

PP1306

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.*

Aberdeenshire
COUNCIL





ACCESSIBILITY

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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.

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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.



**RESPONSE TO ABERDEENSHIRE PROPOSED LOCAL
DEVELOPMENT PLAN 2**

JULY 2020

About Homes for Scotland

Homes for Scotland (HFS) is the voice of the home building industry in Scotland, representing some 200 companies and organisations which together deliver the majority of the country's new homes.

We are committed to improving the quality of living in Scotland by providing this and future generations of Scots with warm, energy-efficient, sustainable homes in places people want to live.

HFS makes submissions on national and local government policy issues affecting the industry. Its views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from our member companies.

This Submission

Homes for Scotland consider that this representation should be able to be relied upon by all Homes for Scotland Members at all future stages of the plan making consultation process.

RESPONSE TO ABERDEENSHIRE PROPOSED LOCAL DEVELOPMENT PLAN

Introduction

1. Homes for Scotland welcomes the opportunity to comment on the Aberdeenshire Proposed LDP 2 (PLDP). This response has been discussed and agreed by our Grampian Home Builders' Committee.
2. Some of the text in the introductory passages of the PLDP includes important positive statements about housing and sustainable growth. This is welcomed. However, these positive sentiments are inadequately reflected in the detail of the PLDP. We consider the changes we identify will ensure the PLDP is better placed to realise its ambitions on sustainable economic growth, housing delivery and job creation.
3. Overall, we do not consider that the plan does enough to ensure adequate opportunities for the necessary new homes to be built. If adopted unaltered we consider it would fail to meet housing need and demand in full. Building the necessary new homes not only creates clear benefits for their residents it also contributes significantly to local employment.
4. The PLDP should be modified to allocate more effective land. The deliverability of a substantial portion of new allocations is questionable. A large portion of the land supply identified as contributing towards the Rural HMA consists of constrained sites which have been in the land supply for some time. Many of the new allocations in the Aberdeen HMA are in more peripheral locations where demand is not as strong. The most sustainable locations have been overlooked.
5. We have also reviewed the draft policies. Some are unreasonable, unnecessary or overly complex and we have provided proposed amended wording where applicable.
6. Our response is broken down by the section of the PLDP it relates to.

Foreword

7. Paragraph 4 states that "Only in exceptional circumstances, and with overriding material considerations, will we make decisions that do not follow the policies and land allocations in this Plan." The reference to 'exceptional circumstances' could be misleading as it might be interpreted as meaning the authority intends to take a stricter line that is provided for by Section 25 (1) of the 1997 Planning Act (as amended).

8. This wording should be changed to read

"In some circumstances, where there are overriding material considerations, we may make decisions that do not strictly follow the policies and land allocations in this Plan. We except such decisions to be exceptional and for the plan to lead most decisions"

Sections 3 & 4

9. These two sections together outline the vision and outcomes for the PLDP. We fully endorse some of the ambitions set out including the vision that

“By 2040 that Plan identifies the area as an even more attractive, prosperous, resilient, and sustainable European City Region, that is an excellent place to live, visit and do business.” (para. 3.8).

10. Section 4 should contain more text to explain the ambitions of the Council to meet housing need and demand in full and jobs in homebuilding. It is uniquely well placed to influence these outcomes due to its power over where new homes will be allowed. It is important that this power is exercised to provide more effective sites helping to contribute to a wider economic recovery following Covid 19.
11. Construction jobs account for 8% of jobs in Aberdeenshire, some 8,000 jobs, the joint 4th highest share of any local authority in Scotland¹. It is the joint 5th largest industry in the Aberdeenshire by employees². Not all of these jobs are in homebuilding, but it is an important component. It is vital that the PLDP does not limit opportunities for the retention of and growth of jobs in the sector.
12. Some of the statements in Section 4 are contradictory and vague. For instance. para. 4.1 states

“In all cases the vision of the Plan should be used to guide granting of planning permission where conflicts arise and one policy cannot be applied at the expense of another.”

13. In contrast para. 4.7 states

“Sometimes the need for sustainable transport infrastructure requires that other Plan policies can be disregarded in the interests of a wider public benefit.”

14. These two statements appear contradictory. The former stating policies cannot be applied at the expense of others and the latter suggesting in certain circumstances policies can be disregarded. This needs to be clarified. Homes for Scotland supports a rounded assessment of proposals but clearly the PLDP should not have mutually incompatible policy asks. This is contradictory to the aims of a plan led system as it leaves the applicant and decision maker to try to resolve conflicting policy requirements.

Section 5 – Spatial Strategy

15. Preparation of the SDP is at an advanced stage having been through examination. We agree with the Council that the LDP should be planned to be consistent with it.

16. The draft SDP, under the heading ‘How to Meet the Targets’, states

“Both Councils will make land available for housing through Local Development Plans in line with the Spatial Strategy and Table 3 of this Plan.”

17. Table 3 sets out allowances of new land which is required to be allocated. Local Developments Plans are to maintain a 5-year supply of effective land for housing at all times. These allowances were altered by the Reporter at the SDP Examination. The allowances are set out in Table 1 of the PLDP. However, confusingly, the

¹ Nomis Labour Market Profile (2018 Data).

<https://www.nomisweb.co.uk/reports/lmp/la/1946157406/report.aspx>

² *ibid*

analysis of whether the PLDP will meet these allowances is relegated to Table 1 in Appendix 6, with additional information in Appendices 7A-F.

18. It is unusual for an LDP not identify the numerical basis of its housing allocations in the main body of the text. It is a fundamental and instructive component of the LDP, which should be therefore included within Section 8 of the ALDP, which will help ensure that the importance of the information it contains is adequately conveyed.
19. We have set out our detailed objections to the housing land supply in response to Section 8 as this refers to the Council's proposals in Appendices 6 and 7. It is clear from our analysis (Appendix 1) that inadequate land has been made available to meet the allowances identified in the SDP. In this section we focus on some of the high level strategic issues.
20. At the SDP examination Homes for Scotland argued that an 85/15 split between the Aberdeen and Rural Housing Market Areas (AHMA and RHMA) was necessary to ensure new allocations were focussed in the most marketable and generally most sustainable locations. Ultimately the Reporter chose to stick with the proposed 80/20 split. Nevertheless, the Council is still required to provide enough effective housing land in both HMAs and across Aberdeenshire. We consider the PLDP has shortcomings in this regard.
21. 43% of the 'new' allocations in the RHMA (by dwellings) are constrained sites in the 2019 HLA. Despite successfully arguing for higher allowances in the RHMA, the Council has not responded by allocating new effective sites, instead relying on constrained sites. This approach is inconsistent with para. 5.4 of the PLDP.
22. This uncertainty over deliver is exacerbated by the approach taken in the AHMA. Not enough of the new allocations in the AHMA are focused in the area immediately around Aberdeen where the market is strongest and the locations generally more likely to be sustainable. The PLDP acknowledges this, but does not reflect it in the allocations made

"The area around Aberdeen City continues to be the powerhouse of economic activity in the region and so the land allocations made in the settlements around Aberdeen City reflect this." (PLDP para. 3.11)
23. This places further question marks over the robustness of the approach on housing land supply. The SDP already does not meet housing need and demand in full due to the use of the 'Modified Principal Migration Scenario' (Examination Report Issue 12, paras. 45-50). The reason for this, the SDPA argued, was that it wished to encourage stronger growth over the longer term.
24. Even using the Council's own figures (which we dispute) the AHMA allowance is just met. Given the reliance on more peripheral locations within the AHMA this does not give confidence that enough homes will be delivered to meet targets, which are already less than the need and demand identified in the HDNA.
25. The spatial strategy should be amended to place much greater focus on deliverability and include additional allocations particularly in the area around Aberdeen City. We provide further, more detailed comments in relation to Section 8.

Section 8 – Shaping Homes and Housing and Appendices 6 and 7

Summary of PLDP Approach

26. Section 8 claims that enough housing land to meet SDP allowances in has been allocated. Our detailed analysis in Appendix 1 demonstrates that the allowances will not be met with the land which has been allocated.
27. There is a notable absence of any detailed consideration of the effectiveness or programming of sites deemed to contribute to meeting allowances. This is an important omission which prevents a complete review of the land supply. We request that the Council provides a detailed statement on site effectiveness having regard to the tests in PAN 2/2010 (para. 55) and delivery assumptions to enable proper analysis of this important issue at the examination stage.
28. Table 1 of Appendix 6 of the PLDP sets out the land supply which the Council has identified to meet the allowances. It claims a modest surplus of 80 dwellings in the Aberdeen Housing Market Area (AHMA) and a larger surplus of 577 dwellings in the Rural Housing Market Area (RHMA), giving an overall claimed surplus of 657 in Aberdeenshire.
29. Above Table 1, text explains that sites deemed to contribute to allowances four categories. These categories appear to overlap. A more concise way of summarising the approach taken would be the following three categories
- New Allocations (not identified in HLA 2019)
 - Increase in capacity and/or extension to sites in HLA 2019
 - Constrained sites identified in HLA 2019

Site Effectiveness

30. To contribute towards meeting allowances, it will be essential that any sites identified are demonstrably deliverable over the LDP period. Scottish Planning Policy (SPP) is clear in its focus on delivery
- “House building makes an important contribution to the economy.” (para. 109).
- “The planning system should: have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.” (para. 110).
31. This focus is reflected in policy for the allocation of housing sites in LDPs within SDP areas.
- “Local development plans in city regions should allocate a range of sites *which are effective or expected to become effective in the plan period...*”
- “In allocating sites, planning authorities *should be confident that land can be brought forward for development within the plan period* and that the range of sites allocated will enable the housing supply target to be met.” (para. 119, *our emphasis*).
32. We do not consider that the PLDP and its supporting documents focus sufficiently on ensuring new allocations are effective and will be deliverable over the PLDP period. No detailed commentary is provided on site effectiveness in the Settlement Statements or elsewhere in the PLDP. Furthermore, no programming is provided for any of the new sites. The Council has not demonstrated that new sites are either

effective or will be delivered over the plan. This lack of detail is inconsistent with the requirements of SPP para. 119.

33. To enable a full review of the land supply the Council needs to provide a detailed statement on site effectiveness and delivery assumptions.
34. Using the limited information provided by the Council and input from our members we have set out a detailed review of the land supply counting towards the allowances (Appendix 1). Nevertheless, to enable a full review of the land supply the Council needs to provide a detailed statement on site effectiveness and delivery assumptions. From our review it is evident that multiple sites are either constrained or will not deliver the stated capacity in full (these are highlighted in red and orange respectively). We have also highlighted sites in yellow where we have provisionally used the Council's capacity figures but where further information is required to justify the Council's approach.
35. Based on our analysis we have identified significant shortfalls against the allowances across Aberdeenshire and in both the AHMA and RHMA. Subject to receipt of further information on the delivery of sites highlighted yellow in Appendix 1 we anticipate these shortfalls could increase.

Table 1 Summary of Land Supply Position

	SDP Allowance	Aberdeenshire Claimed New Supply	Aberdeenshire Surplus / Shortfall	HFS Supply	HFS Surplus/Shortfall
Aberdeenshire	5107	5764	657	3427	-1680
Rural HMA	2042	2619	577	794	-1248
Aberdeen HMA	3065	3145	80	2633	-432

36. To address these shortfalls additional new effective housing land will need to be allocated.

Previously Constrained Sites

37. Many of the sites deemed to contribute to meeting the allowances were identified as constrained in the 2019 HLA. Of the sites identified to meet the allowances across Aberdeenshire, 23% of these (measured by indicative capacity) appear to be wholly or in part sites identified as constrained in the 2019 HLA. This figure is 43% in the RHMA. This approach is not consistent with SPP or the SDP Examination Report.
38. During the examination of the SDP the Strategic Development Planning Authority (SDPA) confirmed to the Reporter that the

“...use of the housing land audit 2019 will give the local development plans the benefit of consulting on the most recently published housing land audit. If the subject of effective land supply and housing allowances for the period 2020-2032 has been considered and settled during the examination of the proposed strategic development plan, then both proposed local development plans can benefit from this settled position during public consultation. Given that the local development plans would commence public consultation in early 2020 they would give an accurate picture of the housing land supply” (Issue 14, paragraph 21)
39. The 2019 HLA and the information within it on effectiveness and programming was a key piece of evidence used to set the allowances in the SDP.

“The approach used by Homes for Scotland where the programming of sites is extrapolated beyond the period stated in the housing land audit is well-evidenced with tables showing each site in each authority and market housing area. There will be instances where sites perform better and some which deliver less than the extrapolated method shows but it reasonably carries forward the last known (and agreed) programme of delivery on each site into the future. Therefore, I consider that it can be effectively used to predict the amount of the established supply that is considered to become effective during the periods 2027 to 2032 and 2033 to 2040.” (Issue 14, para. 26)

40. The implicit assumption in Appendix 6 that constrained sites in the 2019 HLA are expected to be effective over the LDP period and can count towards allowances appears to be an attempt to revisit matters settled at the SDP examination. We do not consider this to be consistent with the statement provided by the SDPA, referenced above. Nor is it consistent with the PLDP, which clearly explains the problems with relying on constrained sites

“We need to be confident that land can be brought forward for development within the Plan period, and that the range of new sites allocated alongside the existing effective supply will maintain a housing land supply that is sufficient. While some long-term constrained sites may come forward, there has to be some uncertainty associated with this. We cannot have confidence that long term constrained sites will be brought forward for development, and we have removed many of these to ensure that the Spatial Strategy is both sustainable and deliverable as advised by Scottish Planning Policy⁵. Both major allocations and smaller self contained allocations are required.” (para. 5.4)

41. The inclusion of constrained sites in the allowances is a one-sided adjustment to the housing land supply. This unilateral approach is inconsistent with para. 123 of SPP and para. 45 of PAN 2/2010. Taken together these two policy documents set a clear expectation that the monitoring of land supply and programming should be done collaboratively with stakeholders and that Housing Land Audits will be ‘vital’ (PAN 2/2010, para. 45) in informing adjustments to housing supply in LDPs.
42. Additionally, no justification is provided to explain why these sites are now considered to be effective, contrary to the position at the agreed 2019 HLA. Some of the text in Appendix 6 hints at what some of the considerations may have been “Existing constrained sites where a bid has been submitted indicating that they will come forward within the Plan period” may count towards allowances. This is not clear and raises important questions which are unanswered in the PLDP.
43. Firstly, what work has the Council done to satisfy itself the sites are effective / confident they will become so? It is clearly the job of the Council to independently assess site effectiveness and explain why, consistent with SPP para. 119, rather than rely solely on what is stated in the bids. This is even more pertinent where an agreed HLA indicates the sites are constrained.
44. Secondly, what has changed since the 2019 HLA was agreed in Spring 2019? It is notable that the bids were submitted by the end of March 2018, any compelling information within them demonstrating effectiveness should have been available to officers ahead of discussion on the 2019 HLA.
45. For these reasons we have removed nearly all the constrained sites from contributing the allowances. The onus is on the Council to provide enough information to provide reasonable assurance that the land identified as contributing to the allowances will be delivered, but this has not been presented in a format that can be properly scrutinised.

New / Enlarged Allocations

46. No detailed information is provided on the Councils consideration of the effectiveness / expected effectiveness of new and enlarged allocations. As stated above, it is essential that this detail is provided and the effectiveness is justified having regard to the tests in Pan 2/2010.
47. Appendix 1 of this submission provides a detailed review of the identified new housing land supply. However, we note there are a significant number of discrepancies in the information provided by the Council. These reinforce the need for a full explanation from the Council of its land supply. We have highlighted some examples below, but this list is not exhaustive:
- Pitmedden OP3 (Mill of Allathan): The site is allocated for 68 homes. However, the bid submitted (ref. FR108) promotes just 30. This 127% increase in capacity is not explained.
 - Maud OP3 (Land at Bank Road East): This is identified as contributing 30 homes to allowances in Appendix 6 (p.176). However, the capacity of the allocation is listed as just 10 homes in the Settlement Statement (Appendix 7b, p. 322). Further a review of the 2019 HLA suggests 7 homes have been built. The remaining 3 were in the 2019 HLA (ref. U/MD/H/008b) and included in the supply used to calculate the allowances by the SDP Reporter.
 - The approach to site capacity is inconsistent in Appendix 6. For instance, it is stated that the Chapelton OP1 LDP 2021 Allocation is 4,045 but this includes 164 dwellings already built in January 2019. Whereas OP2 at Newmachar states a 2021 LDP Allocation of 95 which appears to deduct the 70 dwellings completed to January 2019 from the original 165 home allocation.

Resolution

48. There are serious shortcomings in the information the Council has presented. In order to establish the likely position in respect to the new housing supply proposed in the PLDP it is essential that the Council provide further information and justification for all the components of that supply, including the following:
- Evidence on effectiveness for all “new” housing land based on the effectiveness criteria contained in PAN 2/2010
 - Evidence of the basis for increasing the density/capacity of existing sites.
 - The annual programming of sites. This is necessary to understand whether the plan is providing a 5-year housing land supply at all times and whether or not the total capacity of the site will deliver within the plan period.
 - The reasons why currently constrained sites are assumed to be capable of becoming effective.
49. Substantial new allocations of effective land will be necessary to address the significant shortfalls we have identified in Table 1. These shortfalls could increase subject review of any more detailed evidence the Council provides on effectiveness.

Policy H1 Housing Land

50. We consider some wording in policy H1 which addresses steps to be taken to address any housing shortfalls which arise should be added. We consider the following would be appropriate

“The Council, developers, service providers and other partners in housing provision should work together to monitor the supply of effective land necessary to deliver housing, taking a flexible and realistic approach. If a shortfall in the 5-year effective housing supply emerges, the Council will consider granting planning permission for unallocated housing sites which can be demonstrated to be sustainable.”

Policy R1

51. Policy R1 should be amended to support small scale home building. Homes for Scotland’s report on supporting small scale home builders to increase supply³ identified a need for a more positive approach to supporting windfall development including on greenfield sites in LDPs (see p. 6).
52. If local business opportunities and the population of rural areas is to be revived as is the ambition of the government it will be necessary not to be overly prescriptive about what type of business this might be. Diversification will be important. In this context Policy R1.2 (bullet point 5) seems unduly prescriptive on what occupations are an appropriate exception. It should be removed.
53. These changes could provide important opportunities for SME home builders while ensuring the Council retains control over what is developed through its landscape, amenity and design policies.

Policy R2

54. The level of restriction on development this policy imposes is unreasonable and not evidenced. R2.2 applies the same tests to new development anywhere in the countryside as it would in either the green belt or Coastal Zone.
55. The extent of restriction in this policy means it functions as a de facto green belt policy. Small scale development in the countryside is an important source of business for SME builders also helps support smaller settlements.
56. This blanket restriction on development in the countryside runs counter to the Scottish Government’s focus on rural repopulation. It will deny much needed opportunities to SME homebuilders which are facing an already difficult time. A [recent report](#) by Savills for the Scottish Land Commission highlighted that
- “Development can be inhibited because there is a presumption against new rural housing, or because planning and development policy is not sympathetic to rural circumstances”
57. It also stated it could be argued that an “overly protective and relatively static approach to planning for rural areas across much of rural Scotland” had been created. We consider that this is an apt description of the proposed policy.

³ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

58. The wording of the policy should be amended so that it affords much greater scope for small scale development to take place subject to compliance with other policies. This would represent a positive response to the recommendations in Homes for Scotland's report on supporting small scale home builders to increase supply⁴. It identified a need for a more positive approach to supporting windfall development including on greenfield sites in LDPs (see p. 6).

Policies R2.8 and R2.9

59. These policies relate to the development of brownfield sites in rural areas. We consider they are excessively onerous considering that development of brownfield sites and rural population are key government aims.

60. Firstly, the wording of the policy test is unreasonable and should be amended, it states

“Proposals for more than three new homes on larger rural brownfield sites will only be permitted in exceptional circumstances where the Planning Authority is satisfied that a larger development can be accommodated on the site and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, including sub-urbanisation of the countryside⁵.”

61. Proof 'beyond reasonable doubt' is not a phrase which is suited to planning, it is the burden of proof used in criminal law. It is incompatible with the presumption in favour of sustainable development and Scotland's flexible planning system which gives due weight to net economic benefit (SPP, para. 29).

62. The reference to “where the Planning Authority is satisfied” leaves too much unsaid. The LDP needs to explain clearly what will satisfy the planning authority so communities and prospective applicants have that clarity. Deferring the decision on what is satisfactory until the determination of planning applications is not consistent with a plan led approach. The PLDP should clearly set out its policy requirements. Policy R2.8 should be amended as follows (**additions, deletions**):

“Proposals for more than three new homes on larger rural brownfield sites will only be permitted ~~in exceptional circumstances where the Planning Authority is satisfied that~~ a **where** a larger development can be accommodated on the site **where** and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, including sub-urbanisation of the countryside⁵.”

63. Secondly the risk of suburbanisation does not seem particularly relevant to a policy which in specific circumstances only allows development of up to 7 homes on brownfield sites.

64. We object to the 7 home cap. If brownfield sites, which are sustainable become available over the plan period they should not be required to wait until the next LDP to be considered for development. Long periods of vacancy can add further to the costs of redevelopment and planning policy should avoid inadvertently contributing to this. Policy R2.9 should be amended as follows (**additions, deletions**):

⁴ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforScotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

It is anticipated this policy will be primarily apply to smaller windfall sites of less than 12 ~~Development of large brownfield sites will be capped at 7 homes. Sites capable of accommodating 8 or more homes should be promoted through allocation of an opportunity site in the Local Development Plan. However, we recognise that in some cases larger brownfield sites may become available for development in between reviews of the LDP, these will be considered on their own merits. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the Plan period.~~

Policy R2.11 – 2.14

65. For similar reasons to those set out in relation to R2 and R2.8 & 2.9 this policy is unreasonable.
66. Proof 'beyond reasonable doubt' is not a phrase which is suited to planning, it is the burden of proof used in criminal law. It is incompatible with the presumption in favour of sustainable development and Scotland's flexible planning system which gives due weight to net economic benefit (SPP, para. 29)
67. The first sentence of Policy 2.11 should be removed. It reads "Small-scale growth of identified settlements may be permitted where a particular need for development has been established by the Planning Authority". It's not clear how the Planning Authority would establish whether there is a need for development. This part of the policy is unclear and unworkable.

Policy H2 Affordable Housing

68. We welcome the Council's decision to seek 25% affordable housing in line with SPP. As acknowledged by the Aberdeenshire Affordable Housing Forum, over 70% of Aberdeenshire's affordable housing is delivered through Section 75 contributions made by the affordable housing contribution from market sites. Encouraging the continued provision of market homes is therefore crucial to supporting the ongoing delivery of affordable homes.
69. We consider that the threshold for providing affordable homes should be raised to at least 12 to support smaller builders. This is a recommendation in recent Homes for Scotland⁵ work considering how to help the small scale home builders recover.
70. Scottish SME homebuilders have been slower to recover from the 2008/09 recession than other sectors. Covid-19 has compounded many of these problems. The number of homes for sale being delivered by these companies has dropped from 4,846 (pre-recession) (2007/08) to just over 2,700 homes a year (2017/18). If the pre-recession rate could be achieved it would support an extra 8,000 FTE jobs across Scotland.

Policy P1 Layout, Siting and Design

Design Review

71. The requirement to participate in a Design Review Process is problematic given current problems with convening the Design Review Panel. We understand the panel has not been regularly convened and this had led to delays. If the panel cannot be

⁵ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

arranged to meet regularly and provide timely feedback this policy will contribute to delay, unreasonably prejudicing the applicant.

72. In light of current issues we do not consider that the requirement for a design review panel should be included as a policy. Instead wording could be added to the supporting text so that it can be used more flexibly and does not hold up development if the panel cannot be convened. Policy 1.1 should have its policy reference removed and be amended as follows (**Additions, deletions**)

“Residential proposals that fall within the category of a major development **are likely to be asked to** ~~will be required to~~ participate in a Design Review Process **if this can be arranged timeously by the Planning Authority**. Other types of development, in terms of scale and nature, may **benefit from** ~~be required to~~ participating in a Design Review Process ~~at the discretion of the Planning and Environment Service~~. Where possible these sites are specified in Appendix 7, Settlement Statements, or those that are likely to generate significant public interest. **The Planning Authority intends that a meeting will be held within 4 weeks of the submission of valid documentation by the applicant with written feedback provided within 7 days of the meeting**”

Masterplanning

73. We object to the policy on masterplanning. In practice the masterplanning regime in Aberdeenshire creates a two-step consent process which has no basis in legislation and is inconsistent with creating a streamlined planning system. It requires applicants to first secure approval at committee for a site masterplan and then proceed with pre-application consultation followed by a planning application. This is unnecessary and is not an optimal use of officers' or the applicants' time.
74. For most sites design can be fully addressed through a combination of statutory pre-application consultation, a design and access statement (DAS) and the scrutiny given to proposed developments at application stage. Masterplanning adds a further layer of complexity which restricts and delays the delivery of new homes.
75. There may be a benefit in this approach in some limited circumstances but the proposed policy would apply this two-step consent process to all major applications. Masterplans were brought in specifically to deal with large strategic allocations in the 2012 Plan, requiring them for all major applications is mission creep. We can see some merit in the masterplanning process for setting a framework for large sites which will be delivered over multiple phases or by multiple owners. Outside of these circumstances the masterplanning process is a time consuming (for all parties) duplication of what is already necessary as part of the statutory pre-application process and application documentation (e.g. the DAS).
76. The problems caused by the current masterplanning regime are being further exacerbated by current practice. In our experience the committee considering masterplans has an increasing tendency to seek more detail and comfort on other aspects of proposals far beyond the high-level design work one would expect in a masterplan. This is unnecessary and time consuming, there is no justification in legislation for widespread use of this preliminary quasi planning consent.
77. Policy P 1.2 Should be amended as follows (**additions, deletions**)

“A Masterplan that has been subject to public consultation, must be prepared for **larger** ~~all major~~ housing and mixed-use developments (more than **200** ~~50~~ homes, and/or more than **10** ~~2~~ hectares of employment or retail development) ~~or other~~”

developments of a size and scale deemed appropriate by the Planning Authority that merits the provision of a Masterplan.

We will support:

~~• new development on sites identified within Appendix 7, or other developments of a size and scale deemed appropriate by the Planning Authority, as requiring a development framework or Masterplan, OR~~

• larger ~~major~~ developments (more than ~~200~~ 50 homes, or more than ~~10~~ 2 hectares of employment, retail or mixed-use development ~~deemed appropriate as major development by the Planning Authority~~)

if they keep to a previously agreed statement(s)¹ on the proposed design for the site. Any previously agreed statement must have gone through a process that includes an appropriate level of consultation. Once agreed, a Masterplan shall remain valid for a period of 5 years, unless planning permission for the development has been granted and implemented.”

78. This will ensure the policy will only apply to larger sites to be built out over a period of many years. This is where a masterplan is more likely to be a valuable exercise.
79. The phrase ‘deemed appropriate by the Planning Authority’ is an unreasonable catch all which creates unnecessary uncertainty. The PLDP is the opportunity to set out clearly what it deems to be appropriate. It is not in the interests of a plan led approach to withhold this information to a later date and potentially surprise applicants.
80. Policy P1.6 links to further guidance in Appendix 8. We consider that para. 2 of Appendix 8 should be amended to remove the reference to all major proposals requiring to take part in the Design Review process. This duplicates Policy P1.1 and is not appropriate for inclusion as a policy.
81. We broadly support the following on p.877 of Appendix 8 “Car parking meets Council standards* and either incorporates or is adaptable to provide electric car charging points.” Allowing adaptability is important as charging technology is evolving quickly and challenges with grid capacity mean a one size fits all approach is not optimal. We welcome this pragmatic wording.

Policy P2 Open Space and Access in New Development

82. The policies seeking 40% open space and 120sq.m on sites under 50 dwellings are high compared to other authorities. This quantum does not appear to be supported by any clear evidence.
83. Homes for Scotland supports the creation of quality open space as part of new housing developments where it is required. However, requiring 40% appears excessive and can lead to unintended consequences.
84. This level of open space provision would significantly increase factoring costs. Homeowners and housing associations would therefore be required to make higher contributions for large areas of land which they may not use and may be significantly underutilised.
85. To put the 40% in context it is interesting to compare it to other yardsticks for open space. For instance, the six acre standard produced by Fields in Trust, while now

less widely used, it is a helpful reference point. It set out guidance suggesting 2.4ha of open space per 1,000 of population. The average household size in Aberdeenshire is 2.36⁶. If a site is developed at 20 dwellings per gross hectare for 1,000 people (424 homes) this would give a site area of 21 hectares, 8.5 hectares of this would be open space, a 250% increase on the six acre standard. The residual development area would still have to be comparatively densely developed, 33 dwellings per hectare, to achieve this.

86. We note that the wording in the PLDP does not anticipate a mechanistic application of this policy “We will *generally* expect 40% of each major development site to be devoted to good quality open space.” (P2.2, *our emphasis*). This is appropriate as there will not be a one size fits all solution. Nevertheless, we consider that the 40% expectation and 120sq.m per home for smaller sites is excessive and should be reduced.

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

87. We disagree with the wording of this policy. Planning decision making involves balancing up different aspects of applications. In some cases this will involve weighing up positive and negative aspects of a proposal.

88. Policy HE1.1 states that

“We will *not allow* development that would have a negative effect on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites.” (our emphasis)

89. Similar phrases are used in HE1.3

“Design Statement is required to support any proposed development and demonstrate that it *would not have any negative* impact on the listed building.” (our emphasis)

90. Clearly it is important for proposals to seek to avoid negative impacts. But where negative impacts cannot be avoided a balancing exercise will be necessary such as those anticipated in HE1.4 and 1.5. A similar balancing exercise, weighing heritage harm against social, environmental and economic considerations should be added to HE1.1 and HE1.3. As worded they are incompatible with SPP which requires harm is minimised. SPP Para 137 states

“Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.”

91. This makes clear that the adverse impacts are not a prima facie reason for refusal. A rounded consideration of the application is necessary. Policy HE1.1 Should be deleted and replaced with the following

Development should avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Significant weight will be given to the asset’s conservation. Where development will cause adverse impacts this will require clear and convincing

⁶ NRS 2016 based Household Projections <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/households/household-projections/2016-based-household-projections>

justification. In addition, any adverse impact must be clearly outweighed by reasons of public interest, including those of a social or economic nature.

92. Policy HE1.3 should be amended as follows (**additions, deletions**)

Alterations to listed buildings will only be permitted if they are of the highest quality, and respect any features of special architectural, cultural or historic interest in terms of design, materials, scale, and setting. A Design Statement is required to support any proposed development ~~and demonstrate that it would not have any negative impact on the listed building.~~ **The application documentation should fully address Policy HE1.1.** The Design Statement should outline the details of the proposal, the significance of the building and justify that the proposal protects and respects the listed building.

93. The relevant considerations for considering the application will not just relate to design.

Policy HE2 Protecting Historic, Cultural and Conservation Areas

94. For the reasons outlined in Response to Policy HE1, Policy HE should be amended. Policy HE2.1 should be replaced with the following

Development should seek to preserve or enhance the character and appearance of the conservation area. Significant weight will be given to the preservation and enhancement of the conservation area. Where development will cause adverse impacts this will require clear and convincing justification. In addition, any adverse impact must be clearly outweighed by reasons of public interest, including those of a social or economic nature.

Policy HE3 Helping to Reuse Historic Buildings at Risk

95. This policy lacks clarity. It is not evident what the intention is. It could be read as taking a very narrow view of what enabling development is – strictly what is necessary to make a building wind and watertight. If this is the intention it would be a short-sighted approach.

96. The policy should be amended so it is clearer and does not preclude more extensive heritage led regeneration which returns the heritage asset to use. The following sentence is unclear in this respect “This policy does not apply to enabling new commercial developments.” (HE3.1). Any enabling development will still need to be commercially viable.

Policy PR1 Protecting Important Resources

97. This appears to be an unnecessarily restrictive which precludes the decision maker undertaking a rounded assessment of the proposal. SPP Policy 29 refers to giving due weight to net economic benefit and responding to economic issues, challenges and opportunities. It also includes a presumption in favour of sustainable development. These policies set a clear expectation that the decision taker should balance various considerations in their decision, including economic benefits, which will be significant for housing development.

98. PR1.5 states

Prime agricultural land is defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series5 . Land falling within this classification

should not be developed unless it is allocated in the Local Development Plan or an independent assessment of the site confirms a lesser quality of land.

99. We consider wording should be included to allow the decision taker to undertake a balancing exercise. It is notable that such wording is included in PR1.1

“In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh any negative effects on the protected resource, and there are no reasonable alternative sites.”

100. This wording should also be included in Policy PR1.5. This change is necessary to make it compatible with SPP Policy 29 which refers to giving due weight to net economic benefit and responding to economic issues, challenges and opportunities.

Policy C1 Using Resources in Buildings

101. We strongly support the Council’s decision not to seek Platinum standard. That would have made many developments unviable.

102. We consider that references to silver and gold standards for emissions and water would also be removed. We believe that the important objectives these seek to address are better dealt with by the building standards regulatory framework, which is set to be updated over the next year.

103. Homes for Scotland supports the ambition to reduce carbon dioxide emissions and recognises the role that delivering increasingly efficient homes can play in this regard. Our members have successfully responded to a changing regulatory environment over the years. New homes are now 75% more efficient than they were in 1990. It is anticipated that further reductions in carbon dioxide will be required when building standards are updated in 2021 with further planned changes again in 2024 ending the installation of gas boilers.

104. We are firm in the view that emissions standards for new buildings should continue to sit within the building standards regulatory regime. Meeting the standards within planning would also require detailed specification of materials at a level that will not be available at the planning stage in most instances. Such standards would be at risk of becoming out of date as they are superseded by changes in building standards.

Policy RD1 Providing Suitable Services

105. Homes for Scotland recognises that the policy response to climate change is evolving. We support action to address emissions. It is clear new technology will plan an important part of this and so the intent behind Policy RD1.1 is understandable. We broadly support the policy. However, we consider the reference to hydrogen fuel stations should be amended as follows (**additions, deletions**)

We will only allow development that provides adequate vehicle charging (**this could include including** Hydrogen Fuel Stations), road connections, waste management collections, water supply or wastewater connections and treatment as appropriate.

106. We broadly support Policy RD1.4. However, we consider the wording needs some changes so that it is clearly consistent with the reasonable test in Circular 3/2012 (para. 14). Obligations should be “fairly and reasonably relate in scale and

kind to the proposed development". It should be amended as follows (**additions, deletions**)

Development must be close⁴ to existing public transport services (if available) or deliver ~~major~~ improvements to public transport services, **proportionate** in scale with the development. Where there is no or limited services, the developer may be required to ~~fund or~~ contribute **proportionately** to service extensions or improvements to the closest public transport hub.

107. We understand and support the intent behind Policy RD1.5. However, as worded it could lead to ransom strips if it requires works to be undertaken on third party land. We consider it should be amended as follows (**additions, deletions**)

All developments must include formal lit footways **within the site boundary which are compatible with enabling** connections to adjacent developments that provide for access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups. As appropriate, safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development. Cycle infrastructure connections should be shown to existing and planned local and strategic active cycle routes. In particular, and where appropriate⁵, a safe route to school should be identified and delivered.

108. Policy RD1.6 Should allow more than 12 rather than 6 homes to be accessed via private road. This would create more opportunities for SME Homebuilders in line with the finding of Homes for Scotland's Small Scale Home Builders' Report⁷.

Policy RD2 Developer Obligations

109. This policy is poorly worded. Further there is no evidence that the Council has considered the impacts of any obligations on development viability. The obligations are presented as a simple list without any justification. The Council should provide full justification for each of the contributions sought.

110. Any obligations sought must meet all 5 of the tests set out in Circular 3/2012 (para. 14). The presentation of the contributions sought in Appendix 7 without any justification does not allow for meaningful consultation on this aspect of the PLDP. Further, having regard to the *Elsick* Supreme Court Decision⁸ it must be demonstrated that the link between the obligation sought and the contribution is more than trivial. The lack of information provided again precludes this assessment.

111. We object to seeking contributions to healthcare provision. Homes for Scotland members support a well-functioning and resourced healthcare system. However, many general practitioners operate as private businesses and it is clearly inappropriate for one private enterprise to subsidise another. Furthermore, it is a long-established principle that the NHS is funded through general taxation not a hypothecated approach. Homebuilders as well as the occupants of new homes contribute to general taxation.

112. There are further significant practical challenges. Unlike education or transport, the Council is not in control of the delivery of healthcare services. It is not responsible for establishing a new surgery nor is it responsible for the setting of the practice boundary. It is also for privately ran general practitioners to make decisions

⁷ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

⁸ [2017] UKSC 66

about expansion of existing surgeries. It is therefore not clear how the Council could fairly collect and distribute any funds even if they wished to.

113. The information provided by the Council on developer obligations is inadequate. Developer obligations will impact upon site delivery so it is important that along with the justifications for them they are examined. The absence of this information along with the absence of detailed information on site delivery gives the impression that the PLDP lacks focus on delivery. It is important this is addressed and the necessary information is provided to explain and justify the Council's approach so that it can be subject to scrutiny.

Conclusion

114. Overall, the PDLP does not provide adequate reliable opportunities for the necessary new homes to be built to meet the SDP allowances.

115. The PLDP should be modified to allocate more effective land. The deliverability of a substantial portion of new allocations is questionable, as we have demonstrated in our response to Section 5, Section 8 and Appendix 1. A large portion of the land supply identified as contributing towards the Rural HMA consists of constrained sites which have been in the land supply for some time. Many of the new allocations in the Aberdeen HMA are in more peripheral locations where demand is not as strong.

116. Changes to a number of policies are also necessary.

Prepared by:

[REDACTED]

Principal Planning Advisor

Homes for Scotland

[REDACTED]

[REDACTED]

[REDACTED]

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Appendix 1: Homes for Scotland Land Supply Analysis

Table 1 - Summary

	SDP Allowance	Aberdeenshire Claimed New Sup	Aberdeenshire Surpl	HFS Supply	HFS Suplus/Shortfall
Aberdeenshire	5107	5764	657	3427	-1680
Rural HMA	2042	2619	577	794	-1248
Aberdeen HMA	3065	3145	80	2633	-432

Table 2 - Summary of HFS Allowances Review

Aberdeen HMA	Allocations
Formartine Supply (Council)	1315
Garioch Supply (Council)	1096
Kincardine and Mearns Supply (Council)	557
Marr Supply (Council)	177
Aberdeenshire Total New Land Supply Allowance	3145
Aberdeenshire Surplus / Shortfall	80
Total Dwellings HFS Considers Constrained / Not Effective*	512
HFS Total New Land Supply*	2633
HFS Surplus / Shortfall*	-432

Rural HMA	Allocations
Banff and Buchan Supply (Council)	906
Buchan Supply (Council)	400
Formartine Supply (Council)	691
Garioch Supply (Council)	22
Kincardine and Mearns Supply (Council)	283
Marr Supply (Council)	317
Aberdeenshire Total New Land Supply Allowance	2042
Aberdeenshire Surplus / Shortfall	577
Total Dwellings HFS Considers Constrained / Not Effective*	1825
HFS Total New Land Supply*	794
HFS Surplus / Shortfall*	-1248

*We have raised further queries on additional sites where inadequate information is provided. Subject to receipt of further information this total may change. We view the shortfall totals identified as minimum figures as we have questions on a number of other sites where for the purpose of this calculation we have used the Council's figures provisionally.

Table 3 Detailed Review of Land Supply

Key	
	Further information necessary. Council programming provisionally used
	Partial change in capacity made
	Not considered effective / likely to become effective

Aberdeen HMA					
Ref	Settlement	Site Name	Size of Allocation Contributing to Allowances	Notes	HFS View On Contribution
OP1	Formartine	Land at Balmedie South	80		80
OP1	Formartine	Barthol Chapel	5		5
OP1	Formartine	Belhelvie	4		4
OP2	Formartine	Land at Cairntack (East)	41	Understand this site was only promoted for 25 dwellings. Difference needs to be explained along with Council justification on deliverability.	25
OP3	Formartine	Land to the East of Cairn View	49		49
OP3	Foveran	South of Turin Way	36	More information necessary to demonstrate effectiveness / confidence it'll become effective.	36
OP4	Foveran	Site 2, Land at Blairthan Terrace	20	Newly Allocated. Consortium Ownership. Bid (FR066) only for 5 dwellings. Clarity needed on why capacity has been increased. Question site marketability. What work has the Council undertaken to ascertain that this site is deliverable?	5
OP5	Foveran	Land adjacent to former A90, North of Westfield Road	14	Understand this site may have been previously informally marketed unsuccessfully.	14
OP1	Methlick	Coltonhillock	20	Newly Allocated. No apparent Homebuilder Involvement. Question marketability of this site. What work has the Council undertaken to ascertain that this site is deliverable? Understand this site may have been previously informally marketed unsuccessfully.	0
OP2	Methlick	West of Black Craigs	3	Constrained in 2019 HLA. BID(034) appears to suggest site not being marketed.	0
OP3	Methlick	Land at Sunnybrae Croft, Methlick	12	New Allocation. Bid (FR040) only for 7 homes. No apparent homebuilder involvement.	7
OP4	Methlick	Site adjacent to Belmuir Lodge, Methlick	63	New Allocation. Appears to consist of 2 BIDS (046&47). But these only appear to promote 13 homes between them. No Apparent Homebuilder involvement. Question whether a development of this size is marketable in such a rural area. What work has the Council undertaken to ascertain that this site is deliverable?	13
OP3	Newburgh	Land North of School Road, Mill of Newburgh	160		160
OP1	Oldmeldrum	Land North of Distillery Road	38		38
OP2	Oldmeldrum	Coutens	35		35
OP4	Oldmeldrum	Land at Chapelark	33	Understand an AMSC application is in for 62 dwellings. Capacity should be amended accordingly.	27
OP5	Oldmeldrum	Newbarns	146		146
OP2	Pitmedden	Land Southwest of Pitmedden	219		219
OP3	Pitmedden	Mill of Allathan	68	No apparent homebuilder involvement. BID (FR108) for just 30 dwellings. What work has the Council undertaken to ascertain that additional homes on this site are deliverable?	30
OP4	Pitmedden	Land at Cloisterseat	10	New allocation for housing previously business. BID (FR015) Only for 7 dwellings. Why has the site capacity been increased?	7
OP1	Potterton	Land north of Denview Road	172		172
OP2	Potterton	Land north West of Denview Road	61		61
OP1	Rashierieve	Land West of Rashierieve Cottages	8		8
OP1	Tarves	The Grange	13		13
OP1	Ythanbank	Braklay Park	5	Constrained in 2019 HLA. Capacity increased by 5 but no BID apparent.	0
Garioch					
OP1	Blackburn	Caskieben	190	Expanded allocation. BID is only for 150 (087) not the 240 in allocation. Understand the site has been in plans since 1989 and not progressed and may be constrained by lack of 2 points of access.	0
OP1	Dunecht	Land to the West of Tillybrig	9		9
OP1	Echt	North of Forbes Park	25		25
OP1	Hatton of Fintray	North of B977	16	Site Constrained in 2019HLA. Capacity increased by 8. No BID Apparent.	0
OP3	Inverurie	Land at Harlaw Park	50	Previous Allocation. - part of OP2. Now being promoted for 50 flats (084). Site was previously constrained by multiple ownerships. Now understand from BID this site is in single ownership and intention is to develop independently. More information needed on how this will be delivered.	50
OP11	Inverurie	Pineshaw, Port Elphinstone	29	Previous Allocation with increased housing, now 54, previously 54. No BID evident. What work has the Council undertaken to ascertain that this site is deliverable?	0
OP15	Inverurie	Land West of Bennachie View Care Home	130		130
OP16	Inverurie	Land West of Conglass Cottages	50	New allocation. No homebuilder involvement. BID (142) doesn't appear to provide a capacity. How has Council arrived at proposed capacity?	50
OP1	Keithhall	South of Inverurie Road	36	Constrained in 2019 HLA. What work has the Council undertaken to ascertain that this site is now deliverable?	0
OP1		Kintore East (Residential)	400		400
OP6	Kintore	Land Adjacent to Woodside Croft	24	Previously reserved land. Promoted for AH. BID126. No apparent homebuilder involvement. What work has Council undertaken to understand whether this site is deliverable?	24
OP7	Kintore	South of Northern Road-A96	32	Previous allocated for business use. Promoted for residential BID 053. No apparent Homebuilder involvement. What work has Council undertaken to understand whether this site is deliverable?	32
OP1	Midmar	Roadside of Corsindae	12	Previously protected land. BID074 only for 10 homes not 12. No apparent Homebuilder involvement. What work has Council undertaken to understand whether this site is deliverable? What is reason for increased capacity.	10
OP1	Millbank	Land at Millbank Crossroads	30	Previously constrained in 2019 HLA. Capacity reduced by 5. Not apparent that infrastructure constraint identified in the 2019 HLA has been resolved.	0
OP3	Westhill	Land at Former Blockworks Site	63	Previously business designation. Appendix 7D refers to promotion for 100% AH but BID125 mentions 25% AH. Not clear where capacity of 63 is from. Council needs to explain why this allocation is deliverable. Is there funding in place for the affordable housing? How the capacity has been arrived at?	63
Kincardine and Mearns					
OP1	Findon	Land South of Earnsheugh Terrace	11		11
OP1	Marywell	Land East of Old Stonehaven Road	52	New housing. Previously business. Appendix 7E mentions that "The positioning of new housing in this area must not constrain developments within the BUS2 site by way of noise/amenity issues.". What work has the Council done to confirm the site is deliverable and compatible with adjacent business uses?	52
OP1	Newtonhill	Park Place	51		51
OP1	Park	Land to the West of Park Village Hall	7	No apparent BID. Effective in 2019 HLA for 6 units. Unclear why capacity has been increased.	0
OP1	Portlethen	Schoolhill	176		176

OP2	Stonehaven	Ury House, East Lodge	33		33
OP3	Stonehaven	Ury House, Blue Lodge	48		48
OP4	Stonehaven	Land Adjacent to Kirktown of Fetteresso	1	Not clear why 1 counted towards allowances. This is a previous allocation and undersand developer is on site with a number of completed homes to date.	0
OP5	Stonehaven	Land at East Lodge	60	Promoted for 40-50 unclear where capacity of 60 is from. Council needs to explain why it considers additional dwellings are deliverable.	60
OP6	Stonehaven	Mackie Village Ury Estate	91	Council to explain how this allowance has be worked out given that part of the site was previously allocated.	91
OP1	Woodlands of Durris	Land Northwest of Clune Gardens	27		27
	Marr				
OP1	Banchory	East Banchory/Eco village	2		2
OP2	Banchory	Lochside of Leys	5		5
OP6	Banchory	Land at former Glen O'Dee Hospital	40	Constrained in 2019 HLA. Do not consider site to be deliverable.	0
OP2	Inchmarlo	Land Southeast of Glencommon Wood	120		120
OP3	Inchmarlo	Land at East Mains and Auldeer Wood	10	Not clear who has promoted this. No BID evident. Council to advise.	10
	Total		3145		2633

Rural HMA					
Banff and Buchan					
OP1	Banff	Goldenknowes	306	This site is 'Lusylaw Road' (in 2019 HLA) which is the identified as constrained by Marketability in the 2019HLA and has been in the HLA since 2006. No evidence provided to explain this constraint has been overcome.	0
OP2	Banff	Colleonard Road	200	Physical, Marketability, Infrastructure constraints identified in the 2019 HLA. Has been in the HLA since 2004. Site promoted for 200, lower than previous allocation of 295. It is not clear in the Bid or Settlement Statement (Appendix 7a) how previously identified constraints have been resolved.	0
OP1	Cairnbulg/ Inverallochy	South of Allochy Road	85	Identified as constrained by marketability in 2019 HLA.	0
OP2	Cairnbulg/ Inverallochy	Westhaven	6		6
OP3	Cairnbulg/ Inverallochy	Land North of Rathen Road	30		30
OP2	Cornhill	Land to the West of Midtown	63	New allocation, previously safeguarded for a school. However, the site does not appear to have an associated bid. It's therefore not clear there is any intention to develop.	0
OP1	Crudie	Land at Hawthorn Croft	10	This site has been in the HLA since 2003. 8 Dwellings identified as effective in the 2019HLA and therefore cannot be counted as contributing towards allowances. A Further 5 dwellings identified as constrained by marketability and infrastructure. No evidence as been provided to demonstrate the site is no effective and it is unclear why it is considered 10 dwellings from this site can contribute to meeting allowances.	0
OP1	Fordyce	West Church Street	5	Identified as constrained by marketability in 2019 HLA. It has been in the HLA since 2004. Settlement Statement does not explain how this constraint will be overcome.	0
OP4	Fraserburgh	Land at Tyronhill Farm	30	New Allocation. No apparent homebuilder involvement. Unclear how capacity of 30 homes has been decided.	30
OP1	Ladysbridge	Phase 5, Ladysbridge Village	35	Understand this is new site with PPP.	35
OP1	Macduff	Land South of Corskie Drive	22	This was previously allocated for another use in past plans. Now identified for housing but understand owner does not control access to the site. Access appears to be dependent on adjacent site being developed for commercial uses. It has not been developed to date despite being allocated at least in the previous plan. Without a forthcoming solution to the access issue, and no timescales are given, consider the site should be considered constrained.	0
OP1	Memsie	Crossroads	15	Constrained by ownership and marketability in the 2019 HLA. In the HLA Since 2013. No information provided as to how these constraints will be overcome.	0
OP2	Memsie	Land North of Cairn Close	20	New site. No apparent Homebuilder involemnt. JNF Developments own and say they will develop.	20
OP1	Rosehearty	South of Ritchie Road	49	Site constrained in 2019 HLA. Has been in HLA since 2013. No evidence marketability constraint has been overcome.	0
OP1	Whitehills	Knock Street	30	Constrained by marketability in 2019HLA. Has been in the HLA since 2013. No evidence constraint has been overcome.	0
	Buchan				
OP1	Auchnagatt	Land at North of Braemo	16	Site Constrained by marketability. Has been in HLA since 2012. Unclear how this constraint will be overcome.	0
OP1	Boddam	East of Inchmore Gardens	9	Site removed from 2019 HLA and included as a small site. Site was however, in 2018 HLA and identified as constrained by marketability. Unclear how this constraint has been overcome or whether it was subject of a Bid.	0
OP2	Cruden Bay	South of Aulton Road	31	Site constrained by marketability in 2019HLA. Has been in HLA since 2012. Not a new site and no evidence as to how marketability constraint has been overcome.	0
OP2	Fetterangus	Land Adjacent to Playing Fields	27	Constrained by ownership in 2019HLA. Has been in HLA for 2014. Not a new site and no evidence of how constraint has been overcome.	0
OP3	Fetterangus	Land East of Gaval Street	49	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	49
OP1	Longside	Land off Station Terrace	30	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	30
OP3	Maud	Land at Bank Road East	30	This is is previous allocation. However, the allocation is only stated as being for 10 homes in Appendix 7b but is claimed as contributing 30 to allowances in Appendix 6. It is in the 2019HLA with remaining capacity for 3. It does not appear to have been promoted through a Bid. The 3 homes outstanding already contributed to the land supply which informs the SDP allowances and so assuming this site contributes to allowances is double counting and the stated capacity appears inaccurate.	0
OP5	Mintlaw	South of Nether Aden Road	50	Identified as constrained in the 2019 HLA due to marketability. It has been in the HLA since 2006. Not a new site and no evidence as to how constraints have been overcome.	0
OP3	New Deer	Land at Auchreddie Croft	30	Site constrained by marketability in 2019HLA. Has been in HLA since 2014. Not a new site and no evidence as to how marketability constraint has been overcome.	0
OP1	Old Deer	Land at Abbey Street	10	Site constrained by ownership in the 2019 HLA due to agricultural tenancy. It has been in the HLA since 2006. Unclear why it is now considered deliverable.	0
OP1	St Combs	Site to North of High Street	30	This is a new allocation for social housing.	30
OP2	St Combs	Site to North of High Street	26		19
OP1	St Fergus	South of Newton Road	13	Site part constrained by ownership in 2019 HLA with 25 dwellings effective, unclear why this has been increased to 38.	0
OP3	Strichen	Land at Brewery Road	49	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	49
	Fortamine				
OP1	Cuminestown	Land to the North/West of Teuchar F	60	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	60
OP1	Fyvie	Land North East of Peterwell Road	30	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	30
OP1	Kirkton of Auchterless	Small Site at Kirkton of Auchterless	5	New allocation. Bid just for 2 homes, why is capacity increased?	5
OP1	Rothienorman	Site to West of Blackford Avenue	12	New allocation for social housing. The Council need to explain how this site will be delivered. It appears access is dependent on OP2 coming forward. It needs to be shown how this will come forward if OP2 does not given that OP2 has been allocated since 2006 with no apparent development to date.	0
OP2	St Katherines	Land North of St Katherines	35	New allocation. No apparent bid. Council to explain why it is considered the site is deliverable.	35
OP1	Turriff	Adjacent to Wood of Delgaty	442	Site identified as constrained in the 2019 HLA save for 8 dwellings. Bid submitted but only appears to relate to part of the site (3.6ha). It is unclear why the Council now considers this site to be deliverable and capable of delivering the full capacity by the end of the LDP period.	0
OP3	Turriff	Adjacent to Bridgend Terrace	40	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	40
OP5	Turriff	South of Colly Stripe, Smiddyseat Rd	27	Not apparent if this has been promoted in a bid. New Allocation. What work has council done to consider it is deliverable and ascertain intent to delvier.	27
OP6	Turriff	Land North of Cornfield Road	40	New allocation. No apparent homebuilder involvement. What work has the Council done to understand effectiveness?	40
	Garioch				
OP1	Meikle Wartle	Land North of Meikle Wartle	12	New allocation.	12
OP1	Old Rayne	Land North of Pitmachie Farm	10	New allocation.	10
	Kincardine and Mearns				
OP1	Fettercairn	Land to the Northwest of Fettercairn	60	Site promoted for 49, unclear why it is now identified for 60. It was identified as constrained in the 2019 HLA. Council needs to explain why it is now considered deliverable.	0
OP1	Gourdon	Land at Braehead	49	New allocation.	49
OP4	Laurencekirk	Land North of Gardenston Street	20	New Allocation. Appears to be a combination of bids. Council to advise if these are compatible and in single ownership.	20
OP5	Laurencekirk	Land South of Gardenston Street	11	New Allocation.	11
OP6	Laurencekirk	Land South of High Street	100	This is not a new site, it is in the 2019HLA and should not count towards meeting of the allowances. The timing of the delivery of necessary offsite A90 Grade Separated Junction infrastructure is not certain at this stage.	0
OP7	Laurencekirk	Land West of Fordoun Road	8	Expansion of existing allocation.	8
OP1	Luthermuir	The Chapel	6	Expansion of existing allocation.	6
OP3	Luthermuir	Land North of Church Road	13	New allocation. Bid not apparent. Council to advise on delivery intent.	13
OP1	Roadside of Kinneff	Land to the West of Roadside of Kin	16	Site constrained by ownership in 2019 HLA. Unclear how this has been resolved.	0
	Marr				
OP2	Aboyne	Tarland Road/ North of Kinord Drive	5	Site increased in size, application reference?	5
OP4	Alford	Land at Kingsford Road	85	2019 HLA refers to ransom strip and marketability constraints. Has been in HLA since 2004. No evidence presented to demonstrate it is now deliverable.	0
OP1	Drumblade	Land to Southwest of Drumblade Pri	5	New allocation	5
OP1	Finzean	Site to East of Finzean Village Hall	8	New allocation	8
OP1	Glenkindie	Land to the West of Glenkindie Bow	1	PP granted for 5 homes, unclear why capacity is now 6 homes	0
OP1	Huntly	Land at Steven Road	50	More information is required on deliverability, particularly funding for 100% AH and access. Previous business allocation.	50
OP2	Huntly	Deveron Road	52	More information is required on deliverability, particularly funding for 100% AH and ownership.	52
OP1	Kennethmont	Land South of B9002	32	2019 HLA shows site constrained by marketability. No evidence presented to demonstrate it is now deliverable.	0
OP3	Kincardine O'Neil	Land at Gallowhill Road	8	Site constrained by ownership in 2019 HLA. It has been in HLA since 2006. No evidence presented to demonstrate it is now deliverable.	0

OP1	Logie Coldstone	Land Adjacent to Diamond Jubilee	10	Constrained by marketability in 2019 HLA. No Bid apparent. Has been in HLA since 2011. No evidence presented to demonstrate it is now deliverable.	0
OP1	Tarland	Land at MacRobert Trust Estate Yard	10	Previous business allocation. Council to clarify whether it is intention of owner to develop for housing, no bid apparent for housing development.	10
OP2	Tarland	Land Adjacent to Alastrean House	10	Constrained by marketability in 2019 HLA. No Bid apparent. Has been in HLA since 2012. No evidence presented to demonstrate it is now deliverable.	0
OP3	Tarland	Village Farm	36	Site has been in HLA since 1996. Constrained by marketing funding in 2019 HLA. No evidence presented to demonstrate that it is now deliverable.	0
OP1	Towie	Land Adjacent to the Hall	5	Site constrained by ownership and amrketability in 2019 HLA. It has been in HLA since 2011. No evidence presented to demonstrate it is now deliverable.	0
			2619		794

YOUR COMMENTS

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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):

Foreword, para. 4

This wording should be changed to read

"In some circumstances, where there are overriding material considerations, we may make decisions that do not strictly follow the policies and land allocations in this Plan. We except such decisions to be exceptional and for the plan to lead most decisions"

Reason for change:

Paragraph 4 states that "Only in exceptional circumstances, and with overriding material considerations, will we make decisions that do not follow the policies and land allocations in this Plan." The reference to 'exceptional circumstances' could be misleading as it might be interpreted as meaning the authority intends to take a stricter line that is provided for by Section 25 (1) of the 1997 Planning Act (as amended).

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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):

Sections 3 & 4

Section 4 should contain more text to explain the ambitions of the Council to meet housing need and demand in full and jobs in homebuilding. It is uniquely well placed to influence these outcomes due to its power over where new homes will be allowed. It is important that this power is exercised to provide more effective sites helping to contribute to a wider economic recovery following Covid 19.

Paragraphs 4.1 and 4.7 are contradictory and vague. The meaning of them needs to be clarified.

Reason for change:

1. These two sections together outline the vision and outcomes for the PLDP. We fully endorse some of the ambitions set out including the vision that

“By 2040 that Plan identifies the area as an even more attractive, prosperous, resilient, and sustainable European City Region, that is an excellent place to live, visit and do business.” (para. 3.8).
2. Section 4 should contain more text to explain the ambitions of the Council to meet housing need and demand in full and jobs in homebuilding. It is uniquely well placed to influence these outcomes due to its power over where new homes will be allowed. It is important that this power is exercised to provide more effective sites helping to contribute to a wider economic recovery following Covid 19.
3. Construction jobs account for 8% of jobs in Aberdeenshire, some 8,000 jobs, the joint 4th highest share of any local authority in Scotland . It is the joint 5th largest industry in the Aberdeenshire by employees . Not all of these jobs are in homebuilding, but it is an important component. It is vital that the PLDP does not limit opportunities for the retention of and growth of jobs in the sector.
4. Some of the statements in Section 4 are contradictory and vague. For instance. para. 4.1 states

“In all cases the vision of the Plan should be used to guide granting of planning permission where conflicts arise and one policy cannot be applied at the expense of another.”
5. In contrast para. 4.7 states

“Sometimes the need for sustainable transport infrastructure requires that other Plan policies can be disregarded in the interests of a wider public benefit.”
6. These two statements appear contradictory. The former stating policies cannot be applied at the expense of others and the latter suggesting in certain circumstances policies can be disregarded. This needs to be clarified. Homes for Scotland supports a rounded

assessment of proposals but clearly the PLDP should not have mutually incompatible policy asks. This is contradictory to the aims of a plan led system as it leaves the applicant and decision maker to try to resolve conflicting policy requirements.

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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 5 Spatial Strategy

The spatial strategy should be amended to place much greater focus on deliverability and include additional allocations particularly in the area around Aberdeen City. We provide further, more detailed comments in relation to Section 8.

Reason for change:

1. Preparation of the SDP is at an advanced stage having been through examination. We agree with the Council that the LDP should be planned to be consistent with it.
2. The draft SDP, under the heading 'How to Meet the Targets', states

"Both Councils will make land available for housing through Local Development Plans in line with the Spatial Strategy and Table 3 of this Plan."
3. Table 3 sets out allowances of new land which is required to be allocated. Local Developments Plans are to maintain a 5-year supply of effective land for housing at all times. These allowances were altered by the Reporter at the SDP Examination. The allowances are set out in Table 1 of the PLDP. However, confusingly, the analysis of whether the PLDP will meet these allowances is relegated to Table 1 in Appendix 6, with additional information in Appendices 7A-F.
4. It is unusual for an LDP not identify the numerical basis of its housing allocations in the main body of the text. It is a fundamental and instructive component of the LDP, which should be therefore included within Section 8 of the ALDP, which will help ensure that the importance of the information it contains is adequately conveyed.
5. We have set out our detailed objections to the housing land supply in response to Section 8 as this refers to the Council's proposals in Appendices 6 and 7. It is clear from our analysis (Appendix 1) that inadequate land has been made available to meet the allowances identified in the SDP. In this section we focus on some of the high level strategic issues.
6. At the SDP examination Homes for Scotland argued that an 85/15 split between the Aberdeen and Rural Housing Market Areas (AHMA and RHMA) was necessary to ensure new allocations were focussed in the most marketable and generally most sustainable locations. Ultimately the Reporter chose to stick with the proposed 80/20 split. Nevertheless, the Council is still required to provide enough effective housing land in both HMAs and across Aberdeenshire. We consider the PLDP has shortcomings in this regard.
7. 43% of the 'new' allocations in the RHMA (by dwellings) are constrained sites in the 2019 HLA. Despite successfully arguing for higher allowances in the RHMA, the Council has

not responded by allocating new effective sites, instead relying on constrained sites. This approach is inconsistent with para. 5.4 of the PLDP.

8. This uncertainty over deliver is exacerbated by the approach taken in the AHMA. Not enough of the new allocations in the AHMA are focused in the area immediately around Aberdeen where the market is strongest and the locations generally more likely to be sustainable. The PLDP acknowledges this, but does not reflect it in the allocations made

“The area around Aberdeen City continues to be the powerhouse of economic activity in the region and so the land allocations made in the settlements around Aberdeen City reflect this.” (PLDP para. 3.11)

9. This places further question marks over the robustness of the approach on housing land supply. The SDP already does not meet housing need and demand in full due to the use of the ‘Modified Principal Migration Scenario’ (Examination Report Issue 12, paras. 45-50). The reason for this, the SDPA argued, was that it wished to encourage stronger growth over the longer term.
10. Even using the Council’s own figures (which we dispute) the AHMA allowance is just met. Given the reliance on more peripheral locations within the AHMA this does not give confidence that enough homes will be delivered to meet targets, which are already less than the need and demand identified in the HDNA.
11. The spatial strategy should be amended to place much greater focus on deliverability and include additional allocations particularly in the area around Aberdeen City. We provide further, more detailed comments in relation to Section 8.

Further details provided in Appendix 1

YOUR COMMENTS

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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 8, Appendices 6&7

1. There are serious shortcomings in the information the Council has presented. In order to establish the likely position in respect to the new housing supply proposed in the PLDP it is essential that the Council provide further information and justification for all the components of that supply, including the following:
 - Evidence on effectiveness for all "new" housing land based on the effectiveness criteria contained in PAN 2/2010
 - Evidence of the basis for increasing the density/capacity of existing sites.
 - The annual programming of sites. This is necessary to understand whether the plan is providing a 5-year housing land supply at all times and whether or not the total capacity of the site will deliver within the plan period.
 - The reasons why currently constrained sites are assumed to be capable of becoming effective.
2. Substantial new allocations of effective land will be necessary to address the significant shortfalls we have identified in Table 1. These shortfalls could increase subject review of any more detailed evidence the Council provides on effectiveness.

Reason for change:

Refer to Appendix 1 also

Summary

3. Section 8 claims that enough housing land to meet SDP allowances in has been allocated. Our detailed analysis in Appendix 1 demonstrates that the allowances will not be met with the land which has been allocated.
4. There is a notable absence of any detailed consideration of the effectiveness or programming of sites deemed to contribute to meeting allowances. This is an important omission which prevents a complete review of the land supply. We request that the Council provides a detailed statement on site effectiveness having regard to the tests in PAN 2/2010 (para. 55) and delivery assumptions to enable proper analysis of this important issue at the examination stage.
5. Table 1 of Appendix 6 of the PLDP sets out the land supply which the Council has identified to meet the allowances. It claims a modest surplus of 80 dwellings in the Aberdeen Housing Market Area (AHMA) and a larger surplus of 577 dwellings in the Rural Housing Market Area (RHMA), giving an overall claimed surplus of 657 in Aberdeenshire.
6. Above Table 1, text explains that sites deemed to contribute to allowances four categories. These categories appear to overlap. A more concise way of summarising the approach taken would be the following three categories
 - New Allocations (not identified in HLA 2019)
 - Increase in capacity and/or extension to sites in HLA 2019
 - Constrained sites identified in HLA 2019

Site Effectiveness

7. To contribute towards meeting allowances, it will be essential that any sites identified are demonstrably deliverable over the LDP period. Scottish Planning Policy (SPP) is clear in its focus on delivery

“House building makes an important contribution to the economy.” (para. 109).

“The planning system should: have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.” (para. 110).

8. This focus is reflected in policy for the allocation of housing sites in LDPs within SDP areas.

“Local development plans in city regions should allocate a range of sites *which are effective or expected to become effective in the plan period...*”

“In allocating sites, planning authorities *should be confident that land can be brought forward for development within the plan period* and that the range of sites allocated will enable the housing supply target to be met.” (para. 119, *our emphasis*).

9. We do not consider that the PLDP and its supporting documents focus sufficiently on ensuring new allocations are effective and will be deliverable over the PLDP period. No detailed commentary is provided on site effectiveness in the Settlement Statements or elsewhere in the PLDP. Furthermore, no programming is provided for any of the new sites. The Council has not demonstrated that new sites are either effective or will be delivered over the plan. This lack of detail is inconsistent with the requirements of SPP para. 119.

10. To enable a full review of the land supply the Council needs to provide a detailed statement on site effectiveness and delivery assumptions.
11. Using the limited information provided by the Council and input from our members we have set out a detailed review of the land supply counting towards the allowances (Appendix 1). Nevertheless, to enable a full review of the land supply the Council needs to provide a detailed statement on site effectiveness and delivery assumptions. From our review it is evident that multiple sites are either constrained or will not deliver the stated capacity in full (these are highlighted in red and orange respectively). We have also highlighted sites in yellow where we have provisionally used the Council's capacity figures but where further information is required to justify the Council's approach.
12. Based on our analysis we have identified significant shortfalls against the allowances across Aberdeenshire and in both the AHMA and RHMA. Subject to receipt of further information on the delivery of sites highlighted yellow in Appendix 1 we anticipate these shortfalls could increase.

Table 1 Summary of Land Supply Position

	SDP Allowance	Aberdeenshire Claimed New Supply	Aberdeenshire Surplus / Shortfall	HFS Supply	HFS Surplus/Shortfall
Aberdeenshire	5107	5764	657	3427	-1680
Rural HMA	2042	2619	577	794	-1248
Aberdeen HMA	3065	3145	80	2633	-432

13. To address these shortfalls additional new effective housing land will need to be allocated.

Previously Constrained Sites

14. Many of the sites deemed to contribute to meeting the allowances were identified as constrained in the 2019 HLA. Of the sites identified to meet the allowances across Aberdeenshire, 23% of these (measured by indicative capacity) appear to be wholly or in part sites identified as constrained in the 2019 HLA. This figure is 43% in the RHMA. This approach is not consistent with SPP or the SDP Examination Report.
15. During the examination of the SDP the Strategic Development Planning Authority (SDPA) confirmed to the Reporter that the

“...use of the housing land audit 2019 will give the local development plans the benefit of consulting on the most recently published housing land audit. If the subject of effective land supply and housing allowances for the period 2020-2032 has been considered and settled during the examination of the proposed strategic development plan, then both proposed local development plans can benefit from this settled position during public consultation. Given that the local development plans would commence public consultation in early 2020 they would give an accurate picture of the housing land supply” (Issue 14, paragraph 21)
16. The 2019 HLA and the information within it on effectiveness and programming was a key piece of evidence used to set the allowances in the SDP.

“The approach used by Homes for Scotland where the programming of sites is extrapolated beyond the period stated in the housing land audit is well-evidenced with tables showing each site in each authority and market housing area. There will be instances where sites perform better and some which deliver less than the extrapolated method shows but it reasonably carries forward the last known (and agreed) programme of delivery on each site into the future. Therefore, I consider that it can be effectively used to

predict the amount of the established supply that is considered to become effective during the periods 2027 to 2032 and 2033 to 2040.” (Issue 14, para. 26)

17. The implicit assumption in Appendix 6 that constrained sites in the 2019 HLA are expected to be effective over the LDP period and can count towards allowances appears to be an attempt to revisit matters settled at the SDP examination. We do not consider this to be consistent with the statement provided by the SDPA, referenced above. Nor is it consistent with the PLDP, which clearly explains the problems with relying on constrained sites

“We need to be confident that land can be brought forward for development within the Plan period, and that the range of new sites allocated alongside the existing effective supply will maintain a housing land supply that is sufficient. While some long-term constrained sites may come forward, there has to be some uncertainty associated with this. We cannot have confidence that long term constrained sites will be brought forward for development, and we have removed many of these to ensure that the Spatial Strategy is both sustainable and deliverable as advised by Scottish Planning Policy⁵. Both major allocations and smaller self contained allocations are required.” (para. 5.4)

18. The inclusion of constrained sites in the allowances is a one-sided adjustment to the housing land supply. This unilateral approach is inconsistent with para. 123 of SPP and para. 45 of PAN 2/2010. Taken together these two policy documents set a clear expectation that the monitoring of land supply and programming should be done collaboratively with stakeholders and that Housing Land Audits will be ‘vital’ (PAN 2/2010, para. 45) in informing adjustments to housing supply in LDPs.
19. Additionally, no justification is provided to explain why these sites are now considered to be effective, contrary to the position at the agreed 2019 HLA. Some of the text in Appendix 6 hints at what some of the considerations may have been “Existing constrained sites where a bid has been submitted indicating that they will come forward within the Plan period” may count towards allowances. This is not clear and raises important questions which are unanswered in the PLDP.
20. Firstly, what work has the Council done to satisfy itself the sites are effective / confident they will become so? It is clearly the job of the Council to independently assess site effectiveness and explain why, consistent with SPP para. 119, rather than rely solely on what is stated in the bids. This is even more pertinent where an agreed HLA indicates the sites are constrained.
21. Secondly, what has changed since the 2019 HLA was agreed in Spring 2019? It is notable that the bids were submitted by the end of March 2018, any compelling information within them demonstrating effectiveness should have been available to officers ahead of discussion on the 2019 HLA.
22. For these reasons we have removed nearly all the constrained sites from contributing the allowances. The onus is on the Council to provide enough information to provide reasonable assurance that the land identified as contributing to the allowances will be delivered, but this has not been presented in a format that can be properly scrutinised.

New / Enlarged Allocations

23. No detailed information is provided on the Councils consideration of the effectiveness / expected effectiveness of new and enlarged allocations. As stated above, it is essential that this detail is provided and the effectiveness is justified having regard to the tests in Pan 2/2010.
24. Appendix 1 of this submission provides a detailed review of the identified new housing land supply. However, we note there are a significant number of discrepancies in the information provided by the Council. These reinforce the need for a full explanation from

the Council of its land supply. We have highlighted some examples below, but this list is not exhaustive:

- Pitmedden OP3 (Mill of Allathan): The site is allocated for 68 homes. However, the bid submitted (ref. FR108) promotes just 30. This 127% increase in capacity is not explained.
- Maud OP3 (Land at Bank Road East): This is identified as contributing 30 homes to allowances in Appendix 6 (p.176). However, the capacity of the allocation is listed as just 10 homes in the Settlement Statement (Appendix 7b, p. 322). Further a review of the 2019 HLA suggests 7 homes have been built. The remaining 3 were in the 2019 HLA (ref. U/MD/H/008b) and included in the supply used to calculate the allowances by the SDP Reporter.
- The approach to site capacity is inconsistent in Appendix 6. For instance, it is stated that the Chapelton OP1 LDP 2021 Allocation is 4,045 but this includes 164 dwellings already built in January 2019. Whereas OP2 at Newmachar states a 2021 LDP Allocation of 95 which appears to deduct the 70 dwellings completed to January 2019 from the original 165 home allocation.

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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):

Policy C1 Using Resources in Buildings

We consider that references to silver and gold standards for emissions and water would also be removed.

Reason for change:

1. We strongly support the Council's decision not to seek Platinum standard. That would have made many developments unviable.
2. We consider that references to silver and gold standards for emissions and water would also be removed. We believe that the important objectives these seek to address are better dealt with by the building standards regulatory framework, which is set to be updated over the next year.
3. Homes for Scotland supports the ambition to reduce carbon dioxide emissions and recognises the role that delivering increasingly efficient homes can play in this regard. Our members have successfully responded to a changing regulatory environment over the years. New homes are now 75% more efficient than they were in 1990. It is anticipated that further reductions in carbon dioxide will be required when building standards are updated in 2021 with further planned changes again in 2024 ending the installation of gas boilers.
4. We are firm in the view that emissions standards for new buildings should continue to sit within the building standards regulatory regime. Meeting the standards within planning would also require detailed specification of materials at a level that will not be available at the planning stage in most instances. Such standards would be at risk of becoming out of date as they are superseded by changes in building standards.

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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):

Policy H1 Housing land

We consider some wording in policy H1 which addresses steps to be taken to address any housing shortfalls which arise should be added. We consider the following would be appropriate

“The Council, developers, service providers and other partners in housing provision should work together to monitor the supply of effective land necessary to deliver housing, taking a flexible and realistic approach. If a shortfall in the 5-year effective housing supply emerges, the Council will consider granting planning permission for unallocated housing sites which can be demonstrated to be sustainable.”

Reason for change:

Explained above.

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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):

Policy H2 Affordable Housing

1. We consider that the threshold for providing affordable homes should be raised to at least 12 to support smaller builders. This is a recommendation in recent Homes for Scotland¹ work considering how to help the small scale home builders recover.

Reason for change:

1. We welcome the Council's decision to seek 25% affordable housing in line with SPP. As acknowledged by the Aberdeenshire Affordable Housing Forum, over 70% of Aberdeenshire's affordable housing is delivered through Section 75 contributions made by the affordable housing contribution from market sites. Encouraging the continued provision of market homes is therefore crucial to supporting the ongoing delivery of affordable homes.
2. We consider that the threshold for providing affordable homes should be raised to at least 12 to support smaller builders. This is a recommendation in recent Homes for Scotland work considering how to help the small scale home builders recover
3. Scottish SME homebuilders have been slower to recover from the 2008/09 recession than other sectors. Covid-19 has compounded many of these problems. The number of homes for sale being delivered by these companies has dropped from 4,846 (pre-recession) (2007/08) to just over 2,700 homes a year (2017/18). If the pre-recession rate could be achieved it would support an extra 8,000 FTE jobs across Scotland.

¹ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

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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):

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

1. Policy HE1.1 Should be deleted and replaced with the following

Development should avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Significant weight will be given to the asset's conservation. Where development will cause adverse impacts this will require clear and convincing justification. In addition, any adverse impact must be clearly outweighed by reasons of public interest, including those of a social or economic nature.

2. Policy HE1.3 should be amended as follows (**additions, deletions**)

Alterations to listed buildings will only be permitted if they are of the highest quality, and respect any features of special architectural, cultural or historic interest in terms of design, materials, scale, and setting. A Design Statement is required to support any proposed development and demonstrate that it would not have any negative impact on the listed building. **The application documentation should fully address Policy HE1.1.** The Design Statement should outline the details of the proposal, the significance of the building and justify that the proposal protects and respects the listed building.

Reason for change:

1. We disagree with the wording of this policy. Planning decision making involves balancing up different aspects of applications. In some cases this will involve weighing up positive and negative aspects of a proposal.

2. Policy HE1.1 states that

“We will *not allow* development that would have a negative effect on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites.” (our emphasis)

3. Similar phrases are used in HE1.3

“Design Statement is required to support any proposed development and demonstrate that it *would not have any negative* impact on the listed building.” (our emphasis)

4. Clearly it is important for proposals to seek to avoid negative impacts. But where negative impacts cannot be avoided a balancing exercise will be necessary such as those anticipated in HE1.4 and 1.5. A similar balancing exercise, weighing heritage harm against social, environmental and economic considerations should be added to HE1.1 and HE1.3. As worded they are incompatible with SPP which requires harm is minimised. SPP Para 137 states

“Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.”

5. This makes clear that the adverse impacts are not a prima facie reason for refusal. A rounded consideration of the application is necessary. Policy HE1.1 Should be deleted and replaced with the following

Development should avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Significant weight will be given to the asset’s conservation. Where development will cause adverse impacts this will require clear and convincing justification. In addition, any adverse impact must be clearly outweighed by reasons of public interest, including those of a social or economic nature.

6. Policy HE1.3 should be amended as follows (**additions, deletions**)

Alterations to listed buildings will only be permitted if they are of the highest quality, and respect any features of special architectural, cultural or historic interest in terms of design, materials, scale, and setting. A Design Statement is required to support any proposed development ~~and demonstrate that it would not have any negative impact on the listed building.~~ **The application documentation should fully address Policy HE1.1.** The Design Statement should outline the details of the proposal, the significance of the building and justify that the proposal protects and respects the listed building.

7. The relevant considerations for considering the application will not just relate to design.

YOUR COMMENTS

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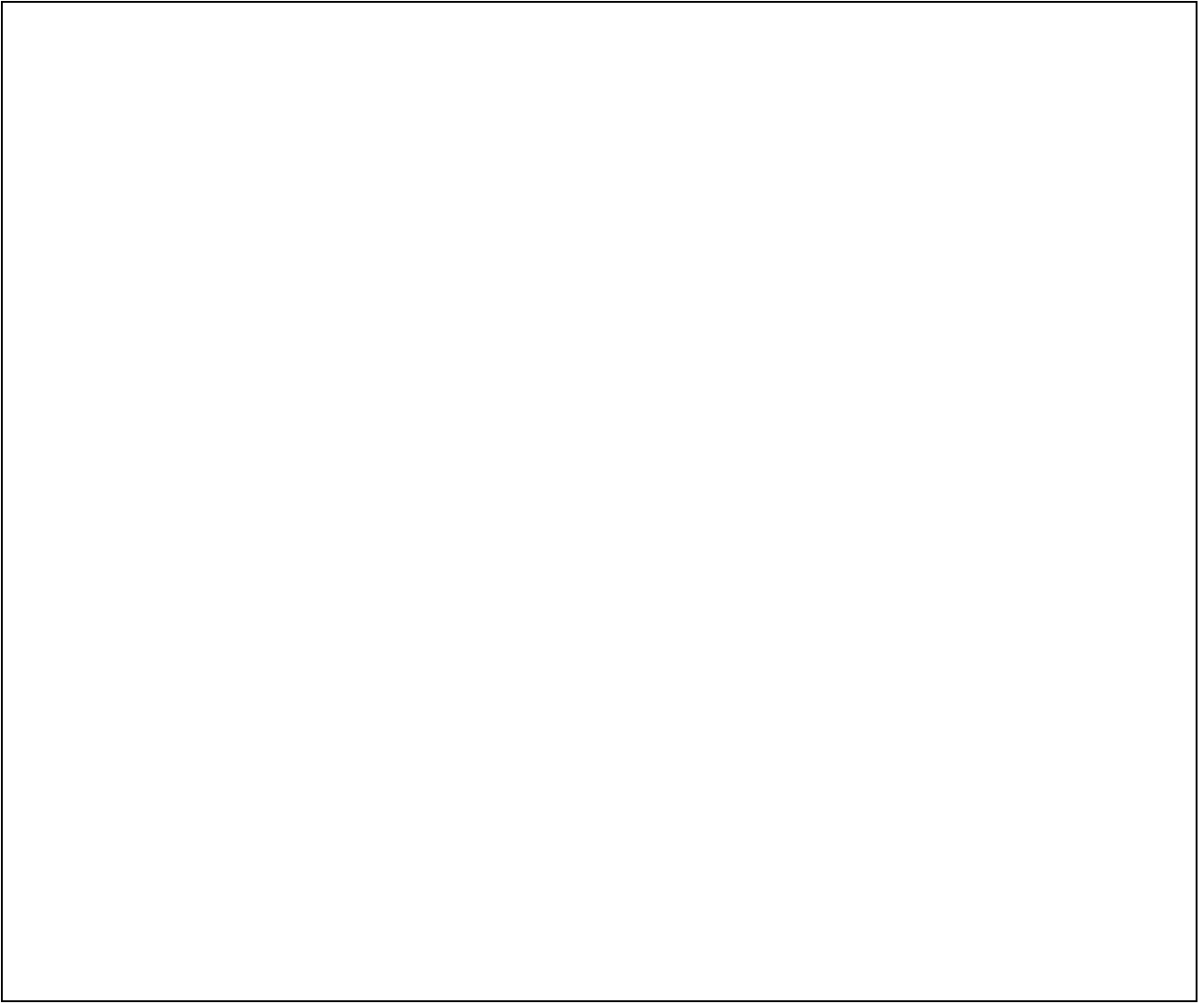
Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Policy HE2 Protecting Historic, Cultural and Conservation Areas

1. For the reasons outlined in Response to Policy HE1, Policy HE should be amended. Policy HE2.1 should be replaced with the following

Development should seek to preserve or enhance the character and appearance of the conservation area. Significant weight will be given to the preservation and enhancement of the conservation area. Where development will cause adverse impacts this will require clear and convincing justification. In addition, any adverse impact must be clearly outweighed by reasons of public interest, including those of a social or economic nature.

Reason for change:



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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):

Policy HE3 Helping to Reuse Historic Buildings at Risk

1. The policy should be amended so it is clearer and does not preclude more extensive heritage led regeneration which returns the heritage asset to use. The following sentence is unclear in this respect "This policy does not apply to enabling new commercial developments." (HE3.1). Any enabling development will still need to be commercially viable.

Reason for change:

1. This policy lacks clarity. It is not evident what the intention is. It could be read as taking a very narrow view of what enabling development is – strictly what is necessary to make a building wind and watertight. If this is the intention it would be a short-sighted approach.
2. The policy should be amended so it is clearer and does not preclude more extensive heritage led regeneration which returns the heritage asset to use. The following sentence is unclear in this respect "This policy does not apply to enabling new commercial developments." (HE3.1). Any enabling development will still need to be commercially viable.

YOUR COMMENTS

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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):

Policy P1 Layout, Siting and Design

Policy 1.1 should have its policy reference removed and be amended as follows
(**Additions, deletions**)

~~“Residential proposals that fall within the category of a major development~~ **are likely to be asked to will** ~~be required to participate in a Design Review Process~~ **if this can be arranged timeously by the Planning Authority.** Other types of development, in terms of scale and nature, may ~~benefit from be required to participate~~ **ing** in a Design Review Process ~~at the discretion of the Planning and Environment Service.~~ Where possible these sites are specified in Appendix 7, Settlement Statements, or those that are likely to generate significant public interest. **The Planning Authority intends that a meeting will be held within 4 weeks of the submission of valid documentation by the applicant with written feedback provided within 7 days of**

Policy P 1.2 Should be amended as follows (**additions, deletions**)

~~“A Masterplan that has been subject to public consultation, must be prepared for~~ **larger** ~~all major housing and mixed-use developments (more than 200 50-homes, and/or more than 10 2 hectares of employment or retail development) or other developments of a size and scale deemed appropriate by the Planning Authority that merits the provision of a Masterplan.~~

We will support:

- ~~new development on sites identified within Appendix 7, or other developments of a size and scale deemed appropriate by the Planning Authority, as requiring a development framework or Masterplan, OR~~
- larger ~~major~~ developments (more than **200 50** homes, or more than **10 2** hectares of employment, retail or mixed-use development ~~deemed appropriate as major development by the Planning Authority~~)

if they keep to a previously agreed statement(s)¹ on the proposed design for the site. Any previously agreed statement must have gone through a process that includes an appropriate level of consultation. Once agreed, a Masterplan shall remain valid for a period of 5 years, unless planning permission for the development has been granted and implemented.”

Policy P1.6 links to further guidance in Appendix 8. We consider that para. 2 of Appendix 8 should be amended to remove the reference to all major proposals requiring to take part in the Design Review process. This duplicates Policy P1.1 and is not appropriate for inclusion as a policy.

Reason for change:

Design Review

1. The requirement to participate in a Design Review Process is problematic given current problems with convening the Design Review Panel. We understand the panel has not been regularly convened and this had led to delays. If the panel cannot be arranged to meet regularly and provide timely feedback this policy will contribute to delay, unreasonably prejudicing the applicant.
2. In light of current issues we do not consider that the requirement for a design review panel should be included as a policy. Instead wording could be added to the supporting text so that it can be used more flexibly and does not hold up development if the panel cannot be convened. Policy 1.1 should have its policy reference removed and be amended as follows (**Additions, deletions**)

“Residential proposals that fall within the category of a major development **are likely to be asked to will be required to participate in a Design Review Process if this can be arranged timeously by the Planning Authority.** Other types of development, in terms of scale and nature, may **benefit from be required to participate in a Design Review Process at the discretion of the Planning and Environment Service.** Where possible these sites are specified in Appendix 7, Settlement Statements, or those that are likely to generate significant public interest. **The Planning Authority intends that a meeting will be held within 4 weeks of the submission of valid documentation by the applicant with written feedback provided within 7 days of the meeting”**

Masterplanning

3. We object to the policy on masterplanning. In practice the masterplanning regime in Aberdeenshire creates a two-step consent process which has no basis in legislation and is inconsistent with creating a streamlined planning system. It requires applicants to first secure approval at committee for a site masterplan and then proceed with pre-application consultation followed by a planning application. This is unnecessary and is not an optimal use of officers’ or the applicants’ time.
4. For most sites design can be fully addressed through a combination of statutory pre-application consultation, a design and access statement (DAS) and the scrutiny given to proposed developments at application stage. Masterplanning adds a further layer of complexity which restricts and delays the delivery of new homes.
5. There may be a benefit in this approach in some limited circumstances but the proposed policy would apply this two-step consent process to all major applications. Masterplans were brought in specifically to deal with large strategic allocations in the 2012 Plan, requiring them for all major applications is mission creep. We can see some merit in the masterplanning process for setting a framework for large sites which will be delivered over multiple phases or by multiple owners. Outside of these circumstances the masterplanning process is a time consuming (for all parties) duplication of what is already necessary as part of the statutory pre-application process and application documentation (e.g. the DAS).
6. The problems caused by the current masterplanning regime are being further exacerbated by current practice. In our experience the committee considering masterplans has an increasing tendency to seek more detail and comfort on other aspects of proposals far beyond the high-level design work one would expect in a masterplan. This is unnecessary and time consuming, there is no justification in legislation for widespread use of this preliminary quasi planning consent.
7. Policy P 1.2 Should be amended as follows (**additions, deletions**)

“A Masterplan that has been subject to public consultation, must be prepared for **larger all major housing and mixed-use developments (more than 200 50-homes, and/or more than**

~~10.2 hectares of employment or retail development) or other developments of a size and scale deemed appropriate by the Planning Authority that merits the provision of a Masterplan.~~

We will support:

~~• new development on sites identified within Appendix 7, or other developments of a size and scale deemed appropriate by the Planning Authority, as requiring a development framework or Masterplan, OR~~

• larger major developments (more than ~~200~~ 50 homes, or more than ~~10.2~~ hectares of employment, retail or mixed-use development ~~deemed appropriate as major development by the Planning Authority~~)

if they keep to a previously agreed statement(s)¹ on the proposed design for the site. Any previously agreed statement must have gone through a process that includes an appropriate level of consultation. Once agreed, a Masterplan shall remain valid for a period of 5 years, unless planning permission for the development has been granted and implemented.”

8. This will ensure the policy will only apply to larger sites to be built out over a period of many years. This is where a masterplan is more likely to be a valuable exercise.
9. The phrase ‘deemed appropriate by the Planning Authority’ is an unreasonable catch all which creates unnecessary uncertainty. The PLDP is the opportunity to set out clearly what it deems to be appropriate. It is not in the interests of a plan led approach to withhold this information to a later date and potentially surprise applicants.
10. Policy P1.6 links to further guidance in Appendix 8. We consider that para. 2 of Appendix 8 should be amended to remove the reference to all major proposals requiring to take part in the Design Review process. This duplicates Policy P1.1 and is not appropriate for inclusion as a policy.
11. We broadly support the following on p.877 of Appendix 8 “Car parking meets Council standards* and either incorporates or is adaptable to provide electric car charging points.” Allowing adaptability is important as charging technology is evolving quickly and challenges with grid capacity mean a one size fits all approach is not optimal. We welcome this pragmatic wording.

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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):

Policy P2 Open Space and Access in New Development

We consider that the 40% expectation and 120sq.m per home for smaller sites is excessive and should be reduced.

Reason for change:

1. The policies seeking 40% open space and 120sq.m on sites under 50 dwellings are high compared to other authorities. This quantum does not appear to be supported by any clear evidence.
2. Homes for Scotland supports the creation of quality open space as part of new housing developments where it is required. However, requiring 40% appears excessive and can lead to unintended consequences.
3. This level of open space provision would significantly increase factoring costs. Homeowners and housing associations would therefore be required to make higher contributions for large areas of land which they may not use and may be significantly underutilised.
4. To put the 40% in context it is interesting to compare it to other yardsticks for open space. For instance, the six acre standard produced by Fields in Trust, while now less widely used, it is a helpful reference point. It set out guidance suggesting 2.4ha of open space per 1,000 of population. The average household size in Aberdeenshire is 2.36¹. If a site is developed at 20 dwellings per gross hectare for 1,000 people (424 homes) this would give a site area of 21 hectares, 8.5 hectares of this would be open space, a 250% increase on the six acre standard. The residual development area would still have to be comparatively densely developed, 33 dwellings per hectare, to achieve this.
5. We note that the wording in the PLDP does not anticipate a mechanistic application of this policy "We will *generally* expect 40% of each major development site to be devoted to good quality open space." (P2.2, *our emphasis*). This is appropriate as there will not be a one size fits all solution. Nevertheless, we consider that the 40% expectation and 120sq.m per home for smaller sites is excessive and should be reduced.

¹ NRS 2016 based Household Projections <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/households/household-projections/2016-based-household-projections>

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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):

Policy PR1 Protecting Important Resources

1. We consider wording should be included in PR1.5 to allow the decision taker to undertake a balancing exercise. It is notable that such wording is included in PR1.1

“In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh any negative effects on the protected resource, and there are no reasonable alternative sites.”

This wording should also be included in Policy PR1.5.

Reason for change:

1. This appears to be an unnecessarily restrictive which precludes the decision maker undertaking a rounded assessment of the proposal. SPP Policy 29 refers to giving due weight to net economic benefit and responding to economic issues, challenges and opportunities. It also includes a presumption in favour of sustainable development. These policies set a clear expectation that the decision taker should balance various considerations in their decision, including economic benefits, which will be significant for housing development.

2. PR1.5 states

Prime agricultural land is defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series5 . Land falling within this classification should not be developed unless it is allocated in the Local Development Plan or an independent assessment of the site confirms a lesser quality of land.

3. We consider wording should be included to allow the decision taker to undertake a balancing exercise. It is notable that such wording is included in PR1.1

“In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh any negative effects on the protected resource, and there are no reasonable alternative sites.”

4. This wording should also be included in Policy PR1.5. This change is necessary to make it compatible with SPP Policy 29 which refers to giving due weight to net economic benefit and responding to economic issues, challenges and opportunities.

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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):

Policy R1 should be amended to support small scale home building.

Policy R1.2 (bullet point 5) seems unduly prescriptive on what occupations are an appropriate exception. It should be removed.

Reason for change:

1. Policy R1 should be amended to support small scale home building. Homes for Scotland's report on supporting small scale home builders to increase supply¹ identified a need for a more positive approach to supporting windfall development including on greenfield sites in LDPs (see p. 6).
2. If local business opportunities and the population of rural areas is to be revived as is the ambition of the government it will be necessary not to be overly prescriptive about what type of business this might be. Diversification will be important. In this context Policy R1.2 (bullet point 5) seems unduly prescriptive on what occupations are an appropriate exception. It should be removed.
3. These changes could provide important opportunities for SME home builders while ensuring the Council retains control over what is developed through its landscape, amenity and design policies.

¹ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

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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):

Policy R2

The wording of the policy should be amended so that it affords much greater scope for small scale development to take place subject to compliance with other policies.

Reason for change:

1. The level of restriction on development this policy imposes is unreasonable and not evidenced. R2.2 applies the same tests to new development anywhere in the countryside as it would in either the green belt or Coastal Zone.
2. The extent of restriction in this policy means it functions as a de facto green belt policy. Small scale development in the countryside is an important source of business for SME builders also helps support smaller settlements.
3. This blanket restriction on development in the countryside runs counter to the Scottish Government's focus on rural repopulation. It will deny much needed opportunities to SME homebuilders which are facing an already difficult time. A [recent report](#) by Savills for the Scottish Land Commission highlighted that

“Development can be inhibited because there is a presumption against new rural housing, or because planning and development policy is not sympathetic to rural circumstances”

4. It also stated it could be argued that an “overly protective and relatively static approach to planning for rural areas across much of rural Scotland” had been created. We consider that this is an apt description of the proposed policy.
5. The wording of the policy should be amended so that it affords much greater scope for small scale development to take place subject to compliance with other policies. This would represent a positive response to the recommendations in Homes for Scotland's report on supporting small scale home builders to increase supply¹. It identified a need for a more positive approach to supporting windfall development including on greenfield sites in LDPs (see p. 6).

¹ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforScotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

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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):

Policy R2.8 and R2.9

These two policies are linked and so should be considered together.

Policy R2.8 should be amended as follows (**additions, deletions**):

~~“Proposals for more than three new homes on larger rural brownfield sites will only be permitted in exceptional circumstances where the Planning Authority is satisfied that a~~ **where** ~~a larger development can be accommodated on the site~~ **and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, including sub-urbanisation of the countryside**~~5.”~~

Policy R2.9 should be amended as follows (**additions, deletions**):

It is anticipated this policy will be primarily apply to smaller windfall sites of less than 12 ~~Development of large brownfield sites will be capped at 7 homes. Sites capable of accommodating 8 or more homes should be promoted through allocation of an opportunity site in the Local Development Plan. However, we recognise that in some cases larger brownfield sites may become available for development in between reviews of the LDP, these will be considered on their own merits. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the Plan period.~~

Reason for change:

1. These policies relate to the development of brownfield sites in rural areas. We consider they are excessively onerous considering that development of brownfield sites and rural population are key government aims.

2. Firstly, the wording of the policy test is unreasonable and should be amended, it states

“Proposals for more than three new homes on larger rural brownfield sites will only be permitted in exceptional circumstances where the Planning Authority is satisfied that a larger development can be accommodated on the site and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, including sub-urbanisation of the countryside⁵.”

3. Proof ‘beyond reasonable doubt’ is not a phrase which is suited to planning, it is the burden of proof used in criminal law. It is incompatible with the presumption in favour of sustainable development and Scotland’s flexible planning system which gives due weight to net economic benefit (SPP, para. 29).

4. The reference to “where the Planning Authority is satisfied” leaves too much unsaid. The LDP needs to explain clearly what will satisfy the planning authority so communities and prospective applicants have that clarity. Deferring the decision on what is satisfactory until the determination of planning applications is not consistent with a plan led approach. The PLDP should clearly set out its policy requirements. Policy R2.8 should be amended as follows (**additions, deletions**):

“Proposals for more than three new homes on larger rural brownfield sites will only be permitted ~~in exceptional circumstances where the Planning Authority is satisfied that a~~ **where** a larger development can be accommodated on the site **where** and it can be demonstrated beyond reasonable doubt that the scale of development proposed will not cause adverse social or environmental impacts, ~~including sub-urbanisation of the countryside⁵.”~~

5. Secondly the risk of suburbanisation does not seem particularly relevant to a policy which in specific circumstances only allows development of up to 7 homes on brownfield sites.

6. We object to the 7 home cap. If brownfield sites, which are sustainable become available over the plan period they should not be required to wait until the next LDP to be considered for development. Long periods of vacancy can add further to the costs of redevelopment and planning policy should avoid inadvertently contributing to this. Policy R2.9 should be amended as follows (**additions, deletions**):

It is anticipated this policy will be primarily apply to smaller windfall sites of less than 12 ~~Development of large brownfield sites will be capped at 7 homes. Sites capable of accommodating 8 or more homes should be promoted through allocation of an opportunity site in the Local Development Plan. However, we recognise that in some cases larger brownfield sites may become available for development in between reviews of the LDP, these will be considered on their own merits. Development approved under this policy in the remote rural area will be exempt from further development through the housing clusters and groups policy during the Plan period.~~

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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):

Policies R2.11 -2.14

1. Proof 'beyond reasonable doubt' is not a phrase which is suited to planning, it is the burden of proof used in criminal law. It is incompatible with the presumption in favour of sustainable development and Scotland's flexible planning system which gives due weight to net economic benefit (SPP, para. 29)
2. The first sentence of Policy 2.11 should be removed. It reads "Small-scale growth of identified settlements may be permitted where a particular need for development has been established by the Planning Authority". It's not clear how the Planning Authority would establish whether there is a need for development. This part of the policy is unclear and unworkable.

Reason for change:

1. For similar reasons to those set out in relation to R2 and R2.8 & 2.9 this policy is unreasonable.
2. Proof 'beyond reasonable doubt' is not a phrase which is suited to planning, it is the burden of proof used in criminal law. It is incompatible with the presumption in favour of sustainable development and Scotland's flexible planning system which gives due weight to net economic benefit (SPP, para. 29)
3. The first sentence of Policy 2.11 should be removed. It reads "Small-scale growth of identified settlements may be permitted where a particular need for development has been established by the Planning Authority". It's not clear how the Planning Authority would establish whether there is a need for development. This part of the policy is unclear and unworkable.

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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):

Policy RD1 Providing Suitable Services

Policy RD1.1 should be amended as follows (**additions, deletions**)

We will only allow development that provides adequate vehicle charging (**this could include including** Hydrogen Fuel Stations), road connections, waste management collections, water supply or wastewater connections and treatment as appropriate.

Policy RD1.4 should be amended as follows (**additions, deletions**)

Development must be close⁴ to existing public transport services (if available) or deliver ~~major~~ improvements to public transport services, **proportionate** in scale with the development. Where there is no or limited services, the developer may be required to ~~fund~~ or contribute **proportionately** to service extensions or improvements to the closest public transport hub.

RD1.5 should be amended as follows (**additions, deletions**)

All developments must include formal lit footways **within the site boundary which are compatible with enabling** connections to adjacent developments that provide for access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups. As appropriate, safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development. Cycle infrastructure connections should be shown to existing and planned local and strategic active cycle routes. In particular, and where appropriate⁵, a safe route to school should be identified and delivered.

Policy RD1.6 Should allow more than 12 rather than 6 homes to be accessed via private road.

Reason for change:

1. Homes for Scotland recognises that the policy response to climate change is evolving. We support action to address emissions. It is clear new technology will plan an important part of this and so the intent behind Policy RD1.1 is understandable. We broadly support the policy. However, we consider the reference to hydrogen fuel stations should be amended as follows (**additions, deletions**)

We will only allow development that provides adequate vehicle charging (**this could include including** Hydrogen Fuel Stations), road connections, waste management collections, water supply or wastewater connections and treatment as appropriate.

2. We broadly support Policy RD1.4. However, we consider the wording needs some changes so that it is clearly consistent with the reasonable test in Circular 3/2012 (para. 14). Obligations should be “fairly and reasonably relate in scale and kind to the proposed development”. It should be amended as follows (**additions, deletions**)

Development must be close⁴ to existing public transport services (if available) or deliver ~~major~~ improvements to public transport services, **proportionate** in scale with the development. Where there is no or limited services, the developer may be required to ~~fund~~ ~~or~~ contribute **proportionately** to service extensions or improvements to the closest public transport hub.

3. We understand and support the intent behind Policy RD1.5. However, as worded it could lead to ransom strips if it requires works to be undertaken on third party land. We consider it should be amended as follows (**additions, deletions**)

All developments must include formal lit footways **within the site boundary which are compatible with enabling** connections to adjacent developments that provide for access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups. As appropriate, safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development. Cycle infrastructure connections should be shown to existing and planned local and strategic active cycle routes. In particular, and where appropriate⁵, a safe route to school should be identified and delivered.

4. Policy RD1.6 Should allow more than 12 rather than 6 homes to be accessed via private road. This would create more opportunities for SME Homebuilders in line with the finding of Homes for Scotland’s Small Scale Home Builders’ Report¹.

¹ Small Scale Home Builders Report: Increasing Supply (November 2019) - https://www.homesforscotland.com/Portals/HomesForScotland/Users/015/15/15/1%20HFS%20SMALL%20SCALE%20BUILDERS%20REPORT%202019_DIGITAL%201.pdf?ver=2019-11-20-101915-417

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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):

Policy RD2 Developer Obligations

The Council should provide full justification for each of the contributions sought.

Requirement for healthcare contributions should be removed.

Reason for change:

1. This policy is poorly worded. Further there is no evidence that the Council has considered the impacts of any obligations on development viability. The obligations are presented as a simple list without any justification. The Council should provide full justification for each of the contributions sought.
2. Any obligations sought must meet all 5 of the tests set out in Circular 3/2012 (para. 14). The presentation of the contributions sought in Appendix 7 without any justification does not allow for meaningful consultation on this aspect of the PLDP. Further, having regard to the *Elsick* Supreme Court Decision¹ it must be demonstrated that the link between the obligation sought and the contribution is more than trivial. The lack of information provided again precludes this assessment.
3. We object to seeking contributions to healthcare provision. Homes for Scotland members support a well-functioning and resourced healthcare system. However, many general practitioners operate as private businesses and it is clearly inappropriate for one private enterprise to subsidise another. Furthermore, it is a long-established principle that the NHS is funded through general taxation not a hypothecated approach. Homebuilders as well as the occupants of new homes contribute to general taxation.
4. There are further significant practical challenges. Unlike education or transport, the Council is not in control of the delivery of healthcare services. It is not responsible for establishing a new surgery nor is it responsible for the setting of the practice boundary. It is also for privately ran general practitioners to make decisions about expansion of existing surgeries. It is therefore not clear how the Council could fairly collect and distribute any funds even if they wished to.
5. The information provided by the Council on developer obligations is inadequate. Developer obligations will impact upon site delivery so it is important that along with the justifications for them they are examined. The absence of this information along with the absence of detailed information on site delivery gives the impression that the PLDP lacks

¹ [2017] UKSC 66

focus on delivery. It is important this is addressed and the necessary information is provided to explain and justify the Council's approach so that it can be subject to scrutiny.

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.

