

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:	
First Name:	Tara
Surname:	Cowley
Date:	31 July 2020
Postal Address:	c/o Strutt & Parker, [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?

Mr Ian Ross, [REDACTED]

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):

1. In relation to the Spatial Strategy, the Proposed LDP should be modified to allocate additional land for residential development across the Plan area and to compensate for the anticipated shortfall in housing land to be created by the Plan, as suggested by Homes for Scotland.
2. In relation to the Spatial Strategy, the Proposed LDP should reassess the sites being proposed for residential development in order to establish which sites which were previously identified as constrained in the 2018 Housing Land Audit are now not considered to be constrained and are therefore counted against the effective housing land supply; evidence to support the removal of the constraint should be provided by the Council to justify this change.
3. The LDP should be updated as required to take account of any increase in housing numbers that would arise as a result of the above proposed modifications.

Reason for change:

Background

Strutt & Parker is instructed by Mr Ian Ross of [REDACTED] to prepare and submit representations in response to the current consultation on the Aberdeenshire Proposed Plan.

We wish to take this opportunity to express our concerns in relation to the Spatial Strategy in the Proposed Local Development and query the approach and methodology that Aberdeenshire Council has adopted to the consideration, assessment and proposed allocation of sites at this stage in the preparation of the plan but also to reiterate our concerns arising from the Main Issues Report.

We perceive a fundamental issue with the Proposed LDP that has the potential to significantly undermine the spatial strategy adopted by the Council is the overall lack of clarity with regard to the housing land requirement across the Aberdeenshire area and the means by which the Council proposes to satisfy this and maintain an effective 5-year land supply at all times.

Approach to Spatial Strategy

We highlight the Council's previous acknowledgement at MIR stage that the majority of the identified Strategic Growth Areas (SGAs) were failing to perform as expected and that delivery is either occurring more slowly than projected or not at all.

In particular, the Aberdeen to Huntly Strategic Growth Area was recognised as being constrained by uncertainty surrounding the dualling of the A96 and the potential route options. We understand that a preferred route has still not been identified, and that as a result there remains uncertainty as to when many of the sites in Inverurie and Huntly that have been proposed for development will be delivered. This threatens the Council's ability to maintain an effective 5-year housing supply in this SGA and has a knock on effect for overall delivery rates across the Plan area.

This is not a singular issue however with the anticipated rates of housing delivery in all areas appearing overly ambitious and in many cases with a short lead in time from anticipated LDP adoption date which does not reflect the true timescale involved in negotiating a Major application through the planning system.

Infrastructure and capacity issues are continuing to frustrate delivery on sites and we note a considerable number of sites that have been deemed to be unconstrained on access grounds when other sites within the same settlement have been discounted from allocation due to limitations in the local transport network. In some cases, sites that were listed as constrained in the Housing Land Audit and therefore not effective have now been listed as unconstrained with their allocated numbers contributing to overall housing land numbers in the plan period. There does not appear to be evidence of when and how the constraint was lifted and we request that the Council provide more detailed and transparent account of these instances in order to evidence their inclusion and contribution to the overall supply.

Housing Land Allowances

We support the response from Homes for Scotland (HFS), as representative body for the housebuilding industry, to the Proposed Local Development Plan.

We note the HFS response suggests that at the date of adoption of the plan, if the proposed allocations are carried forward as currently published, that there will be a shortfall of 432 units in

the housing land supply for the Aberdeenshire Housing Market area and that accordingly Aberdeenshire Council should modify the Proposed LDP to allocate more deliverable housing land.

We align with this position. However, we consider that this anticipated failure to meet the housing land supply is likely to be exacerbated further as there are significant doubts over the effectiveness of some of the allocations that have been proposed, in addition to the unresolved constraints highlighted in previous Housing Land Audits that appear to still apply to a number of sites assessed by Aberdeenshire Council as being effective; added to this is the illogical and inconsistent approach to the calculation of indicative site densities across the Plan area, which we consider have been inflated to such an extent in several cases (often far in excess of bids) that the numbers could never be practically or physically achieved.

With regard to new or enlarged allocation little if any narrative is available to indicate how the Council has assessed/considered the effectiveness of these sites. We would suggest that this is an essential evidence base upon which to understand the Council's justification in this regard or how the assessment complies with the tests of effectiveness included in *Planning Advice Note 2/201: Affordable Housing and Housing Land Audits*.

We consider that the above points to the likelihood of a future significant increase in the shortfall in housing land supply suggested to arise at the date of adoption of the Plan.

In order to address the anticipated shortfall and likelihood of further failure in housing numbers as set out above and in the detailed HFS response, we suggest that Aberdeenshire Council must allocate additional land for housing development; this could be achieved on sites that demonstrate ability to deliver new housing within the plan period and those that have potential to carry on beyond that time.

Approach to assessment

We highlight what we perceive to be an inconsistent assessment of site effectiveness and ability to deliver across the Plan area with the SEA recording vastly different assessment and conclusions on adjacent sites that exhibit many of the same characteristics and have the same likelihood of potential impact.

In general, we consider that, should the Council maintain its approach of proposing sites for development across the Plan area that cannot be demonstrated to be capable of such development, it is inevitable that failures in the housing land supply will emerge in due course.

If the Council fails to maintain the required effective 5-year housing land supply at all times across the Aberdeenshire area they will likely face a substantial number of departure applications for residential development on unallocated sites, which runs contrary to the principles of the plan-led system in place in Scotland.

Summary

We remain to be convinced as to how the Council has assessed and allocated sites across the Plan area and note a number of apparent inconsistencies in the approach.

We consider that the lack of a robust and justifiable evidence base on many sites calls into question the methodology applied.

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
--	---

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.

