

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.

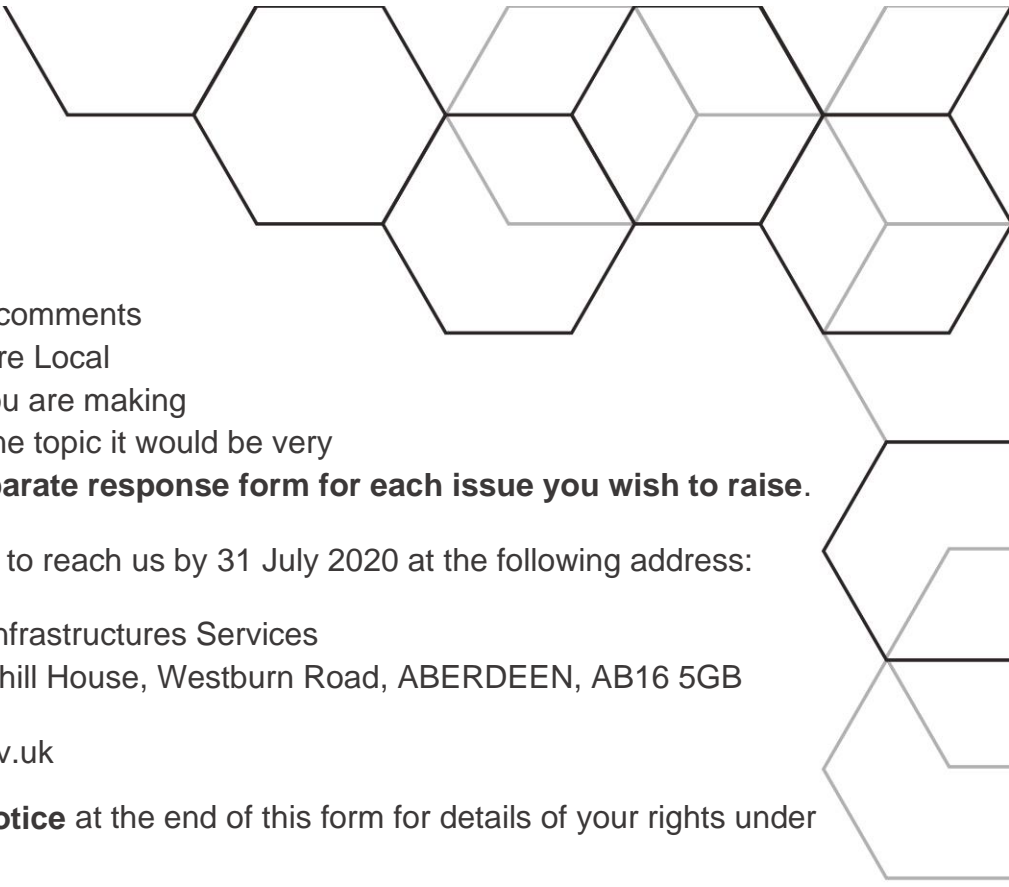
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Ms
First Name:	Ruth
Surname:	Cameron
Date:	31/07/2020
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?

Historic Environment Scotland

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.

REPRESENTATION 1

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):

SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.1 We will not allow development that would have ~~a negative effect~~ **[adverse impact]** on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites. **[If adverse impact is unavoidable, it should be minimised and justified.]**

Reason for change:

This would reflect the 2nd paragraph/last sentence of the preamble text for Section 11 The Historic Environment and would sync better with national policies in SPP and HEPS.

As previously advised in our response to the Main Issues Report, having a policy which includes listed buildings, scheduled monuments and archaeological sites together is problematic. This is because the policy areas are separate in Scottish Planning Policy (SPP), reflecting the different types of protection each designation affords. This can result in confusion in terms of what may or may not be permitted or justified in policy terms.

However, given that the proposed subsections of the policy allow for more of a nuanced approach, we accept that this policy can still be effective in its current form and therefore have not identified replacement wording.

REPRESENTATION 2

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):

SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.4 The demolition of a listed building will not be permitted unless **[there is clear evidence to show that]** the building is no longer of special interest, is incapable of repair or there are overriding environmental or **[socio-]**economic reasons not to retain. It must be satisfactorily demonstrated that every effort has been made to continue the present use or find a suitable new use **[with or without an appropriate adaptation of the building]**.

Reason for change:

These additions to the text tie it in better with HES Managing Change twin guidance on Demolition of Listed Buildings and Use and Adaptation of Listed Buildings.

REPRESENTATION 3

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):

SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

HE1.5 Development on nationally or locally important monuments or archaeological sites, or ~~impacting~~ **[having and adverse impact]** on **[the integrity of]** their setting, will only be allowed if there are imperative reasons of overriding public interest, including those of a social or economic nature, and there is no alternative site. It is the developer's responsibility to provide information on the nature and location of the archaeological features, including details of any mitigation measures proposed, prior to determination of the planning application.

Reason for change:

The way that Policy HE1.5 is currently phrased does not appear to allow for any impacts on the setting of scheduled monuments. As this could be construed as being stronger than the policy in SPP which refers to impact on 'integrity of setting' for scheduled monuments. We have therefore suggested amending this. The phrase 'adverse impact' reflects national level policy in SPP and HEPS.

In light of the legal protection afforded to scheduled monuments, it may also be for the policies regarding Scheduled Monuments and Archaeological Sites to be separated out as per SPP. However, as the policy current provides adequate protection for our historic environment interests, we have not suggested replacement wording.

REPRESENTATION 4

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):

SECTION 11 – THE HISTORIC ENVIRONMENT
Policy HE2 Protecting Historic, Cultural and Conservation Areas

HE2.1 We will not allow development, including change of use or demolition that would fail to preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its character or appearance. **[We will seek retention, restoration, and sympathetic adaptation of unlisted buildings which contribute positively to the special architectural or historic interest of the area, prior to allowing their demolition.]**

Reason for change:

This would create a clearer demolition policy on unlisted buildings in conservation areas that reflects HES current guidance on conservation area consent – [Interim Guidance on CAs and CAC](#). This is now distinct from our Managing Change guidance on demolition of listed buildings. This is intended to avoid proposals for demolition of unlisted buildings in conservation areas being subject to the more onerous listed building consent criteria for demolition, allowing a simpler approach to handling CAC casework.

REPRESENTATION 5

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):

SECTION 11 – THE HISTORIC ENVIRONMENT

Policy HE2 Protecting Historic, Cultural and Conservation Areas

HE2.3 Development within an inventory battlefield or inventory garden and designed landscape will only be permitted if:

- the proposal would not have an adverse impact that compromises the objectives of the designation **[of an inventory garden and designed landscape]** or ~~the overall integrity, character and setting of the designated area,~~ **[the key landscape characteristics and special qualities of an inventory battlefield]** OR;
- any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development.

These conditions may also apply to developments outwith the designated sites. In either case, measures and mitigation must be taken to conserve and enhance the essential characteristics of the site as appropriate.

Reason for change:

As previously advised in our response to the Main Issues Report, the proposed wording of HE2.3 for Inventory historic battlefields does not reflect that 'setting' is not normally considered as a distinct impact type for this designation. We therefore recommend that reference is made to the key landscape characteristics and special qualities of the battlefield, in line with SPP and current guidance. For clarity it would therefore help to separate the wording between battlefield and designed landscapes.

REPRESENTATION 6

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):

SECTION 11 – THE HISTORIC ENVIRONMENT
Policy HE3 ~~Helping to reuse listed buildings at risk~~ **[Enabling development to help to rescue historic Buildings at Risk]**

Reason for change:

We welcome the refinement of this policy from the previous plan and consider that it sets a robust decision-making framework. We suggest that it may be clearer to rename this policy as it is largely focussed on enabling development rather than other types of re-use such as adaptation or extension.

REPRESENTATION 7

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):

SECTION 13 – CLIMATE CHANGE
Policy C2 Renewable Energy

C2.1 We will support solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity developments which are in appropriate sites and of the appropriate design. We treat biomass schemes as industrial processes suitable for business land. These may be hazardous developments through their impact on air quality. This support is not at the expense of other policies regarding Natural Heritage, ~~Built Heritage~~ **[the Historic Environment]** and Protecting Resources.

Reason for change:

We suggest that the term 'built heritage' is changed to 'the historic environment' to reflect all aspects of cultural heritage features and the terminology used for this policy area in the proposed plan.

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.

