



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.

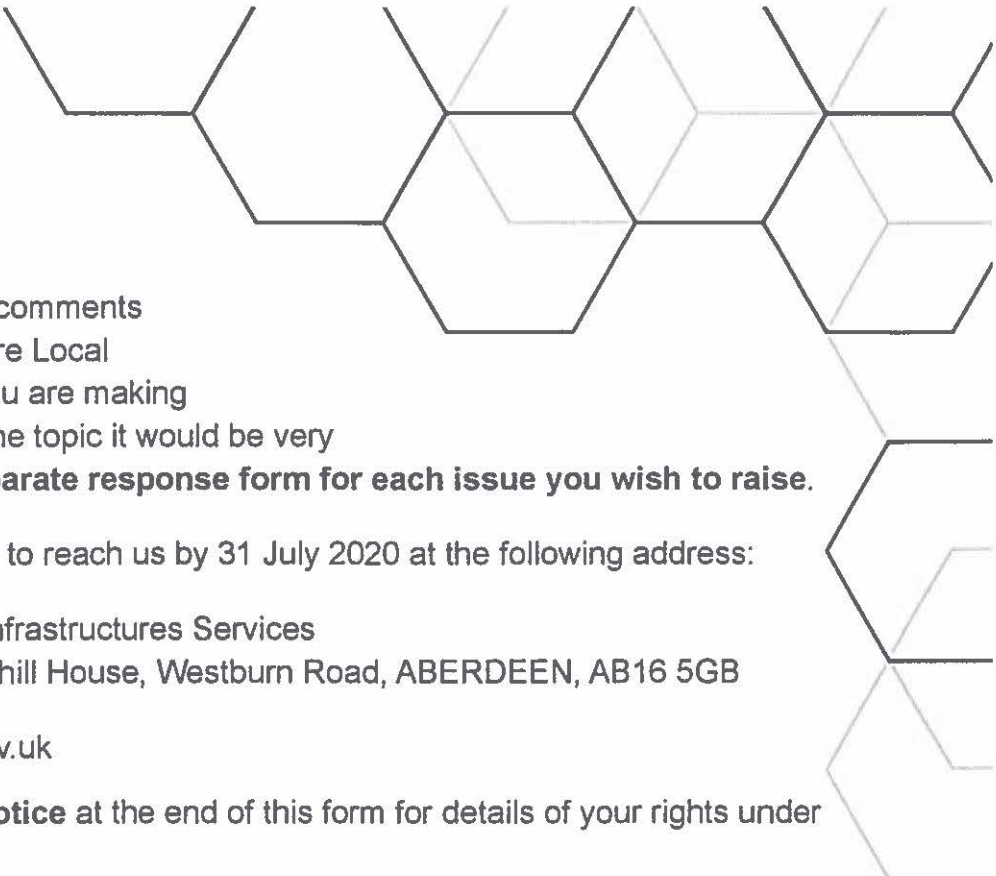
This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved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



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise.**

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	Ian A
Surname:	Downie
Date:	31st July 2020
Postal Address:	c a s e CONSULTING Limited [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?

Various developers and landowners

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):

Amend the housing allowances for the Rural HMA to 5195 for 2020 - 2032 period, 1118 for the 2033 - 2035 period and 2,113 for the 2036 - 2040 period. (Table 1 on page 16 of the LDP)

NOTE: THIS IS THE PRIMARY REPRESENTATION REGARDING LAND SUPPLY IN THE RURAL HMA WHICH WILL BE REFERENCED IN OTHER SITE SPECIFIC REPRESENTATIONS

Reason for change:

SPP is explicit in requiring that LDPs must deliver a generous supply of housing land and, in particular, that LDPs should identify sufficient housing land to ensure that the minimum five year effective land supply is maintained at all times. In circumstances where a Planning Authority cannot demonstrate that sufficient land has been identified to satisfy the provisions of paragraph 110 of SPP a strong presumption in favour of the approval of development of non-allocated sites arises. This strong presumption in favour of the approval of development on non-allocated sites has recently been ratified by the Court of Session, (*Gladman Developments Limited v Scottish Ministers*, [2019] CSIH 34). If any Planning Authority is minded to avoid planning by appeal the numerical adequacy of the allowances must be demonstrably robust.

The principle is easily understood from the wording of paragraph 110 of SPP. A minimum five year effective land supply must be maintained at all times. On the 31st December 2032 there should therefore be residual effective land supply of no less than the five year requirement. Based on that assumption, it is then possible to calculate the allowances for the subsequent plan period bearing in mind that the later plan period allowances will be subject to review. No alternative methodology can provide a credible base residual supply upon which the later plan period allowances can be calculated.

This methodology represents the best case scenario which envisages all allocations becoming effective in their entirety within the relevant plan period together with the all sites within the effective supply as at the base date of the plan remaining in the effective supply and delivering their anticipated housing capacities. Table 1 of the LDP mentions the first plan period commencing in 2020 but the base date of the Strategic Development Plan and the assessment of the effective land supply is a year earlier on 1st January 2019. There is a compelling argument for increasing the allowance for the 2020 - 2032 period by a further 536 houses in respect of the allowance for 2019

The comprehensive calculation sheet is appended as a Production. The fact that the Strategic Development Plan has failed to recognise this methodology is of no consequence as the Strategic Development Plan has not yet been approved by Scottish Ministers and, in any regard, will cease to be a constituent part of the development plan in early course. The Local Development Plan has the primary responsibility to deliver and maintain the strategic target through the identification of sufficient allocations in accordance with the provisions of SPP in general and paragraph 110 in particular.

The strategic targets are informed by a spatial strategy that has, historically, overpopulated the Rural HMA with substantially more housing land than it can reasonably utilise thus leading to the position that 3,763 houses on 69 sites were noted as being marketability constrained in the 2019 housing land audit. This was equivalent to 31.3% of the identified established supply on the 1st January 2019.

In such circumstances it may be appropriate to consider relocating allowances that cannot be delivered as effective units due to the high level of marketability constraint in the RHMA to the adjacent Aberdeen Housing Market Area where marketability constraints are not an issue.

	AHMA	Aberdeen City	Aberdeenshire AHMA	Rural HMA	Aberdeenshire Total	City and Shire Total
2016 – 2019 (4 years) SDP Table 2 requirements (affordable + market)	6436	4290	2146	2144	4290	8580
2016 – 2019 annualised requirements	1609	1073	537	536	1073	2146
2020 – 2032 (13 years) SDP Table 2 requirements (affordable + market)	27456	17160	10296	6864	17160	34320
2020 – 2032 annualised requirements	2112	1320	792	528	1320	2640
Minimum effective supply required to maintain 5 year effective supply between 01.01.2020 and 31.12.2032 ⁽¹⁾	38016	23760	14256	9504	23760	47520
Add: Requirement for 2019	1609	1073	537	536	1073	2146
Minimum effective supply required to maintain 5 year effective supply between 01.01.2019 and 31.12.2032 ⁽¹⁾	39625	24833	14793	10040	24833	49666
5 year effective supply (2019 HLA) excluding small site contribution (Para 28 – Reporter's Conclusions – Issue 14)	10252	6242	4010	2815	6825	13067
Programmed effective units 2024 – 2026 (2019 HLA)	4823	2818	2005	1062	3067	5885
Extrapolated effective units 2027 – 2032 (2019 HLA)	6471	4467	2004	968	2972	7439
Identified maximum available effective supply from 01.01.2019 to 31.12.2032	21548	13527	8019	4845	12864	26391
Minimum allowances necessary to maintain 5 year effective supply between 01.01.2019 and 31.12.2032	18079	11306	6774	5195	11969	23275
Proposed Table 3 allowances for 2020 – 2032 (no allowance has been included by the Reporter for 2019)	8172	5107	3065	2042	5107	10214
SHORTFALLS IN PROPOSED TABLE 3 ALLOWANCES FOR 2019 - 2032	8907	6119	3709	3153	6862	13061

Note 1: Paragraph 110 of SPP states that The planning system should 'identify a generous supply of land in 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'. It follows therefrom that sufficient land must be identified to ensure that a minimum five year effective land supply exists on the 31 December 2032. The annualised housing land requirement must therefore be multiplied by the number of years in the plan period plus a further five years. In the case of the Aberdeen City and Shire Strategic Development Plan the period from 2020 to 2032 extends to 13 years and the annualised requirements need to be multiplied by 18 to satisfy SPP.

Note 2: Components may not sum to totals due to rounding

Table 3 : Local Development Plan Housing Allowances (adjusted to satisfy paragraph 110 of SPP)

	Housing Supply		Allowances				Total Allowances
	Housing Supply 2019 - 2032* ¹	Housing Supply 2033 - 2040* ²	Allowances 2019	Allowances 2020 - 2032	Allowances 2033 - 2035	Allowances 2036 - 2040	
Aberdeen Housing Market Area	21,546	2,767	1,609	16,470	4,452	8,992	31,523
Rural Housing Market Area	6,361	821	536	4,659	1,118	2,113	8,426
Aberdeen City Council	16,719	1,733	1,073	10,233	2,838	5,560	19,704
Aberdeenshire Council	15,967	1,855	1,073	10,896	2,732	5,545	20,246
Totals	27,907	3,588	2,146	21,129	5,570	11,105	39,950
	31,495		39,950				
Housing Land Requirement	71,445						

Note 1 : Includes effective supply from 2019 audit (excluding small site contribution) and programmed effective units to 2032. Note 2 : Extrapolated units from 2019 HLA. Note 3 : Components may not sum to totals due to rounding
CALCULATION FOR 2033 – 2035

	AHMA	Aberdeen City	Aberdeenshire AHMA	Rural HMA	Aberdeenshire Total	City and Shire Total
Assumed residual five year effective supply on 01.01.2033	10,560	6,600	3,960	2,640	6,600	13,200
Extrapolated programmed units 2033 - 2035	1,462	858	604	360	964	1,822
Total assumed effective supply on 01.01.2033	12,022	7,458	4,564	3,000	7,564	15,022
Minimum requirement to maintain 5 year effective supply between 01.01.2033 to 31.12.2035	16,474	10,296	6,178	4,118	10,296	20,592
Required allowances	4,452	2,838	1,614	1,118	2,732	5,570

CALCULATION FOR 2036 – 2040

	AHMA	Aberdeen City	Aberdeenshire AHMA	Rural HMA	Aberdeenshire Total	City and Shire Total
Assumed residual five year effective supply on 01.01.2036	10,296	6,435	3,861	2,574	6,435	12,870
Extrapolated programmed units 2036 - 2040	1,305	875	430	461	891	1,766
Total assumed effective supply on 01.01.2036	11,601	7,310	4,291	3,035	7,326	14,636
Minimum requirement to maintain 5 year effective supply between 01.01.2036 to 31.12.2040	20,593	12,870	7,723	5,148	12,871	25,741
Required allowances	8,992	5,560	3,432	2,113	5,545	11,105