

Town and Country Planning (Scotland) Act 1997

**ABERDEENSHIRE COUNCIL
CAIRNGORMS NATIONAL PARK AUTHORITY**

**REPORT ON OBJECTIONS TO THE
FINALISED ABERDEENSHIRE LOCAL PLAN**

Volume 2 – Banff & Buchan Area Objections

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Dates of inquiry: 31 August 2004 – 4 February 2005

VOLUME 2 BANFF & BUCHAN AREA OBJECTIONS

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Your ref:M302
Our ref:IQD/2/100/4

July 2005

Dear Sirs

ABERDEENSHIRE LOCAL PLAN

We refer to the letters of appointment dated 27 June 2003 and 20 May 2004 and can confirm that we held a public local inquiry into objections to the finalised Aberdeenshire Local Plan at various locations in Aberdeen and Aberdeenshire between 31 August 2004 and 4 February 2005.

Recommendations are made in respect of all valid objections that have not been unconditionally withdrawn. In some instances, recommendations have consequential implications. For example, the recommendation under Issue 20 that, on the proposals maps for individual settlements, the settlement boundaries should be modified to include within them any land allocated for housing development for the period January 2006 to December 2010 will, if accepted, involve boundary adjustments to various settlements.

Please find enclosed 6 bound copies of our report (4 for the council and 2 for the national park authority). An electronic copy has also been supplied. Those objections relevant to the interests of the park authority are contained in Volume 1, Introduction and Policies, and Volume 7, Marr.

Yours sincerely

David A Russell
Principal Reporter

Richard G Dent
Reporter

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ISSUE 59

Banff and Buchan – Aberchirder

| Objector | Reference |
|---------------------|------------------|
| Mr Neil Murray | 252.16.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

59.1 The finalised local plan designates Aberchirder as a rural service centre in the rural housing market area. Sites eh1 and eh2 are shown to be suitable for around 19 and 20 houses respectively. Future housing land is shown as sites fh1(15) and fh2*.

Basis of the objection

59.2 Site fh2* should be brought forward to the 2000-2005 period. Aberchirder is a popular housing location, well served by public transport and, with the completion of site eh1, there will be a shortfall in supply, particularly as site eh2 is not effective due to infrastructure and marketing problems. Site fh2* is a natural extension of the village and is immediately available. Development would help maintain a 5 year effective housing land supply.

The council's response

59.3 Although site eh2 is constrained, the local plan allocates an adequate supply of housing land to meet structure plan targets. In any event, site fh2* has access difficulties.

Conclusions

59.4 Site eh2 was contained in the Housing Land Audit at January 2000 and is therefore not an allocation set against the structure plan targets for 2000-2005 or 2006-2010. Notwithstanding the claim that the site is constrained, the council explains that the local plan allocates sufficient housing land to meet the structure plan targets for the two periods between 2000 and 2010.

59.5 Designation fh2* indicates an area of search or safeguarded site to contribute to the indicative structure plan housing distribution from January 2011 to December 2015. The land is not required to contribute to the targets for the earlier periods and I therefore conclude that an altered designation to allow development in the short term would not be appropriate.

Recommendation

59.6 I recommend no change to the local plan in respect of this objection.

ISSUE 60

Banff and Buchan – Banff

| Objector | Reference |
|---------------------------------|-----------|
| Tesco Stores Limited | 450.3.8 |
| David Innes | 785.1.1-2 |
| Scottish Natural Heritage (SNH) | 986.23.1 |

| Procedure | Reporter |
|---------------------|--------------|
| Written submissions | Richard Dent |

Provisions of the local plan

60.1 Banff is a main settlement in the rural housing market area. Site ch1 extends over the proposals maps for Banff West and Banff East. The site is designated “C” in the latter. The Banff Central proposals map shows the town centre boundary. A “supermarket” is identified within the designated town centre.

Basis of the objections

60.2 **Tesco** believes the town centre is too tightly drawn and should be extended to the south-east. The proposals map and text should state that this area could accommodate new or relocated retail provision. This would improve the quality of retailing in the town. Although part of an outstanding conservation area, the area should be regarded as suitable for retail development subject to the general development principles of the plan (objection 450.3.8)

60.3 **Mr Innes** draws attention to the “C” designation on site ch2. He believes the site should not be allocated for housing because of the impact on the adjacent grassy cliffs. This is an informal open space next to the conservation area. High density development would detract from the character of the conservation area and the setting of Battery Green, a feature since Napoleonic times which now provides a viewpoint and open space. Housing could impact on tourist potential. (objection 785.23.1)

60.4 **SNH** is concerned about sites A, B, and fh1. Development must accord with local landscape character, particularly the designed landscape of Duff House. Mitigation measures may be necessary. (objection 986.23.1)

Council’s responses

60.5 Objection 450.3.8: The objection is accepted to the extent that it is intended to refer to the need to improve the quality of retailing in the town. However, the area to the south-east of the town centre is appropriately identified as a protected area and should remain outside the designated town centre.

60.6 Objection 785.23.1: The objection is not accepted. The site is included in the Housing Land Audit, and complements the conservation area and surrounding development.

60.7 Objection 986.23.1: The objection is accepted to the extent that a “buffer” of strategic landscape planting will be sought on the boundary of those sites adjoining the road and the Duff House policies. This is indicated as a project area (P1) on the settlement plan for Banff.

Conclusions

Town centre boundary

60.8 Objection 450.3.8: The designated town centre includes the existing Tesco supermarket. I agree with the council that the land uses to the south and east are not suitable for inclusion within the town centre and I do not believe it would be appropriate to extend the boundary over these areas. Indeed, I also concur with the council that the land to the south-east is properly shown as a “protected area.”

60.9 Designation as a conservation area imposes certain statutory requirements on the council when considering planning applications. Nevertheless, development is not precluded and in a town centre it is not unreasonable to expect that, in principle, retail uses would be acceptable. In this respect the council is proposing a modification which will emphasise the need to improve the quality of retailing. I concur with the intention to add to the main planning issues affecting Banff as follows:

- e) Improvement of the quality of retailing in the town centre.

Site ch2

60.10 Objection 785.23.1: The council has agreed to amend the error to the Banff East proposals map by replacing C with ch2. This is clearly appropriate. However, Mr Innes is concerned about the impact of housing in this location and believes that development would be unacceptable. The council considers the housing would complement the conservation area and surrounding development.

60.11 There is a row of traditional houses to the west of site ch2 and these are by no means out of place on the sea front. I am of the opinion that a carefully designed small linear development could be constructed in site ch2 to reflect the character of those existing houses to the west. The site is outside the boundary of the conservation area and at a lower level thereby reducing any impact to a minimum. The grassy cliffs themselves are a pleasant, if unremarkable, feature but the land at the foot of the slope does not contribute positively to the character of the vicinity. Limited, well-designed housing could enliven the sea frontage at this location.

60.12 Overall, I conclude that site ch2 should be retained as shown.

Sites A, B and fh1

60.13 Objection 986.23.1: The policies of Duff House are clearly of landscape importance. The house and its grounds lie very close to the urban area of Banff and yet retain their significance within the wider landscape. I do not believe that the extension of the town

through the development of sites A, B and fh1 would have a detrimental impact on the Duff House policies, particularly in view of the strategic landscaping required along the southern boundaries of the sites. Careful design should ensure acceptable development and therefore achieve the necessary balance between landscape protection and town expansion. I conclude that the local plan does not require modification in this respect.

Recommendations

60.14 I recommend the local plan is modified, as proposed by the council, whereby an additional main planning issue is inserted as indicated in paragraph 60.9 and site C should be changed to site ch2 in the Banff East proposals map

ISSUE 61

Banff and Buchan – Cairnbulg/Inverallochy

| Objector | Reference |
|------------------------------|------------------|
| Craigearn Limited | 414.2.1 |
| Invercairn Community Council | 591.2.1 |

| Procedure | Reporter |
|---------------------|-----------------|
| Written submissions | Richard Dent |

Provisions of the local plan

61.1 The finalised local plan designates Cairnbulg/Inverallochy as a rural service centre in the rural housing market area. Site eh4 is shown to be suitable for around 36 houses and lies adjacent to site fh1, suitable for 15 houses.

Basis of the objections

61.2 **Craigearn Limited** believes sites eh4 and fh1 should be combined. Site eh4 is an irregular shape and does not lend itself to efficient development. Although the plan indicates a total of 36 houses on site eh4 and 15 houses on site fh1, an aggregate of 40 houses would be more appropriate. (objection 414.2.1)

61.3 **Invercairn Community Council** suggests that future residential development should be allocated between the two villages. This would be closer to the school, shops, library and other amenities and therefore preferable to the peripheral sites shown in the local plan. (objection 591.2.1)

The council's responses

61.4 Objection 414.2.1: The objection is not accepted. Site eh4 is an effective site and has planning permission for 36 houses. On this basis, the boundaries cannot be altered.

61.5 Objection 591.2.1: The objection is accepted. There has been little interest in development to the west of the village, but the site will be designated fh3* for possible future housing.

Conclusions

Sites eh4 and fh1

61.6 Objection 414.2.1: Sites eh4 and fh1 have a close affinity to one another and the suggestion that they should be developed as a single unit is not surprising. However, the council has explained that planning permission has been granted for 36 houses on site eh4. This is a clear indication that site eh4 has the capacity to accommodate the number of houses stated in the local plan and leaves site fh1 to contribute to the structure plan target for the

period 2006-2010. In practical terms, insofar as the development of site eh4 has not commenced and in view of the passage of time, it appears likely that, if required, the development of the two sites could be closely linked. Indeed, in view of the flexibility factor in the stated site capacities, I believe that there would be no reason why a revised layout for both sites should not provide for 40 houses as required by the objector. However, in terms of the local plan, I conclude that a modification is not required.

Site fh3* - future housing land

61.7 Objection 591.2.1: Despite potential constraint in terms of marketability, the council has responded positively to the suggestion that land to the west should be considered for possible future housing. In this case I have regarded the star designation as representing an area of search to contribute to the indicative structure plan housing distribution for the period 2011-2015. Clearly, in the light of any forthcoming structure plan review, the need for housing land at Cairnbulg/Inverallochy can be assessed with particular reference to site fh2* and fh3*. On this basis, I accept the council's proposed modification whereby site fh3* is added.

Recommendation

61.8 I recommend no change to the local plan in respect of objection 414.2.1.

61.9 I recommend the local plan is modified, as proposed by the council, whereby future housing site fh3* is inserted as shown in the Schedule of Proposed Modifications dated 26 May 2003.

ISSUE 62

Banff and Buchan – Cornhill

| Objector | Reference |
|---|------------------|
| Scottish Environment Protection Agency (SEPA) | 969.3.6 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

62.1 The finalised local plan designates Cornhill as a rural service centre in the rural housing market area. Site eh1 is shown to be suitable for around 20 houses.

Basis of the objection

62.2 **SEPA** objects to site eh1 as there is no potential to extend the existing waste water treatment plant and increase discharges from the plant. Individual private drainage systems would not be appropriate.

The council's response

62.3 The objection is accepted and it is proposed to delete site eh1.

Conclusion

65.4 The proposed modification meets the terms of the objection. There is no reason to dissent.

Recommendation

65.5 I recommend the local plan is modified, as proposed by the council, whereby site eh1 is deleted and the settlement map and related text are amended accordingly.

ISSUE 65

Banff and Buchan – Fordyce

| Objector | Reference |
|---------------------------|------------------|
| Earl of Seafield's Estate | 281.3.4 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

65.1 The finalised local plan designates Fordyce as a rural service centre in the rural housing market area. Site A is shown to be suitable for around 7 houses.

Basis of the objection

65.2 **The Earl of Seafield's Estate** believes the capacity of site A should be 10 houses.

Council's response

65.3 The objection is accepted.

65.4 On this basis the objection was conditionally withdrawn.

Conclusion

65.5 The proposed modification meets the terms of the objection. Insofar as the local plan will indicate that site A is suitable for "around" 10 houses, there is scope for a degree of flexibility in house numbers to ensure that an appropriate layout is achieved. On this basis I have no reason to dissent.

Recommendation

65.6 I recommend the local plan is modified, as proposed by the council, whereby site A is shown to be suitable for around 10 houses.

ISSUE 66

Banff and Buchan – Fraserburgh

| Objector | Reference |
|---------------------------------|------------------|
| Tesco Stores Limited | 450.3.2 |
| Bett Properties Limited | 568.51.1 |
| Fraserburgh Futures Partnership | 905.1.1 |
| K H Khairallah | 952.1.1 |

| Procedure | Reporter |
|---------------------|-----------------|
| Written submissions | Richard Dent |

Provisions of the local plan

66.1 The finalised local plan designates Fraserburgh as a main settlement with a defined town centre. Site Emp F is in the south-eastern part of the town and designated for suitable employment uses. Land to the immediate north of site Emp F has no specific allocation.

Basis of the objections

66.2 **Tesco** is concerned that the site of the Tesco store at South Harbour Road is designated for suitable employment purposes under Emp F. There should be a specific retail designation to distinguish the site from other employment land. (objection 450.3.2)

66.3 **Bett Properties** believes that land to the immediate north of the Tesco store should be available for further retail development. Despite local demand there is no suitable site in or adjacent to the town centre. (objection 568.51.1)

66.4 **Fraserburgh Futures Partnership** objects to lack of emphasis on the Fraserburgh Strategy which seeks the preparation of development briefs for a series of key sites to protect the vitality and viability of the town centre. The strategy should be recognised and endorsed. Investment in key town centre sites, including refurbishment, is crucial and the plan should indicate that standards may be relaxed in certain circumstances to ensure development takes place, in turn acting as a catalyst for town centre regeneration. (objection 905.1.1)

66.5 **K H Khairallah** considers that the park, curtilage and landscape surrounding Cairness House, an A category listed building, should be designated as a conservation area. This should include the estate village of ancillary houses, lodges, school, steading and Lonmay Parish Church. (objection 952.1.1)

The council's responses

66.6 Objection 450.3.2: The objection is not accepted. Existing policies do not preclude appropriate retail use on the site. However, an unqualified retail designation could have serious implications for the viability and vitality of the town centre: the employment land designation therefore remains appropriate.

66.7 Objection 568.51.1: The objection is not accepted. In effect, the “objection” is a statement of intent. Existing policies do not preclude retail development on the site provided it meets the sequential test and accords with Policy Emp\6, Retail Development in the Main Settlements.

66.8 Objection 905.1.1: There is no conflict with the objectives of the local plan which endorses proposals which to enhance Fraserburgh and accord with the Fraserburgh Strategy, especially in terms of Policy Emp\5, Defined Town Centres.

66.9 Objection 952.1.1: The objection is not accepted as it is not pertinent to the local plan. The request will be considered under a separate conservation area remit.

Conclusions

Employment land

66.10 Objection 450.3.2: The council has adopted an approach whereby all employment related activities are encompassed within an employment land designation. This is made clear in the local plan glossary. Policy Emp\1, Allocated and Existing Employment Land, also indicates that such land would normally be for employment under use classes 4, 5 and 6 of the Use Classes Order “and other employment uses where appropriate.” Unlike the glossary, there is not a specific reference to retail related employment.

66.11 I conclude that the general approach of the local plan is acceptable and, therefore it follows that allocation Emp F is appropriate for the Tesco supermarket site at Fraserburgh. However, for the avoidance of doubt and to be consistent with the glossary, I also conclude that Policy Emp\1 should include a reference to retail employment. The first sentence of the second paragraph of the justification should therefore be amended to read “... and other employment uses, including retail use, where appropriate.”

Land north of the Tesco supermarket

66.12 Objection 568.51.1: Although not regarded as an objection by the council, this matter has been overtaken by events insofar as the land in question has now been developed and is occupied by retail units. There is no requirement for a local plan modification.

The Fraserburgh Strategy

66.13 Objection 905.1.1: Policy Emp\5, Defined Town Centres, provides clear support for proposals to ensure the vitality and viability of defined town centres and recognises that the town centres in the main settlements (including Fraserburgh) are very important economic and social focal points. The settlement statement for Fraserburgh identifies 5 main planning issues including the protection and enhancement of the role of the central area. The town centre is defined along with a redevelopment area. In this latter respect, the plan states that the redevelopment area “covers the town centre area and north towards the lighthouse and museum. The former cinema is highlighted also as a commercial or retail opportunity.” The Fraserburgh Central proposals map defines the town centre. Within this area there is an asterisk within a defined area on the north side of High Street and two larger asterisks to the

north and south-west of the defined town centre. The key indicates that the symbol represents a redevelopment area. The Fraserburgh East proposals map shows a redevelopment area extending northwards from the town centre.

66.14 It appears from the proposals maps that within the defined town centre there is a small redevelopment area although this is described in the text as a commercial or retail opportunity. It also appears from the text that the wider redevelopment area includes the town centre but this is not clear from the Fraserburgh Central proposals map. It is also not clear from the key whether the asterisk symbol relates to the wider redevelopment area, the commercial or retail opportunity site, or both. The northern section of the redevelopment area is shown on the Fraserburgh East proposals map but the extent of the area westwards from High Street is not shown.

66.15 Overall, it would be helpful if:

- the total extent of the redevelopment area is shown on the Fraserburgh East proposals map, that is, including that part to the north-west of the Fraserburgh Central proposals map;
- the Fraserburgh Central proposals map shows clearly the extent of the redevelopment area – within and beyond the defined town centre - and includes a separate symbol for the opportunity site in High Street.

66.16 Subject to these modifications which are for the avoidance of doubt, I conclude that the local plan provides adequate support and encouragement for the town centre and requires no further modification in respect of the objection.

Conservation area at Cairness House

66.17 Objection 952.1.1: Although the council has indicated that the objection is not pertinent to the local plan, this is not the case. The Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas points out the importance of giving the public ample opportunity to comment on conservation area proposals, either through responses to local plans or, where no local plans are in preparation, through another convenient consultation process. Local plans are therefore recognised as a legitimate channel for comments on the possible designation of conservation areas and I believe the council was incorrect in deflecting this particular comment on the content of the finalised local plan. Indeed, under Issue 202, the council accepts a suggestion proposing a conservation area at Kirktown of Fetteresso, indicating that this is to be shown on the proposals map for Stonehaven and listed in the schedule to Appendix 4, Listed Buildings and Conservation Areas (as modified).

66.18 I note that the Cairness House suggestion was to be considered under a separate conservation area remit and, if not already undertaken, this procedure should be completed at the earliest possible opportunity. Should it be determined that conservation area status at Cairness House may be warranted, no doubt the council will proceed to a formal conservation area appraisal. If this course of action is to be undertaken, then an appropriate reference should be included in the schedule to Appendix 4 along with a note to indicate that a final decision on designation is subject to a conservation area appraisal. As this site is within the countryside, the boundaries would not appear within a settlement proposals map. However, I

conclude that this is not an impediment provided there is a reference within the schedule to Appendix 4.

66.19 Should it be decided that there is no case for the designation of a conservation area and that an appraisal is not justified, there should be no reference in the local plan to this matter.

Recommendations

66.20 I recommend that Policy Emp\1, Allocated and Existing Employment Land, should be modified whereby the first sentence of the second paragraph of the justification should be amended to read "... and other employment uses, including retail use, where appropriate." (see also Issue 31)

66.21 I recommend the Fraserburgh East proposals map is modified to show that part of the redevelopment area that extends westwards from High Street as indicated in the Fraserburgh Central proposals map.

66.22 I recommend that the Fraserburgh Central proposals map is modified to provide a separate symbol for the opportunity site to the north of High Street and to clearly indicate the full extent of the redevelopment area both within and beyond the defined town centre.

66.23 I recommend that, should it be considered that conservation area status is justified in the vicinity of Cairness House, a further entry is made in the schedule of conservation areas and proposed conservation areas in the schedule to Appendix 4. If appropriate, there should also be a reference this being subject to a conservation area appraisal. In the event that it is decided that there should not be a conservation area at Cairness House, there should be no modification to the local plan.

ISSUE 67

Banff and Buchan – Gardenstown

| Objector | Reference |
|---------------------------------|---------------------------------|
| Mr George Gordon | 921.1.1 |
| Scottish Natural Heritage (SNH) | 986.29.1 |
| Grampian Primary Care NHS Trust | 1310.14.3 (previously 568.60.3) |

| Procedure | Reporter |
|---------------------|--------------|
| Written submissions | Richard Dent |

Provisions of the local plan

67.1 The finalised local plan designates Gardenstown as a rural service centre in the rural housing market area. Site fh1 is shown as future housing land with a capacity of 15 houses.

Basis of the objections

67.2 **Mr Gordon** objects to the settlement boundary to the south of the village. He owns the two fields immediately beyond the boundary and seeks a marginal extension of the settlement to incorporate land for a house and garage. There are no technical reasons to prevent development and personal circumstances justify the proposal. (objection 921.1.1)

67.3 **SNH** objects to site fh1 as development would be very visible, difficult to mitigate and lead to a further skyline breach. (objection 986.29.1)

67.4 **Grampian Primary Care NHS Trust** has identified a need for a new health centre. This is recognised in Appendix 8, Developer Contributions, and there should also be a reference in the settlement statement. (objection 1310.14.3)

The council's responses

67.5 Objection 921.1.1: The objection is not accepted. The required boundary extension would establish a bad precedent for individual houses.

67.6 Objection 986.29.1: The objection is partly accepted: as there is no other realistic option for expansion of Gardenstown, there will be a requirement for strategic landscaping to soften the impact.

67.7 Objection 1310.14.3: The objection is accepted. A note will be added to the settlement statement to the effect that a site is being sought for a health centre facility in the village.

Conclusions

Boundary extension

67.8 Objection 921.1.1: The boundary in the southern part of the village is clearly defined and the proposed extension to accommodate a single house would have no relationship to any particular feature or landform. In turn, it would not appear as a natural part of the existing settlement. Personal circumstances seldom outweigh land use considerations and I conclude that a boundary adjustment at this location is not justified.

Site fh1

67.9 Objection 986.29.1: Site fh1 is located on higher ground close to the cliff tops above the original village. However, the steepness of the cliffs will limit visibility of any development from the village below. Houses might well be seen in more distant views from the west and also from Crovie to the east. I believe that the impact on longer distance views would be limited when seen alongside the existing buildings of Gardenstown within the context of wider vistas. Although the council proposes strategic landscaping to soften the impact, it may well be that the exposure of the site would preclude the establishment of vegetation that would provide an adequate screen, particularly in the short term. Notwithstanding this possibility, I conclude that site fh1 should remain as proposed along with an additional project area designation for strategic landscaping.

Health centre

67.10 Objection 1310.14.3: The council has responded positively and proposes to add a footnote in respect of a site for a health centre. This meets the terms of the objection and there is no reason to dissent.

Recommendations

67.11 I recommend no change to the local plan in respect of objection 921.1.1.

67.12 I recommend the local plan is modified, as proposed by the council, whereby a project area designation for strategic landscaping is added to site fh1.

67.13 I recommend that a footnote is added to the text to the effect that a site is being sought for a health centre facility in the village.

ISSUE 68

Banff and Buchan – Inverboyndie

| Objector | Reference |
|---------------------------|------------------|
| Earl of Seafield's Estate | 281.3.3 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

68.1 The finalised local plan designates Inverboyndie as a rural service centre in the rural housing market area. Site Emp A is suitable for appropriate employment uses.

Basis of the objection

68.2 **The Earl of Seafield's Estate** seeks land to the north of site Emp A to be allocated for employment uses. (objection 281.3.3)

The council's response

68.3 The objection is accepted and the required modification is proposed.

68.4 On this basis the objection was conditionally withdrawn.

Conclusions

68.5 The council has responded positively to the objection. The proposed extended area of site Emp A has no significant impact on surrounding land uses and I therefore see no reason to dissent.

Recommendation

68.6 I recommend the local plan is modified, as proposed by the council, whereby site Emp A is extended as indicated in the Schedule of Proposed Modifications dated 26 May 2003.

ISSUE 70

Banff and Buchan – Ladysbridge

| Objector | Reference |
|--------------------------------|---------------------------------|
| Grampian Health Care NHS Trust | 1310.14.4 (previously 568.60.4) |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

70.1 The finalised local plan designates Ladysbridge as a rural service centre in the rural housing market area. The site of the former hospital is identified as the one main opportunity for development. The redevelopment area is said to be suitable for a mixed use development and around 60 housing units. A development brief will be prepared to highlight development opportunities and any constraints.

Basis of the objection

70.2 **Grampian Health Care NHS Trust** explains that the hospital has been declared surplus to requirements, soon to be advertised for sale. Although the site is suitable for redevelopment for mixed use purposes, there must be caution in specifying the number of houses proposed. Additional houses may be required to ensure viability and the number stipulated should not be regarded as a fixed upper limit.

The council's response

70.3 The objection is not accepted. The specified housing figure is indicative only. Any new housing development will require to be justified in terms of Policy Env\8, Trees and Woodlands, and other relevant policies in the plan.

Conclusions

70.4 The extensive derelict site of the former Ladysbridge Hospital is clearly an opportunity for major development. Although the local plan recognises the suitability of the land for mixed uses, only one use – housing – is specified. In highlighting development opportunities, the forthcoming development brief will no doubt set out the scope for other acceptable uses.

70.5 Without anticipating the terms of the development brief, it is apparent that the site could accommodate a range of future uses. Should the emphasis be placed on residential development, it is clear that considerably more than 60 houses could be provided. There is no indication in the local plan why a figure of “around 60 housing units” has been stipulated. In response to the objection, the council has stated that the figure is “indicative only”. This is not helpful and could perhaps even suggest that little importance should be attached to the

figure. As any houses on the site have not been associated with strategic targets through any phasing allocations under structure plan Policies 9 or 10, it is reasonable to assume that any future residential development on the site should be regarded as windfall on a brownfield site.

70.6 The council has also drawn attention to the need to justify housing development in terms of Policy Env\8, Trees and Woodlands. The reason for this is not clear: whilst there are trees within the site, these are not a dominant feature. As the site is extensive, significant levels of development could take place without significant impact on existing trees.

70.7 Overall, I conclude that the reference to “around 60 housing units” has not been justified. Lacking any evidence of a more detailed assessment of the development potential of the site, the scale and extent of any proposed land uses would best be determined through the forthcoming development brief. Accordingly, I conclude that the descriptive text should be amended by deleting “...and around 60 housing units.” and inserting “...including housing.”

Recommendation

70.8 I recommend the local plan is modified whereby the text for Ladysbridge is amended as indicated in paragraph 70.7.

ISSUE 71

Banff and Buchan – Macduff

| Objector | Reference |
|-----------------------|------------------|
| Sangs (Banff) Limited | 1150.1.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

71.1 The finalised local plan identifies Macduff as a main settlement in the rural housing market area. Future housing site fh2 with a capacity of 80 houses lies to the immediate south-west of site Emp B which is said to be suitable for appropriate employment uses.

Basis of the objection

71.2 **Sangs (Banff) Limited** objects to site fh2 as residential development on the site would lead to a need for the company to relocate. Loading and dispatch can take place 24 hours a day in peak periods. Buildings screen the current operations but would not be as effective if site fh2 were to be developed. Spring water is currently obtained from within the site and there are additional potential supplies within site fh2.

The council's response

71.3 The objection is accepted and it is proposed to transfer site fh2 to the west between Corskie Drive and the cemetery, south of site eh2. It is further proposed to extend site Emp B to the west.

Conclusions

71.4 The council has responded positively to the objection and the proposed transfer of site fh2 to the west and extension to site Emp B provides a pragmatic solution and leads to a more appropriate disposition of land uses. There is no reason to dissent.

Recommendation

71.5 I recommend the local plan is modified, as proposed by the council, whereby site fh2 is relocated and site Emp B is extended as indicated in the Schedule of Proposed Modifications dated 26 May 2003.

ISSUE 72

Banff and Buchan – Memsie

| Objector | Reference |
|-------------------------------------|------------------|
| Rathen & District Community Council | 573.2.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

72.1 The finalised local plan designates Memsie as a rural service centre in the rural housing market area. Site A is shown to be suitable for around 5 houses. Future housing land is shown as site fh2, with a capacity of 5 houses, and site fh2*.

Basis of the objection

72.2 **Rathen & District Community Council** believes that there should be no further housing until drainage problems have been resolved.

The council's response

72.3 The objection is not accepted. Infrastructure improvements will be addressed by means of developer contributions.

Conclusions

72.4 I note that SEPA has not objected to the housing land designations but has indicated "Individual private drainage but no discharge consents will be permitted". It may be that the scale of development proposed (10 houses on sites A and fh1) could be accommodated with a technical solution that does not require discharge to a watercourse. The council has indicated that developer contributions will address the need for infrastructure improvements.

74.5 I conclude that it is appropriate to retain the housing land designations on the basis that there is no fundamental objection by SEPA and that, in any event, the council believes there is scope for overcoming any problem through developer contributions.

Recommendation

72.6 I recommend no change to the local plan in respect of this objection.

ISSUE 76

Banff and Buchan – Portsoy

| Objector | Reference |
|---------------------------------|---------------------------------|
| Earl of Seafield’s Estate | 281.3.5 |
| Grampian Primary Care NHS Trust | 1310.14.5 (previously 568.60.5) |

| Procedure | Reporter |
|---------------------|-----------------|
| Written submissions | Richard Dent |

Provisions of the local plan

76.1 The finalised local plan designates Portsoy as a rural service centre in the rural housing market area. Campbell Hospital is identified as “Hospital”. Site eh1 is said to be suitable for about 40 houses and lies immediately to the west of site fh1 which is allocated a capacity of 10 houses.

Basis of the objections

76.2 **Earl of Seafield’s Estate** states that site eh1 is suitable for 65 houses at a density of about 15 houses per hectare. The 40 houses indicated in the local plan could be uneconomic. Similarly, site fh1 should have a capacity of about 30 houses. The density suggested in the local plan is 5 houses per hectare which is totally inappropriate. (objection 281.3.5)

76.3 **Grampian Primary Care NHS Trust** explains that Campbell Hospital is likely to close and a suitable alternative use should be found. In particular, the site should be identified as a redevelopment opportunity for residential use. (objection 1310.14.5)

The council’s responses

76.4 Objection 281.3.5: The objection is not accepted. The capacity of site eh1 reflects the agreed figure in the Housing Land Audit. The capacity of site fh1 was determined by structure plan targets. The size of the site will be reduced to suit a 10 house development.

76.5 Objection 1310.14.5: The objection is accepted. Campbell Hospital will be designated as a redevelopment site.

Conclusions

Sites eh1 and fh1 - capacity

76.6 Objection 281.3.5: The capacity of site eh1 is shown to be 40 in the Housing Land Audit. This is a document prepared in consultation with the house builders, therefore suggesting there is general agreement that capacity is not over-stated. This may be because development in the immediate vicinity is mainly single storey detached dwellings with some

1.5 storey detached dwellings. Development of this type is generally of a less than average density.

76.7 On the other hand, the council has stated in evidence elsewhere that site capacity is generally calculated on the basis of about 20 houses per hectare. From the information provided by the objector (65 houses at about 15 per hectare) the size of the site is about 4.3 hectares. At 20 houses per hectare, this would suggest a capacity of about 86 houses. Clearly, notwithstanding the Housing Land Audit, an element of flexibility and the nature of the surrounding development, this is significantly more than the local plan capacity of “around 40”.

76.8 Despite the various indications that the capacity of site eh1 is understated, the local plan is clear in stating that sites with an “eh” prefix were contained in the Housing Land Audit at January 2000. In the interests of consistency I conclude that site eh1 should continue to indicate a capacity of “around 40”. I reach this conclusion advisedly and in the knowledge that detailed planning permissions granted for other sites in the local plan have significantly increased the stated capacity. In this respect, it may be that an acceptable layout will be devised that realistically exceeds the capacity of “around 40” and offers a viable development.

76.9 In terms of site fh1, the council relates the capacity of 10 houses to structure plan requirements and simply indicates the size of the site will be reduced. This is a somewhat contrived response to the objection and there is no indication of the revised boundaries. Nevertheless, I accept that there is potential for a reduction in the size of site fh1 without disturbing adjacent land uses. This would also provide the opportunity for increasing the scope for future housing under designation fh2* which is immediately to the south of site fh1.

Campbell Hospital

76.10 Objection 1310.14.5: The council has agreed that Campbell Hospital should be designated as a redevelopment site but has not specified the future land use. As suggested by the objector, I agree residential use is a logical alternative to the existing use but I consider that this need not be specified as Policies Gen\1, 4 and 11 would provide adequate control in the event of the closure of the hospital.

Recommendation

76.11 I recommend the local plan is modified, as proposed by the council, whereby site fh1 is reduced to a size commensurate to providing a development of around 10 houses at a density similar to adjacent residential developments.

76.12 I recommend the local plan is modified, as proposed by the council, whereby Campbell Hospital is designated as a redevelopment area. A note should be added to the accompanying text as follows:

Campbell Hospital is likely to close and, in this event, the site will be suitable for redevelopment.

ISSUE 77

Banff and Buchan – Rathen

| Objector | Reference |
|---------------------|------------------|
| Mr J Jack | 950.1.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

77.1 The finalised local plan designates Rathen as a rural service centre in the rural housing market area.

Basis of the objection

77.2 Recreational ground to the west of Rathen church should be included within the settlement boundary.

77.3 A site for one house should be designated in close proximity to the rural business operated to the north of Rathen. This would assist with the working and overseeing of the business.

77.4 The settlement plan is out-of-date and the boundary should take account of properties on the periphery of Rathen.

The council's response

77.5 The objection is not accepted. Separate designation for leisure development is unnecessary. Designation of one house site would establish an undesirable precedent.

Conclusions

Land west of the church

77.6 The informal recreation area to the west of the church is a small area of maintained grass. It is associated with the village and both visually and functionally the land does not appear as countryside beyond the settlement boundary. Accordingly, I conclude the boundary should be extended to include this land and, in order to secure its continued use and protect the setting of the church, protected area status should be applied.

Individual house

77.7 The local plan does not designate sites for individual houses in the countryside. This would be impractical and, as argued by the council, would set an undesirable precedent. Any

proposal to build a house in the location suggested would be subject to relevant local plan policies, in particular, Policy Hou\4, New Housing in the Countryside (as modified). The policy justification recognises that, “for some people, it is essential that they live in the countryside.” The policy itself sets out the qualifying requirements in this respect. However, in terms of the Rathen settlement statement, I conclude that no modification is justified.

Settlement boundary

77.8 No details have been provided about the claimed inaccuracies of the settlement boundary and the council has not responded. Firm conclusions are not possible under these circumstances but, in instances where a property is clearly within the settlement, the boundary is capable of adjustment as a non-material variation not requiring a formal modification.

Recommendation

77.9 I recommend the local plan is modified whereby the area of maintained grass to the west of Rathen church is encompassed within the settlement boundary and designated as a protected area.

ISSUE 79

Banff and Buchan – Sandend

| Objector | Reference |
|---------------------------|------------------|
| Earl of Seafield's Estate | 281.3.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

79.1 The finalised local plan designates Sandend as a rural service centre in the rural housing market area. Site eh1 is shown to be suitable for around 8 houses and future housing is shown as site fh1*.

Basis of the objection

79.2 **The Earl of Seafield's Estate** explains that site eh1 has been sold to a developer and site fh1* will therefore be required to satisfy additional demand before 2011. Site fh1* should therefore be released for housing land in the short term.

The council's response

79.3 The objection is not accepted. The local plan allocates enough housing land to meet the structure plan targets. These allocations, along with existing commitments, constrained sites and windfalls will all contribute to meeting the strategic housing requirement. Site fh1* has not been allocated for housing, but is simply suggested for possible future housing in 2011-2016 period.

Conclusions

79.4 It is necessary for the local plan to conform to the structure plan. The council has met the housing land targets and, notwithstanding the demand referred to by the objector, I conclude that additional allocations are not required.

Recommendation

79.5 I recommend no change to the local plan in respect of this objection.

ISSUE 83

Banff and Buchan – Area Outwith Settlement – Mormond Hill

| Objector | Reference |
|---------------------|------------------|
| Mormond Hill Ltd | 287.4.1 |
| Procedure | Reporter |
| Written submissions | Richard Dent |

Provisions of the local plan

83.1 Mormond Hill is located in the countryside to the south of Fraserburgh.

Basis of the objection

83.2 **Mormond Hill Ltd** requires the designation of Mormond Hill as “Industry-Renewable Energy Generation”. An accompanying drawing shows land allocated for industry/housing, environmental centre/s and wind farm/lodge accommodation.

The council’s response

83.3 The objection is not accepted. In effect, a specific and separate policy would be required whereas other policies in the local plan could deal with proposals of this nature.

Conclusions

83.4 The proposed developments have not been justified. National guidance points against residential and industrial development in the countryside. Tourist-related development may be acceptable subject to satisfying relevant local plan policies. Similarly, there is policy guidance in respect of wind farm proposals. Overall, the limited terms of the objection do not persuade me that the local plan should be modified.

Recommendation

83.5 I recommend no change to the local plan in respect of this objection.