

# 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

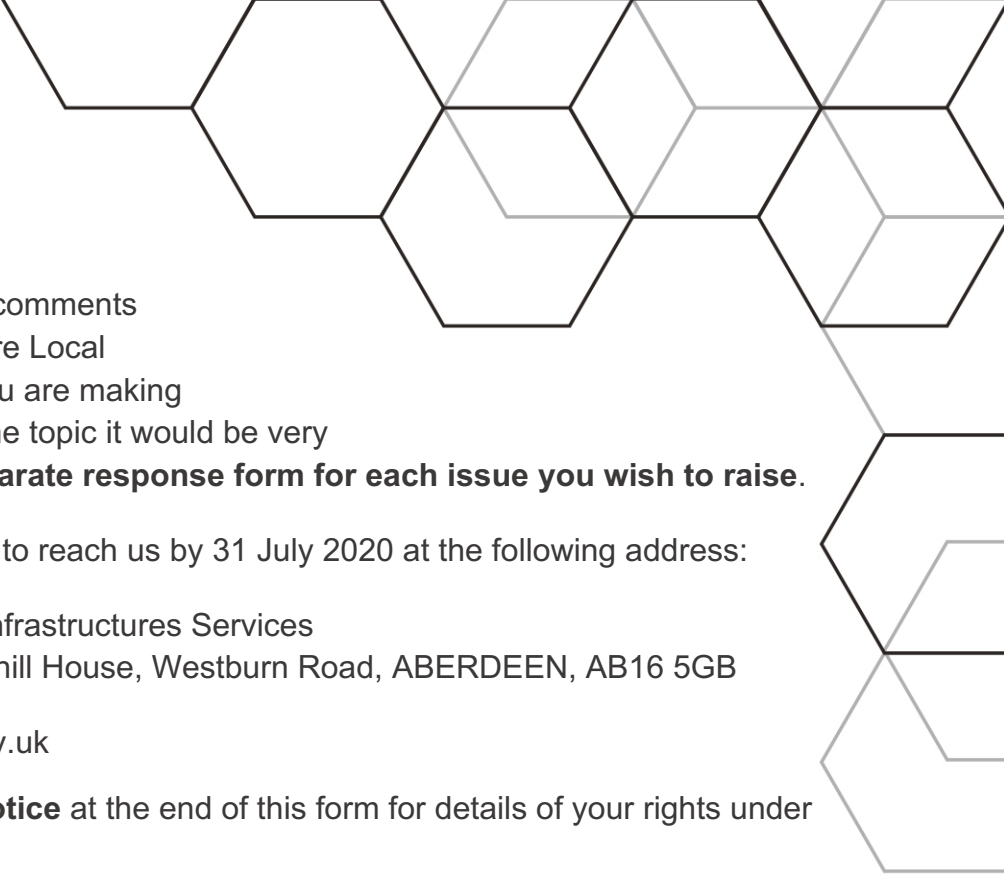
Tel: 01467 536230

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](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](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:	Mr
First Name:	Nadir
Surname:	Mahjoub
Date:	29 <sup>th</sup> July 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?

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):

With reference to Aberdeen City Council's LDP - specifically their inclusion of 'Royal Devenick Park' (OP46, bid 1308 'Leggart Brae') as a 'housing opportunity' it is noted that part of this proposed site lies in the Shire's authority and is designated as green belt land. In the Shire's LDP there does not appear to be any mention of this development and this causes concerns regarding various aspects that the development will have a serious impact on, including:

- Natural Conservation: Green Belt/Green Space Network, Den of Leggart Local Nature Conservation Site, Semi-Natural and Ancient Woodland Protected Species.
- Landscape Features: Den of Leggart is Prime Landscape Area and is located within Leggart Landscape Character Area
- Flood Risk, Drainage, Land Use Mix and Accessibility (specifically road access through Aberdeenshire administrative area).

The following conclusion was already made by the Shire about the selection of this site for such a development and needs to be upheld:

*"The site is located in an area of Green Belt and Green Space Network which acts as a natural setting to Aberdeen City and Aberdeenshire. Development will have undesirable impacts on landscape and natural environment. Though adjacent to residential development, the site is not well-related to any settlement; it is poorly located to public transport and community facilities, therefore would be car dependent. The Proposed Strategic Development Plan asks the Local Development Plan to allocate a limited amount of housing land. These allocations should take place on brownfield sites and utilise the current "constrained" supply in the first instance. Reducing travel distances and making walking, cycling and public transport more attractive to people will be important considerations, particularly for any new greenfield development sites that are proposed. In addition allocations should be small scale in nature, and should not be extensions to any existing, strategic, development sites that have been subject to a masterplanning exercise. Because of this, the allocation of this site is likely to be contrary to the Proposed Strategic Development Plan".*

It also is prudent to remind ourselves of the following commitment:

*"The aim of the Green Belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of these settlements and sprawling developments on the edge of the city, maintain Aberdeen's landscape setting, and provide access to open space."*

## Reason for change:

The Aberdeenshire Council are to be commended on adhering to their Planning Officers' recommendation to deem the 'Royal Devenick Park' proposal by [REDACTED] (bid 1308, Land at Tollohill Wood) as 'undesirable' (ref. <http://publications.aberdeenshire.gov.uk/dataset/c56b89db-8c53-4144-a768-0d4f7f4179fe/resource/445b48a2-6394-4afb-af6d-e653db478df0/download/final-issues--actions--kincardine-and-mearns.pdf>). This massive proposed development would have devastated a large part of Banchory Devenick forever, destroying unique landscape, local heritage and natural habitats. This includes protected species, wildlife and ancient woodland.

### Green Belt Threat

Concerningly, on June 5th 2020 [REDACTED], on behalf of [REDACTED], issued a Planning of Application Notice (PoAN) for "Residential development with associated landscaping, parking and infrastructure" (OP46, bid 1308 'Leggart Brae'). It is understood that the Shire Council (addressee [REDACTED]) has received 'an adapted version' of this, as the Council is considered a "key stakeholder" (stated in letter). The PoAN site plan provided shows that part of this land lies within the Shire and is designated greenbelt (ref. *Boundaries of the Green Belt*, Map 8). The concern here is that this proposed harmless incursion into Shire land will set a dangerous precedent for 'urban creep', and open up opportunities for revised development proposals in the Shire by the [REDACTED], and others who will be encouraged and emboldened by this, in the future.

There is also serious concern around the apparent ease with which a Council authority can 're-zone' green belt land into 'residential', in this case (OP46, bid 1308 'Leggart Brae') following an amendment proposed by Councillor [REDACTED], that overturned Planning Officers' recommendation of the site as 'undesirable' (against a number of objective criteria). There appears to be a lack of information in the public domain on the City Council web site on any discussions around this or the actual rationale for the decision, which is worrying. What exactly are the criteria for 're-zoning' green belt? It would be of further concern if the Shire Council did not strongly resist any pressure to 're-zone' and the expectation would be that they adhere to their policy 4.6 - "The Local Development Plan will protect and promote green-blue networks where they have been created".

### Access Into and Out of Proposed Site

The fact that the 'Leggart Brae' site is cross boundary has major implications for site access from the Shire. Access to the site for construction would require new roads to be built. The site plan for the [REDACTED] PoAN (June 5, 2020) does not indicate how the site is accessed by vehicles. However, the [REDACTED] 'Development Framework Document' (for bid 1308 'Leggart Brae'), May 13, 2019 - Appendix 1, p 27, shows the following:

- Access road running west from the site into the Shire (just north of Oakhill dwelling and east of Stonedykes dwelling), and linking to the Causeymouth. This is currently a farm track. This apparent junction with the Causeymouth would be a dangerous one, as just south of it the road bends and dips down with traffic travelling quite fast.

- The Causeymouth is a 12th century drovers road and Designated Heritage Path <http://www.heritagepaths.co.uk/pathdetails.php?path=24>.

This road is very popular with walkers (including dog walkers, seniors walking groups), cyclists, runners, and provides access to Tollohill Wood and the wider area of Banchory Devenick. During the Coronavirus pandemic the road has been crucial to both locals and those further afield for exercise and promoting well-being. The Causeymouth is also the main route from the city and shire to/from Banchory Devenick primary school. It is also a designated driving school route. As such it has a lot of children being transported on it daily, to and from school.

- The Causeymouth is narrow (two HGVs could not pass each other), has no road markings, no lighting, and poor drainage. During the winter it is rarely gritted. This is not a road suitable for major traffic. The 'Leggart Braes' proposal is for circa 150 'houses'. At a very conservative estimate probably at least 150 vehicles could be using the access roads, not to mention delivery vehicles, visitors, etc to the site. Not only might there be traffic to/from the site but there could be vehicles (of all shapes and sizes) coming into Aberdeen from the south that might use the site's access roads from the A92 to bypass the Bridge of Dee in order to get to the South Deeside Road. Any additional traffic on the Causeymouth would be unacceptable resulting in the Causeymouth becoming congested and suffering deterioration, contravening Shire LDP policy P2.6 - "Existing and potential public access routes (including core paths and other routes, such as public rights of way) should be protected". In addition, Section 11 *The Historic Environment* could apply to the ancient Causeymouth:

"Protecting and improving the historic environment is important to the distinctiveness and sense of place within Aberdeenshire. Local history helps create a clear identity for the area and strengthens connections between people and places. We recognise the importance of the historic environment to the character of the area and to the quality of life of the people who live here."

- Even more alarming is the [REDACTED] proposed link road from the site to the B9077/South Deeside Road - ref. 'Development Framework Document' (for bid 1308 'Leggart Brae'), May 13, 2019 - Appendix 1, p 27

"A scheme of more minor importance than the AWPR is the previously proposed partial closure of Leggart Terrace to provide some relief to the southern Bridge of Dee roundabout (identified in the 'Access from the South' NESTRANS paper). This link, which would connect the South Deeside Road with the A92, could tie into any new junction on the A92 to the south of the Leggart site and would help facilitate not only development access but also connections to existing public transport services in Kincorth."

This proposed road junctioning with the Causeymouth, runs north across Tollohill Braes to meet with the South Deeside Road (B9077). This would cut through greenbelt land in the Shire, and destroy woodland and forest tree planting undertaken by the [REDACTED] in recent years (at public expense). There is no mention of OP46 in the Shire LDP, let alone the proposed construction of a new road. Has the Shire rejected this infrastructure proposal?

- The Shire LDP includes a policy on Landscape (Section 7 *Shaping Development in the Countryside* - Policy E2.1)

“We will refuse development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character.”

The [REDACTED] PoAN proposes ‘infrastructure’ e.g. roads, so this LDP policy needs to come into play when assessing possible site access routes from the Shire.

### **Affect on Protected Species and Habitats**

The Shire LDP includes policies on *Natural Heritage and Landscape* - Section 10 Policy E1 Natural Heritage Nature Conservation Sites E1.1:

“We will not allow new development where it may have an unacceptable adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance...”

Furthermore, E1.4 identifies the importance of Local Nature Conservation Sites stating:

“... the proposal’s public benefits must clearly outweigh the nature conservation value of the site.”

The Den of Leggart lies within the proposed site and has Local Nature Conservation Site status (LNCS). The proposal of ‘parkland’ including new public paths (to the west of the Den) would disrupt the movement of family groups of roe deer that travel frequently between the Den of Leggart woodland, crossing the Causeymouth, to reach Tollohill Braes and surrounding areas. No amount of ‘mitigation’ can resolve this. The surrounding area of the proposed site has a number of designated species identified in the NESBReC ‘Notable species search’ (survey undertaken in July 2018). This identifies the following: bats, badgers, red squirrel, pine marten, otter, hedgehog; numerous birds including osprey, kingfisher, kestrel, barn owl, red kite and over 30 other species. In addition the area is a breeding area for the Six-Spotted Burnett Moth which is in decline and may be under threat of becoming an endangered species. The development would further put this species at risk.

Any development would affect this sensitive habitat. The Shire’s LDP Policy E1.6 on Protected Species states:

“Development must seek to avoid any detrimental impact on protected species.”

And E1.9 states:

“Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the site’s environmental quality, ecological status, or viability.”

### **New Sites / Revised Bids**

Finally, on the issue of the possibility that “new sites can be added into the Proposed LDP after this consultation”:

“Development ‘bids’ that were not allocated in the Proposed LDP may be considered for inclusion at Examination should a representation request the Proposed LDP be modified to include the bid. Representations will be considered by an independent Reporter, appointed by Scottish Ministers, to examine the LDP.”

Please make sure that there is full public consultation on any new/revised bids, as this was not the case during the MIR phase in 2019. New/revised bids and their assessments were problematic to access, there was no process for public consultation and comment, therefore undermining public trust and transparency.

The allocation by Aberdeen City Council of this site (OP46, bid 1308 ‘Leggart Braes’), appears to be inconsistent with the Aberdeen City and Shire’s Strategic Plan, 2018 i.e. policies on *Shaping Development in the Countryside* (chapter 5) , *Natural Heritage and Landscape* (ch 8, policy e1, e2) , *The Historic Environment* (ch 9, policies HE 1 and 2) , and *Protecting Resources* (ch 10). The City Council has not adhered to these policies whilst the Shire has.

The Council’s fortitude in upholding important policies in order to keep Banchory Devenick, Aberdeenshire the fantastic place it is to live must be commended. It is sincerely hoped that this fortitude holds up in the future so that your aim stated in your LDP 4.8 “the right development in the right place” is realised.



# 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.

