

PP0741

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:	Secretary, Kincardine O'Neil Community Association
First Name:	Timothy
Surname:	Stone
Date:	23 July 2020
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? **Yes**

Are you responding on behalf of another person? **Yes**

If yes who are you representing?

KO'N Community Association, KO'N Village Hall Cttee,  
KO'N Bowling Club, [REDACTED] as Trustee

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):

Amendment to Proposed Local development Plan 2020 – Appendix f Settlement Statements – Marr Page 833 Kincardine O'Neil: Settlement Features, Protected Land Policy P2: "To protect the bowling green and tennis court as amenities for the settlement"

**Proposed modification: Change the wording of P2 to read  
"To protect this area for use as sport and recreational space for the Community".**

**Reason for change:**

The LDP is being unnecessarily prescriptive about what amenities the village should have and the Council has already acknowledged that a tennis court in the current location is not appropriate as the council has granted planning permission (Aberdeenshire Council Ref No APP/2019/0161) for the erection of a two metre high fence round the tennis court on the basis of a statement of justification submitted to the planners in Feb 2019 as part of the fencing planning application. The relevant section of that statement is reprinted below in italics. This highlights that the KO'N community was consulted and decided that a tennis court was not a priority for the village.

In addition to the points made in the statement below it should also be noted that:

1. The Village Hall on the adjacent site east of the tennis court is co-responsible for the fencing nearest the hall. The Village hall is also covered by a Charter transferring ownership from Kincardine Estate to a Charitable Trust with use restricted to use in connection with a village hall
2. The Village Hall Committee, The Bowling Club, [REDACTED] of Kincardine Estate (who is the only active Trustee for both the Bowling Club and Village Hall Trusts) were all consulted about the proposed change of wording prior to the Community Association being asked to promote the change and all fully support it.
3. The tennis court site was identified some years ago, through a very comprehensive consultation of the KO'N community by the Community Association, as the preferred site for aspirations to build a new village hall/bowling pavilion.
4. In addition to the excellent tennis court provision in Aboyne mentioned in the statement below there are also two newly renovated courts in Torphins village three miles north of KO'N.

**JUSTIFICATION STATEMENT FOR PLANNING PERMISSION SUBMITTED IN 2019**  
(Aberdeenshire Council Ref No APP/2019/0161)

**6. Background to the proposed action (2 metre high fence round the tennis court.)**

*A Charter from Kincardine Estate dating from 1930 gives the KO'N Bowling Club ownership of the land shown on the location plan, which includes the Tennis Court site, for as long as the land is managed and maintained for public recreation purposes. The Tennis Court was established in*

*the early 1930s and pre-dates the public toilet to the North and the trees planted in the south. The existing fence, which is now in very poor condition, also pre-dates the public toilets and the trees.*

*Use of the tennis court for tennis has progressively reduced over many years and the poor state of the court surface (not helped by the growth of the trees at the South side) and the low height and deterioration in the fencing all contributed to use for tennis purposes being a very rare event by 2010.*

*In 2015 following consultation with the KO'N Community Association it was decided on safety grounds not to put up the tennis net again as the gaps in the fencing meant that balls could easily go onto the A93 and it would be irresponsible to facilitate tennis usage.*

*The use of the court as enclosed community space for village events such as galas, barbecues, sales and the like and by families for enclosed children's play activities has grown and is now the only use of the tennis court area.*

*It was through representations by members of the community to the Community Association that the issue of the poor state of the fencing round the old court was first raised – in the context of giving a bad visual impression to visitors, not for tennis use. The Community Association has taken a lead role in moving things forward with the backing of the Bowling Club and the Hall Committee who own the adjoining ground to the East.*

*At the Community Association AGM on 18 September 2017 and subsequent Community Association Committee meeting on 20 Nov 2017 the issue of what to do with the old tennis court area was fully discussed. Quotations to resurface and re-fence the Court to a height of 2.4m were included in these discussions. It was the clear decision of the meetings that we should not seek to try to restore the tennis court for tennis use because, given the likely demand for tennis use, the cost of doing this was not consider by the community to be a good use of resources even if the money could have been raised. The community was fully aware that there were very good tennis courts in Aboyne only four miles away which had been comprehensively renovated.*

*It was also the clear decision of the meetings that the enclosed hard standing was a useful asset to the community as general recreational space and the AGM supported trying to re-fence it for the community uses outlined in this planning application.*

*It should also be noted that current (April 2018) Sports and Play Construction Association Code of Practice for Tennis Courts, drawn up in consultation with the LTA, advises (p35) that the LTA minimum specification for a public court is 17.07 metres wide (16.45m for a private court) and the KO'N court is only 16.2 metres wide. In addition the SAPCA guidance advises (p69) "Surround fences are normally 2.75m in height, but this may be increased to 3.6m or more if balls hit out of the court are likely to constitute a danger to traffic or passers-by...."*

*Even with a very generous offer from a local contractor to resurface the existing court at materials cost only, the 2017 quotations for resurfacing the court and replacing the fence at 2.4m height (not 2.7m) were well in excess of £10,000 and re-fencing to a height of 3.6m would have increased costs to well in excess of £15,000. Trying to bring the court up to minimum recommended LTA size would cost many thousand more.*

# 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
--	---

### 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.

