

# 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.

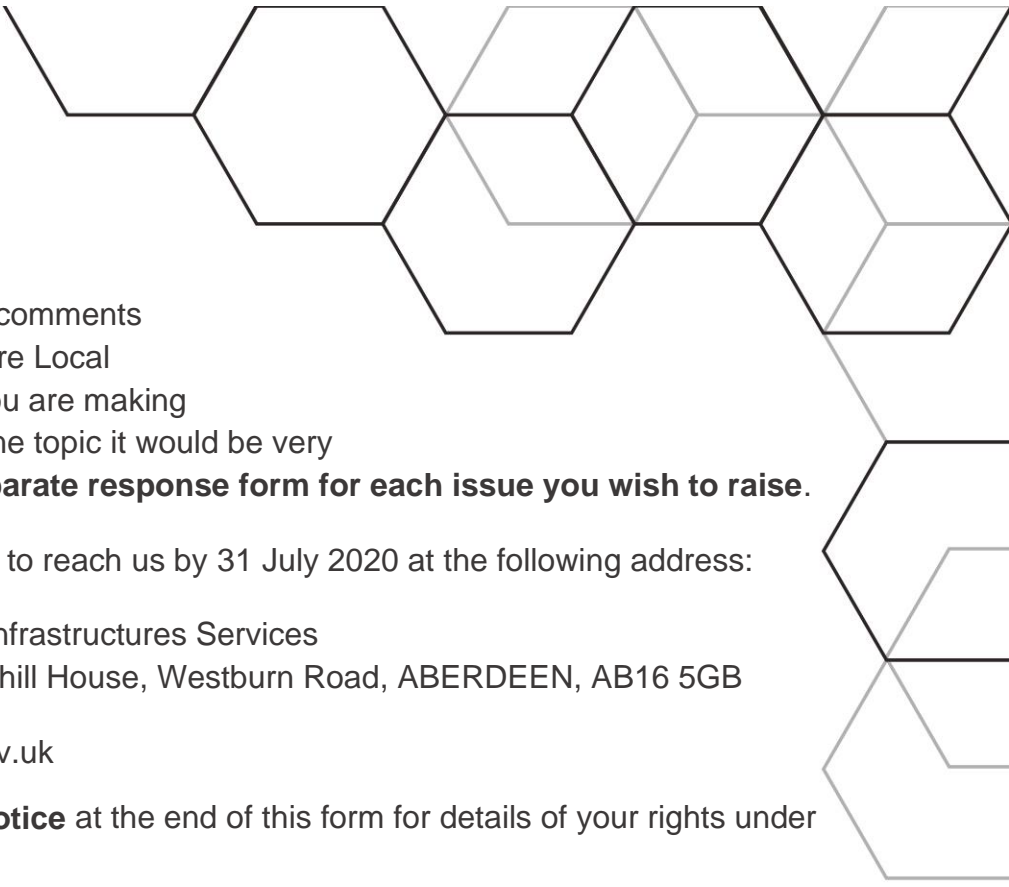
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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

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:	Craig
Surname:	Fotheringham
Date:	July 2020
Postal Address:	Bancon Homes, [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):

Allocation of Sites MR038 and MR039, Banchory in the Aberdeenshire LDP 2020 (Proposed Plan). Sites previously preferred by Officers for 100 units (MR038) and Reserved for 100 units (MR039)

## Reason for change:

Sites MR038 and MR039 were both included within the LDP 2021 Main Issues Report ("the MIR"), with MR038 preferred for allocation with an indicative capacity of 100 units and MR039 Reserved with an indicative capacity also of 100 units (200 in total).

Bancon responded to the consultation following the MIR supporting that allocation and reservation. At that time, we noted that Banchory is a key settlement within the identified Local Growth and Diversification part of the Aberdeen housing market area (AHMA). It continued to sustain a good level of housing completions throughout challenging market conditions in the previous decade and as a location of choice for homeowners, should continue to be supported.

We also identified that ongoing growth in the Lochside of Leys area of Banchory is logical given the infrastructure investment in this northern part of the town, relating to the delivery of schools, leisure facilities, retail and business uses and enhancements to the natural environment. All this on land owned or controlled by the Burnett family, on whose land MR038 and MR039 are sited.

The Officers' report to the Marr Area Committee on 17 Sep 2019 carried forward the above prospective statuses. However, a comment was made at that Committee raising concerns about the biodiversity impact, the need to protect local woodland and concerns regarding drainage issues within the site. The call was for MR038 to be removed from the LDP, and this was carried by members at that Committee and also carried forward at the subsequent Infrastructure Services Committee.

This representation at Committee contradicted the Officers' recommendation, and raised unfounded concerns. MR038 lies outwith the boundary of the Local Nature Reserve (LNR) and does not impact any otherwise protected woodland. Para 196 of the adopted Scottish Planning Policy 2014 (SPP) states specifically that "buffer zones should not be established around areas designated for their natural heritage importance."

As such there is absolutely no policy justification for the removal of this site, which would provide ongoing certainty of delivery in an area which has benefited from high infrastructure investment.

A Drainage Impact Assessment supported the revised masterplan for Lochside of Leys, which highlighted no issues to development of sites across the area. This would be supported at a detailed site-level by technical reports demonstrating the strategy and local network capacity. The masterplan noted that the drainage strategy across the area was based on the collection of surface water runoff into detention basins, which would then discharge into filter trenches reflecting as close to existing drainage impacts as possible. The schematic below illustrates the strategy.

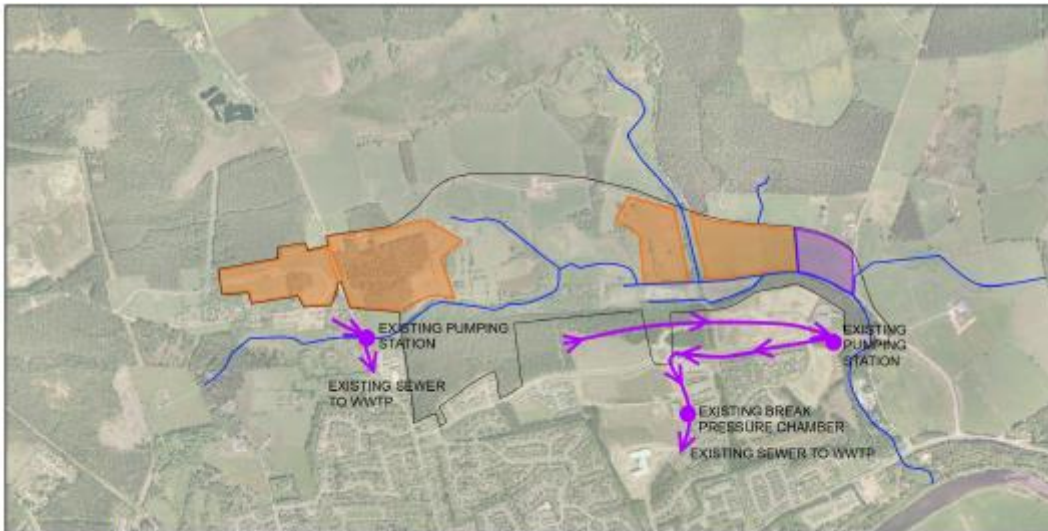


Fig 11 – Watercourses and current foul drainage

The removal of this site is especially unjustified with the advent of a longer lifecycle for LDPs, and the need to ensure that there is sufficient land allocation over potentially a 10-year period. Existing allocations within Lochside of Leys are expected to be complete within that time.

The designation proposed for MR039 in the MIR was welcomed for this reason too, providing a secondary tier of sites which could be brought forward in the event existing and new allocations are worked through prior to adoption of a new LDP, providing longer-term clarity for the local authority and developers alike.

In terms of housing land allocations, despite the position taken in the Proposed Plan (Appendix 6 Housing Land Allocations) we contend that there remains a housing land shortfall within the Aberdeen Housing Market Area (HMA). A surplus of 80 units is identified in the LDP in response to the SDP Housing Supply Allowance.

However, Homes for Scotland, analyse the housing land supply within the Aberdeen HMA as being short by c.483 units (a difference of 563 units where sites are considered to be constrained or non-effective). Worryingly, there are a number of sites where the bid or previous allocation has been increased by Aberdeenshire Council (in total 287 units) including some sites where this is seemingly without request, where there is no evidence of housebuilder involvement or the site is not evidently in effective ownership.

802 units within Aberdeenshire Council's analysis of housing land supply are from sites of 50 units or below. It is contended therefore that there is significant risk of a housing land shortfall as measured against the SDP Allowance, and this site would be effective in meeting that shortfall.

The Officers' response to the ISC was that "the site represents a significant proportion of all the new allocations being made in this area. While less of an issue than the removal of sites in Portlethen, the relatively small additions made elsewhere to the Aberdeen HMA housing allowances may not be able to cope with this loss. The site may need to be introduced should housing land supply in the Aberdeen HMA fall below the SDP requirement". We would argue on the basis of the above analysis that there is sufficient evidence that the allocated housing land falls below the SDP Housing Supply Allowance necessitating, by the Officers' own response, that this site should be reintroduced.

In addition, whilst not lying within the same area of Aberdeenshire but nonetheless in the Aberdeen Housing Market Area (AHMA), representations have been made previously by Bancon Homes regarding the continued under-delivery of housing at Chapeltown of Elsick. We do not object to the principle of this allocation, but continue to request that Aberdeenshire Council recognise (1) the significant proportion of the effective land supply within the AHMA that Chapeltown constitutes and (2) the number of completions arising from Chapeltown continues to be well below those envisaged in either the 2012 or 2017 LDP's.

In terms of the first point above, Appendix 6 of the Proposed Plan identifies a total housing land supply for the Aberdeen to Laurencekirk SGA of 6,030 homes. Chapeltown is allocated for a total of 4,045 homes, with only 164 delivered as of Jan 2019 (Housing Land Audit 2019). This leaves 3,881 homes remaining, constituting 64% of the total effective housing land supply for this SGA.

In relation to the second point, the delivery of 164 units since commencement in 2015 equates to a build rate of approx. 40 units per annum. Extrapolating this out, even at a more generous 60-80 units per annum, would leave a completion total of only 1,184 units by 2031. This would leave 2,861 units undelivered during the plan period.

This further throws into focus the risks associated with Aberdeenshire Council's assessment of effective land supply, and that without further allocations, the delivery of homes across the AHMA will be well below that required by current and prospective residents.

Taking all the above into account, we contend that MR038 should be reinstated (in line with the original Officers' recommendation to the local area Committee) and also that MR039 should be reinstated as either an allocation or as "Reserved" in the adopted LDP 2021.



# 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.

