**Response to Planning Application to Aberdeen CITY Council - 201558/DPP**

**Residential development (133 units) with associated landscaping and parking and supporting ancillary infrastructure - Land To South And South-west Of Deeside Brae Aberdeen**

This application directly relates to the application to Aberdeenshire Council - ‘Planning Application for Development on Neighbouring Land - APP/2020/2492 - Site to the south of Mill Cottage, Banchory Devenick, Aberdeenshire’- concerning land forpossible access routes into and out of the proposed residential site (OP46 in the City’s *Proposed* Local Development Plan).

Both these applications appear to ignore the due process currently in progress for the examination of public responses to the City and Shire *Proposed* LDPs by Government Reporters starting Spring of 2021. The site OP46 was only allocated as part of the *Proposed* City LDP (published in March 2020) and therefore is not allocated in the *current active* LDP. The public responses to the Proposed City LDP will only be presented at Full Council on 3rd March 2021. After this ‘Schedule 4’ documents will go to the Government Reporters for consideration during Spring and Summer of 2021, with a final report back from the Government in early 2022. “*The reporters’ recommendations will be binding on the Council. It is a robust process that ensures all public views and the merits or otherwise of individual sites and issues can be considered independently before the LDP is adopted*” (email from Tomina Egbuson, Access to Information Officer, Aberdeen City Council, 26/8/2020). The applicants are assuming there are no representations to the City’s Proposed LDP that oppose the allocation of site OP46 … .

Why then were these planning applications lodged in December 2020, and due to be considered by planning committees in January / February 2021?

The timing of both applications appears to be particularly calculated and cynical having been lodged just prior to Christmas - and in the middle of an escalating Coronavirus pandemic and full lockdown - probably in the hope that no-one will bother to examine all the associated online documents - 57 for the Shire application and 97 for the City. This is a huge volume of material to access and assimilate, putting pressure on ‘neighbours’ / local residents to respond adequately within the deadlines for comment - the City deadline is 20th January, the Shire application deadline is 28th January 2021. It might be totally appropriate to request that these applications be postponed until the Government Reporters have made their final decisions in early 2022.

I am **strongly opposed** to this development and have made logical arguments (citing planning policies) in detailed responses submitted to both the Shire and City Local Development Plans. I can make these available to you if required, but briefly my concerns were:

* The dubious process of the allocation of the site OP46 in the first place - a last minute amendment proposed by Cllr Marie Boulton, overturning Planning Officer’s recommendation of the site as ‘undesirable”, justifying her decision by “*We believe with the right interventions in the site better access and enjoyment by the wider community can be created*”. This is a particularly vague statement that calls into question the rigour and transparency of the City Council’s processes, thus undermining public trust in their decision making capacity.
* The revealing analysis of housing allowance numbers by the Shire, evidencing an existing oversupply in the City - ref. Report to Kincardine and Mearns Area Committee (part of the Shire Council), 21 July 2020 - *Proposed Aberdeen Local Development Plan 2020 – Site OP46 Royal Devenick Park (*para 4.5).
* Green Belt issues - the apparent ease of ‘re-zoning’ of green belt land into ‘residential’ (what exactly are the criteria for ‘re-zoning’ green belt?); the errosion of the green belt - this development constituting the ‘thin end of the wedge’; section NE1 (City LDP) states that development in the green belt will not be supported apart from nine exceptions, including: extraction of minerals, land required for agriculture, woodland or forestry, generation of renewable energy, etc - see City LDP, page 50 - items a) to i). The site OP46 does not correspond to any of these nine exceptions.
* Negative effect on protected species and habitats - fragmentation of habitats caused by new infrastructure, increased local population, site lighting, traffic, noise, etc.
* Negative effect on landscape - the visual impact of development, especially high rise apartment blocks, and the adverse affect on classic views to and from the City and Shire.
* Problematic site access / roads i.e. from the ancient Causey Mounth - a *Designated Heritage Path.*

**Comments on this application - 201558/DPP**

My comments on this application (and also the application to the Shire) are at **‘principle’ level**, as **I do not believe that this development is in any way desirable**. Furthermore, in allocating the site the City Council has chosen to ignore their own stated policies on the Green Belt, natural heritage and landscape, raising questions about the Council’s consistency, coherence and integrity in decision making. I am aware that Aberdeenshire Council requested that this site (OP46) be removed from the City’s Proposed Local Development Plan. A report to the Shire’s Infrastructure Services Committee, 20th August, 2020, paragraph 4.4. states:

“*Officers are strongly opposed to any further development of any scale in this area, which is a highly sensitive landscape and visual resource. Development in this area would be unconnected to Aberdeen/Deeside Brae as the only road access is in Aberdeenshire, and there is infrastructure and road network capacity concerns. Furthermore, given the pressure for development in this area, there is a risk to the long-term integrity of the green belt in Aberdeenshire. As such, it is not believed this is the right development in the right place and goes against the principle established in Scottish Planning Policy*.”

I am in full agreement with this position.

However, I will comment here on two particular aspects of the City application:

1. **Proposed “infrastructure” within Shire Green Belt land**  
     
   The area south west of the Den of Leggart includes proposed “infrastructure” i.e. cycle and pedestrian route, public paths, play areas (including “play apparatus forming a dispersed play trail through the landscape”), picnic tables, seats, litter and dog bins, and a community orchard. Part of this land lies within the Shire and is designated greenbelt (ref. Aberdeenshire Council LDP appendix - *Boundaries of the Green Belt*, Map 8). This infrastructure would certainly disrupt the movement of family groups of roe deer that travel frequently between the Den of Leggart woodland, crossing the Causey Mounth, to reach Tollohill Braes and surrounding areas. This infrastructure would negatively affect “habitat connectivity”, and no amount of ‘mitigation’ can resolve this.   
     
   Similarly, the proposal for the high level cycle/pedestrian bridge across the northern part of the Den would invade the privacy of surrounding properties - Mill Cottage, Hilldowntree and Hilldowntree Mill properties, but especially Upper Mill of Leggart.   
     
   The City Planning Officers’ report on OP46 states that “*Development will have undesirable impacts on landscape and natural environment*.” Therefore, how will this development “*Safeguard the unique landscape setting*”? I believe that the City Council previously took a decision not to extend the Deeside Brae site further south, as this would make it visible from Tollohill Wood, thus disrupting the views from there toward the City. Why is this now deemed desirable?

**2.**  **Access into and out of site from the Shire**  
  
Of very serious concern is the issue of site access from the Shire. The planning documents show the main access as a new signalised junction off the A92. A ‘secondary’ junction is proposed from the Causey Mounth road, Aberdeenshire. In Appendix 2 of the Report of the Shire’s Infrastructure Services Committee, 20th August, 2020, section 8 provides reasons why site access to/from the Causey Mounth road (C34k) is inappropriate:

“ *… a single lane C road in Aberdeenshire that has no cycle space or pavements. Aberdeenshire Council’s Transportation Service has advised that works, including the widening of the Causey Mounth would be necessary, junction visibility improvements, two points of road access would be required to accord with Aberdeenshire Council’s standards for access, and there are pinch points to the north of the Causey Mounth with Leggart Terrace (the B9077), which would appear to be outwith the site proposer’s control. There is also the issue of the gradient of the Causey Mounth, together with the queuing that already takes place*.”

I can only agree with the Shire Council’s assessment that this 12th century drovers road and *Designated Heritage Path* - <http://www.heritagepaths.co.uk/pathdetails.php?path=24> - is totally inappropriate as an access to the development site.

This proposed incursion into Shire land will 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 Comer Homes Group in the future. This is obviously the developer’s ambition, as in the ‘Planning Statement’ (one of the Shire and City application’s online documents) the following statement can be found - “*In due course, the site’s proximity to the river Dee represents a further opportunity to extend this string of green spaces further west. To this end, the applicants would be happy to work in partnership with the Council to explore such potential further*.” (see page 5).

Clearly the Shire Council are not in favour of the residential development, and do not support the Causey Mounth access route into and out of site. If the City Council are in favour of this proposed development then consideration of access to and from the site should be *only* from the City and *definitely not* the Shire.

**Summary**

The allocation by Aberdeen City Council of site OP46, 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 I and 2)*,* and *Protecting Resources* (ch 10). The City Council has not adhered to these policies.

This is in stark contrast to the Shire Council’s decision to adhere to their Planning Officers’ recommendation to deem the ‘Royal Devenick Park’ proposal by Comer Homes Group (bid 1308, ‘Land at Tollohill Wood’) as ‘undesirable’

http://publications.aberdeenshire.gov.uk/dataset/c56b89db-8c53-4144-a768-0d4f7f4179fe/ resource/445b48a2-6394-4afb-af6d-e653db478df0/download/final-issues--actions--kincardine-and- mearns.pdf (see page 153).

This massive proposed development would have devastated a large part of Banchory Devenick forever, destroying unique landscape, local heritage and natural habitats.

If the City Council are in favour of this development then their Planning Committee should carefully look again at their published policies and stringently test this application against them.

Thank you

Name:

Address: