

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.

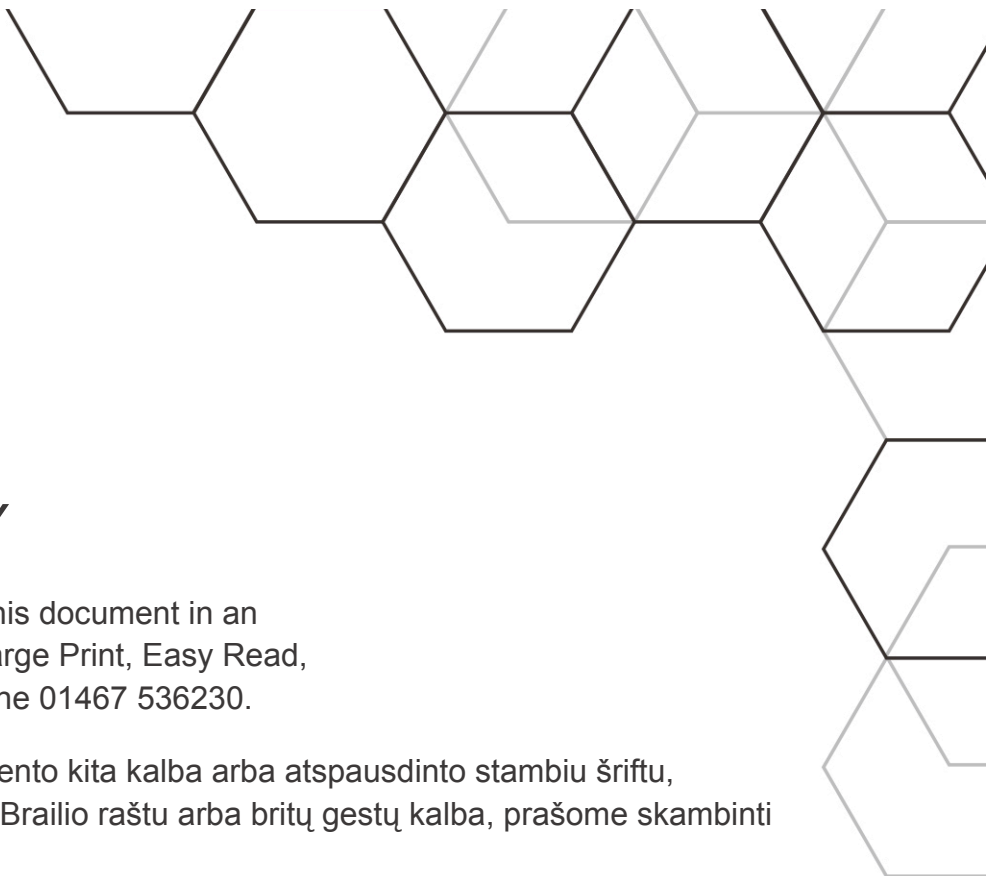
This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved 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.

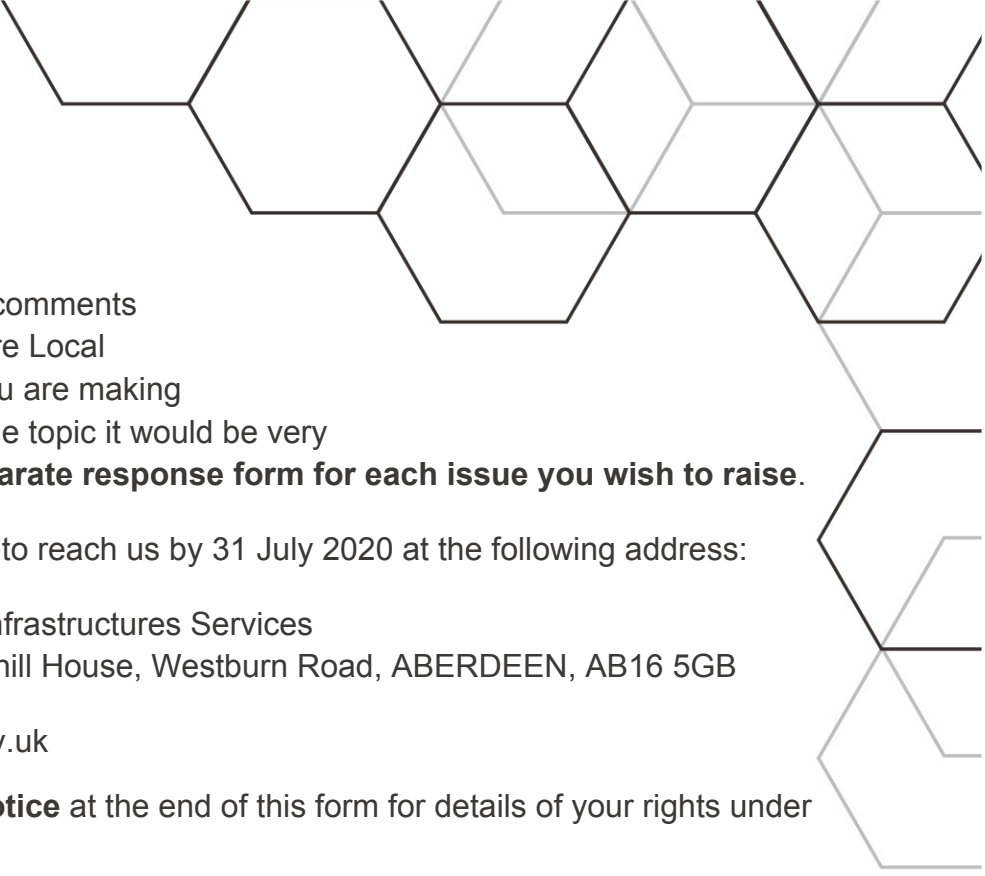
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Mr
First Name:	Ewan
Surname:	Maclean (Emac Planning)
Date:	29.07.20
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):

OP14: Land Northeast of Thainstone Roundabout, Inverurie.

Reason for change:

Please see attached statement.

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:

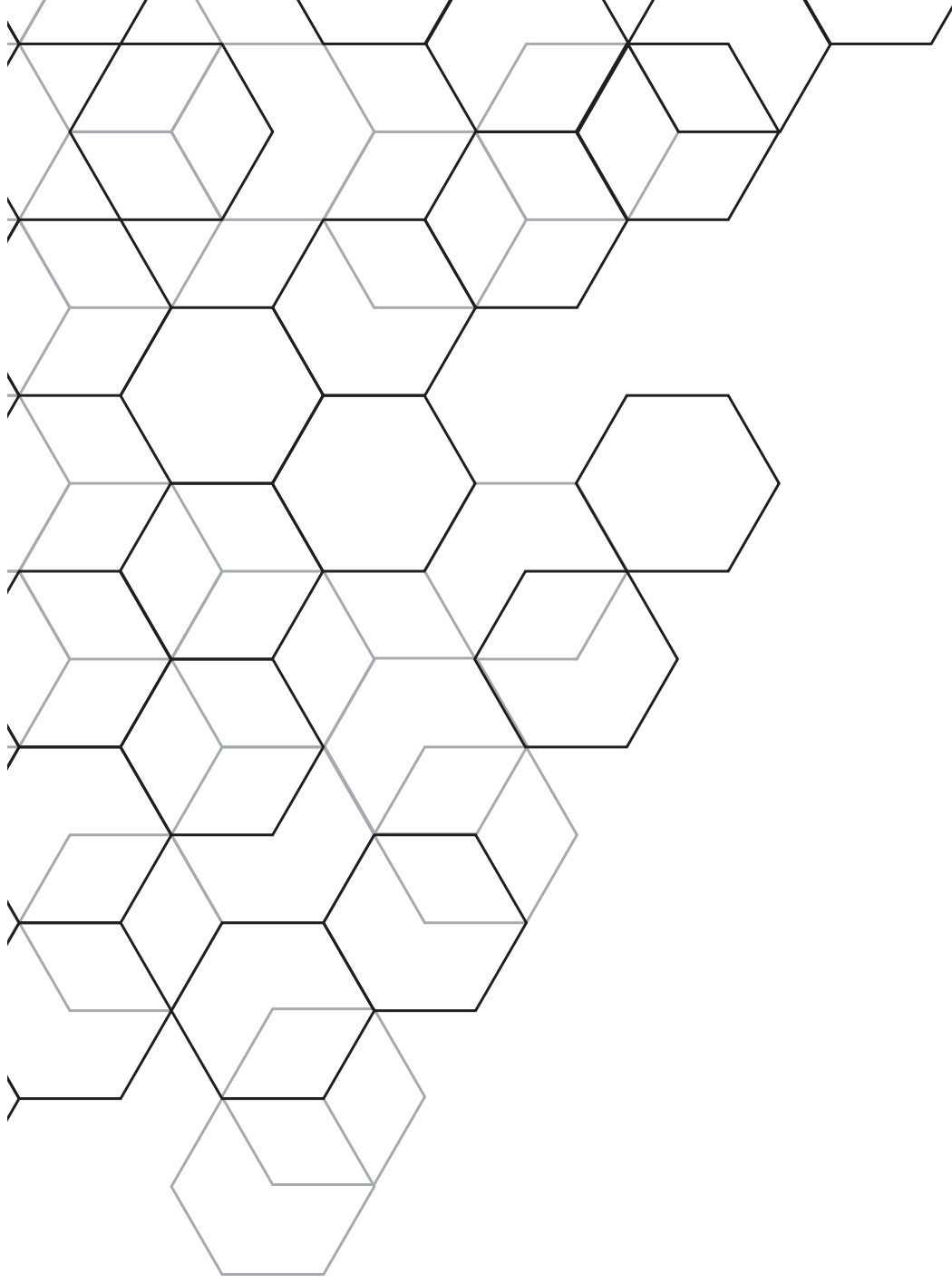
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue 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.



ABERDEENSHIRE PROPOSED LOCAL DEVELOPMENT PLAN 2020

Response on behalf of: Kirkwood Commercial Park Limited

Subjects: OP14: Land Northeast of Thainstone Roundabout, Inverurie

Date: July 2020



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1.0 Introduction and Executive Summary

- 1.1 Kirkwood Commercial Park Limited (Kirkwood) recognise that the Proposed Plan is a key stage in the preparation of the Aberdeenshire Local Development Plan 2021 as it represents the Council's "settled view" as to what the final adopted content of the Local Development Plan should be. Kirkwood therefore welcome the opportunity to comment on the Proposed Plan.
- 1.2 Kirkwood have interests in Inverurie identified within the Proposed Plan as OP13: Kirkwood Commercial Park, Thainstone and Reserved Land BUS7: Land Safeguarded for Business Use and the Company supports these allocations.
- 1.3 Kirkwood however object to proposed new allocation OP14: Land Northeast of Thainstone Roundabout which is identified as a site suitable for use as *"A halting site for gypsy / travellers and / or employment land"*.

2.0 Aberdeenshire Local Development Plan 2017

- 2.1 Within the adopted LDP 2017, the land is identified as site BUS6 "Reserved for Business Uses", The LDP also noting that a halting site for gypsy/travellers is required within the general area. It is our understanding that a site was not however subsequently identified outwith the LDP process, indeed we are unaware of any testing of the suitability or otherwise of the siting a gypsy site within the identified business priority area or the wider environs of Inverurie.

3.0 Proposed Local Development Plan 2020

- 3.1 The Proposed Plan, page 557, informs that whilst OP14 has been proposed for gypsy/traveller use, *"consideration of alternative locations within the Thainstone / Crichtie employment area could be considered should an appropriate proposal on an alternative site come forward"*. It therefore seems clear that there is no 'plan' as such to deliver the proposed use on the OP14 site or elsewhere within the employment area. Furthermore, the identification of the proposed gypsy/traveller site on OP14 or *"alternative locations within the employment area"* merely seeks to cast doubt on proposed land uses within the local environs and impact not only on this site, but also on the marketability of other sites within the identified business area.
- 3.2 Page 557 of the Proposed Plan is however categorical that Inverurie business sites BUS1-BUS8 are to be *"safeguarded for business use"*. A number of these sites are located within the immediate environs of OP14. Clearly, with the doubt being placed through the OP14 allocation for gypsy / traveller use, and the statement that the use could be accommodated on other *"safeguarded business sites"*, there can be no confidence of positive investment decisions being taken on any land within this identified commercial area whilst this dubious allocation and the *"alternative site"* caveat exists within the Plan.

3.3 Turing to the detail of the newly proposed allocation, the OP14 criteria simply lists the following information and for ease of reference we respond to each point in turn.

3.4 *“The site was previously safeguarded for business use (BUS6) in the LDP 2017”.*

3.4.1 **Response:** The site was indeed previously safeguarded for business use, as were all other business use sites within the Thainstone / Crichtie employment area. This position should be maintained and any future proposal for delivery of a gypsy/travellers site, should it be proposed on a site within Inverurie or the wider area, should be assessed on its individual merits within the context of the Development Plan and all other material considerations.

3.5 *“A halting site for gypsy / travellers is required within the Thainstone / Crichtie employment area and this site has been identified as the most suitable location within this area for such a use”.*

3.5.1 **Response:** There appears to be no justification provided for this site being chosen. From an analysis of the SEA, a bid was not put forward for the proposed use and it is entirely unclear how the proposal would be delivered. The Council should therefore be required to produce their assessment of all locations that were considered through this process and issue it for consultation and appropriate responses from interested parties.

3.6 *“Tree planting to provide screening from adjacent land uses would be required”.*

3.6.1 **Response:** The local land uses, as would be expected in an area of allocated and safeguarded employment sites are just that, a mixture of extant and implemented consents for employment uses and certificates of lawful employment use. Certain employment uses bring with them managed environmental impacts and it would seem perverse to introduce a residential use into this environment. Tree planting would be merely mask any potential impacts that would emerge between existing employment uses and a new residential use and tree planting is simply not an appropriate solution.

3.7 *“Access should be taken through site BUS6”.*

3.7.1 **Response:** In addition to issues of deliverability of appropriate access, there are also issues associated with suitable drainage and other technical constraints. It is unclear how the Council will seek to resolve these and deliver the stated use.

3.8 *“Alternative use as employment land will only be accepted should this site not be required for a halting site for gypsy / travellers due to an alternative site within the Thainstone / Crichtie employment area having been delivered”.*

3.8.1 **Response:** With the above noted issues regarding deliverability, this statement merely seeks to push the question of delivering a gypsy / travellers site to another, currently unidentified, location within the employment area. The dubiety surrounding the proposal will therefore merely result in the OP14 employment site becoming un-effective and also potentially render the other sites within the employment area un-effective, i.e. with the threat of “*alternative gypsy/traveller site*” hanging over the Op14 site and the neighbouring employment sites. Indeed, the statement that there could be an alternative gypsy site within the employment area is in direct contradiction to Proposed LDP ‘Policy B2 Employment / Business Land’ which clearly states that the Council “*.....will approve new employment uses on land allocated or identified in the Plan for business as set out in Appendix 7, Settlement Statements. We will not approve non-employment uses on these sites*”. The policy is quite clear, non-employment uses will not be approved on these sites. In short, the proposed allocation of OP14 as a gypsy / traveller site and the suggestion that other sites within the Thainstone / Crichton employment area could potentially be granted planning permission for a gypsy / traveller use are both contrary to Proposed LDP Policy B2 which seeks to retain such sites in employment use and not allow for the approval of non-employment uses.

3.8.2 Policy B2, paragraph B2.2 takes the above clarification a step further and reiterates that land identified as safeguarded employment land will only potentially be released from that use class if there is a constraint on the land so as to make it unmarketable, or it is poorly located for employment use. It is also clear from para B2.2 that any alternative use must respect the character of the area and be compatible with nearby uses.

3.8.3 There can be no suggestion that the OP14 site is poorly located for its currently allocated employment use as it is in an identified employment area surrounded by other employment uses. The only aspect making it currently unmarketable is that it is now identified within the Proposed Plan as a newly proposed gypsy / travellers site. This newly proposed gypsy / travellers use is of course not compatible with nearby uses and the proposed new designation is tantamount to introducing a residential use into an area safeguarded for the delivery of employment uses. The proposal to allocate OP14 for gypsy / traveller use is therefore considered to be totally inappropriate and should be deleted. The Council should then set out a process of seeking to properly identify a suitable gypsy / traveller site using clear criteria and appropriately consult on any such proposals.

4.0 Conclusion

4.1 Kirkwood object to the OP14: Land Northeast of Thainstone Roundabout which is identified as a site suitable for uses as “*A halting site for gypsy / travellers and / or employment land*”. The site should revert to its current LDP allocation, i.e. reserved for business use.