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Proposed Plan

Aberdeenshire LDP 2021

Objection on behalf of Ashfield Land (Aberdeen) Ltd

Introduction

1. This representation is made on behalf of Ashfield Land (Aberdeen) Ltd (hereinafter referred to as 'Ashfield') and relates to allocation OP1 at Blackdog, as defined in the adopted LDP. Aberdeenshire Council (AC) is currently inviting interested parties to submit responses to its Proposed Plan which will be considered later in the year by the Council.

Background

2. Ashfield responded to the "pre-Main Issues Report" or "call for sites" stage of the LDP process in March 2018 (development bid reference FR113), and to the Main Issues Report (MIR) in April 2019. Ashfield is seeking the allocation of Blackdog Town Centre in the 2021 LDP as a Principal Town Centre. Planning permission in principle (PPP) was granted for the mixed use development at Blackdog in December 2017, including, explicitly, for a new town centre. The 2021 LDP should reflect this planning permission in its retail hierarchy in LDP Appendix 2. Failure to do so would fail to properly reflect the planning status of the site, and this is the case with the current wording of the Formartine Settlement Statement included in the Proposed Plan.
3. Ashfield's submission to the MIR explains the background to the representation. The response to the Ashfield development bid was flawed, and the reasons are outlined in Ashfield's response to the MIR.

Issues and Actions Paper

4. AC's position in relation to the MIR responses is set out in the Formartine Issues and Actions Paper and the AC response to the Ashfield representation to the MIR (ref. FR113) is copied below (in red). The Ashfield commentary is also provided below.

"Bid FR113 – At present this area of land is undeveloped greenfield land. It is acknowledged that this site is part of a larger area (site OP1) that has Planning Permission in Principle for mixed used development, a town centre, retail, leisure, businesses (Use Class 3) and industrial (Use Class 4, 5 and 6). However, the matters specified in the condition of this permission are still to be submitted." The initial MSC application was submitted in September 2019.

Therefore, there is no justification to identify the indicative land uses of the current planning permission within the Proposed Local Development Plan (Proposed LDP). AC cannot sustain this position. The MSC application is nearing determination and further applications are to be submitted shortly. AC cannot competently refer to a legally binding, extant planning permission as comprising 'indicative land uses'.

"This area of land, at present, does not function as a town centre as it provides no facilities or services that would usually be found within a town centre. The agreed Masterplan and the Planning Permission in Principle are material considerations when determining a potential future application." Again, this is incompetent wording and legally flawed. A PPP is not a material consideration – it grants planning permission for the

principle of a town centre and other uses at Blackdog, and AC's reluctance to accept that position cannot be sustained. The AC justification for not including reference to the planning permission is that the proposed development is not yet in place. This is an illogical position to take, and one which is entirely inconsistent with allocations for other uses in the Proposed Plan, most notably housing. There are, of course, multiple sites allocated for housing development well before they are actually developed.

"The principles established in these documents are reflected within the Blackdog Settlement Statement that require the 'Future development of the site should seek to develop in line with the agreed Masterplan'. The provision of a town centre is sufficiently safeguarded at present without specific inclusion within the Proposed LDP." The Blackdog Settlement Statement and accompanying plan fails to accurately reflect the planning status of Blackdog, arising from the PPP approvals. Further commentary on this is provided later in this representation. The purpose of the LDP is not to safeguard land, but to allocate land to reflect its legal planning status. The Blackdog allocation fails to do so. AC officers have failed to properly take account of the extant planning permission and in doing so, have erred in their advice to both Formartine Area Committee and full Council in taking decisions on the content of the Proposed Plan.

Policy B1/Appendix 2

5. The failure of AC to properly reflect the PPP for the site in the LDP directly impacts the delivery of the development as approved. The significant investment in the creation of a new town centre and other approved uses requires certainty, and such certainty comes from the protection afforded to town centres. Scottish Planning Policy (SPP) provides guidance to planning authorities in promoting town centres, in the form of the well-established "town centres first" policy. Paragraph 60 requires the planning system to *"apply a town centre first policy [33] when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities"*. Footnote 33 defines 'town centre first' in the following terms: *"A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan."* (SHP underlining).
6. In relation to development plans specifically, SPP requires a network of centres to be defined, and states: *"Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres"* (para. 61).
7. The AC resistance to the definition of Blackdog Town Centre in the LDP is plainly contrary to SPP. It is a new centre, and SPP could not be clearer in its advice that such centres should be defined in the LDP and included in the network of centres. Whether the town centre has been developed as yet is not a relevant consideration for AC, in the light of the SPP advice. AC's continued resistance to the inclusion of Blackdog Town Centre at the Proposed Plan stage would be indefensible on the basis of SPP.
8. As per the requirements of SPP, setting out an 'aspiration' for a town centre is insufficient to meet the requirements of the policy. The underlying purpose of the policy is to promote the town centre first strategy, and town centres are afforded protection against developments located in non-town centre locations, to avoid undermining the success of the town centre first policy. SPP states: *"Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall..."* (para. 68). Having backed the new Blackdog Town Centre by granting it planning permission, AC should, as a

responsible planning authority, follow the advice of SPP and support the new town centre fully in its LDP, and include it in the network of centres.

9. In the absence of any recognition of the status of Blackdog Town Centre either as a town centre or indeed as any other centre in the network of centres, Blackdog will not form part of any sequential assessment required in accordance with Policy B1. The reason SPP requires emerging town centres to be referred to in the LDP network of centres is to ensure that their delivery is not undermined by other competing proposals coming forward in out of centre locations. For this reason, and the reasons outlined above, Blackdog Town Centre must be referenced as a town centre in the LDP, and in the network of centres appendix in particular.
10. Appendix 2 defines the retail centres as required by SPP in the context of the town centres first approach. For the reasons noted above Ashfield considers that the absence of Blackdog from the list of Principal Town Centres is flawed, and in addition to the fundamental SPP-related reasons outlined above, its inclusion is justified for the following reasons:
 - Blackdog is a sustainable new community with its own town centre, for which PPP has been granted in December 2017. It should be properly reflected in the LDP retail hierarchy in accordance with SPP. The LDP Appendix 2 (or its equivalent in the 2021 LDP) requires to be amended to recognise Blackdog as a principal town centre.
 - The PPP includes a total of 11,500 sqm of retail floorspace, an 850-seat cinema and up to 2,000 sqm of food and beverage (class 3) uses. This level of floorspace places Blackdog 6th in the ranking of total retail floorspace within Principal Town Centres defined in the adopted LDP retail hierarchy, as defined by Appendix 2. Blackdog sits above Huntly, Ellon, Stonehaven and Banchory in the rankings, as demonstrated by the figures in Table 1 below.

Table 1 – Principal Town Centres

Principal Town Centre	Catchment Population ¹	Gross Retail Floorspace (sqm) ²	Ranking by Floorspace
Banchory	16,383	5,900	10
Banff	14,863	14,400	4
Blackdog	11,000	11,500	6
Ellon	17,633	7,900	8
Fraserburgh	24,339	16,100	3
Huntly	14,632	8,900	7
Inverurie	18,569	33,400	1
Peterhead	25,524	18,000	2
Stonehaven	10353	6,300	9
Turriff	7,714	11,900	5

¹ Table 1 - Aberdeen and Aberdeenshire Retail Study 2013

² Table 19A - Aberdeen and Aberdeenshire Retail Study 2013

- Blackdog should be included within the Principal Town Centres designation within Appendix 2, alongside the comparable settlements included in that Appendix. The PPP granted in December 2017 is for a range of retail floorspace and other uses, including hotel, and meets the definition of Principal Town Centres in LDP Appendix 2, which states: *“Town centres with a diverse mix of uses, a high level of accessibility qualities which identify them as places, wider economic and social activity and integration with residential areas.”*
- The closest Principal Town Centres to Blackdog are located in Ellon (12 miles) and Inverurie (16 miles), both of which serve localised catchment areas. Only two town centres are defined in Aberdeen, at Torry and Rosemount, both of which serve entirely different catchment areas. Aberdeen City Centre serves a regional catchment area, and the proposed Principal Town Centre at Blackdog would complement the role and function of the City Centre.

Settlement Statement

11. The Blackdog Settlement Statement released with the Proposed Plan fails to properly reflect the status of Blackdog as informed by the extant PPPs. Ashfield proposes amendments to the wording of the Settlement Statement and these are outlined in Appendix 1 to this representation, in relation to the ‘Vision’ and to the OP1 application.
12. The Blackdog settlement statement should also include the town centre delineated on the settlement plan, rather than merely a reference to OP1. The plan at Appendix 2 to this representation delineates the boundary of the Blackdog Town Centre and this should be shown on the plan.

Summary of objection

- Inclusion of Blackdog in Proposed Plan Appendix 2 as a Principal Town Centre;
- Rewording of Blackdog Settlement Statement as per Appendix 1 to this objection;
- Revision of Blackdog Settlement Statement plan as per Appendix 2 to this objection.



Appendix 1

Ashfield revisions to current text in Proposed Plan Settlement Statement – Blackdog

Vision

Blackdog is a small settlement located on the boundary between Aberdeenshire and Aberdeen City Council. Due to its proximity to Aberdeen, a programme planning application for significant expansion of the village has been approved for a new Town Centre, housing and employment opportunities. This recognises its roles in both the Aberdeen to Peterhead Strategic Growth Area (SGA) and the Energetica Corridor. In line with the vision of Energetica Corridor, it is expected that new development in Blackdog will contribute to transforming the area into a high quality, sustainable lifestyle, leisure and global business location. Additionally, the strategic significance of Blackdog is recognised in the large mixed-use allocation. Key planning objectives for this settlement are to meet the need for strategic housing and employment land delivering 600 new homes and 13 hectares of employment land, on facilities and to develop a new Town village Centre.

The community has an aspiration to provide early provision of a cycle link to Balmedie, and early provision of facilities such as a school, hall or football pitches is still being considered. Access to Public transport provision is likely to significantly improve in tandem with the delivery of the Blackdog Town Centre and the 600 houses planned. has also been identified as an issue that may require resolution, especially when the cinema is built as part of the committed commercial developments



OP1: Land at Blackdog

Allocation: 600 homes, 4ha employment land and 7ha strategic reserve, **new Town Centre**.

The site was previously allocated as site OP1 in the LDP 2017. Future development of the site should seek to develop in line with the **two planning permission in principle approvals which are consistent with the** agreed Masterplan which was approved by the Formartine Area Committee in February 2013. ~~but will need to be reviewed if development has not commenced on this site at the date of adoption of this Local Development Plan.~~ There is Planning Permission **in Principle** (planning application reference APP/2016/0766) for a mixed use development comprising a town centre, that includes a regional food hall, retail, leisure and other class 3 uses; business and industrial uses (classes 4, 5 and 6); alterations to access from A90 roundabout, local access, landscaping, car parking, cycle and pedestrian facilities and low carbon infrastructure. A further **planning permission in principle** ~~planning application~~ (planning application reference APP/2016/0767) for a residential development of 550 homes, education and community uses and associated infrastructure has also been approved **on the southern** part of the site. Land for a gypsy/traveller transit site will be required to be made available on part of the site, prior to the development of the fourth phase, as outlined in the Masterplan. It is expected that the site will contribute towards affordable housing in line with Policy H2 Affordable Housing. This should be delivered as part of the early phases of development and be integrated into the design of the development to provide a mix of house types and sizes to meet local need. Infrastructure proposals and development trigger points have been agreed through the planning consent and **these are coming** ~~will come~~ forward through subsequent Matters Specified in Conditions applications. The Transport Assessment and Street Engineering Report/Quality Audit will be required to be reviewed with each phase of development.

OP1 lies within an area potentially vulnerable to flood risk as identified by the National Flood Risk Assessment. Flood Risk Assessments will be required. Buffer strips will be required adjacent to the watercourses which should be positively integrated into the development. Enhancement of the watercourses through re-naturalisation and removal of any redundant features should be investigated. The development should be sensitively constructed and have adequate Sustainable Drainage Systems as it has the potential to affect the conservation objectives and natural features of a locally important designated site. The Blackdog to Bridge of Don LNCS includes important coastal habitats and is popular with sea ducks in the winter and breeding birds. The site is located adjacent to contaminated land at the Blackdog Farm Landfill site, remediation measures may be required.

Appendix 2

Blackdog Town Centre boundary

