

PP1254

# 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.

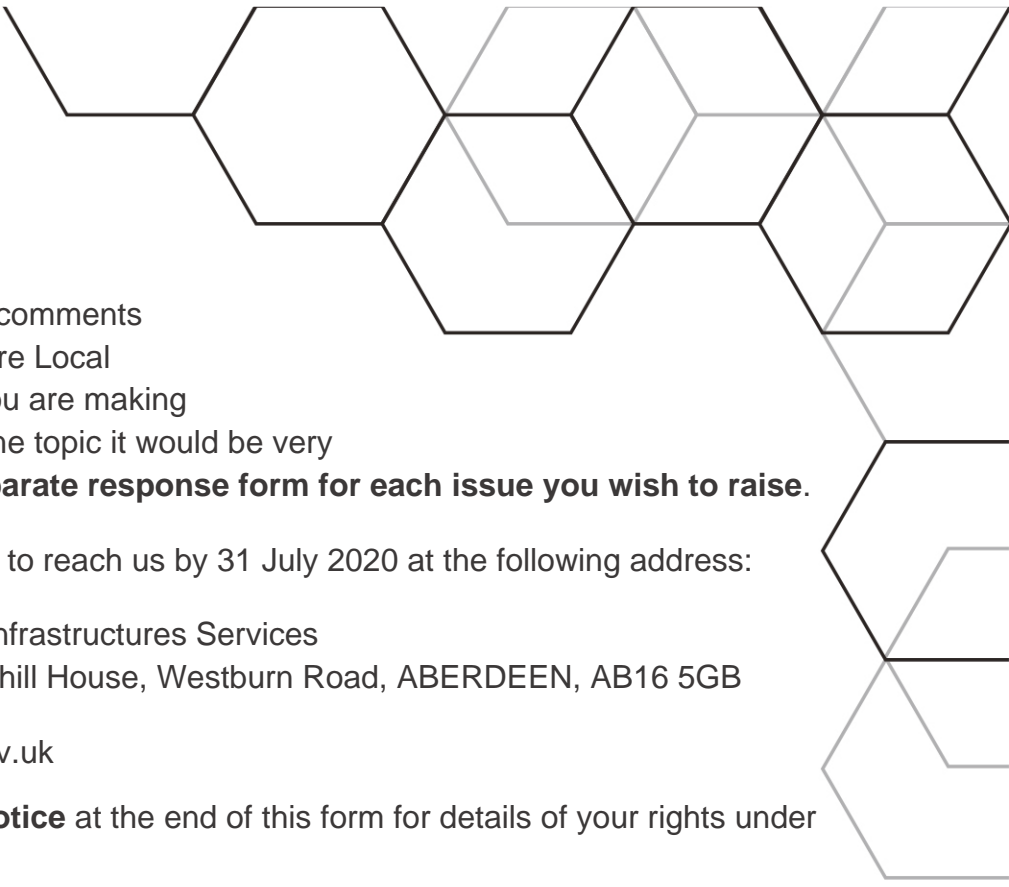
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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:	Ms
First Name:	Jenny
Surname:	Weston
Date:	30 July 2020
Postal Address:	RSPB Scotland, [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):

**Natural Heritage and Landscape. Section 10, page 58, Policy E1 Nature Conservation Sites, paragraph E1.6 Protected species**

PROPOSED LDP TEXT: Development must seek to avoid any detrimental impact on protected species. Protected Species Surveys to assess impact, and submission of Species Protection Plans detailing appropriate avoidance and mitigation measures may be required. Development affecting European Protected Species or likely to have a detrimental impact on protected species will not be approved unless a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest, and that the population will be maintained at a favourable conservation status in its natural range, and there must be no other satisfactory solution. Lists of species protected by legislation are available from Scottish Natural Heritage.

MODIFICATION: We believe that the following modification to the paragraph should be made, with additional text in bold and text to be removed scored through:

“Development must seek to avoid any detrimental impact on protected species. Protected Species Surveys ~~and~~ **to inform the assessment of impacts will be required where there is reason to believe protected species may exist on the site.** The submission of Species Protection Plans detailing appropriate avoidance and mitigation measures may be required. Development affecting European Protected Species or likely to have a detrimental impact on protected species will not be approved unless a thorough assessment of the site **and the proposed development** has demonstrated that the development is required for imperative reasons of overriding public interest, **there is no satisfactory alternative** and that the **protected species** population will be maintained at a favourable conservation status in its natural range. ~~and there must be no satisfactory solution.~~ Lists of species protected by legislation are available from Scottish Natural Heritage”.

## Reason for change:

We strongly welcome first sentence of this paragraph and the need to avoid detrimental impacts in the first place. This makes it clear that the mitigation hierarchy should be followed with detrimental impacts avoided whenever possible. We believe that some alteration to the wording is required to clarify the policy and ensure it reflects legislation.

The policy currently states that surveys “may” be required but does not clarify how this will be decided. Surveys are generally used to determine the presence of a species or the suitability of a habitat for species, rather than to assess the impacts. The surveys would be used to inform the assessment; therefore, the amended wording has been suggested. The need for a protected species survey should be determined by an assessment of the characteristic of the site in combinations with available data such as ecological records, previous surveys or local knowledge of the site.

The last two sentences are confusing, and it is unclear whether the text refers to European Protected Species (EPS) alone or all other protected species (e.g. those protected by the Wildlife and Countryside Act or the Protection of Badgers Act 1992). The planning advice note referred to (1/2015) relates to EPS as well as those protected by other legislation, including the EU Birds Directive Species listed in proposed policy E1.8, under the heading ‘wider Biodiversity and Geodiversity’ are protected by the Habitats Directive and the Birds Directive and are therefore also protected species. As there are specific requirements apply to EPS it would be useful to clarify this.

The wording of the policy appears to refer to the Conservation (Natural Habitats) Regulations 1994 and therefore we believe that the wording should reflect the Habitat Regulations, from which the protection derives. We believe that the test of ‘no satisfactory alternative’ (the 2<sup>nd</sup> test) should be inserted after the IROPI test (1<sup>st</sup> test) and before the 3<sup>rd</sup> test. Satisfactory alternative is the wording in the Habitat Regulations (rather than satisfactory solution) and we believe should be used for accuracy and clarity.

In addition, we suggest that the words “and the proposed development” are inserted into the second last sentence as it must be the site characteristics and the proposed development that are assessed in combination. Alterations to the design and implementation of any development may make it possible to carry out a development on the same site without detrimental impacts on protected species.

The insertion of the words “protected species” is suggested before the word population to clarify what population is being referred to.

# 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.

