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Paul Macari,
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By email:

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Our ref: A42073239
9th January, 2023

Dear Paul,

**Town and Country Planning (Scotland) Act 1997
Notice of Intention to Adopt –Aberdeenshire Council Local Development Plan 2**

I refer to your correspondence of 22 September 2022, submitted 23 September, 2022, certifying notice of intention to adopt the Aberdeenshire Council's Local Development Plan 2.

Scottish Ministers have decided that the proposed plan as notified is unsatisfactory and hereby direct under section 20(5) of the Town and Country Planning (Scotland) Act 1997, that Aberdeenshire Council consider modifying the proposed Aberdeenshire Council Local Development Plan 2 as indicated in the Annex to this direction.

This direction is considered necessary to ensure the Local Development Plan complies with Scottish Planning Policy Paragraph 241 in relation to the protection of peat.

Section 20(6) provides (subject to any further direction under section 20) that your authority may not adopt the Aberdeenshire Council Local Development Plan 2 unless you satisfy Scottish Ministers that you have made the modifications necessary to conform with this direction, or the Scottish Ministers withdraw it.

I would be grateful if you would therefore confirm that your authority will modify the plan.

Yours sincerely

Allen Hughes
Planning, Architecture and Regeneration Division

ANNEX

Modification

Policy C3 Carbon Sinks and Stores or Policy R3 Minerals shall include the following text: “commercial extraction of peat will only being permitted in those areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.”

Reason for modification:

To accord with SPP para. 241 which states “Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.” It is our view the absence of this statement despite the protection offered by policy C3 peatlands not matching the criteria set out in SPP could be left vulnerable to commercial extraction in certain circumstances.