

29 July 2020

Sent by email
Aberdeenshire Council
Planning Department

Dear Sir or Madam

I refer to Aberdeen City Council's LDP - specifically their inclusion of 'Royal Devenick Park' (OP46, bid 1308 'Leggart Brae') as a 'housing opportunity'. Part of this proposed site lies in the Shire's authority and is green belt land. I can find no mention of this site anywhere in the Shire's LDP. This site information should be included so that the public can comment.

Reason for change

Notwithstanding the above, first let me congratulate the Shire Council on adhering to their Planning Officers' recommendation to deem the 'Royal Devenick Park' proposal by [REDACTED] (bid 1308, Land at Tollochill Wood) as 'undesirable' (ref. <http://publications.aberdeenshire.gov.uk/dataset/c56b89db-8c53-4144-a768-0d4f7f4179fe/resource/445b48a2-6394-4afb-af6d-e653db478df0/download/final-issues--actions--kincardine-and-means.pdf>). This massive proposed development would have devastated a large part of Banchory Devenick forever, destroying unique landscape, local heritage and natural habitats. Thank you.

Green belt issues

However, on June 5th 2020 [REDACTED] on behalf of [REDACTED] issued a Planning of Application Notice (PoAN) for "Residential development with associated landscaping, parking and infrastructure" (OP46, bid 1308 'Leggart Brae'). I believe the Shire Council (addressee [REDACTED]) has received 'an adapted version' of this, as the Council is considered a "key stakeholder" (stated in letter). The PoAN site plan provided shows that part of this land lies within the Shire and is designated greenbelt (ref. *Boundaries of the Green Belt*, Map 8). I am concerned that this proposed incursion into Shire land might constitute 'the thin end of the wedge', setting a dangerous precedent for 'urban creep', and opening up opportunities for revised development proposals in the Shire by the [REDACTED] in the future.

I am also very concerned at the apparent ease with which a Council authority can 're-zone' green belt land into 'residential', in this case (OP46, bid 1308 'Leggart Brae') following an amendment proposed by Councillor [REDACTED] that overturned Planning Officers' recommendation of the site as 'undesirable' (against a number of objective criteria). I can find no information in the public domain on the City Council web site on the discussions around this or the actual rationale for the decision. What exactly are the criteria for 're-zoning' green belt? I sincerely hope that the Shire Council will resist any pressure to 're-zone' and adhere to their policy 4.6 - "The Local Development Plan will protect and promote green-blue networks where they have been created".

Access into and out of site

The fact that the 'Leggart Brae' site is cross boundary has major implications for site access from the Shire. Access to the site for construction would require new roads to be built. The site plan for the [REDACTED] PoAN (June 5, 2020) does not indicate how the site is accessed by vehicles. However, the [REDACTED] 'Development Framework Document' (for bid 1308 'Leggart Brae'), May 13, 2019 - Appendix 1, p 27, shows the following:

- Access road running west from the site into the Shire (just north of Oakhill dwelling and east of Stonedykes dwelling), and linking to the Causeymouth. This is currently a farm track. This apparent junction with the Causeymouth would make for a dangerous one, as just south of it the road bends and is steep - traffic is usually quite fast.

The Causeymouth is a 12th century drovers road and Designated Heritage Path -

<http://www.heritagepaths.co.uk/pathdetails.php?path=24>.

This road is popular with walkers (including dog walkers, seniors walking groups), cyclists, runners, and provides access to Tollohill Wood and the wider area of Banchory Devenick. During the Coronavirus pandemic the road has been crucial to both locals and those further afield for exercise and promoting well-being. The Causeymouth is also the main route from the city and shire to/from Banchory Devenick primary school. It is also a designated driving school route.

The Causeymouth is narrow (two HGVs could not pass each other), has no road markings, no lighting, and poor drainage. During the winter it is rarely gritted. This not a road suitable for major traffic. The 'Leggart Braes' proposal is for circa 150 'houses'. At a very conservative estimate probably at least 150 vehicles could be using the access roads, not to mention delivery vehicles, visitors, etc to the site. Not only might there be traffic to/from the site but there could be vehicles (of all shapes and sizes) coming into Aberdeen from the south that might use the site's access roads from the A92 to bypass the Bridge of Dee in order to get to the South Deeside Road. Any additional traffic on the Causeymouth would be unacceptable resulting in the Causeymouth becoming congested and suffering deterioration, contravening Shire LDP policy P2.6 - "Existing and potential public access routes (including core paths and other routes, such as public rights of way) should be protected". In addition, Section 11 *The Historic Environment* could apply to the ancient Causeymouth:

"Protecting and improving the historic environment is important to the distinctiveness and sense of place within Aberdeenshire. Local history helps create a clear identity for the area and strengthens connections between people and places. We recognise the importance of the historic environment to the character of the area and to the quality of life of the people who live here."

Even more alarming is the [REDACTED] proposed link road from the site to the B9077/South Deeside Road - ref. 'Development Framework Document' (for bid 1308 'Leggart Brae'), May 13, 2019 - Appendix 1, p 27

"A scheme of more minor importance than the AWPR is the previously proposed partial closure of Leggart Terrace to provide some relief to the southern Bridge of Dee roundabout (identified in the 'Access from the South' NESTRANS paper). This link, which would connect the South Deeside Road with the A92, could tie into any new junction on the A92 to the south of the Leggart site and would help facilitate not only development access but also connections to existing public transport services in Kincorth."

This proposed road junctioning with the Causeymouth, runs north across Tollohill Braes to meet with the South Deeside Road (B9077). This would cut through greenbelt land in the Shire, and destroy woodland and forest tree planting undertaken by the [REDACTED] in recent years (at public expense). There is no mention of OP46 in the Shire LDP, let alone the proposed construction of a new road. Has the Shire rejected this infrastructure proposal?

The Shire LDP includes a policy on Landscape (Section 7 *Shaping Development in the Countryside* - Policy E2.1)

"We will refuse development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character."

The [REDACTED] PoAN proposes 'infrastructure' e.g. roads, so this LDP policy needs to come into play when assessing possible site access routes from the Shire.

Affect on protected species and habitats

The Shire LDP includes policies on *Natural Heritage and Landscape* - Section 10 Policy E1 Natural Heritage Nature Conservation Sites E1.1:

"We will not allow new development where it may have an unacceptable adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance..."

Furthermore, E1.4 identifies the importance of Local Nature Conservation Sites stating:

"... the proposal's public benefits must clearly outweigh the nature conservation value of the site."

The Den of Leggart lies within the proposed site and has Local Nature Conservation Site status (LNCS). The proposal of 'parkland' including new public paths (to the west of the Den) would disrupt the movement of family groups of roe deer that travel frequently between the Den of Leggart woodland, crossing the Causeymouth, to reach Tollohill Braes and surrounding areas. No amount of 'mitigation' can resolve this. The surrounding

area of the proposed site has a number of designated species identified in the NESBReC 'Notable species search' (survey undertaken in July 2018). This identifies the following: bats, badgers, red squirrel, pine marten, otter, hedgehog; numerous birds including osprey, kingfisher, kestrel, barn owl, red kite and over 30 other species. Any development would affect this sensitive habitat. The Shire's LDP Policy E1.6 on Protected Species states:

"Development must seek to avoid any detrimental impact on protected species."

And E1.9 states:

"Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the site's environmental quality, ecological status, or viability."

New sites / revised bids

Finally, on the issue of the possibility that "new sites can be added into the Proposed LDP after this consultation":

"Development 'bids' that were not allocated in the Proposed LDP may be considered for inclusion at Examination should a representation request the Proposed LDP be modified to include the bid. Representations will be considered by an independent Reporter, appointed by Scottish Ministers, to examine the LDP."

Please make sure that there is full public consultation on any new/revised bids, as this was not the case during the MIR phase in 2019. New/revised bids and their assessments were problematic to access, there was no process for public consultation and comment, therefore undermining public trust and transparency.

The allocation by Aberdeen City Council of this site (OP46, bid 1308 'Leggart Braes'), appears to be inconsistent with the Aberdeen City and Shire's Strategic Plan, 2018 i.e. policies on *Shaping Development in the Countryside* (chapter 5) , *Natural Heritage and Landscape* (ch 8, policy e1, e2) , *The Historic Environment* (ch 9, policies HE 1 and 2) , and *Protecting Resources* (ch 10). The City Council has not adhered to these policies whilst the Shire has.

The Council has to be thanked for the fortitude in upholding important policies in order to keep Banchory Devenick, Aberdeenshire the fantastic place it is to live. It is sincerely hoped this fortitude holds up in the future so that your aim stated in your LDP 4.8 "the right development in the right place" is realised.

Yours faithfully



S Auld