

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.*



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

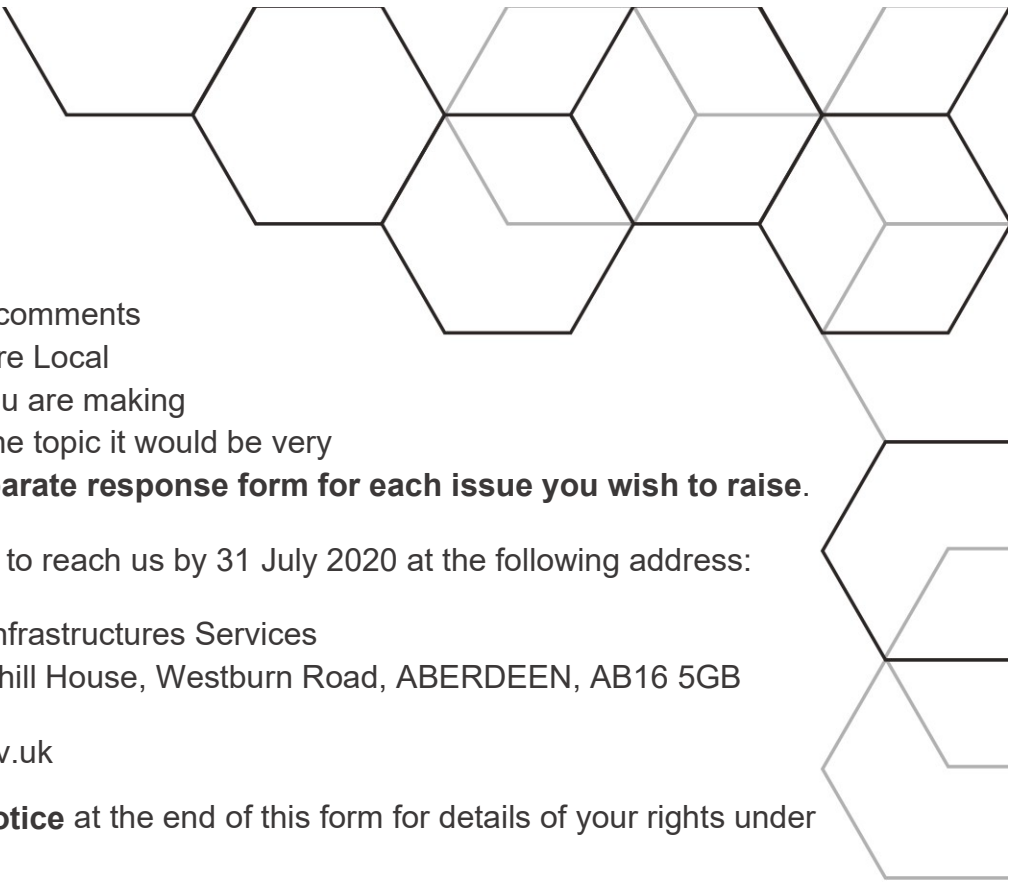
Tel: 01467 536230

Email: ldp@aberdeenshire.gov.uk

Web: 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.



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:	Miss
First Name:	Natasha
Surname:	Douglas
Date:	
Postal Address:	[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):

Dandara request that the description of their site at OP5 Crichtie remain as per the adopted Local Development Plan 2017

Reason for change:

PLEASE SEE PAPER APART

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

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:

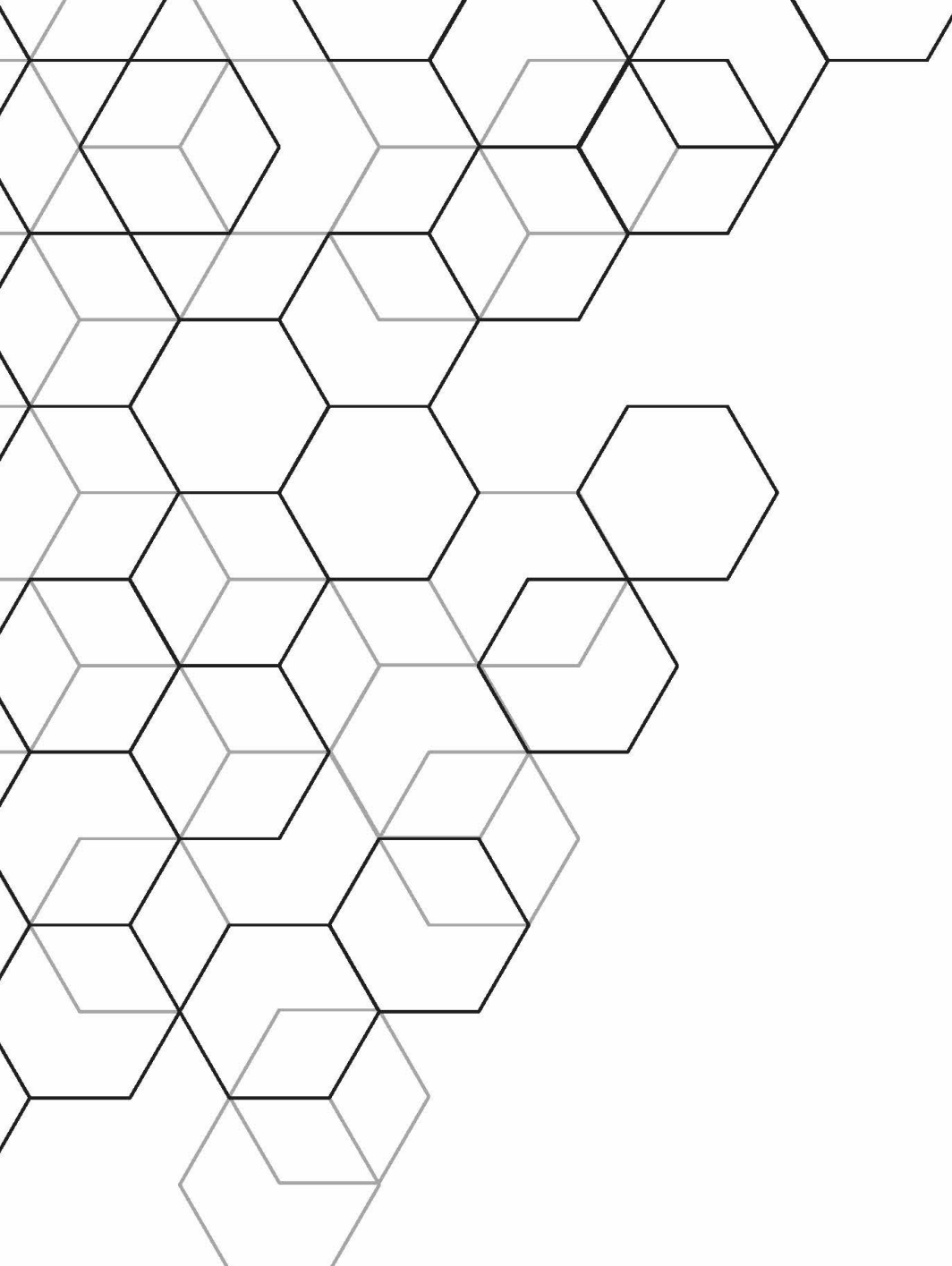
Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue 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.



OBJECTION

APPENDIX 7D SETTLEMENT STATEMENTS GARIOCH

OP5 CRICHIE SUPPORTING TEXT DESCRIPTION

Introduction

Dandara express their concern at the description of their site at OP5 Crichtie in Inverurie, which has changed from the description contained within the adopted Local Development Plan (LDP) 2017 and the previously approved 2012 LDP. The description in the supporting text box for OP5 now directs that the approved Development Framework and Masterplan will need to be reviewed *'if development has not commenced on this site at the date of adoption of this Local Development Plan'*. This is unacceptable to Dandara and does not pay cognisance the approved Planning Permission in Principle (PPIP) reference G/APP/2013/0267 or the currently pending application for Matters Specified in Conditions (MSC). There should be no requirement to revisit the previously approved Development Framework and Masterplan; both of which were prepared at great expense and in good faith.

Dandara take issue with the change in wording to the delivery of a foot and cycle path between the site and Port Elphinstone. Condition 1C of the approved Planning PPIP for the site converts this connection and requires *'a new foot and cycle path connection between the site (including from the area defined as Phases 1 and 2 on Fig 6.1: Indicative Phasing Plan as contained in the approved masterplan) and Riverside Park via the A96 (T) Don Bridge underpass'* there is no requirement within the condition for this to be a formal route and the wording of the proposed Plan should be amended to reflect that; as it is in the current LDP.

Modification Required

Dandara request that the description of their site at OP5 Crichtie remain as per the adopted Local Development Plan 2017 namely it should state:

'OP5 Crichtie

This site was previously allocated as site H1 in the 2012 LDP and OP4 in the 2017 LDP. It is located to the west of Port Elphinstone on the western side of the A96. A Development Framework was approved in February 2013, and a Masterplan for the site was subsequently approved in June 2013. Future development proposals should take account of these documents, which identify key principles for the urban form and design of the development.

The lower lying area of the site along the river should be retained and enhanced as a natural corridor to secure the setting of the River as well as to provide opportunities for enhanced recreational linkages.

The site must contribute proportionally towards major improvements in relation to the required road and junction capacity possibly including the construction of a new grade separated interchange to replace the Thainstone and Port Elphinstone roundabouts to facilitate later stages of development. Accesses to the initial phase of development (no more than 300 dwellings) are expected to be via the B993 Kemnay Road, although subsequent stages of development will require an additional access to the south of the site from the new grade separated interchange.

Pedestrian and cycling linkages will be required, particularly to ensure accessibility between the site and the existing built up areas of Port Elphinstone. Significant areas of woodland within and adjoining the site should be retained and enhanced wherever possible.

The northern part of the site is at risk of flooding from the River Don, and a flood risk assessment will be required to support any development in this part of the site. Full SUDS implementation and adequate buffer zone provision will be required. Water impact assessment and drainage impact assessments will be required. The demand for water and wastewater capacity for the nondomestic element of this development will depend on the business use and early engagement with Scottish Water is recommended in this respect.'

Justification

In discussing allocated sites the supporting text box for OP5 Crichton correctly acknowledges that the site was previously allocated as site OP4 in the LDP 2017, and that a Development Framework (February 2013) and Masterplan (June 2013) were both approved for the site. However, it directs that both documents '*will need to be reviewed if development has not commenced on this site at the date of adoption of this Local Development Plan*'; the Aberdeenshire Council Development Plan Scheme 2019 predicts this as being Summer 2021. Dandara take issue with this and request that the requirement to review the Development Framework and Masterplan be removed.

PPIP (reference: G/APP/2013/0267) for 737 homes, business and industrial development, community facilities including a primary school was approved, subject to conditions, in December 2018. Condition 1 of that consent states:

'unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below shall be submitted for consideration by the Planning Authority before the expiration of 5 years from the date of the grant of the permission.'

The condition is clear that the PPIP would not lapse until December 2023; which is some time after the summer 2021 anticipated adoption date of the proposed Plan. Therefore, it is wholly inappropriate for the proposed Plan to include a requirement for the development at Crichton to review both Development Framework and Masterplan when there is a PPIP that can be implemented. It should also be noted that since the approval of the PPIP Dandara have worked with Aberdeenshire Council to prepare a layout for the development of the site. An MSC application was submitted in June 2019 and is currently pending determination. Once this application has been approved development will commence on site. The determination of the MSC is anticipated well in advance of the proposed Plan being adopted. This negates any perceived requirement in the proposed Plan for the Development Framework and Masterplan to be reviewed.

The Development Framework and Masterplan were prepared at great cost by Dandara and both Dandara and Aberdeenshire Council spent time ensuring the documents would aid in the delivery of a quality development. These documents identify the key principles for the urban form and design of the development and there have been no changes to the principles adopted that would warrant a revisit. The principles of both documents have been followed in the preparation of the layout submitted by the current MSC application. It is evident that there is no need for the Development Framework and Masterplan to be revisited and the requirement in the proposed Plan for them to be reviewed upon adoption of the proposed Plan should be removed.

The supporting text to site OP5 goes on to state that *'Cycling and pedestrian permeability to be provided and a formal route provided linking to the existing networks in Inverurie and Port Elphinstone crossing the A96'*. This wording has changed from the wording in the current LDP which states *'Pedestrian and cycling linkages will be required, particularly to ensure accessibility between the site and the existing built up areas of Port Elphinstone'*. Pedestrian and Cycle linkages are further covered by the approved PPIP for the site which directs in condition 1 C(ii) that *'a new foot and cycle path connection between the site (including from the area defined as Phases 1 and 2 on Fig 6.1: Indicative Phasing Plan as contained in the approved masterplan) and Riverside Park via the A96 (T) Don Bridge underpass'* there is no requirement within the condition for this to be a formal route and the wording of the proposed Plan should be amended to reflect that; as it is in the current LDP.

The supporting text box for OP5 Crichton goes on to direct that *'Transport Assessment updates should be provided in line with development phases'*. Dandara would highlight that a Transport Assessment was approved during the determination of the PPIP. Condition 4 of the PPIP states:

'The overall development on the site (whether the subject of approval of matters specified in conditions or full planning permission) shall not exceed the following upper limits, unless otherwise agreed in writing by the Planning Authority unless a revised Transport Assessment is submitted to and approved by the Planning Authority which demonstrates that the proposed revised upper limits would not generate a greater number of trips on the road network outwith the site:

- (a) Class 1 (retail) development on the site shall not exceed 1,500 square metres gross floor area;*
- (b) Class 4 (business) development on the site shall not exceed 24,200 square metres gross floor area;*
- (c) Class 5 (general industrial) development on the site shall not exceed 11,800 square metres gross floor area;*
- (d) Class 6 (storage or distribution) development on the site shall not exceed 11,600 square metres gross floor area;*
- (e) Class 9 (houses) development on the site shall not exceed 737 units.*

There is no limit on the floor space for education and ancillary uses not specified above. The above Classes are as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended.

Reason: To restrict the scale of development to that identified in the Transport Assessment; minimise interference with the safe and free flow of traffic on the trunk road and wider road network, and to be consistent with the requirements of Scottish Planning Policy.'

As such there is no requirement for additional Transport Assessments to be undertaken unless the upper limits cited in Condition 4 are breached. The proposed Plan should be amended to reflect that.

To conclude, the supporting text for sites OP5 fails to take into consideration the approved PPIP and currently pending MSC application for the site and should be amended to reflect that.