

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

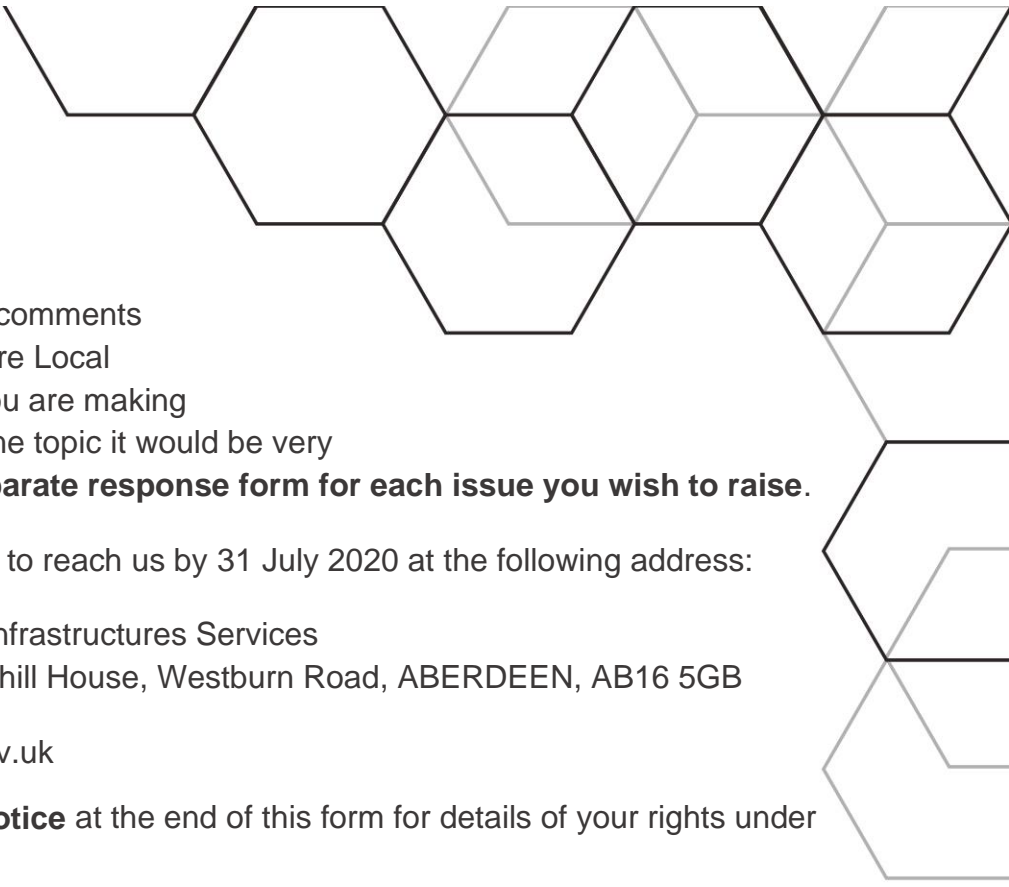
Tel: 01467 536230

Email: ldp@aberdeenshire.gov.uk

Web: www.aberdeenshire.gov.uk/ldp

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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:	Robin
Surname:	Holder
Date:	
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?

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):

As we explain below, there is significant doubt that the Proposed ALDP allocates sufficient housing land capable of delivering the Housing Allowances specified in the Strategic Development Plan. We have listed below the further information that is required to establish if the Plan is consistent with the SDP. If, as we believe, there is a shortfall in the allocation of effective sites, then additional sites will need to be allocated.

Reason for change:

There is insufficient evidence to demonstrate that the Proposed ALDP allocates enough housing land which is effective or capable of becoming effective in the plan period (2020 – 2032), as required by Scottish Planning Policy (paragraph 117).

Unlike most other Strategic Development Plans, the Aberdeen & Shire SDP identifies these Allowances based upon the Housing Requirement established by the SDP and an assessment of the supply (based on the 2019 Housing Land Audit), thereby allowing the amount of 'new' land to be allocated (i.e. the Allowance) to be calculated (SDP Table 3). Most other SDPs simply identify the Housing Requirement, leaving the supply side (and therefore the 'allowances') to be calculated at the Proposed LDP stage.

There are pros and cons to the approach taken in Aberdeen & Shire. On the plus side, the calculation of Allowances in the SDP provides clarity on the amount of new housing land required at an earlier stage of the process. On the negative side, the supply side calculation is less up-to-date than it would be if assessed at the time of Proposed LDP preparation.

We previously objected to various aspects of the housing supply & demand strategy contained in the Proposed SDP, some of our objections being accepted by the Examination Reporter and others rejected. One of our main objections to the SDP Housing Strategy was that the SDP Housing Requirement for the period 2020 – 2032 was set at 1084 homes below that identified in the Housing Need and Demand Assessment. The SDP Authority argued (successfully) that it was appropriate for some of the housing need and demand that occurred in the early part of the plan period to be 'relocated' to the period 2033 – 2040. Despite the Examination Reporter agreeing with this approach, we remain perplexed and disappointed at this decision not to provide to meet the population's housing needs without, in our view, a good reason.

The LDP must of course be consistent with the SDP, and we are not suggesting otherwise. However, in the circumstances we identify above, it is critical that the LDP is particularly focussed on ensuring that the supply of housing that is identified to meet the already inadequate

SDP Allowances is genuinely capable of being delivered, otherwise the key objective of meeting housing need and demand will be eroded further.

SPP states that *“House building makes an important contribution to the economy.”* (para. 109). It adds that the planning system should (amongst other things) *“have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.”* (para. 110). This focus on delivery informs SPP policy on Local Development Allocations:

“Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.” (para. 119).

The housing strategy of the Proposed ALDP is contained in Section 8 – Shaping Homes and Housing. For some reason the decision has been taken to relegate the summary explanation of the housing numbers required in different areas to Table 1 in Appendix 6. We have not before seen an LDP that does not identify the numerical basis of its housing allocations in the main body of the text. It is a fundamental and instructive component of the LDP, which should be therefore included within Section 8 of the ALDP, which will help ensure that the importance of the information it contains is adequately conveyed.

Table 1 correctly notes the SDP Allowances for the Aberdeen Housing Market Area and Rural HMA are 3065 and 2042 houses respectively. Column 2 then states that the LDP contributions to these allowances are 3145 and 2619 houses respectively. The text above Table 1 explains that these contributions fall into the following categories (in summary)

- New allocations
- Differences in the allocated site total compared to the Housing Land Audit (presumably HLA 2019).
- Extensions to existing sites or increased densities on existing effective sites.
- Existing constrained sites where a bid has been submitted indicating that they will come forward within the plan period.

We do not think it is clear what all of these definitions comprise, and question if there are any overlaps.

Perhaps the following three definitions are a better way of summarising matters, when attempting to align an examination of the information provided in Table 2 of Appendix 7:

- New Allocations (not identified in HLA 2019)
- Increase in capacity and/or extension to sites in HLA 2019
- Constrained sites identified in HLA 2019 (some extended)

The key issue here is establishing the effectiveness or capability of becoming effective of these sites in order to understand delivery in the plan period. However, we are not aware of any

reliable information provided by the Council that presents a reliable consideration of effectiveness and delivery timescales. The questions we have are as follows:

1. What is the basis for assuming that any of the new housing is capable of being delivered and phased within the plan period? Has information in “developer bids” simply been taken on trust? It is not unknown for those with land interests to claim sites are effective, when in fact they have some form of constraint preventing development.
2. Can all of the land identified deliver its full capacity within the plan period? The background information provided in Appendix 7 does not provide phasing.
3. What is the basis for increasing the density of sites and is this realistic?
4. What is the basis for including sites which are constrained, and in some cases extending these sites? What is the evidence that these sites will become effective in the plan period?

The onus is on the Council to provide enough information to provide reasonable assurance that the land identified as contributing to the Allowances will be delivered, but this has not been presented in a format that can be properly scrutinised.

Our focus here is on the Aberdeen HMA, because this is where the majority of housing demand exists. Indeed, it is very disappointing that the SDP directs so much new housing towards the Rural HMA, where almost inevitably a large number of housing allocations will not be developed because of the lack of need and demand. In turn, we believe it is almost inevitable that Aberdeenshire’s total housing need and demand will not be met over the Plan period.

The Allowance split between the Aberdeen and Rural HMAs is not something that can be changed by the ALDP, so at the very least it is crucial that the SDP Allowance of 3065 houses for the Aberdeen HMA comprises sites where there is a high level of confidence of delivery.

For the Aberdeen HMA, analysis of Table 2 of Appendix 7 establishes the following alleged capacities from the various different sources:

New Allocations:	1992 houses (63%)
Increased Densities:	931 houses (30%)
Constrained:	222 houses (7%)
Total:	3145 houses (100%)

SDP Requirement:	3065 houses
Surplus:	80 houses

Constrained Sites

In our view there is no basis for allocating constrained sites or constrained site extensions, and this is reflected in paragraph 5.4 of the Proposed ALDP itself, as follows:

“We need to be confident that land can be brought forward for development within the Plan period, and that the range of new sites allocated alongside the existing effective supply will maintain a housing land supply that is sufficient. While some long-term constrained sites may come forward, there has to be some uncertainty associated with this. We cannot have confidence that long term constrained sites will be brought forward for development, and we have removed many of these to ensure that the Spatial Strategy is both sustainable

and deliverable as advised by Scottish Planning Policy⁵. Both major allocations and smaller self contained allocations are required.”

However, as explained above, this is not reflected in Appendix 7 of the Plan, which identifies the delivery of 222 constrained units. This proposed contribution to the Allowance for the Aberdeen HMA should therefore be deleted.

Increased Density

We are not aware of any detailed evidence in the ALDP documentation that explains and justifies the capacity increases shown in Appendix 7. Given that these sites have been through a recent auditing process which established the currently agreed capacities, until such time as new evidence is provided in respect to capacity, the assumption that 931 houses will be delivered from this source is unreliable.

New Sites

The newly allocated sites have not so far been subject to detailed scrutiny through an audit process and so their effectiveness is uncertain. No doubt many of the sites will be effective, but without further information justifying such matters as capacity, phasing and housebuilder interest, there cannot be confidence in the figures presented.

In summary, as things stand, there is simply not enough information provided with the Proposed ALDP to know even approximately how much of the land identified as contributing to the Housing Allowance actually does so. If one does not count the constrained sites or increases in density, then that would reduce the contribution to 1,992 homes, **which is a shortfall of 1,073 homes against the SDP Allowance of 3065 homes for the Aberdeenshire HMA.**

And that deficit would be higher if any of the new allocations identified in the Proposed ALDP fail to deliver in the plan period to the extent claimed in Appendix 7.

In order to establish the likely position in respect to the new housing supply proposed in the ALDP it is therefore essential that the Council provide further information and justification for all of the components of that supply, including the following:

- 1. Evidence on effectiveness for all “new” housing land based on the effectiveness criteria contained in PAN 2/2010**
- 2. Evidence of the basis for increasing the density/capacity of existing sites. Is this based on clear and reliable developer intentions?**
- 3. The phasing of development to understand two things – whether or not the plan is providing for a 5-year housing land supply at all times and whether or not the total capacity of the site is delivering within the plan period (it is worth noting that in some cases this does not appear possible).**
- 4. The reasons why currently constrained sites are assumed to be capable of becoming effective. In our view, it is not sufficient to simply take the word of the promoter in this regard.**

We suggest that this information is prepared in advance of reporting of representations to the ALDP to the relevant Committee(s) of the Council, so that the Schedule 4s can take account of it, and the Examination Reporter is also provided with the information to potentially save Examination time. However, if the Council does not wish to provide this critical information, we reserve the right to make a formal request to the Examination Reporter to seek the information

from the Council and provide ourselves and other interested parties with the opportunity to comment upon it.

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.

