

PP0997

# 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, zvaniem 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)  
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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:	Thomas
Surname:	Mackenzie
Date:	30/07/2020
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████████

Are you happy to receive future correspondence only by email? Yes  No

Are you responding on behalf of another person? Yes  No

If yes who are you representing?

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

*An acknowledgement will be sent to this address soon after the close of consultation.*

# YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

**Modification that you wish to see** (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Site OP3 has been identified as a potential site in the Main Issues Report for residential development. Objection is made to this and I request that this area is removed.

Accordingly, the New Housing Land Allocation should also be amended to reflect this.

## Reason for change:

I respectfully request site OP3 be removed from the proposed Local Development Plan 2021 on the following grounds:

- 1) It is not required and constitutes over development of the village
- 2) The site has been rejected in a previous bids to the Local Development and most recently, in 2015
- 3) The site was rejected by the Aberdeenshire Council Planning Department in 2018 and in the Main Issues Report in 2019 prior to the publishing of the Local Development Plan on 5<sup>th</sup> March 2020
- 4) The site received the same recommendation as others in the vicinity and these were not discussed by either the Formartine Area Committee or the Infrastructure Services Committee in 2019
- 5) It does not fit with the aspirations of the community as set out in the Community and Spatial Masterplans for Pitmedden and Milldale completed in 2018/2019
- 6) It is not a suitable site for development
- 7) There are more viable alternative sites available
- 8) It will have adverse impact on the amenity of the neighbourhood

1. It is not required and constitutes over development of the village

Sites OP1 and OP2 already constitute over development in Pitmedden for a period much longer than the proposed Local Development Plan ("LDP"). OP1 has already been approved and will proceed shortly.

Sites OP2 and OP3 are for a combined total of 287 houses with an additional 10 at OP4 and the 64 at OP1. The houses built last year by [REDACTED] off Tarves Road (OP1 in the 2017 Local Development Plan) (" [REDACTED] ") at the entrance to the village from the South have still not all sold and some remain on the market. There has been a lack of uptake on the affordable housing within the [REDACTED] site and this can only be expected to worsen due to the long term impact on oil prices and Covid-19 on the economy and the oil industry,

The application for the bid site in 2018 states 'what is envisaged is a residential development to address the significant shortage of housing within the parish'. There is, however, no shortage of housing (as shown by the continued availability of housing at the [REDACTED] site) and there will not be a shortage of housing over the next 2-10 years with the development of OP1 and OP2.

Furthermore, the current provision within the primary school is at capacity for Primary 1 with the class being split into 2 groups. Meldrum Academy is also already at capacity. The numbers of houses proposed as being included in the LDP will worsen this situation.

2. The site has been rejected in previous bids to the Local Development Plan and most recently, in 2015

This site has been rejected during the previous three LDP processes and the inclusion of the site in this process in March 2020 is puzzling, particularly given background to the LDP being published.

The bid in 2015 was rejected due to the site being visually prominent from the southern approach and would negatively impact on the setting of the town. Sites FR132 and FR133 (as designated in the Main Issues Report) were also not allocated during the previous LDP processes along with this site for the same reason. These sites adjoin site OP3. The geographical topography and location remain unchanged and the site should therefore be rejected on this basis.

Given Aberdeenshire Council have stated within the LDP that they believe consistency and continuity with previous development plans remains a key element so as to support the implementation of a long term strategy and decision making, the inclusion of this site strays significantly from this guidance.

3. The site was rejected by the Aberdeenshire Council Planning Department in 2018, within the Main Issues Report and within the Final Issues and Action Paper for Formartine in 2019 prior to the publishing of the LDP on 5<sup>th</sup> March 2020

The lead up to the publishing of the LDP on 5<sup>th</sup> March 2020 is highly relevant and the inclusion of the site causes confusion as a result.

**Aberdeenshire Council Planning Department (“the Planning Department”) 22<sup>nd</sup> May 2018**

On 22<sup>nd</sup> May 2018, the Planning Department met to discuss the proposed sites. During the course of the meeting, the Planning Department considered the site unacceptable development of prime agricultural land and thought linking the site with OP1 required impossible negotiations with various developers. These concerns are still valid.

The Planning Department has also previously rejected the bid for this area on two occasions because of the following considerations:

- a) The site is within a pipeline safety zone;
- b) The site is visually prominent from the southern approach and would negatively impact on the setting of the town;
- c) There is a flood risk to an area at the northwest boundary of the site;
- d) It has been stated there are more viable sites available; and
- e) The site constitutes unacceptable development of prime agricultural land.

As stated above at point 2, the location and topography of the site are physical factors that cannot be changed and indeed, have not changed during this process.

**Main Issues Report published January 14<sup>th</sup> 2019 (“MIR”)**

The MIR states that support for OP3 (previously known as Site FR108) was acknowledged, however there were more appropriate sites that had been identified and would meet local housing needs. As such, no additional sites were required and no further action was stated as being required.

As it stands, the recommendations in the MIR and the Final Issues and Actions Paper state that no further action is required in respect of OP3, yet the site has been included in the LDP. The same recommendation was provided for Sites FR132 and FR133 which adjoin OP3 and have the same issues with topography and type of ground, yet sites FR132 and FR133 have NOT been allocated into the LDP.

4. The site received the same recommendation as 2 others in the same area of Pitmedden to not be included in the LDP. This recommendation was overlooked by both the Formartine Area Committee and the Infrastructure Services Committee in 2019

**Main Issues Report published January 14<sup>th</sup> 2019 (“MIR”)**

The MIR states that support for OP3 (previously known as Site FR108) was acknowledged, however there were more appropriate sites that had been identified and would meet local housing needs. As such, no additional sites were required and no further action was stated as being required.

As it stands, the recommendations in the Final Issues and Actions Paper also state that no further action is required in respect of OP3, yet we find the site has been included in the LDP. The same recommendation was provided for Sites FR132 and FR133 which neighbour OP3 and have the same issues with topography and type of ground. However, sites FR132 and FR133 have NOT been allocated into the LDP.

Subsequently, the following meetings took place:-

**Formartine Area Committee 10<sup>th</sup> September 2019 (“FAC”)**

During this meeting [REDACTED], who is the land agent for the landowners of OP3 and who is also a Director of the Udney Community Trust Limited presented, as Director of the Community Trust, in respect of the masterplans drawn up by the Community Trust with Planning Action Scotland (PAS).

The minutes of this meeting state that FAC agreed to accept the community plan as proposed by the Udney Development Trust, covering bid sites FR108, FR007, FR132 and FR133, as the settlement statement for Pitmedden and Milldale, with officers to further discuss the proposals in early course with the Trust.

**Infrastructure Services Committee 3<sup>rd</sup> October 2019 (“ISA”)**

At their meeting of 3<sup>rd</sup> October 2019, ISA considered the views of Formartine Area Committee and agreed not to allocate bids FR132 and FR133 in the Proposed LDP. The Committee also agreed that part of bid FR006 be allocated in the Proposed LDP.

The allocated part of FR006 was to be incorporated into the adjacent bid FR007 site already recommended for inclusion (now OP2 as a whole).

Sites FR132 and FR133 were explicitly stated as being not allocated in line with the concerns raised in Part 3, General Issues of the Report. The concerns with these sites are almost identical to those of OP3 as highlighted previously by the Planning Department and as mentioned within this objection already. OP3 also lies on a steep hill and is highly visible as you enter Pitmedden. FR132 and FR133 are deemed an attractive entrance to Pitmedden with an open aspect. Developing sites FR132 and FR133 was deemed to have an adverse impact on the character of the area and it was decided they are therefore unsuitable for development. OP3 adjoins these sites and sits on the same highly visible slope as you approach Pitmedden from the South.

The Final Issues and Actions Paper for Formartine again reiterates that support for OP3 was acknowledged, however there were more appropriate sites that had been identified and would meet local housing needs. As such, no additional sites were required and no further action was stated as being required.

It is not clear and it causes confusion as to why the recommended action for site OP3 has been disregarded, yet the same advice for the adjoining sites at FR132 and FR133 has been applied. No further action should have been taken in respect of OP3 in light of the recommendations and concerns and accordingly, it should not have been allocated in the LDP.

Given the recommendations, we trust that not excluding site OP3, but excluding the neighbouring sites, has simply been an oversight in not being discussed and applied during both the FAC and ISA meetings.

5. It does not fit with the aspirations of the community as set out in the Community and Spatial Masterplans for Pitmedden and Milldale completed in 2018/2019

During the course of 2018, Imagine Udney, a community consultation was undertaken which set out the aspirations for the Pitmedden and Udney areas in terms of the village and surrounding areas. As a result, a Community Masterplan and Spatial Masterplan (“the Masterplans”) were produced. Within previous representations by Udney Community Council (UCC) and Udney Community Trust Limited (UCT) at the time of the MIR in 2019 and also mentioned at the FAC and ISA meetings, the inclusion of OP3 has been justified as forming part of the settlement statement produced within the Masterplans.

Both [REDACTED], Director of [REDACTED] Associates and UCT and PAS, who facilitated the consultations, have confirmed that Imagine Udney was never designed to consult on housing issues in the community and as a result, no community consultation has ever been carried out as to the inclusion of OP3/FR108 in the LDP. Accordingly, there is no mention of this site within either document.

Both Masterplans highlighted, with community support, a wide variety of ideas for the further development of the Udney Parish settlements, focus being on Pitmedden – Milldale as the principal settlement in Udney Parish.

The subsequent prioritised actions from both Masterplans by UCC and UCT are:

- i. Central Village interventions to give a clear sense of identity
- ii. The creation of a new Community Hub to support a wide variety of activities
- iii. Re-development of the existing Quarry site on the B999 as an exciting recreational park
- iv. Development of new green spaces linking in with the existing paths network
- v. Traffic management measures to improve public safety and amenity

Any development within and around Pitmedden and Milldale is expected to support these priorities.

Some of the residents of Allathan Park, which is situated adjacent to OP3, met with [REDACTED] in July 2020. He confirmed during this meeting that as PAS had not consulted on proposed housing sites, he along with his staff at [REDACTED] Associates prepared a plan representing his ideas which was presented and tabled at the FAC meeting in September 2019. This plan had not been shown to the community or any consultation take place. This plan included the bid sites FR108 (now OP3), FR132 and FR133 that he had submitted in 2018 on behalf of the land owner. His client These sites, however, had not been consulted upon during the Imagine Udney process with the wider population of Udney Parish.

The Masterplans have the following items relating to housing and development at Action Point 16. Future Direction and Growth; a) produce a village design statement b) prepare a settlement statement (including placemaking priorities) to feed into the LDP and c) there was a need to address local housing issues, the lack of diversity of house types, affordable homes, and the location of future housing developments. It was felt this could be community led. There was broad acceptance of a need for more housing, but that this needed to be proportionate. At a meeting with some of the residents of Allathan Park, the Chair and a director of UCT he confirmed no work had been done on any of these tasks as the Trust had given priority to other projects and they have limited resources. It can be concluded from this that OP3 should not be included in the LDP or that it is premature at least.

It has been noted within the Masterplans that community aspirations state that any development proposals should always include proper, meaningful, community consultation. As part of their representations which formed the considerations of the MIR, UCT stated their comments were restricted to matters of fact and to issues/sites which have a bearing on the Imagine Udney projects and aspirations. [REDACTED] Associates stated that the aspirations of the community as part of the Imagine Udney process are for housing to the South of the village. This ‘aspiration’ is not mentioned or contained within the Masterplans and as OP3 was not discussed or consulted upon, the statement as to comments representing sites that have a bearing on the Imagine Udney consultation is incorrect and misleading.

Furthermore, the inclusion of OP3 within the LDP can never further the aims of either of the Masterplans as it is not possible for the area to be a cohesive part of the community. Due to the access from the B999, it would form a settlement in of itself. Whilst the LDP states that there ‘should’ be two accesses to the site, the Planning Department has previously highlighted that forming a link between OP3 and OP1 would be almost impossible due to the cost of

doing so and the negotiations between various developers. It would also place unnecessary pressure on the Bronie Burn. [REDACTED] confirmed his client would not construct this link which makes a second access difficult.

#### 6. It is not a suitable site for development

The application for the bid site has a number of inaccuracies and omissions which go to the site not being suitable for development.

The site is affected by at least 5 wayleaves which will restrict development. The main issue being the gas pipeline which has prohibited development of FR132 and FR133 and this site (OP3) in previous LDP bids.

When Allathan Park was built circa 1975, the planning department prohibited the houses being built at the top of the hill with the gardens running towards the road as this would constitute a prominent skyline development. The bid for this site has previously been rejected on the same basis.

Currently the approach to Pitmedden provides an 'attractive entrance'. Development of OP3 would adversely impact the character of the area as any housing or development would sit on the highly visible slope as you approach Pitmedden from the South.

Less than one third of the site slopes from north to south. The bid application stated the site sloped from south to north and that there would be an element of solar gain with the development of the site. The geography of the site in sloping north to south means there is little exposure to beneficial solar gain but plenty of exposure to the predominant cold north wind.

Due to the location of the mains gas pipeline, the limits of development of the area mean that it is unsuitable for the original 30 houses in the original bid application, let alone the 68 houses as described in the LDP. Due to the elevation, topography and geology of the site, it will not be economic to develop with house types sympathetic in character to existing nearby development. Screening of the boundary to attempt to preserve the amenity of the neighbourhood will be almost impossible to achieve due to topography and geology.

The site is situated upon ground surrounding a disused quarry. Site servicing will be difficult and expensive because of the shallow depth to bedrock and rock removal will have a detrimental and lasting effect on adjoining properties. The development of the site will also have permanent and catastrophic effect on the water tables resulting in flow of excess water into the current properties in the vicinity. At present, during heavy rainfall, the garages at a number of properties at Allathan Park are flooded. This would have a heavy and disastrous impact on these properties and the surrounding area. There is also the presence of a sewage drain located near the entrance to Allathan Park which carries the sewage from the neighbouring development at Hunter's Rise towards the Bronie Burn.

There are stated concerns during previous LDP processes as to the lack of water and drainage capacity and a flood risk to the north west of the site itself.

Servicing the site will be expensive and complex due to the site falling in two directions. This will likely require 2 SUDS ponds and outlets and possibly a sewage pumping station. Consideration as to the location of OP1 (which is approved and due to start work for development shortly) and the knock on effect it will have to development of this site must be considered.

The site is in close proximity to the disused Allathan Quarry. The rejection of the site in previous LDP processes have also focussed on the high potential for contaminated land as it has previously been used as an uncontrolled waste tip by contractors.

There are great safety concerns in respect of the entrance to the site. Any access to the site would require to be taken from the B999. This should lead to this new access as well as access to Allathan Park, Bothwell Place and Saddlers View all being taken in close proximity along Tarves Road/B999 with the dangers of either a road accident or an accident involving pedestrians far more likely. Junctions in close proximity give rise to a high level of conflicting traffic manoeuvres resulting in a higher risk of accidents. [REDACTED] number 1 Allathan Park will have roads on three sides of their property [REDACTED].

#### 7. There are more viable alternative sites available

This has clearly been stated by UCC, the Planning Department and within the Final Actions and Issues Paper. Indeed, the zoning of the site as a 'dotted site' means that there are other options and the site is not preferred. Whilst the site may be deliverable, better options exist.



OP2 is the logical extension to the South of the village and fits in with community aspirations in line with the Masterplans produced by the Imagine Udney consultation exercise. OP2 will provide many community benefits including a site for a new school, new unrestricted village centre with close proximity to the health centre and a village hub. There is also provision for a new link road.

#### 8. Adverse Impact on the Amenity of the Neighbourhood

The proposed housing density of 24 houses per hectare is not sympathetic to existing nearby developments. Hunters Rise at Milldale has a density of 4 houses per hectare, Allathan Park has 8 houses per hectare and Bonnyton at OP1 has a density of 14 houses per hectare.

There are both short term and long term issues with development of the site that would have an adverse impact on the amenity of the neighbourhood and the biodiversity of the area.

In respect of the impact on the amenity of the neighbourhood, the significant visual impact on the village gateway from the South, which has been a major consideration in rejecting this site and the other neighbouring sites is a major concern. The dangers of a 3<sup>rd</sup> access to a street in close succession as you enter Pitmedden further compound this. The access will be detrimental to the provision of the Village Gateway.

Other concerns have been raised as to the loss of privacy and light for neighbouring properties, noise and disruption during and post construction with the concern regarding the height of the site above existing properties both at Allathan Park and Bothwell Place and the close proximity to the houses in Allathan Park. As development would be restricted due to the location and zoning of the gas pipeline, these are not issues that can be mitigated or changed as part of developing the site.

The north end of the site has been returned to its natural state and supports a rich wildlife habitat (approx. ¼ of the site). This is an area rich in wildlife including deer, pheasants and the wildlife residing in the neighbouring Bronie Burn.

#### **Conclusions**

Due to the repeated rejection of site OP3 in previous LDP bids, the refusal to include it as part of the LDP in the run up to the publishing of the draft LDP in March 2020 and the concerns raised in this objection, I would request that site OP3 is not allocated in the current LDP process.

# 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.

