

PP0886

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[REDACTED]
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Your ref LDP2021NN

31 July 2020

Our ref [REDACTED]

Dear Sirs,

**Proposed Aberdeenshire Local Development Plan 2020 (“the Proposed Plan”)
Response on behalf of John Hopkins**

We act on behalf of John Hopkins of [REDACTED] [REDACTED] (**the Respondent**) and this letter constitutes his response to the Proposed Plan. The location of the Respondent’s residence is shown [REDACTED] on the plan marked “Annexure 1” forming part of the schedule to this letter.

The Respondent desires the modifications to be made to the Proposed Plan (“**the Modifications**”) as set out in the schedule to this letter for the reasons outlined therein.

Yours faithfully

[REDACTED]

[REDACTED]
CMS Cameron McKenna Nabarro Olswang LLP

[REDACTED]

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SCHEDULE REFERRED TO IN THE FOREGOING LETTER DATED 31 JULY 2020

MODIFICATIONS

1. Proposed Plan - Introduction and Policies–

1.1. Page 19 - Remove Potterton entirely from paragraph 5.14 headed “Aberdeen to Peterhead Strategic Growth Area”.

Reasons for Modification

- Potterton is not situated in this, or any other, Strategic Growth Area. This is confirmed on page 476 of the Potterton Vision Statement section of the Proposed Plan in Appendix 7c where the following statement appears:-

“Potterton is a small settlement within the Aberdeen green belt. It is outwith the Aberdeen to Peterhead Strategic Growth Area.”

- Potterton is also clearly excluded from the Aberdeen to Peterhead Strategic Growth Area, as shown shaded orange on the Spatial Strategy Map on Page 21 of the Proposed Plan. This is illustrated on the enlarged extract from the Spatial Strategy Map below which has been annotated by the Respondent to show the locations of Potterton and, for context, the B999 public road.
- Reference is made to the following statement in paragraph 1.2 of the Proposed Plan “The Strategic Development Plan sets out the shared vision that we have for the Aberdeen City Region – a vision that this plan must be consistent with”
- The conclusions of the Aberdeenshire Council Main Issues Report 2019 (“**MIR**”) were erroneously based on the premise that Potterton is in the SGA.
- The justification/response submitted by Barratt North Scotland (Barratt) to the MIR made the same erroneous statement.
- As mentioned on page 20 below, one of the main reasons for the Reporter’s refusal to allocate housing land in Potterton in the 2017 LDP was that Potterton is in a Local Growth Area and no further needs had been identified. Potterton is also an inappropriate location for development to “promote the Energetica Corridor”, as shown cross-hatched in orange on the same Spatial Strategy Map. It does encompass Potterton, but no land in Potterton Business or Employment land has been allocated there, (See Appendix 1 – Employment Land Allocations

1.2. Page 31 – Section 7 – Shaping Development in the Countryside.

In Policy R1.1 delete the following sentence:-

“Opportunities for small-scale development will be restricted in the green belt and coastal zone to reflect the special nature of these areas.”

Replace it with the following sentence:-

“Opportunities for development will be significantly restricted in the green belt and coastal zone to small-scale development to reflect the special nature of these areas. We will only allow development if it is essential and cannot be located elsewhere.”

Reason for Modification

The original sentence would leave large-scale developments unrestricted, which cannot have been the Council’s intention. The underlined text has been omitted from the 2017 LDP wording. This wording is essential for the policy to effectively control development in the Greenbelt.

1.3 **Page 44 – Section 8 - Remove Potterton from the ‘Shaping Homes and Housing Map’**

Reason for Modification

No housing land should be allocated in Potterton, for the reasons outlined elsewhere in this response.

2. **Appendix 4 – Boundaries of the Green Belt**

Amend Greenbelt Map 3 to restore sites OP1 and OP2 (“the OP Sites”) to the Green Belt.

Reasons for Modification

- The allocation of the OP Sites would represent an unjustifiable loss of effective and much-valued Greenbelt land for the reasons set out elsewhere in this response.
- Reference is made to the following statements which appear in Main Issue 5 of the MIR (as defined below) – see link below:-

*“The **preferred option** would be to make no changes to the green belt policy at this time.”*

*“An **alternative option** would be to make no amendments to the outer boundary of the green belt to account for the increased accessibility provided by the AWPR, but to commit to a wider and more comprehensive review in 2022...”*

<https://www.arcgis.com/apps/MapJournal/index.html?appid=3ef646c717ff40bcbe88054821a005f6>

- Removal of the Greenbelt designation from such a large area would have long-term implications for the wider Greenbelt in Aberdeen and particularly North Aberdeen. Only two villages contain the designation.
- The removal of the OP Sites from the Greenbelt would remove the valuable protection afforded to them by the designation and is not justified.

- The Green Belt looks perilously narrow in the Potterton area; it does not even fully encircle the village. Rather than reducing the Green Belt's effectiveness still further by allocating large sites for housing, the LDP should therefore seriously consider strengthening it instead by extending it to the north towards Bellevue.

3. Appendix 6 – Housing Land Allocations

Remove the housing allocation of the OP Sites from the table on page 169 of Appendix 6.

Reasons for Modification

- Column 7 of the said table indicates that Potterton lies within the Blackdog – Ellon SGA. This, in turn, forms part of the Aberdeen – Peterhead SGA. This is not correct, as outlined in relation to Modification 1.1 above. It is therefore fundamentally inappropriate and contrary to the Aberdeen City and Shire Strategic Development Plan (“the SDP”) for such significant allocations to be made in Potterton.
- See in addition the Reasons provided for Modification 4 below.

4. Appendix 7c – Potterton - Vision Statement

4.1. Page 476 - For the sake of brevity, the Respondent endorses and supports the Modifications to page 476 of the Vision Statement, with, in addition, the removal of the statement that there is a preference for small business units.

Additional reasons for Modification

- The Respondent would add that the Forsyth Hall Men's Shed does not exist, and remove reference to Potterton Business Units as no business land has been allocated in Potterton and the BCC have not had any public engagement with Potterton residents
- There are no employment land allocations in Potterton.

4.2 Remove the final two paragraphs on Page 476 under the heading “Flood Risk”.

Reason for Modification

These paragraphs are required only in relation to the housing allocation on the OP Sites, which should simply not be allocated.

4.3 Remove the first two paragraphs on Page 477.

Reason for Modification

These paragraphs relate to the OP Sites, which should not be allocated. The assessment of these strategic issues in relation to Potterton is unnecessary, in the absence of the housing allocations.

**4.4 Remove:-
the descriptions of the OP Sites on pages 478 and 479: and
the map on page 480, showing their locations.**

Reasons for Modifications

- As detailed in our Reasons for Modification 1.1, Potterton is not situated in any SGA and therefore housing allocations of this scale are not appropriate for Potterton and they should be removed.
- Supply of Housing Land - The OP Sites are not required to meet housing supply needs and are not “effective housing land”.

Scottish Planning Policy (SPP) 2014 states as follows:-

“Policy Principles

110.

The planning system should:

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;”* (Our emphasis.)

According to the Aberdeen City and Shire Housing Land Audit 2019, there is already 7.2 years’ supply of effective housing land in the Aberdeen Housing Market which is either allocated in the 2017 LDP or with planning permission to meet the requirements of both SPP and the SDP.

- Effectiveness of OP Sites - *Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits* sets out the following in relation to what constitutes ‘effective land:-

“Para 55

To assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development.”

The description of OP1 on page 478 of the Potterton Vision Statement includes the following statement:-

“There is ancient woodland to the east of the site and this should be preserved and incorporated into the open space provision...”

It should be noted that Barratt, the prospective developer of the OP Sites, has no interest in the ancient woodland, of ownership or otherwise. The woodland will not therefore be available to be incorporated into the open space provision as suggested.

Returning to *Planning Advice Note 2/2010*, the next effectiveness criterion described which is relevant to the OP Sites is:-

“physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;”

The OP Sites are both subject to flood risk, affecting both the Sites and the surrounding area.

07 Main Issues Report (ISC) Does not promote development in areas that may flood.

ISSR006 Flood Protection: The Proposed Local Development Plan has policies for flood protection and does not promote development in areas that may flood. Risk exists that predictions on flood extents are underestimated, or new areas of flood arise. (07 Main Issues Report ISC)

Paragraph 1 under the heading “Flood Risk” on page 476 of the Vision Statement indicates that there is a “small watercourse” fed by a natural spring in site OP1 as a result of the geology and the topography of the site surface water collects on the site and causes flooding

Woodside Cottage being at the lowest point near the OP is at risk by any activity that upsets the topography of the site which directs the water to this point

All waters, surface, spring, run off, road drains as well as sewage are connected to Potterton Burn in some way and in turn travel to the sea at Balmedie Beach. This burn regularly floods from Milton of Potterton Mill past Potterton House

Paragraph 1 goes on to state that the OP Sites lie within SEPA’s indicative 1 in 200-year flood risk area. A Flood Risk Assessment would be required plus the use of SUDs systems as a mitigation measure and buffer strips.

Site OP2 also has similar surface water issues

These measures appear to the Respondent to be focused principally on preventing flooding of the OP Sites, without considering the risk the development will cause flooding elsewhere,

particularly Woodside Cottage. If buffer strips are used, flood water will be diverted away from the development site on to other land, potentially affecting Woodside Cottage and the rest of Milton of Potterton from Potterton Burn due to the burn overflowing, and backing up as far as the Mill of Potterton and also causing pollution along its length to Balmedie Beach

The Respondent has received the following advice from a geologist:-

“The British Geological Survey map of the UK (iGeology app) shows the geology of both fields proposed for development as on bedrock of the Belhelvie troctolite basic intrusion which is impermeable to water, overlain by the glacial Hatton Till Formation which will also be considerably less permeable than the Kippet Hills Gravels found to the north of the sites. This makes the drainage poor, so that localised depressions and gullies adjacent to slopes will fill quickly during heavy rain. Examples of areas which may be at risk on the proposed site include the depression immediately south of Woodside Cottage where water currently accumulates, and a mini drainage basin at the bottom of an incline shown by swampy ground with reeds in the southeast of the site. This may be exacerbated further by hard tarmac and concrete surfaces which do not allow any adsorption of water into the soil during downpours. Throughout the immediate area, the water table is high and natural springs occur. Adjacent to the site, road junctions flood after only 15 minutes of heavy rain, drain outlets become full to capacity, and the upgraded water treatment plant cannot cope, which has led to contamination of Potterton Burn (SEPA aware) on several occasions.”

This leads on to the next effectiveness criterion set out in **Planning Advice Note 2/2010:-**

contamination: *previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;*

The Council has advised the Respondent as follows:-

"With relation to your query regarding suspected contaminated land in the Bid Site Assessment for FR140 and FR141, this has been identified in the bid site assessments as the bid sites are subject to the constraint of potentially contaminated sites as identified by our GIS system."

Bid reference: FR141 Land North and North West of Denview Road, Potterton
 Proposal: 175 homes

Table 1: Conclusion and recommendation

Bid reference	FR141	
Site address	Land North and North West of Denview Road, Potterton	
Proposal	175 Homes	
Constraints	Yes or No	Summarise issues/opportunities
Undevelopable	Yes	<ul style="list-style-type: none"> Balmedie primary school is already operating over capacity Water infrastructure still TBC
Conditional issues	Yes	<ul style="list-style-type: none"> SMR (crop marks) on site and surrounding site Site is wholly found within greenbelt The site may be contaminated land
Opportunities	Yes or No	Summarise issues/opportunities
Opportunities identified	Yes	<ul style="list-style-type: none"> Biodiversity enhancement Active travel Flood Risk alleviation

The Potterton burn running adjacent to Milton of Potterton and through Potterton House grounds was the only burn in the whole of Aberdeenshire to fail its chemical test/it was contaminated.

See link below - Page 110

<https://www.aberdeenshire.gov.uk/media/24279/final-sea-isc-interim-environmental-report-for-aberdeenshire-ldp-2021-main-issues-report.pdf>

In the Respondent's opinion, this is due to a combination of insufficient drainage, sewage capacity, the high water table in Potterton and the runoff from the fields due to the geology of the rock and clay. The development of the OP Sites would significantly add to this problem.

The next relevant *Planning Advice Note 2/2010* effectiveness criterion is:-

marketability: *the site, or a relevant part of it, can be developed in the period under consideration;*

There is significant doubt that this criterion can be met for the following reasons:-

- The housing market in the Aberdeenshire area is highly volatile due to the unpredictable economic recovery following Covid-19, Brexit and the housing market's over reliance on oil and gas.
- Under Socio-Economic Benefit of Development in Potterton in their marketing Brochure – extract below - Barratt list “The delivery of up to 233 *much needed* family homes within the Energetica Corridor” when the need for any further houses in Aberdeenshire is very much in question at present. (Potterton has no housing allocations in the Energetica Corridor)

3 | POTTERTON

Socio-Economic Benefit of Development in Potterton

- As a local business, the proposed development would also create 349 direct jobs and 699 indirect jobs through Barratt Homes, its sub-contractors and suppliers, including the creation of a number of full time apprenticeships.
 - In addition to local jobs, the construction spend would be in the region of £20,970,000 with a further wider spend throughout the local economy of £62,910,000.
 - Once completed the development will deliver additional Council Tax revenues of approximately £400,000 on an annual basis.
 - The delivery of up to 233 much needed family homes within the Energetica Corridor, the AWPR and within easy reach of Aberdeen City Centre.
 - Barratt North Scotland are based in Balmedie and the development will help support a major local employer where many of our staff live nearby.
 - Barratt North Scotland built many of the homes in Potterton we are excited about the opportunity to do so again and thereby make a substantial investment and positive contribution to a community right on our doorstep
- According to Oil and Gas UK, the oil and gas industry could lose as many as 30,000 jobs over the next 12-18 months. The Proposed Local Plan is allocating 3,000 houses in Formartine alone. It is difficult to equate the need for so many houses with the current economic climate in the area.
 - Housing developers are currently struggling to sell new houses in the area and the local housing market is awash with unsold properties.
 - Following the pandemic, the way people will work has changed – home working, improved internet access, with green space highly valued will lead to less demand for the traditional mass housing estates.

The final effectiveness criterion from *Planning Advice Note 2/2010* is

infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development.”

There are significant infrastructure constraints affecting the OP Sites.

In relation to bid site **FRI41** the SEA (as defined below) states that “*Site has an overall negative impact due to proximity from settlement, potential infrastructure requirements.*” There is no reference to such requirements being capable of being mitigated. . See link below.

<https://www.aberdeenshire.gov.uk/media/24279/final-sea-isc-interim-environmental-report-for-aberdeenshire-ldp-2021-main-issues-report.pdf>

The following specific constraints apply:-

Constraint 1 – Roads

There are two issues in relation to roads infrastructure

Capacity of local road network

The local road network is severely constrained and simply does not have the capacity to accommodate the extra traffic which the large-scale housing development proposed would generate. Examples are

- Restriction on HGV's, both OP Sites are proposed on an existing single lane road fed by a C Class access road from Milton of Potterton and Potterton. Although the Proposed Plan states that the C Class road through Milton of Potterton is a B class road. The area roads are a known hazard to the Council. HGV use has been restricted in the past by planning conditions and actual road restrictions.
- The proposed access roads to both OP Sites are the same roads construction traffic for the development would use. These are also the same roads the school bus has to take, which would result in a serious safety issue due to the nature of the roads and its unsuitability for HGVs.
- Potterton Village has traffic calming measures installed to ease congestion and reduce traffic through the village which used to be choked with traffic at busy commuter times. These will be overwhelmed by this development causing more congestion as this is the main route to the B999 from the sites. If they do build a new road as detailed in the proposal to access the AWPR it will then be the most direct way to the B999 for traffic travelling from the AWPR again this will overwhelm Potterton only this time it will be constant and not at peak commute times.
- There will be road safety issues as the existing local roads will be unable to cope with the volume, speed, size, and type of new traffic, particularly in the construction phase as all construction vehicles and materials will be brought in by these roads.
- The Unclassified Class 1 C roads that provide access to the OP Sites flood during heavy rain due to damaged drains and lack of capacity caused by size of drains and high-water table. This is a significant contributor to causing Potterton Burn to regularly flood in the area around Potterton House and Milton of Potterton.
- The Class 1 C roads surfaces are in very poor condition with erosion of the verges caused by large vehicles (Buses, Tractor Trailers, HGVs and AWPR Construction Traffic) meeting and passing each other on single track sections.
- Many of the roads have blind summits and rises, illegible road signs, eroded road markings and a junction that modern large SUVs, let alone HGVs or even vans, cannot navigate without a 3-point turn.
- The main junction on the Class 1 C road at Milton of Potterton is regularly used by the Fire Brigade to top up their Fire Engines with water rather than go back to the Fire Station. These roads are an alternative route if there are issues with the AWPR or A90 particularly for emergency services.
- In 1992 Gordon District Council Roads declared these roads were not suitable for HGVs using the Wester Hatton Sand Quarry as a landfill. A 30km radius restriction was put in place by the operator as a planning constraint. These roads are known to be unsuitable for HGV by the BCC and past chairman (Kershaw) of it has stated it as a reason by development should not take place around Potterton
- There is a severe lack of public transport Infrastructure. There is only a rural bus service with no direct links to major industrial areas which are linked to the AWPR. The scope for additional bus routes is very limited as the width and sharp bends on the C Class Roads mean the Bus can only safely travel on the existing routes. Potterton is a Coastal location and Sea Fog is more

common when the rest of Aberdeenshire is clear. The open fields around Potterton also mean the roads are commonly closed due to drifting snow. Unlike the B999 the C Class roads around Potterton are not always salted in winter these also affect the reliability of the Bus service

- No train service, no tram service, no cycle lanes, no footpaths. The residents of the proposed new developments would have little alternative to using private cars, which will increase emissions and is unsustainable.
- Local amenities are centred in Balmedie, with no direct bus service.
- Increased Emissions due to lack of transport infrastructure.

Impact on the AWPR

- NESTRANS has stated that the AWPR should not become a development corridor.
- NESTRANS' commented in the MIR that it is inevitable that building new houses in Potterton, ultimately creating what is in effect a new town on scale like Balmedie, is bound to cause additional congestion on the AWPR. With minimal local services, poor bus services, no cycle lanes, no trams, no railway and no means of walking, the quickest way to get to work for residents will be car and via the AWPR Junction. There are existing issues at Westhill, where traffic backs up onto the AWPR from the slip road because the local roads are inadequate.

Constraint 2 - Lack of drainage and water capacity

Barratt state *“Scottish Water acknowledge that there is an issue with foul sewage capacity at the Balmedie Waste Water Treatment Works and are initiating a growth project to increase capacity for existing development and to accommodate new development within the catchment area.”* However, in the Balmedie Final Issues and Actions Papers, SEPA recommends *“All development should be restricted until implementation of the Scottish Water Growth Project (805).”* There is no firm date for this project.

Constraint 3 - Lack of sewerage capacity

The Potterton Vision Statement (page 479) states the following:-

“Strategic drainage and water supply: An upgrade to the water supply infrastructure may be required and a Water Impact Assessment may be requested. There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. A growth project will be initiated once development meets Scottish Water’s five growth criteria. Private treatment works are unlikely to be authorised due to the proximity to the bathing beach. Early engagement with Scottish Water is encouraged.”

There are no planned upgrades for Potterton as part of the Scottish Water Growth Project. This statement is based on information obtained from Scottish Water further to a Freedom of Information request – extract below.

The same process is used to assess capacity for new wastewater connections. New connections can only be permitted once Scottish Water is satisfied that there is no additional flooding risk to existing customers and assets. There is no proposed project to provide additional capacity at the Potterton pumping station at this stage. However, Potterton pumps flows to the Balmedie wastewater treatment works which is the subject of a growth project. Therefore should any development enquiries of significant size come forward we would need to assess their proposed build out plans and understand whether any additional capacity at the works will be in place in time.

The information requested is, therefore, exempt under s.10 (4a) of EIR on the basis that the requested information is not held by Scottish Water. As the exception is conditional we are required to apply the 'public interest test'. This means we have, in all the circumstances of this case, considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information about the Scottish Water project for planned upgrades, clearly we cannot provide information which we do not hold.

If you have any queries regarding your FOI request please feel free to contact me and I will be happy to assist. You can do this by contacting the following email address FOI@scottishwater.co.uk.

Constraint 4 – Lack of schools and medical centre

- The Balmedie (the relevant catchment area) school roll forecast at [118%] capacity [2024] excluding the current [Proposed Local Development Plan?] LDP. as confirmed to the Respondent by Formartine area Councillors and Aberdeenshire Education board.
- Additional school buses will be required as the current buses are at capacity (leading to increased emissions and additional unsuitable traffic for the constrained local road network).
- There is no parking area to accommodate additional school buses to drop off and pick up children safely within the village.
- No medical facilities will result from the OP1 and OP2 developments. The existing facilities are in Ellon and Bridge of Don.

Adverse Impacts of Development

Even if the OP Sites could overcome the constraints which prevent them from forming part of the effective land supply, the following adverse impacts of housing development on the OP Sites should preclude their allocation:-

Adverse Impact 1 – Loss of Greenbelt and Prime Agricultural Land

- The OP Sites are/include prime agricultural land which should be protected, See link - https://www.hutton.ac.uk/sites/default/files/files/soils/lca_map_hutton.pdf
- Large-scale housing would be inappropriate use of the Green Belt. The area is used by residents, adults and children to walk, cycle and run and for horse riding. The increased traffic will limit active travel for users by making the road too unsafe to use.
- New development is supposed to encourage active travel The developments would limit the safe use of open space for active travel. *In fact, this development would discourage active travel by making the roads more dangerous due to increased traffic.*
- Urban sprawl within the Greenbelt should be avoided. Bid Site FR120 in Potterton was rejected on the basis of urban sprawl in the Greenbelt. The same issue applies to the OP Sites.

- The Greenbelt in this area creates a clear area of separation between the communities of Potterton and Milton of Potterton. Its loss would lead to coalescence.
- The allocation of the OP Sites for development conflicts directly with, and undermines, the countryside policies of LDP 2017, in particular Policy R1, regarding the very limited nature of development that will be permitted in the green belt. These policies are largely repeated in Section 7 of the Proposed Plan. The allocations should be removed

Adverse impact 2 – Impact on the Landscape

- Landscape Sensitivity
- The scale of the proposed development is wholly inappropriate in scale for the receiving landscape and setting, which is sensitive.
- Development of the OP Sites would result in a 56% increase in the area of Potterton village, with the local Community Council acknowledging in their meeting minutes that future plans for Potterton could triple the size of the village.

Adverse Impact 3 – Environmental Impacts

- Part of the OP Sites lies within 250m of the landfill site at Wester Hatton which can be producing Methane for decades. The Respondent is unaware of any risk assessment having been carried out to assess the impact of the landfill on future residential development in the area particularly in the area 250m to 500m which would have a very large number of receptor sites in the form of the proposed development houses
- The SEA Assessment omits reference to protected species on the OP Sites, which include red squirrels, a critically endangered species, plus bats and badgers. OP Sites are Wildlife Hunting Habitat for Buzzards and Owls.
- Omission of legal right of way -. The Developer Bid Site forms omitted the Woodside Cottage Water/Water Well has possible legal right of way. See Aberdeenshire Council Grid Ref NJ91W0127 for water well. Water pipe runs through site FR141a (OP1).

<https://online.aberdeenshire.gov.uk/smrpub/master/detail.aspx?refno=NJ91NW0127&tab=maps>.

- It is misleading in the extreme for the OP descriptions to state that they would enhance biodiversity.
- SEA

The Strategic Environmental Impact Assessment of the Bids (“SEA”) raises the following issues:-

1. **FR120 Overall Positive Impact** (rejected site) – the assessment focuses a lot on school capacity on this site but this is not so detailed on the OP Sites’ assessments. FR120 is located well next to existing amenities and not next to any natural heritage sites. They stated the road was an issue, due to having to cross over to the local shop. However, there has been recent development next to this site and it wasn't considered a risk then. Chap, the FR120 bidder, also put forward mitigation to improve and slow the traffic on the road with a roundabout - this would've been a positive contribution to the village. No material road improvements have been put forward for the proposed sites. It also stated that this

site would have a negative impact on air quality, climate factors, soil and the landscape. All of these apply to the proposed sites - yet nothing is mentioned.

2. **FR140 Overall Negative Impact** - due to proximity from settlement, and potential infrastructure **Negative Climate Factors** (Page 376 Final SEA) The site is adjacent to Ancient Woodland and has a negative biodiversity. (The site is contaminated see bid site assessments as identified in GIS database)
3. **FR141 Overall Negative Impact** - Site has an overall negative impact due to proximity from settlement, potential infrastructure requirements. **Negative Climate Factors** (Page 378 Final SEA) The site is adjacent to Ancient Woodland and has negative biodiversity. (The site is contaminated see bid site assessments as identified in GIS database)

The SEA Final Main Issues Report can be found via the link below.

<https://www.aberdeenshire.gov.uk/media/24279/final-sea-isc-interim-environmental-report-for-aberdeenshire-ldp-2021-main-issues-report.pdf>

Adverse Impact 4 - Impact on Cultural Heritage –

- The development would have a hugely detrimental impact on Heritage Assets and their setting.

Examples include:-

- Woodside Cottage, which is completely surrounded by site OP1, is a Vernacular Building, the setting of which should be protected. **Cottage Post-Medieval (from 1560AD)** depicted on the 1st edition OS map of 1867. A spring is shown on the 2nd edition OS map a short distance to the southeast (at circa NJ 9480 1577) which served as a well for the cottage. (Canmore ID 125457 - Historic Environment Scotland)

See photos at Appendix 2.

- The development of the OP Sites would severely adversely affect the setting of Potterton House Designed Landscape. OP1 is directly bounded by Ancient Woodland, which formed part of the Potterton House Designed Landscape. (Canmore ID 110701)
- The OP Sites themselves are of historic significance, with evidence of Ridge and Furrow farming dating from [1100 – 1560AD] (Canmore ID 110700). See link references for guidelines on preservation.
- Pit Alignments and Enclosure - Prehistoric period (Canmore 110711)
- The Temple Stones, stone circle to the North East of Potterton House (**Protected/scheduled monument**) **Temple Stones NJ91NE0006**

<https://online.aberdeenshire.gov.uk/smrpub/master/detail.aspx?refno=NJ91NE0006>

- Ridge and furrow Guidelines Scotland – “Should be preserved where possible” Greater weight is given when sat in situ with other monuments like the Ancient Woodland.

<http://www.startrust.org.uk/RIG%20AND%20FURROW-AF.PDF>

DEFRA - Ridge and Furrow: “ it is important that these historical features are retained wherever possible”

http://adlib.eversite.co.uk/adlib/defra/content_bl.aspx?doc=90724&id=90810

- Potterton House Policies are recognised as having their own historical Identity and separate community (Milton of Potterton). They lie outside Potterton village and have their own “sense of place and character”. Development of the OP Sites would constitute inappropriate siting of new development and have a significant detrimental impact on Milton of Potterton’s character.

Potterton House Policies

https://canmore.org.uk/search/site?SIMPLE_KEYWORD=Potterton%20House%20Policies

Council’s and Barratt’s representations

Many of the above issues have been touched on by Barratt and the Council during the plan preparation process to date.

Barratt

A number of statements made on behalf of Barratt North Scotland (Barratt) in their response to the MIR appear to be inaccurate or misleading and require to be closely scrutinised.

Examples are:-

“Potterton lies in a strategically important and desirable location within the Aberdeen to Peterhead Strategic Growth Area.” As explained elsewhere in this Response, this is NOT the case.

“Potterton itself is sustainable within the context of its rural location and proximity to other major settlements and is well served by bus.” In fact, there is no direct bus service to any of the major industrial areas linked to the AWPR. Potterton’s amenities are centred around Balmedie and there is no direct bus service.

Council

The Bid Site Assessments conducted by the Council for Bid Site FR140 and FR141 and Bid Site FR120 (a bid site at the opposite side of Potterton which was not included in the Proposed Plan) have been compared.

Contradictory points are noted below:-

FR120 was considered Constrained (an undevelopable site due to unresolved constraints). However, FR140 was Preferred (a deliverable site with no/resolvable constraints), despite it having all of the same constraints as FR120, with the addition of Ancient Woodland and Flood Risk, as detailed above.

FR141 Reserved Site (preferred site post 2031, as the bid exceeds current the housing land requirements, although it will be subject to further assessment when the Aberdeenshire LDP is next reviewed (2026).

FR141 has all of the same constraints as FR120 and additions in terms of Ancient Woodland/Flood Risk/Landscape.

The OP Sites and FR141 and FR 120 are large-scale developments on Greenbelt land, so the constraint noted against FR120 should apply to all sites.

FR141 was not brought forward originally as the land supply did not justify it. That is of increased relevance now since FR141 is not justified either because the SDP land supply requirement has been met and Greenbelt policy is for national requirement only.

The landscape impact of development on the OP Sites and FR141 is far greater in terms of sensitivity than the FR120 site.

The Councils' reasons for not allocating the OP Sites in the 2017 LDP are set out on page 52 of the *Formartine Settlements Main Issues Report 2013*. Link below

<https://www.aberdeenshire.gov.uk/media/10940/formartineindexandsettlementstatementssmall.pdf?fbclid=IwAR21pbkdmY3yfZQn-yMFueJxr13KYKimQstTy4tlmmyPVatUMy69OIP2s9c>

In the opinion of the Respondent, there has been no change of circumstances to justify the Council's decision to make housing allocations now.

Reporter's Report into Proposed LDP 2017

Also relevant are the Reporter's reasons for not making any housing allocations in LDP 2017. The most salient of these are as follows:-

1. Potterton does not fall within the Aberdeen to Peterhead Strategic Growth Area. (This remains the case, as outlined elsewhere in this Response.) In the absence of any substantive evidence to suggest otherwise, the Reporter was not convinced that the exclusion of Potterton from the Strategic Growth Area would be inconsistent with, or to the detriment of, the strategy for the Energetica Corridor.
2. The strategic housing land supply in the area had been met and further local needs in the area have not been identified. No additional allocations are required. (This also remains the case, as outlined elsewhere in this Response.)

3. The planning authority determined that there were more suitable locations to accommodate strategic growth and large-scale developments. (These sites are still available.)
4. There are clearly many other factors that influence a spatial strategy, and the Reporter did not accept the Respondents' assertion that the AWPR's presence alone should necessarily be the trigger to accept a significant expansion of Potterton.
5. Potterton is surrounded by Greenbelt and there are identified infrastructure constraints relating to the local road network, school capacity and water infrastructure. (This remains the case, as outlined elsewhere in this Response.)
6. The Respondents failed to adequately address points and demonstrate a change of circumstances that would justify changing the conclusions of the MIR 2013 Examination.
7. No evidence had been provided to substantiate the Respondents' concern that the long-term viability of existing services may be threatened unless growth is permitted. Even if this were the case, it would not be an adequate basis for permitting the large-scale growth being sought.
8. Potterton is located in the south of Formartine in the Aberdeen Housing Market Area within a "local growth and diversification area". In accordance with paragraph 3.43 of SDP 2014, the village is therefore appropriate for a level of growth related to local needs. (This remains the case, as outlined elsewhere in this Response.)
9. The vision for Potterton and absence of allocations reflect a continuation of this spatial strategy into the proposed LDP, and the Reporter was not persuaded that there has been any change in circumstances to a degree that would justify a different approach. (This remains the case, as outlined elsewhere in this Response.)
10. Representations were made by the Respondents regarding the delineation of the Greenbelt. It was asserted that the AWPR to the south of Potterton, would be the most appropriate boundary for the Greenbelt. This was not accepted. The Reporter's recommendation was to preserve the Greenbelt boundary to protect and enhance the character, landscape setting and identity of the settlement and to provide access to open space.

Conclusion

The housing allocations on the OP Sites would fundamentally undermine two of the three Settlement Features contained in the Potterton Vision namely:-

P1 To protect the....landscape setting as an amenity for the settlement.

And

P3 To protect the open space and landscape setting as an amenity for the settlement and to protect the area as a significant contribution to the character of the place.

The allocations would result in a significant and wholly unacceptable change to the character of Potterton and Milton of Potterton and to the amenity of its residents. They should therefore be wholly rejected.

Appendix 1 - Milton of Potterton Map



- 1. CULZEAN COTTAGE HOMEFARM OF POTTERTON
- 2. WOODSIDE COTTAGE POTTERTON

Appendix 2 - Photographs

Woodside Cottage ■

Site OP 1 will dominate the property, which is currently surrounded by open landscape and ancient woodland.



Woodside Cottage 2.

This shows the house with ancient woodland. OP1 extends right up to the woodland boundary and down to the house, which sits low in a hollow. Both photographs show that OP1 slopes up from the house, with the top of the slope considerably higher than the height of house, so it will be overlooked. There is a natural spring at the bottom of the tree line. Historically small steadings in the area were built in shelter hollows and next to tree belts. Woodside Cottage is a good example of this.



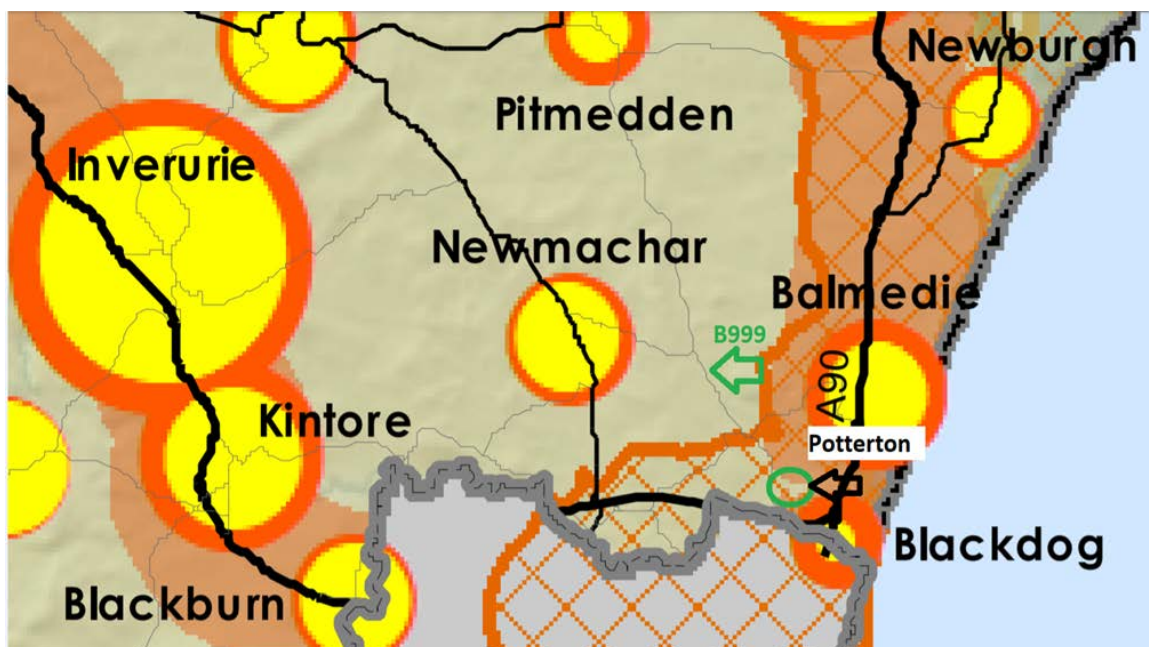
From: [REDACTED]
To: [LDP](#)
Subject: RE: LDP2021NN LDP Response - John Hopkins
Date: 02 August 2020 18:50:39
Attachments: [REDACTED]

Dear Sirs

We refer to our email message below, attaching our LDP response letter on behalf of John Hopkins.

Please find below the map extract which is referred to in the reasons for our proposed modification 1.1 in the schedule to our letter as follows: -

"This is illustrated on the enlarged extract from the Spatial Strategy Map below which has been annotated by the Respondent to show the locations of Potterton and, for context, the B999 public road.



The map extract was inadvertently omitted from the draft schedule, due to an IT issue which occurred before the letter was sent.

Please confirm receipt of this message and confirm that the extract will be provided to the Reporter in conjunction with our letter.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 31 July 2020 21:03
To: 'ldp@aberdeenshire.gov.uk' <ldp@aberdeenshire.gov.uk>
Subject: LDP2021NN LDP Response - John Hopkins

Please find attached our response on behalf of John Hopkins.

Partner



CMS Cameron McKenna Nabarro Olswang LLP |

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