

PP1272

# 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, zvaniet uz 01467 536230.

Aberdeenshire Local Development Plan  
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

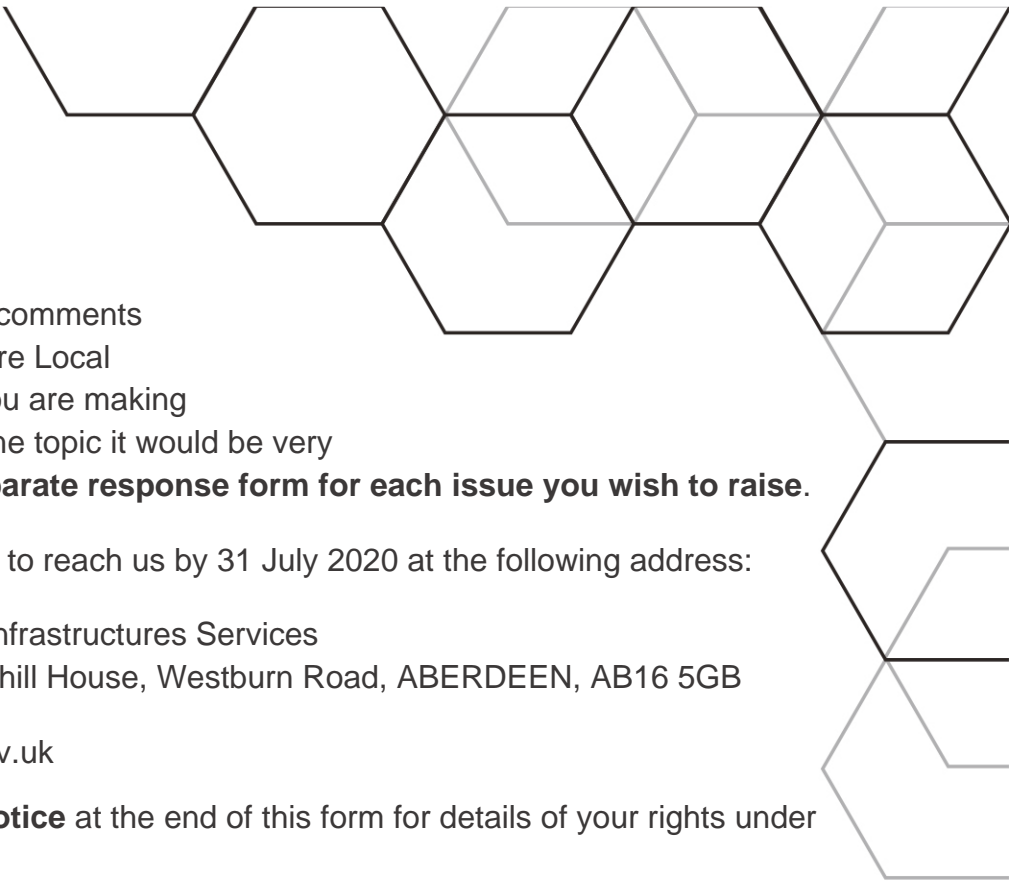
Tel: 01467 536230

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):

**Section 9, page 48, Policy Policy P1 Layout, Siting and Design, Paragraph 1.7 and page 48, footnote 5.**

PROPOSED LDP TEXT: Measures require to be identified to enhance biodiversity in proportion to the opportunities available and the scale of the development opportunity. In very rare circumstances, when it is not practical to meet biodiversity net gain within a development site, we may require off-site contributions towards biodiversity enhancement within the settlement. These obligations may be controlled by conditions.

Footnote 5: See Planning Advice 5/2015 Opportunities for Biodiversity Enhancement in New Development – see Glossary

MODIFICATION: We wish to see a modification to the paragraph and related footnote 5, additional text is shown in bold as follows:

“Measures ~~require to~~ **must** be identified **by the applicant** to enhance biodiversity in proportion to the ~~opportunities available and~~ the scale of the **proposed** development ~~opportunity~~ **and taking account of** opportunities available. In very rare circumstances, when it is not practical to meet biodiversity net gain within a development site, we may require off-site contributions towards biodiversity enhancement within the settlement **or near to the site**. These obligations may be controlled by conditions.

Footnote 5: See Planning Advice, **Opportunities for Biodiversity Enhancement in New Development.**

## Reason for change:

We strongly welcome this policy to deliver biodiversity enhancement through development. In Scotland, 49% of species have declined in numbers, and one in nine are threatened with extinction from Great Britain<sup>1</sup>. We support the principle of biodiversity net gain and believe that development should leave biodiversity in a better state than before the development takes place.

We recognise that this policy would support Aberdeenshire Council in its duty under part 1 the Nature Conservation (Scotland) Act 2004 to “further the conservation of biodiversity” so far as is consistent with the proper exercise of its functions. Scottish Planning Policy recognises that “This duty must be reflected in development plans and development management decisions”.

One of the policy principles set out in Scottish Planning Policy (paragraph 194) is that the planning system should: seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. This policy would help deliver this through the planning system. The modifications we wish to see would clarify and strengthen this policy.

Given the pressing need to halt biodiversity loss and commitments to enhance biodiversity at a national level, we believe that the words “require to” in the first line should be replaced with “must” to emphasis that this is not an optional requirement. We also believe that the addition of the words “by the applicant” would clarify where the responsibility for the identification of such enhancements would lie. Although this may obviously be in consultation with the local authority or other organisations, the responsibility would still be for the applicant to identify proposals for enhancement. This would provide certainty for developers and communities.

The current wording of the policy only refers to “contributions towards biodiversity enhancement within the settlement”. Although we have no objection to enhancement measures being sought within settlements, especially where they are more likely to result in multiple benefits such as recreational opportunities or improvements to open space, there may be some instances where more appropriate opportunities for enhancement may be outside the existing settlement boundary. This may be especially true if the proposed development is on the edge of the settlement. We have therefore suggested the addition of the words, “or near to the site” which would give more flexibility to the delivery of enhancement, particularly if such opportunities had been identified through other Aberdeenshire Council policies or initiatives such as the North East Scotland Biodiversity Partnership.

### Footnote 5:

We note that the policy refers to supplementary guidance ‘Planning Advice 5/2015 Opportunities for Biodiversity Enhancement in New Development’ Although we welcome guidance for developers on biodiversity enhancement, this guidance will be over 5 years old when the Aberdeenshire LDP is adopted and we assume it will be updated at some point to reflect Aberdeenshire’s most recent polices and potential change to national policy and guidance. We therefore suggest that this is altered to future proof the wording of the policy. If the specific

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<sup>1</sup> State of Nature 2019 <https://www.nature.scot/state-nature-scotland-report-2019>

reference to “5/2015” is removed then any update to the planning advice on Opportunities for Biodiversity Enhancement in New Development will still be relevant.

Footnote 5 also refers to the glossary, however, it is not clear what term is being referred to here. It is assumed that it is “planning Advice” as this is within the glossary, and the terms biodiversity enhancement is not (although biodiversity is). We suggest this is removed as it does not seem necessary other terms in the glossary are not specifically identified and the advice document can be easily be found using a search engine or the Aberdeenshire website.

# 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.

