

PP1258

# 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.*

**Aberdeenshire**  
COUNCIL





## 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.

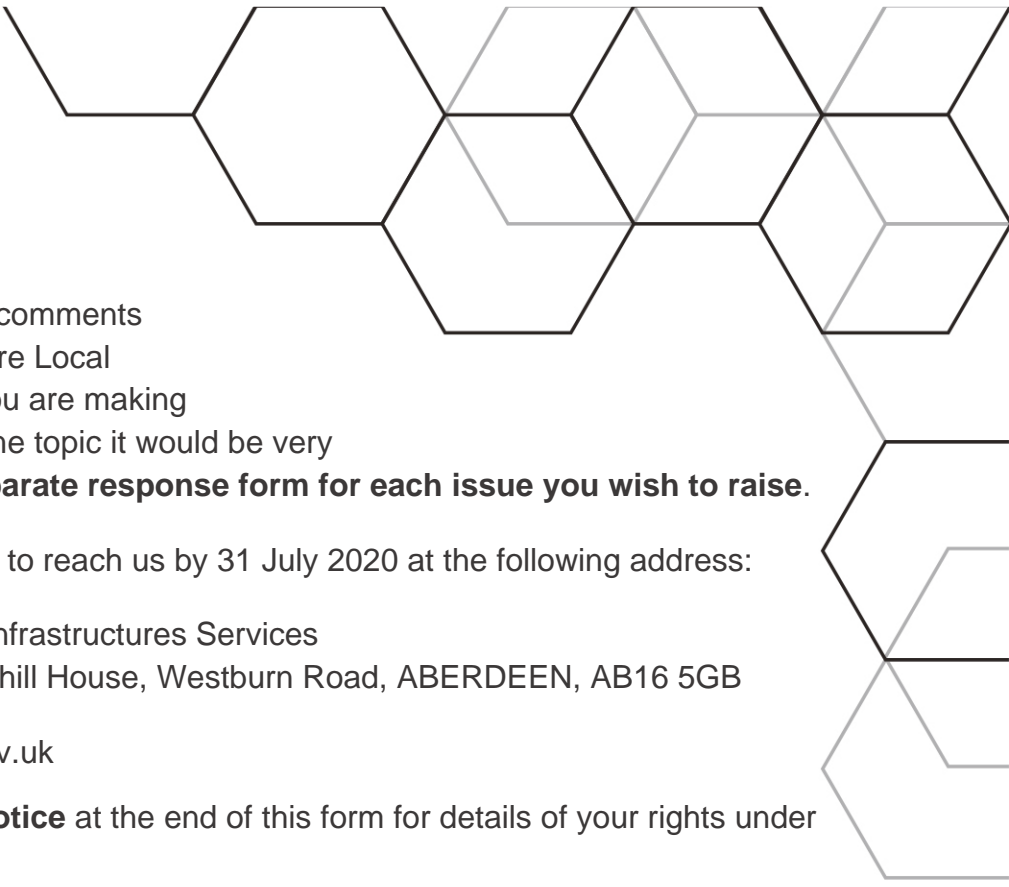
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

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)  
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):

## Section 12, page 75, Trees and Woodland, PR1.7

PROPOSED LDP TEXT: This policy establishes a strong presumption in favour of retaining woodland on development sites. Development resulting in the loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value will not normally be permitted. In order to determine whether there are significant public benefits that would outweigh any loss or damage to trees and woodlands, the developer must submit a Tree Survey to BS 5837. Where necessary an Ecological Survey and assessment by a suitably qualified professional of the biodiversity and amenity value of the woodland and habitat, including both its current and potential future benefits, should be submitted. For any proposals involving the removal of trees or woodland, the Scottish Government Control of Woodland Removal Policy<sup>6</sup> will apply.

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

"This policy establishes a strong presumption in favour of retaining **trees and** woodland on and **adjacent to** development sites. **There will be a strong presumption against** development resulting in the loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value ~~will not normally be permitted.~~

~~In order to determine whether there are significant public benefits~~ **If there are trees or woodland on or adjacent to the application site**, the applicant must submit a Tree Survey **in accordance with British standard BS:5837 Trees in relation to design, demolition and construction, to determine the quality and amenity value of the trees.**

Where necessary an Ecological Survey and assessment by a suitably qualified professional of the biodiversity ~~and amenity value~~ of the woodland and habitat, including both its current and potential future benefits, **must** ~~should~~ be submitted.

**There may be instances where woodland removal is acceptable, for instance, where this would enhance priority habitats and their connectivity or allow peat bog restoration.** For any proposals involving the removal of ~~trees or~~ woodland, the Scottish Government Control of Woodland Removal Policy will apply".

## Reason for change:

We generally welcome the presumption in favour of retaining woodland on development sites, especially native woodland, but suggest that the wording is altered to extend the protection to individual trees, which can also be a very important and valuable feature on a site. SPP recognises this and states (paragraph 216), “*Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and **individual trees**, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development*”.

Trees outside a development site can be affected by the development if roots extend into the site or by temporary construction works. We therefore believe that the words “adjacent to” would ensure such trees and woodland were also protected.

Although the criteria of ‘significant public benefits’ has not been mentioned in the previous section it is introduced as a justification for requiring a tree survey. We believe that the requirement for such a survey should be determined on the presence of trees or woodland on or adjacent to the site and therefore believe that the beginning of the sentence should be altered and reference to public benefit is removed.

We suggest that the fuller title of British Standard BS5837 would be useful, especially for members of the public who may not be familiar with the publication.

A tree survey in line with BS:5837 would include standard categorisation of the trees to identify the quality and non-fiscal value of the trees (see section 4.5 of **BS:5837**). This assessment includes arboricultural and landscape qualities, as well as cultural values. Therefore, we believe that it is this survey that would aid the assessment of the amenity value of the trees or woodland, rather than the ecological survey, as is currently stated in the proposed plan text. We therefore suggest that the words “and amenity value” are removed from this section so it is clear that the ecological survey will be to assess the ecology of the site only. We suggest that the words “to determine the quality of the amenity value of the trees” is added to the end of the section on BS:5837 to clarify why this is required.

In terms of the ecological survey, we suggest that the words “should” is replaced by the words “must” to make it clear to developers and the public that this will not be optional. The beginning of the sentence states that this will apply “where necessary” therefore we believe if it is necessary it cannot then be an optional submission.

We welcome that an assessment of the ecological and recreational impacts of tree removal are a material consideration. We also note that the Control of Woodland Removal Policy refers to circumstances when the removal of trees without compensatory planting is acceptable. For instance, restoration of peat bogs where the removal of woodland would prevent the significant net release of greenhouse gases and where it would enhance priority habitats and their connectivity<sup>1</sup>. We believe it should be noted that there are instances when woodland removal is appropriate and have suggested the additional wording, which reflects the policy within the Scottish Government Control of Woodland Removal Policy.

Although we have no objection to the reference to the ‘The Control of Woodland Removal Policy’, it relates to woodland and not individual trees, therefore we suggest the removal of the words “trees or” from the last sentence.

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<sup>1</sup> Page 16, <https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal/viewdocument>

# 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.

