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## Fair processing notice

<p><b>Please tick to confirm your agreement to the following statements:</b></p> <p>By submitting a response to the consultation, I agree that Aberdeenshire Council can use the information provided in this form, including my personal data, as part of the review of the Aberdeenshire Local Development Plan. This will include consultation on the Main Issues Report (including any subsequent Proposed Plan).</p> <p>I also agree that following the end of the consultation, i.e. after 8 April 2019, my name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your submission) can be published alongside a copy of my completed response on the Main Issues Report website (contact details and information that is deemed commercially sensitive will not be made available to the public).</p>	<input checked="" type="checkbox"/>
<p>The data controller for this information is Aberdeenshire Council. The data on the form will be used to inform a public debate of the issues and choices presented in the Main Issues Report of the Aberdeenshire Local Development Plan 2021. It will inform the content of the Proposed Aberdeenshire Local Development Plan.</p> <p>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</p> <p><b>Your Data, Your Rights</b></p> <p>You have got legal rights about the way Aberdeenshire Council handles and uses your data, which include the right to ask for a copy of it, and to ask us to stop doing something with your data.</p> <p>If you are unhappy with the way that Aberdeenshire Council or the Joint Data Controllers have processed your personal data then you do have the right to complain to the Information Commissioner's Officer, but you should raise the issue with the Data Protection Officers first. The Data Protection Officers can be contacted by writing to:</p> <ul style="list-style-type: none"> <li>▪ Mr Andrew Lawson, Data Protection Officer, Aberdeenshire Council, Business Services, Town House, 34 Low Street, Banff, AB45 1AY</li> </ul>	

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<b>Which document(s) are you committing on?</b>	Main Issues Report ✓	<input type="checkbox"/>
	Draft Proposed Aberdeenshire Local Development Plan ✓	<input type="checkbox"/>
	Strategic Environmental Assessment Interim Environmental Assessment	<input type="checkbox"/>
	Other	<input type="checkbox"/>

## Your comments

**FR009 aka OP4 is not a Brownfield site. It may have been used for temporary storage of soil material during development of the neighbouring Bain's Park site however it has not been previously developed and has been allowed to naturalise since the temporary use ended. It is now naturalised grassland in the countryside. No Development has been consented prior to or since the temporary soil storage.**

**Aberdeenshire Case history in the form of Planning appeal PPA-110-2337 is of particular relevance whereby the temporary storage of soil for a Road construction project was not deemed to have created a Brownfield site. The Reporter stating at paragraph 8 of the Reasoning for Refusal of the Appeal "At the time of the site inspection, however, the appeal site was affected by road construction works and part of the site was being used for the temporary storage of soil associated with those works. Due to the temporary and reversible nature of these works I do not consider the construction storage area use to constitute a new development that would render the site brownfield".**

**In terms of the LDP 2017 and its definition of Brownfield, the Reporter for Appeal case PPA-110-2340 Paragraph 5 of the Reasoning for refusal of the Appeal is clear the definition "excludes rural land that has become naturalised".**

**This site (FM027) was rejected for the 2017 LDP because**

**"the proposal is not preferred because while the village has continued to expand westwards, the site would be located a considerable distance from the town centre and key services. In addition, Tarves already has two effective housing allocations and there is no clear local need for further allocations".**

Tarves has more than enough housing proposed with permission likely to be granted on appeal for 113 to the South of Duthie Road OP1 and 19 already with permission to the North of Duthie Road OP3 FR058 as well as OP2 for 10 houses. This makes over 140 houses and is more than enough for a small Rural village to absorb in any Plan period.

There is not a need for ribbon development of poorly draining naturalised grassland in a location that will only serve to increase car use to access local services in the village.

Chapter 1 of the Aberdeenshire Council LDP 2021 MIR outlines Scottish Government Priorities and references the "four overriding principles that govern the content of Local Development Plans in Scotland".

One of these being "that consistency and continuity with previous development plans remains a key element so as to support the implementation of a long term strategy and decision making".

Including the FR009 site directly contradicts this given the previous Development Plans rejected this site for good reasons

**Employment Land both MIR and LDP**

There remains a lack of protection for Employment Land particularly on Mixed Use sites where Developers have the opportunity to leave the Employment land undeveloped which in turn becomes an Infill site which is then developed for further housing; - Evidenced by the Braiklay Croft site in Tarves and likely to be repeated on the OP1 site

**Your comments (continued)**

**Developer Contributions for Healthcare Services**

There is not a robust Policy for achieving the above aim in practice. The OP1 Planning process is evidence of this. The Planning Service locally do not consider it their responsibility to progress such matters as part of the planning process, whilst NHS Grampian seek the contributions but can't utilise them when buildings are in private ownership.



**The Historic Environment Policies need to address the lack of consistency in decision making particularly for development in Conservation Areas (CAs).**

**At present the practice in planning decisions sees existing buildings in CAs subject to different criteria from new build development. New build development allows contemporary design often using materials and design that are not permitted elsewhere in the same CA. There needs to a clear Policy that covers the whole of a CA, one that is consistent and fair to all potential development proposals and which is the product of meaningful public consultation and support. which is**