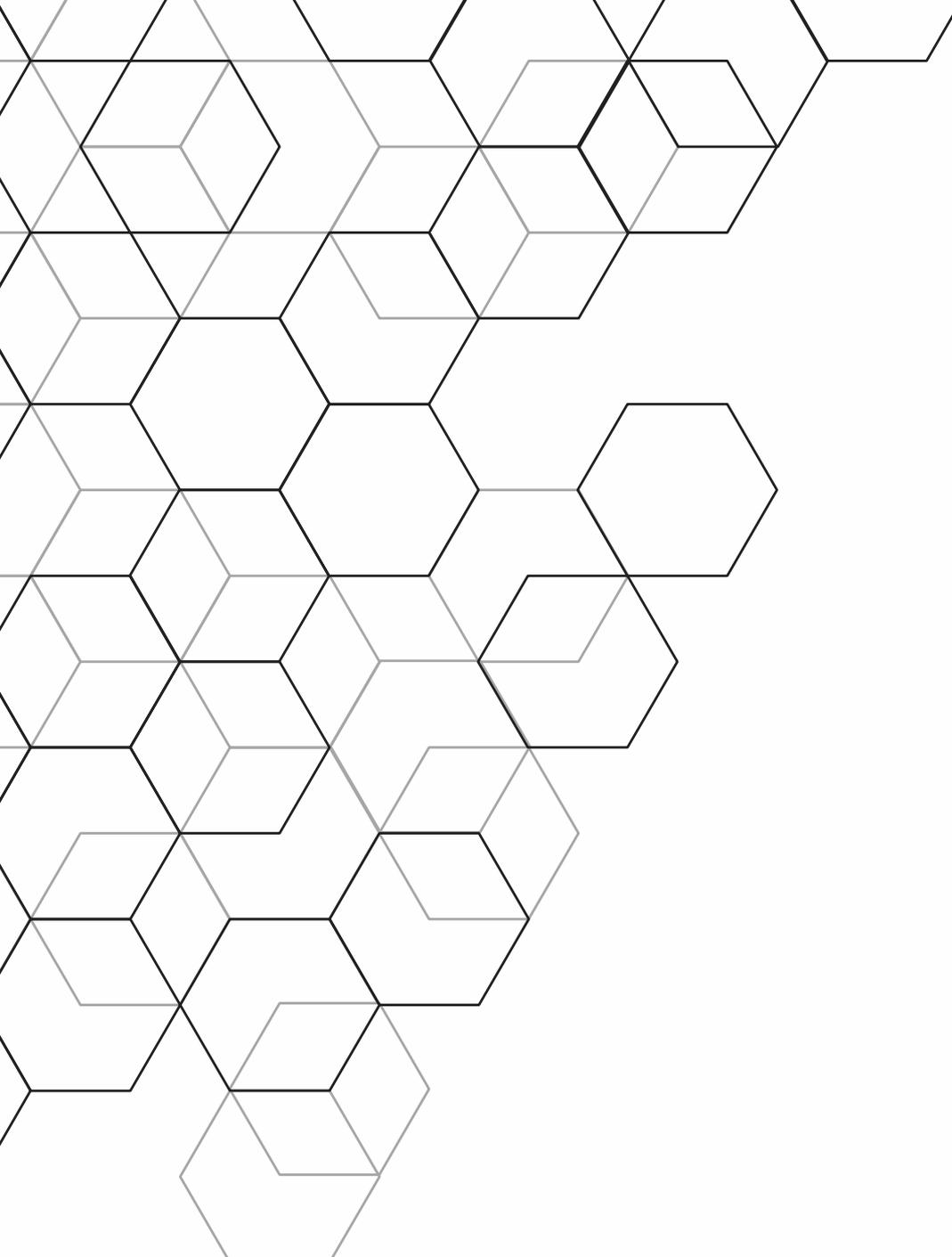
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue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

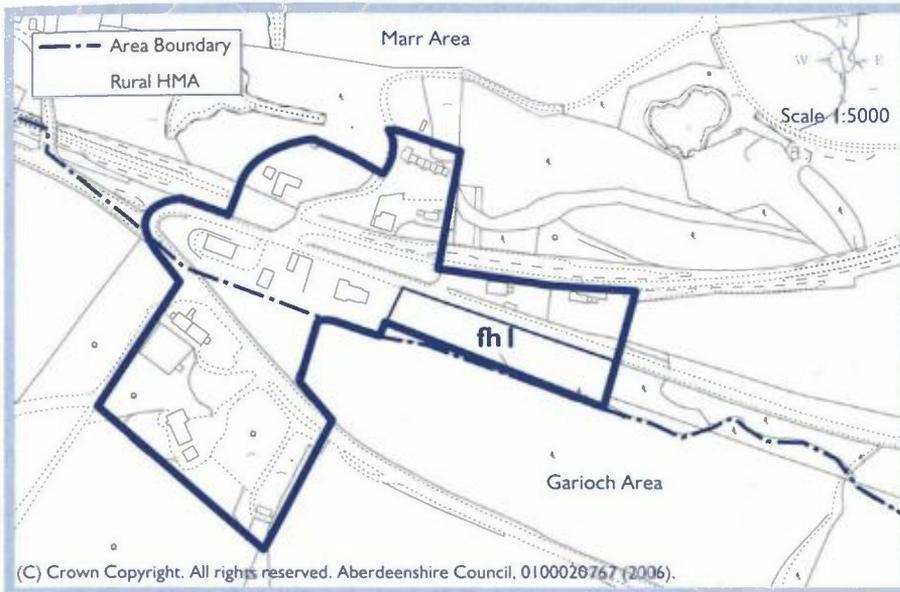
The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

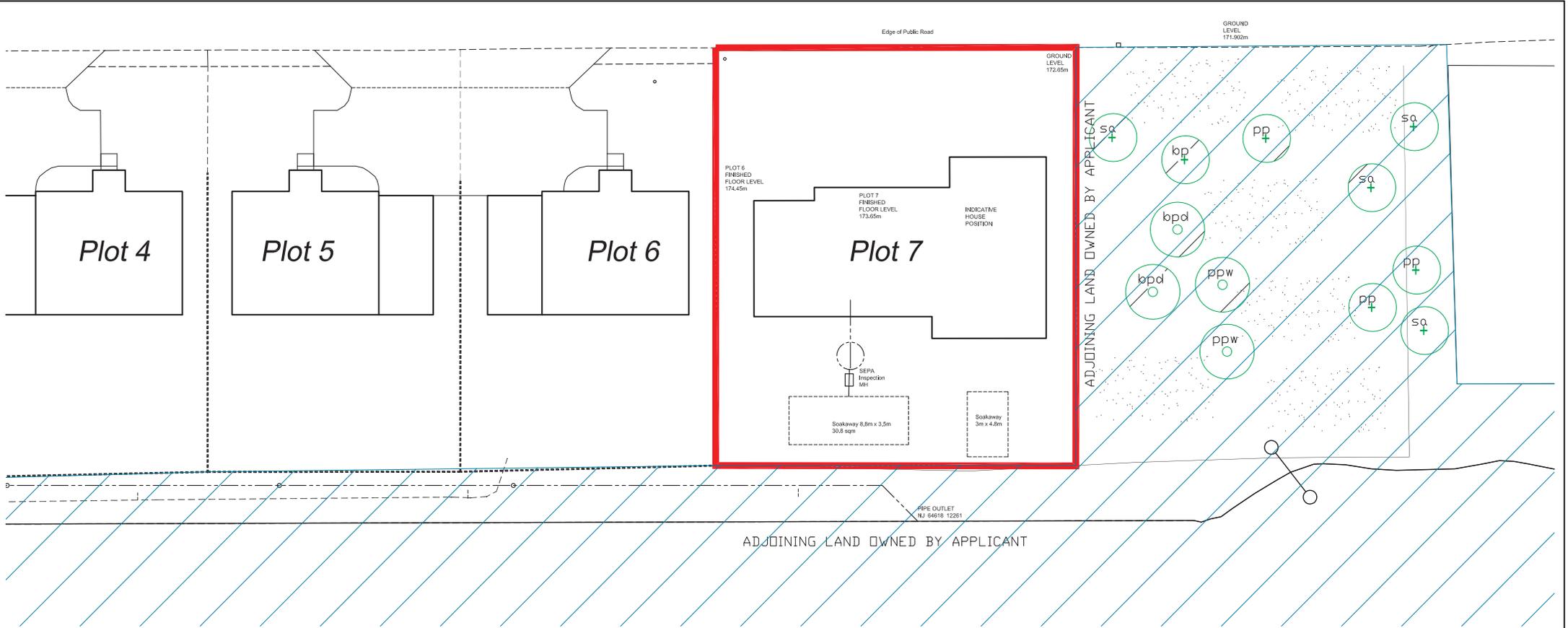
- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis 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.



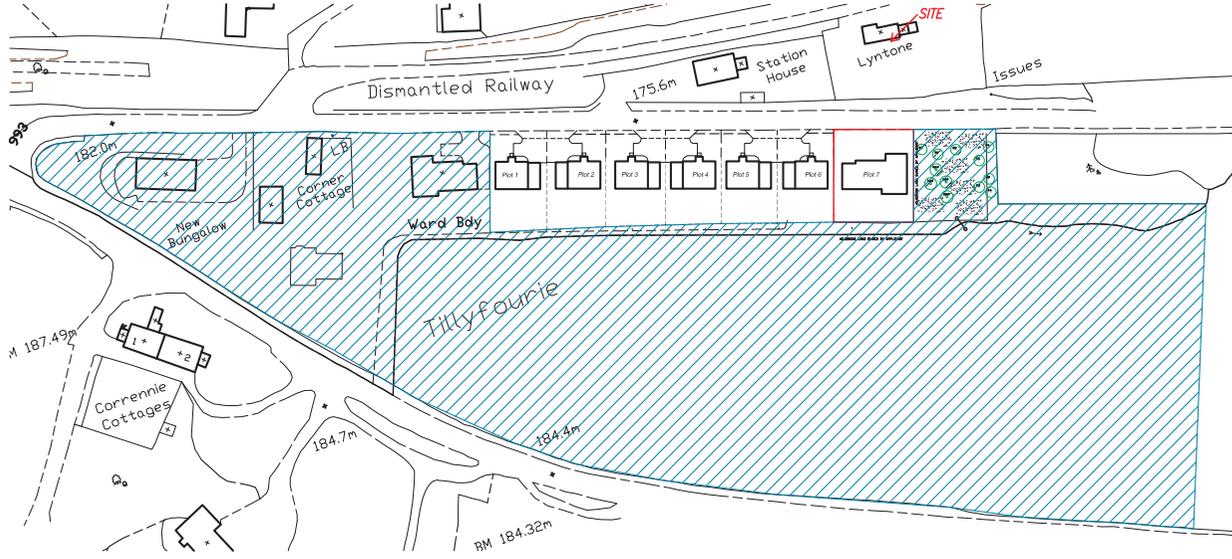


Within Tillyfourie only development meeting the Plan's policies will be permitted.

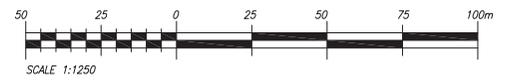
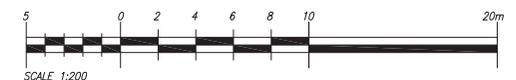
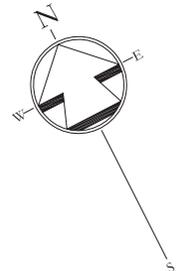
Future housing land is shown as **Site fh1** (3).



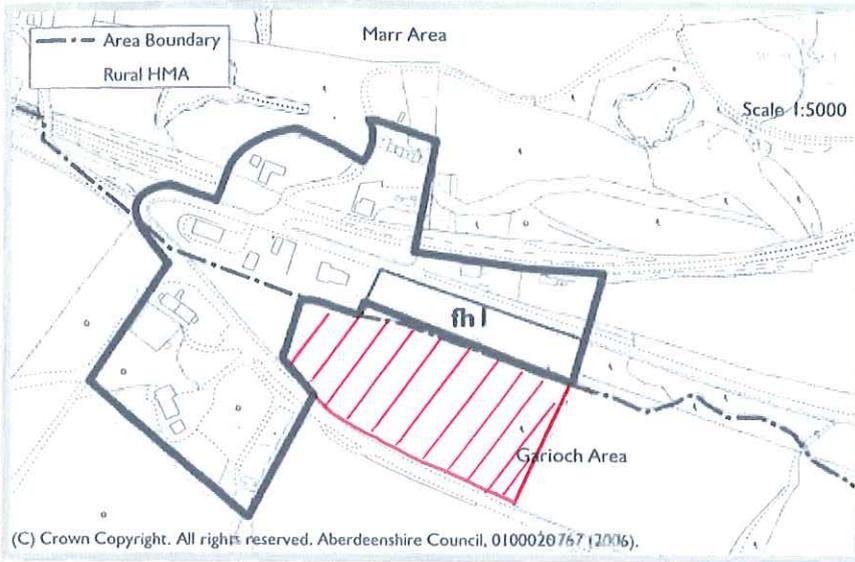
SITE PLAN SCALE 1:200



LOCATION PLAN SCALE 1:1250



Proposed House and Garage at:-
 Plot 7, 10 Millers Lane,
 Tillyfourie, Inverurie
 Mr C Miller
GORDON GAULD
 1772 1773



Within Tillyfourie only development meeting the Plan's policies will be permitted.

Future housing land is shown as **Site fh I (3)**.

1 – Tillyfourie Aerial Photograph



2 – Tillyfourie – Photographs







