

# 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](mailto: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

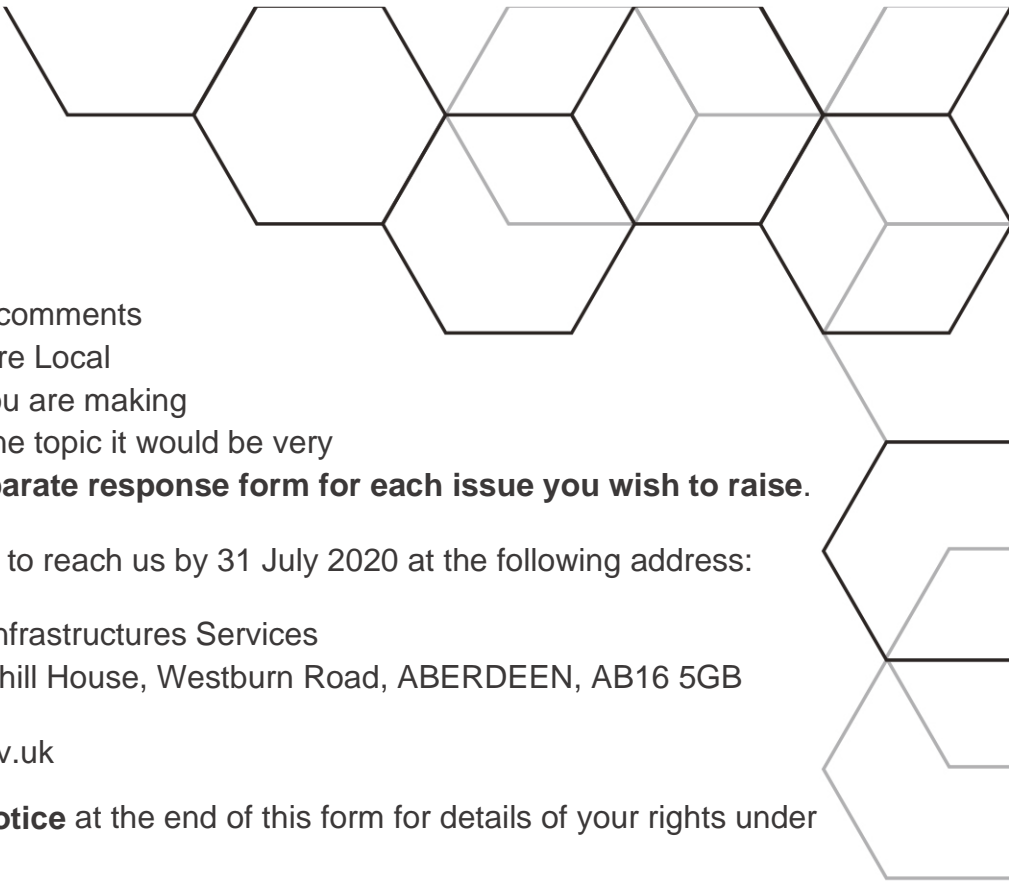
Tel: 01467 536230

Email: [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk)

Web: [www.aberdeenshire.gov.uk/ldp](http://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](mailto: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](mailto: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:	Dr
First Name:	Paul
Surname:	Davison
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?

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):

App 7D Garioch Settlement – Inverurie & Port Elphinstone (KDCC area)

1. No developments that require access to the A96 at Thainstone or Port Elphinstone roundabouts should be approved unless a comprehensive traffic model and assessment can demonstrate that the traffic increase can be accommodated at the roundabouts, and that any improvements required are paid for by the developers.
- 2a. The current plan should be revised before final approval to ensure the new proposals meet the requirements of the people in Aberdeenshire in a post-EU, post-COVID environment.
- 2b. Major developments that were included in the 2012 LDP, but have not yet been progressed to the detailed design stage should be identified for removal from the LDP in the 5-year review if no significant construction has taken place on the development site. These include the Crichtie developments, the Kintore East development and the woodland Croft development. The masterplans for these developments are out-of-date, being 7 years old, and should be required to be revised and reviewed.
3. Major housing developments, such as Crichtie and Kintore East should be required to be self-sufficient in supporting infrastructure such as shops and community centres.
4. Designate Thainstone site OP14 as an employment area only, and delete the alternative use as a halting site for gypsy/travellers. Require any proposed development in OP14 to include a comprehensive traffic model and assessment to demonstrate that the traffic increase can be accommodated at the roundabouts, and that any improvements required are paid for by the developers.

## Reason for change:

To incorporate comments made by KDCC on issues in Kintore and Port Elphinstone settlements in the KDCC area in the MIR review into the latest version of the LDP.

1. The requirement for developments affecting traffic at the Thainstone and Port Elphinstone roundabouts to contribute proportionately to road improvements was specified in the 2017 LDP, but Aberdeenshire Council have never implemented the requirement for any development other than Thainstone (APP/2015/3798), i.e. Crichtie 1<sup>st</sup> phase (APP/2013/0267), Kirkwood Park (APP/2017/1398, 2019/0934), Blue Manta (APP/2020/0050), Scotbeef abattoir (APP/2018/2002). The developments at Crichtie and Thainstone Agricultural Centre were only included in the 2012 LDP when Aberdeenshire Council promised a "traffic solution" to the A96 congestion problem would be in place by 2016. No traffic solution has yet been implemented, yet the developments remain in the LDP.
- 2 The LDP implements the quotas set out in the 2018 Strategic Development Plan for Aberdeen City and Shire, and underpinned by area strategies: the Local Housing Strategy, the Local Transport Strategy and the Economic Development Strategy. However none of these takes account of the impact of the COVID recession, the impact of Brexit and the continuing contraction of the oil industry. The development plans are therefore unrealistic and unachievable.
3. There is great uncertainty that the major housing developments, e.g. Crichtie Woodland Croft and Kintore East, that were first included in the 2012 LDP will actually be progressed in the present economic situation. However, in the present economic climate it is unlikely that new shops will be developed in existing settlements to support the new residents.
4. Any development in this area at Thainstone will increase traffic movements at Thainstone roundabouts. These need to be justified by an increased benefit to the community. There is no

benefit to the community by the use of this area as a halting site for gypsy/travellers, which will merely add more congestion at the roundabout and detract from the current value of the area as green space. Protected areas are necessary between Thainstone and Port Elphinstone to ensure the settlements are separated and not merged by developments of industrial units that could be better located elsewhere in existing industrial areas.

On Main Issue 5 KDCC commented that the green belt policy be changed to ensure that there is no erosion of existing undeveloped land between major settlements, such as Kintore and Inverurie/Port Elphinstone. This would re-establish the policy first established by Gordon District Council to prevent coalescence of Kintore and Inverurie.

**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):

App 7D Garioch Settlement –Kintore

1a. The council changed the wording of the descriptions of the protected areas in Kintore between the 2019 and 2020 versions of the LDP, without consultation. These appear to lessen the protection from development the community had assumed. The wording should be revised to be more in line with the previous wording and to make it clear that no development should take place in these protected areas.

1b. Delete the reference to “recreation provision for Tuach Hill Park”.

1c. Remove OP5 Kintore East (Commercial and Community) from the LDP.

1d. the OP5 description include as a reference to a distributor road connecting to the B987. All references to distributor roads, either on Tuach Hill, or any of the protected areas (or the site recently proposed for OP5) should be removed.

1e. In the OP1 Kintore East description remove the references to a “further 400 homes” and “the neighbourhood centre (site OP5)”, and revert the stated 1000 homes to the 600 homes value stated in the two previous LDPs, the Kintore East masterplan and in the approved planning permission in principle application (APP/20013/3830).

1f. In the OP4 Midmill Business Park Allocation remove the reference to “a new distributor link is required to the B987”. There is an existing distributor link to the B987.

2. Remove the references to a new health centre in Kintore.

3. Delete OP6 Land Adjacent to Woodside Croft. This was added between the 2019 and 2020 versions of the LDP, without consultation. Provision of affordable housing in the area should be part of the Woodland Croft /Town park development, and should be specified as the usual percentage of housing provided on the site.

4. Revise the OP7 South of Northern Road-A96 description to designate the site as a retail and employment site. Specify that up to 18 homes could be allowed on the site if justified by an approved masterplan.

**Reason for change:**

To incorporate comments made by KDCC on issues in Kintore and Port Elphinstone settlements in the KDCC area in the MIR review into the latest version of the LDP.

Several major developments in the Kintore area were included in the 2012 LDP, at the height of the oil boom, and have not progressed to buildings on the ground. These include the Kintore East and Woodside Croft housing developments, and the developments at Crichtie and Thainstone Agricultural Centre.

1. Many changes have been made to the current version of the LDP since the last public consultation, which was the Council’s request for comments on the 2018 Main Issues report. The council have previously told the community the Tuach Hill areas would be protected from development. The current wording of the LDP is ambiguous on this matter.

1b. There is no Tuach Hill Park.

1c. The proposed OP5 site is part of the existing Tuach Hill protected area and should not be a development area. This proposed development jeopardises the objective to retain Tuach Hill as

an open space. Describing OP5 as the GR078 bid is misleading, as GR078 was described in the MIR as proposal for 400 additional houses for Kintore East. The Kintore East is a major development, well-distanced from Kintore village, and should therefore be required to be self-sufficient in supporting infrastructure such as shops and community centres.

1d. In the consultation period for the Kintore East development in 2011, the developers stated that “Principle access into the proposed development will be off the B 987 to the North of Mid Mill industrial estate. Secondary access will also be on the B 987 to the south of Mid Mill industrial estate.” This means that Carnie Road is the proposed means of secondary access to the development. Road development on the Tuach Hill protected areas is not allowed.

1e. The revisions to include 400 additional houses and an OP5 neighbourhood centre were made after the MIR consultation period have no community support, are not included in the two previous LDPs or in the approved Kintore East masterplan or in the approved planning permission in principle application (APP/20013/3830). and have not been justified as a necessary part of the development.

1f. All planning applications and masterplans for the Midmill SE II development have specified access to the B987 via Tumulus Way, Tofthills Ave and Tofthills Way. No other means of access is required.

2. There is a new health centre, which, with the existing health centre in Kintore, provides a good service to Kintore residents. The Kintore health centre is in a good location. There is no need for a new health centre at Kintore. The requirement that all residential development to contribute towards the creation of additional capacity at existing medical facilities in Kintore or Inverurie should be retained however.

3. OP6 was added between the 2019 and 2020 versions of the LDP, without consultation. The OP2 Woodland Croft /Town park development has been included in previous LDPs, and should be required to provide the usual affordable housing provision. Making affordable housing a separate development makes it likely that no affordable housing will be provided at all.

4. The main OP7 site is on the opposite side of Station Road to the new Kintore railway station. Therefore the site would be a great opportunity for small shops, cafes and small businesses to develop. This would be a benefit to the community. The site is the first part of Kintore village that people arriving on the A96 from the north would see. It is important that it presents the right image of Kintore. Kintore does not need more houses in the village. There are too many houses for sale at present without adding more.

**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):

Policy H1.2. Housing land. Change “We will not allow other types of development on designated housing land unless it is linked to the housing use” to “We will not allow other types of development on designated housing land, other than retail developments including restaurants, cafés, etc. providing services to the residents, unless it is linked to the housing use”.

**Reason for change:**

The communities in housing estates will benefit by having shops, cafés located within the development.

**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):

Policy P1.2. Layout. In the statement “Once agreed, a Masterplan shall remain valid for a period of 5 years, unless planning consent for the development has been granted and implemented”, add “by the start of construction” to clarify the meaning of “implemented”.

**Reason for change:**

The intention of policy P1.2 is good, but the meaning of “implemented” is unclear.



**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):

Policy P2.6. Access. Change “Statements or plans detailing proposals should be included in Design Frameworks or Masterplans or submitted with the planning application” to “Statements or plans detailing proposals should be included in Design Frameworks or Masterplans **and** submitted with the planning application”

**Reason for change:**

Requiring the plan for footpaths and access routes to be included in both the planning applications as well as in the masterplan/DF makes the proposals less likely to slip through the cracks and not be implemented.

**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):

Policy P6.1 New community facilities. Change location text to “ providing it is in accessible locations within settlements, is of a suitable scale, and it is available to the residents of the development and/or the target community.”  
Community Facilities. RD2.12. Add “Where larger developments are located distant from existing settlement centres, the land for new community facilities could be on or adjacent to the site of the new development.”

**Reason for change:**

Clarifying the requirement for where new community facilities are required. Current wording is inappropriate for large settlements.

**Modification that you wish to see :**

10 Natural Heritage and Landscape.  
Change “Where development is likely to have significant effects..” to “All major developments and other developments where development is likely to have significant effects..”.  
Add “The EIA should include a systematic landscape and visual impact assessment (LVIA) in accordance with Landscape Institute’s guidance GMLVIA.”  
Policy E2.1 Landscape. Add ”The landscape impact should be determined by a systematic landscape and visual impact assessment (LVIA) in accordance with Landscape Institute’s guidance GMLVIA.”  
Policy E2.2. Change “Developments located within SLAs” to “Developments located within SLAs or bordering an SLA.”

**Reason for change:**

Aberdeenshire Council’s implementation of the T&CP EIA Regs is inconsistent and unsatisfactory. Several developments meeting the requirements of an EIA development as defined in Schd 2 and 3 of the EIA Regs have not received an EIA. The proposed change would remove the human element and human error associated with the planning officer’s judgment of whether an EIA is required or not.  
Landscape visual impact assessment (LVIA) is a core part of the EIA process, and operates within the overall framework of EIA. It sets out a systematic way of assessing the visual impact of the development of the landscape, which is currently an ad hoc and unsatisfactory process as carried out by developers and Aberdeenshire planning development.

Large developments bordering an SLA can have a significant visual impact on the SLA.

**Modification that you wish to see:**

Policy E3 Forestry. Add “E3.5 Developments involving tree-felling will not be approved unless arrangements are in place to remove felled trees and debris and ruts from forestry vehicles from cleared areas, and to ensure all existing public paths through woodland are retained, or acceptable alternative paths are provided”.

**Reason for change:**

Forestry operations and woodland clearances for development often leave felled trees and debris and ruts from forestry vehicles blocking paths through the wood.

**Modification that you wish to see:**

Policy PR1.1. Protecting resources. “Change prime agricultural land” to “Change prime and good quality agricultural land.”

Prime Agricultural Land. PR1.5. Change “prime agricultural land to “prime agricultural land and good quality land” throughout. Include class 3.2 in the description.

**Reason for change:**

There is relatively little prime agricultural land, class 3.1, in Aberdeenshire. Good-quality land, class 3.2, is more prevalent and more important to the rural agricultural economy in Aberdeenshire, and should be protected from development where possible. In the near future, local sources of food are likely to be more important than previously, with imported food likely to be in short supply.

**Modification that you wish to see:**

Glossary. Protected land. Add “Development will not be allowed on protected land designated with “P” classification in the LDP.”

**Reason for change:**

To clarify the role and purpose of protected land.

**Modification that you wish to see:**

Glossary. Add definitions of “EIA development” and “Environmental impact assessment.”

**Reason for change:**

To clarify the role and purpose of EIA, and to reference the T&CP EIA Regs.



# 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](mailto: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.

