

**Town and Country Planning (Scotland) Act 1997**

**ABERDEENSHIRE COUNCIL  
CAIRNGORMS NATIONAL PARK AUTHORITY**

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

**Volume 4 – Formartine Area Objections**

**Reporters:**

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**Dates of inquiry: 31 August 2004 – 4 February 2005**

## VOLUME 4 FORMARTINE 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Recommendations are made in respect of all valid objections that have not been unconditionally withdrawn.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 106

### Formartine – Balmedie

<b>Objector</b>	<b>Reference</b>
Aberdeenshire Golf Centre	874.1.1
<b>Procedure</b>	<b>Reporter</b>
Informal hearing	Richard Dent

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### Provisions of the local plan

106.1 Aberdeenshire Golf Centre lies in the countryside at Millden to the south of Balmedie and on the opposite side of the A90 dual carriageway. The finalised local plan designates Balmedie as a rural service area in the Aberdeen housing market area.

### Basis of the objection

106.2 **Aberdeenshire Golf Centre** requires land for residential development to be allocated at Millden. Initially, some 10-15 houses had been indicated but a sketch layout was prepared showing 32 “executive” houses in the proximity of the existing 9 houses, three of which are associated with the golf centre. The new houses would be constructed in two phases.

106.3 The golf course opened in 1999 with a club house and driving range. Since then the complex has developed as a tourist attraction based on golf with links to various major hotels. Part of the income generated by residential development would be used to improve the golf course to championship standard as part of a long-term development programme. The golf centre has already achieved much. The course is used for the prestigious Aberdeen Golf Classic tournament. Encouragement is given to junior golfers - boys and girls - with a 5 hole golf course; this aspect is being developed in conjunction with SportsScotland. Qualified instructors are able to train other instructors and tutors. The centre also benefits the local community and offers accommodation for dining, dances and weddings along with a wide range of other activities.

106.4 Access from the A90 has been subject to alterations and is designed to accommodate a membership of 600. Currently there are 400 members but consulting engineers have been instructed to examine the situation. Drainage infrastructure would also be improved.

106.5 The golf centre could itself be designated as a rural service centre. Alternatively, Millden could be identified as part of Balmedie with footpath links providing good connections to schools and services. Indeed, Millden and Balmedie had close links until these were severed by the construction of the dual carriageway. Two existing tunnels under the A90 could be used as pedestrian underpasses. Little upgrading would be required although lighting would be necessary. A local network of footpaths has been planned and it is hoped that ultimately this can be extended to connect to Potterton and Belhelvie. A further possibility would be to regard the golf centre as an opportunity site for development.

## **The council's response**

106.6 Millden is approximately 1.5km from the key services of Balmedie. It is isolated by the A90 and cannot be considered as a logical extension of Balmedie. The extremely busy dual-carriageway is a significant barrier to pedestrians and cyclists, despite the two underpasses. Neither route is particularly attractive with the southern tunnel too long, dark, confined and generally unappealing. It is well below the standard for safe and secure usage by pedestrians and cyclists. No clear route to Balmedie has been identified beyond the eastern end of the southern underpass. A safety issue would be raised by anyone attempting to walk or cycle to the school, shops or employment land at Balmedie without using the tunnels. NPPG 17, Transport and Planning, states that pedestrians should not generally be segregated from the roadway or other activity; isolated routes may not always be attractive and can encourage crime. Draft SPP 17 reiterates this guidance with emphasis on personal security and reducing use of the private car. Structure plan Policy 31 emphasises the importance of reducing the need to travel, particularly by private car. The distances from the objection site to the nearest public transport would also exceed the maximum acceptable distance.

106.7 Development proposals must be well-related to existing settlements and avoid dispersed patterns of development. In this respect the local plan allocates several development sites within the Balmedie settlement boundary. Additional allocations would be contrary to strategic requirements and lead to an excessive number of housing units for the village.

106.8 The proposal to create a path network has various unresolved issues, particularly in terms of land ownership and choice of route. In any event, the construction of this network, although welcome, would not provide the easy access to Balmedie as required by the local plan. Similarly, improvements to sewerage and road junctions would be welcome, but insufficient to justify the proposed houses.

106.9 Millden does not meet the criteria necessary for designation in its own right as a rural service centre. Although it has been suggested that a development opportunity could be designated, the proposed houses cannot be considered as a justified enabling development.

106.10 Overall, the proposed development at Millden would conflict with the objectives of the local plan and be contrary to Policies Gen\1, Sustainability Principles, and Gen\2, The Layout, Siting & Design of New Development.

## **Conclusions**

106.11 Rural service centres are towns and villages that are not main settlements in Aberdeenshire. Millden is clearly not a town and does not have the characteristics of a village. Designation as a rural service centre cannot therefore be justified. Even if Millden were to be designated as a rural service centre, the number of houses proposed, albeit built in two phases, would be totally out of scale and contrary to structure plan guidance.

106.12 Millden cannot be regarded as part of Balmedie. Whilst, at one time, Millden and Balmedie may have had close links, the construction of the dual carriageway brought about a physical separation which, when combined with the intervening distance, precludes the

sensible inclusion of Millden within the settlement envelope of Balmedie. The proposed use of the underpasses to provide a link for cyclists and pedestrians is not convincing. The northern underpass is relatively high and broad but it has not been shown how a path could be provided from the development site to the western end of the link. The southern underpass, the favoured route, is an intimidating structure and a clear, complete route to Balmedie has not been demonstrated. In any event, the distances involved indicate that the proposed use of the underpasses would not be a practical proposition.

106.13 It has been suggested that Millden could be regarded as an opportunity site. In this respect, the construction of 32 houses in the countryside must have a clear and justified planning purpose. It has been indicated in this respect that continuing improvements to the golf course and related facilities are proposed to stimulate tourism and benefit the community locally. A further community benefit could be the provision of a local footpath network.

106.14 The range of facilities provided at the golf centre and the contribution to the development of golf, including junior golf, in this part of Scotland is impressive. However, the facility is essentially a commercial venture and the extent to which the local community benefits from the centre it is not clear. Similarly, it is not clear why the new houses are necessary to provide footpaths in the area. No indication has been provided of the financial need for an enabling development of 32 houses and, indeed, it was stated that only part of the income generated would be directed towards the golf facility.

106.15 The construction of 32 houses as proposed would be an incongruous intrusion into the countryside. Although the junction with the A90 has been designed to accommodate a higher membership than currently exists, the additional houses and the development of the golf centre as intended would have the potential for significant traffic generation. In turn, this could have implications for the junction. Consulting engineers have been appointed to examine the situation, but, nevertheless, the safety implications of the increased use of the junction give some cause for concern.

106.16 All-in-all, a credible case for the identification of a development opportunity has not been made and I conclude that the proposed development of 32 houses at Millden is not justified.

### **Recommendation**

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

## ISSUE 107

### Formartine – Barthol Chapel

<b>Objector</b>	<b>Reference</b>
Tarves Community Council	302.2.3 & 12
Rosaleen Deane	860.1.1-3
Taylor Design Services	1085.7.1

  

<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

107.1 The finalised local plan designates Belhelvie as a rural service centre in the Aberdeen housing market area. A “redevelopment area” is identified although no details are provided.

### Basis of the objections

107.2 **Tarves Community Council** requires comprehensive consultation in respect of the boundaries of “protected areas” and points out that a private garden is included in one such area at Barthol Chapel. The “redevelopment area” had previously been considered suitable for 4 houses. This land is unsuited to business purposes. (302.2.3 & 12)

107.3 **Rosaleen Deane** also points out that her garden is included in the protected area. An adjacent house is not shown on the settlement plan and there is no reference to “countryside around towns.” (860.1.1-3)

107.4 **Taylor Design Services** explains that the redevelopment area has been designated for some time but no development has taken place. This may be because of location or viability. As an alternative, land should be allocated to the rear (east) of the church with access via an existing small development. The land could be drained and the school is accessible without the need to cross the road. (1085.7.1)

### The council’s responses

107.5 Objections 302.2.3 and 860.1.1: The objections are not accepted. The mature woodland is integral to the setting of the village and should remain protected.

107.6 Objection 860.1.2: The objection is accepted. The map will be updated as soon as possible.

107.7 Objection 860.1.3: The objection is not accepted. Although this is not specified on proposals maps, “countryside” is the designation used in the Aberdeenshire Local Plan in place of “countryside around towns”.

107.8 Objections 302.2.12 and 1085.7.1: The objections are not accepted in respect of the suggested alternative site as development would be detrimental to the landscape setting of the church and the village. However, it is proposed to specify that the redevelopment site is suitable for 4 houses. Future housing land allocations have been made elsewhere.

## **Conclusions**

### Protected area

107.9 Objections 302.2.3 and 860.1.1: It is inappropriate to include an individual private garden within a protected area even although the land contains important mature trees. However, the protected area in question, although close to The Firs, does not appear to be within the residential curtilage. Should this be the case, the protected area status is justified. On this basis, I conclude that the protected area should be retained.

### Settlement boundary

107.10 Objection 860.1.2: The inclusion of the new house is a minor factual amendment to the document not requiring a formal modification. I note that the proposed modification extends the village envelope to include the house and conclude that this is appropriate.

### Countryside

107.11 Objection 860.1.3: “Countryside” is defined in the glossary as land which is not contained in a settlement envelope or within the green belt. I conclude that, for development control purposes, adequate policy guidance is found within the local plan in respect of countryside and a modification is not required.

### Redevelopment site and suggested alternative

107.12 Objections 302.2.12 and 1085.7.1: Although it has been indicated that the redevelopment site might not support development, the reasons suggested have not been substantiated. The site appears to have been previously developed and, in land use terms, it would be suitable for residential purposes. The proposed modification specifying suitability for 4 houses is therefore appropriate. It is not clear why these houses are not included under one of the standard categories as either site A or site fh1 or, if contained in the Housing Land Audit, January 2000, either eh1 or ch1. Even if this led to an over-provision in terms of strategic requirements, the discrepancy would be so marginal as to be insignificant.

107.13 The alternative site to the east of the site is on higher ground and would be clearly visible when approaching Barthol Chapel from the east. I accept the council’s opinion that the site would have an adverse impact on the setting of the village and, in particular, on the church and conclude that the land should not be allocated for housing as required by the objector.

## **Recommendation**

107.14 I recommend that the local plan is modified, as proposed by the council, whereby:

the redevelopment site is stated to be suitable for 4 houses; the modification should place the houses within the appropriate development period as defined in section 8, Development Periods, of the introduction to Chapter 8;

the village envelope is extended to include the new house to the north-west.

## ISSUE 108

### Formartine – Belhelvie

<b>Objector</b>	<b>Reference</b>
CHAP Construction Limited	47.15.1
Barratt Construction Limited	448.24.1

  

<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

108.1 The finalised local plan designates Belhelvie as a rural service centre in the Aberdeen housing market area. Site A is identified as being suitable for a maximum of 20 houses. Adjacent land is shown as site fh1 with a capacity of 20 houses.

### Basis of the objections

108.2 **CHAP Construction** objects to the allocation of site fh1 as the 20 units provided through site A is sufficient for a settlement of the size of Belhelvie which has few local facilities and no school. At the CALPs inquiry it was concluded that any expansion should be limited, possibly to less than 40 houses. The allocation for site fh1 should be transferred elsewhere, for instance, to Pitmedden. (47.15.1)

108.3 **Barratt Construction** explains that 90 houses had originally been proposed but the CALPs Reporter had recommended that land for 40 houses should be released and the balance safeguarded for future development. In view of the council having previously supported a larger scale of development, the local plan provision of only 20 houses in the period 2000-2005 and a further 20 houses in the period 2006-2011 is surprising. The CALPs position should be restored.

108.4 Site A is under construction and is expected to be complete by mid 2005. It would be logical and sustainable to allow the second phase to follow on. If the local plan should remain as it stands, a series of structure plan and local plan reviews could delay continued development to beyond 2009. Early development would also address concerns about the wider housing land supply as discussed under Issue 20. Alternatively, site fh1 should be a priority for release in the 2006-2011 period. In any event, there is no requirement for strategic landscaping under designation P2. (448.24.1)

### The council's responses

108.5 Objection 47.15.1: The objection is not accepted. The total of 40 houses is allocated as a result of the CALPs inquiry. The phasing has been changed to ensure that development takes place over a reasonable time period as required by the CALPs Reporter. The figures proposed also comply with structure plan allocations.

108.6 Objection 448.24.1: The objection is not accepted. Belhelvie would be better served by smaller, more incremental growth of 40 units over two plan periods.

### **Conclusions**

108.7 The housing allocations in this local plan relate to the strategic requirements of the current structure plan, approved since the CALPs inquiry took place. As a local plan, CALPs has never been adopted and has no standing. In any event, the council is not bound by previous inquiry proceedings but is required to consider land allocations afresh in the light of current circumstances. As concluded under Issue 20, there is no requirement for additional housing land allocations to meet structure plan objectives. Notwithstanding any previous views about the potential for expansion, I conclude that designation of sites A and fh1 is appropriate in terms of scale, phasing and the built form of Belhelvie. The local plan does not prioritise sites in terms of release and therefore the development progress of site fh1 should be guided by the terms of any planning permission that may be granted. The P2 notation is appropriate although it would be possible to provide strategic landscaping without precluding the possibility of further development to the east if required at some time in the future.

### **Recommendation**

108.8 I recommend no change to the local plan in respect of these objections.

## **ISSUE 109**

### **Formartine – Berefold**

<b>Objector</b>	<b>Reference</b>
Taylor Design Services	1085.3.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### **Provisions of the local plan**

109.1 The finalised local plan designates Berefold as a rural service centre in the Aberdeen housing market area. To the north of the village, east of the road, site fh1 is identified for a maximum of 5 houses.

### **Basis of the objection**

109.2 **Taylor Design Services** points out that the settlement map is incorrect as planning permission has been granted for an area to the north of the village, west of the road. As drainage is available, a further modest extension to the settlement boundary should be created.

### **The council's response**

109.3 The site subject to planning permission will be shown within the settlement boundary but there is no strategic justification for a further extension.

### **Conclusions**

109.4 Berefold is a small and relatively remote settlement. Site fh1 has been identified to the north-east of the village as future housing land with a maximum of 5 houses. This is an appropriate scale of development. A new house has been constructed north of the village, west of the road. This should be included within the settlement boundary but a further extension is not justified.

### **Recommendation**

109.5 I recommend the local plan is modified, as proposed by the council, whereby the settlement boundary should incorporate the new house to the north of the village, west of the road.

## ISSUE 110

### Formartine – Blackdog

<b>Objector</b>	<b>Reference</b>
Colin Tawse	47.20.1
Alan Grant (Grampian) Limited	361.18.2
Peter Lamb	803.1.1

  

<b>Procedure</b>	<b>Reporter</b>
Formal inquiry (Colin Tawse and Alan Grant (Grampian) Ltd) and informal hearing (Mr Lamb)	Richard Dent

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### Provisions of the local plan

110.1 The finalised local plan designates Blackdog as a rural service centre in the green belt in the Aberdeen housing market area. Site eh1+ is identified as being suitable for 42 houses and is shown to be included in the Aberdeenshire Sustainability Research Trust Project. Blackdog is covered by the coastal planning policy under “designated coast: undeveloped.”

### Basis of the objections

110.2 **Mr Lamb** believes that Blackdog is environmentally hostile to any new housing development because of uncontrolled dumping of rubbish over the years. Tips have operated on every side of Blackdog. A survey undertaken in 2001 in respect of development on site eh1 pointed out the dangers of living near a landfill site. It now appears that new development is to be proposed to the south of the village. No matter the assurances given, there remains a risk to health and no chances should be taken. (803.1.1)

110.3 **Colin Tawse and Alan Grant (Grampian) Ltd** believe that land to the north of site eh1 should be allocated for housing.

110.4 The site extends to about 2.15 hectares and is landlocked. It is unused, class 3.2, agricultural land lying between site eh1, where 53 houses have recently been built, community woodland, and an industrial estate occupied, for the most part, by storage and distribution concerns. There is provision for access through the new housing development, which has always been regarded as phase 1 of a larger development extending into the objection site. It had been agreed at the CALPs inquiry that the site is suitable for development, particularly in terms of landscape fit, after a period of restraint following the expansion of Blackdog resulting from the first phase of development.

110.5 Notwithstanding the outcome of objections to strategic housing land supply, there is an overwhelming case for the development of the objection site. The construction of phase 1, granted planning permission in 1996, leads naturally to the start of phase 2, and this would allow the expansion of Blackdog to be completed within two years. There are no known

problems in terms of contamination although, in response to a previous planning application, a contaminated land assessment had been requested. Infrastructure provision for phase 1, including significant improvements at the junction with the A90, mains water and sewers, waste water treatment plant and internal road layout, was designed to take account of further development. Phase 1 was designed in accordance with the principles of sustainability and incorporates an environmentally friendly layout. The research project related to Phase 1 has concluded.

110.6 Although the expansion is significant in percentage terms, Phase 2 would be development that accords with the designation of Blackdog as a rural service centre. Phase 1 represented an increase of almost 300% and a further 38 houses would involve a total expansion of some 500%. There are no shops or school but local facilities would improve, for instance, phase 1 of the development includes a nursery\creche for local people. Phase 2 would help to sustain this facility. Additional population could encourage improved public transport, particularly in the form of school buses, and support schools which are below capacity. Because of the proximity to Aberdeen, development at Blackdog should be preferred over other more distant rural service centres.

110.7 The proximity of the neighbouring industrial estate, which is long-established and was known to the CALPs Reporter, is not a great concern because the nature of the occupants' activities is unlikely to cause problems through noise. The waste transfer facility operates at a relatively low level and uses sealed containers. Peripheral planting would be provided in a 15 metre wide buffer zone. Noise had been a concern when the previous application had been submitted but detailed consideration could be given to these matters at the time a planning application brings forward specific proposals. In any event, integration of differing land uses is to be encouraged.

110.8 Although the council has expressed concern about designated green belt, the local plan preparation process provides the opportunity to assess and, if necessary, amend the boundary. If retained as green belt, the land could not be put to beneficial use. It is no longer viable for agriculture and cannot be regarded as simply degraded and capable of restoration. Amenity open space could not be justified and there is already a significant area of community woodland.

110.9 Overall, housing land designation is justified and 40 houses should be allocated for the period 2006-2010 or, alternatively, if a smaller development is preferred, the balance should be safeguarded for the 2011-2015 period. (47.20.1 & 361.18.2)

### **The council's responses**

110.10 Objection 803.1.1: The objection is not accepted. There are no housing allocations shown for Blackdog for the period to 2010 and no area of search indicated beyond this time. Any opportunities for single houses within the settlement boundary will be judged on a case-by-case basis.

110.11 There are records of three landfills in the immediate area and it cannot be assumed that these are effectively capped. Planning applications within 250 metres of these and other landfill sites are required to submit a risk assessment and excavate trial pits. Suitable

mitigation measures or other precautions may then be stipulated. Local plan Policies Gen\6, Hazardous Developments, and Gen\7, Contaminated Land, apply.

110.12 The survey referred to by Mr Lamb appears to acknowledge that, over a range of issues, no firm conclusions can be drawn on the possible health effects of landfill sites. However, the council is aware of the concerns of local inhabitants and maintains a working relationship with SEPA and the Scottish Executive on such matters.

110.13 Objections 47.20.1 & 361.18.2: The objections are not accepted. In terms of housing land supply, the council's evidence under Issue 20 is adopted. This site is directly to the north of the completed development on site eh1 which was first allocated under CALPs. The Reporter called for a period of restraint to allow for community assimilation. Clearly, the allocation of an additional 2 hectares would lead a significant number of houses when more suitable sites have been found in other settlements in Formartine. The principle of the development of the site was tested through a detailed planning application which was refused in 2003.

110.14 Although Blackdog is designated as a rural service centre, any new development should be in scale with the size of the settlement. For instance, 25 houses were considered appropriate at nearby Balmedie, a much larger settlement than Blackdog. Although there are various rural service centres where the level of development proposed is more than the 15 houses suggested in the structure plan, the majority have been allocated only limited development.

110.15 The proposed site is outside the Blackdog settlement boundary and is designated green belt. As such, land should be safeguarded from development. Development would also be contrary to structure plan Policy 28 which explains the circumstances when development in the green belt is permitted, none of which applies in this case. In turn, development on this scale would be contrary to local plan Policy Hou\3 as it meets none of the criteria for housing in the green belt. Whilst there is provision for a review of the green belt, there is no justification to alter the boundary at Blackdog where loss of the green belt status would impact on the landscape setting of the city.

110.16 Development would not be infill under Policy Gen\4, as it does not lie within the settlement boundary. Policy Env\6, Coastal Development, is also relevant and any proposals within the coastal zone must be considered on a case-by-case basis. There is a presumption against development in the undeveloped coastal zone.

110.17 The land has little productive agricultural or amenity value at present but this does not preclude return to its former agricultural use, or use for greater community access or for planting trees to protect the existing development from coastal winds. Informal open space is the preferred long-term option. Structure plan Policy 27, Green Belt, explains that local plans should establish the detailed boundary so that, *inter alia*, degraded land can be restored and opportunities are created for landscape renewal.

## Conclusions

### Landfill sites

110.18 Objection 803.1.1: Over the years there has been a particularly high concentration of landfill in the vicinity of Blackdog. Various former sites are no longer operational and it seems that full details of capping measures are not known. In these circumstances it is understandable that there is a degree of concern such as that expressed by Mr Lamb. Nevertheless, it is clear that the council is aware of the situation and takes measures to ensure that proposed development within 250 metres of a landfill site, closed or operational, is rigorously assessed. Policies Gen\6 and, particularly, Gen\7 recognise the implications of development on land that is contaminated or suspected of contamination. There is also a working relationship with the recognised authoritative organisations. I believe it would not be appropriate to place an embargo on new development and conclude that the local plan makes adequate provision for assessing development in the proximity of operational or former landfill sites.

### Extension of site eh1

110.19 Objections 47.20.1 & 361.18.2: In terms of strategic housing considerations, the conclusions under Issue 20 found that there is no requirement for additional housing land allocations. Accordingly, the designation of the objection site cannot be justified on this basis. Nevertheless, I conclude that if an allocation of additional houses can be justified in other respects, there would be no significant strategic conflict provided the overall local plan allocations are within reasonable bounds of the structure plan objectives.

110.20 Blackdog is identified as a rural service centre and neither the council nor the objectors question this designation. In discussing housing allocations for the period 2006-2010, the structure plan indicates that small scale development (usually less than 15 houses) will be spread among rural service centres to support services, local housing needs and economic development.

110.21 Clearly, the 38 houses proposed at Blackdog are well in excess of the usual level suggested in the structure plan. However, the circumstances are not usual as the recently constructed 53 house development involved a 300% increase in the number of dwellings. The potential impact was recognised by the CALPs Reporter as reflected in his belief that a period of restraint should be applied. Notwithstanding the different interpretations of the intended length of that period of restraint, I believe the additional impact of a further 38 houses on the original houses in Blackdog is likely to be diluted through the recent construction of 53 houses. Those living in the new houses will no doubt be developing community awareness but should be able to assimilate an additional 38 houses, particularly as a central facility is likely to be the nursery\crèche. Allocations of 15 or more houses in the rural service centres of Aberdeenshire occur in a number of instances and it is not unreasonable to assume that the council considers this to be acceptable where justified. I therefore conclude that the allocation of 38 houses at Blackdog, in the period 2006-2010, is not precluded absolutely by the structure plan guidance in respect of development in rural service centres. I also conclude that the early construction of additional houses is unlikely to have any significant impact on local character.

110.22 The proximity of Blackdog to Aberdeen, the availability of infrastructure and the support for services and facilities are supporting aspects but, in themselves, do not justify additional development. Although the objectors have always anticipated that the development of the land as a second phase of the 53 house development, there could be no certainty that a further phase would follow as a matter of course.

110.23 The finalised local plan places the site in the green belt but this designation is open to scrutiny through the local plan preparation process. As indicated in structure plan Policy 27, local plans must set the detailed green belt boundaries taking account of a number of criteria. The council has drawn particular attention to the restoration of downgraded land and the impact on the landscape setting of the city and believes the objection site could retain its green belt function through a return to agriculture, tree planting or use as informal open space. On the other hand, the objectors state that the land is no longer viable for agricultural use and a significant area of community woodland has already been provided in the immediate vicinity.

110.24 There are undoubtedly many small areas of land in the green belt where removal of the designation would not have a significant impact on the fundamental objectives of the green belt. Nevertheless, the cumulative impact of removal would quickly start to erode the wider value of the green belt. Accordingly, extreme caution must be applied to any proposal to re-designate green belt land. As Policy 27 implies, there can be a role for degraded land which, once restored, can make a positive green belt contribution.

110.25 The objection site forms a wedge of open land between the industrial estate to the north and the new housing to the south. It is generally enclosed and the community woodland to the east will add to this sense of enclosure as the trees mature. The value of the land in a wider landscape context is essentially limited. There are times when a green wedge or finger of land can provide an important open feature between flanking urban development but the objection site is not of a scale to justify protection in this respect. Despite the opinion of the council, I conclude that a return to agriculture is not a reasonable prospect and therefore the land should not be retained in an open condition to achieve restoration. Similarly, I see no great benefit in requiring additional tree planting over the entire extent of the site. Although the council has referred to informal open space, there has been no evidence to justify such a need. As the land has no structural green belt value or potential use that would accord with green belt principles, I conclude that the objection site could validly be excluded from the green belt.

110.26 Turning to Policy Env\6, the site lies within the undeveloped coast where development will be refused unless it fulfills various criteria. The aim of the policy is to enhance the special nature of the coast by directing development to the least environmentally sensitive areas. Insofar as the site has no visual impact on the coastline itself and as the community woodland to the east will mature and increase the visual barrier, I conclude that the allocation of the site for residential development, in total or in part, would not conflict with the objectives Policy Env\6.

110.27 The site must also be assessed in terms of whether residential development would be a suitable land use. In this respect, two concerns have been raised. Firstly, a contaminated land assessment was requested when the 2003 planning application was submitted. No detailed evidence has been provided to suggest that contamination would be a problem and,

as described under objection 803.1.1, the council operates rigorous procedures to ensure any problems are identified and dealt with in an appropriate manner.

110.28 Secondly, noise from the adjacent industrial estate is a further potential problem and led to an adverse comment at the time of the 2003 application. PAN 56, Planning and Noise, offers planning guidance about noise impact on residential development and it is clear that this is a relevant consideration in respect of the objection site. The activities in the adjacent industrial estate are said by the objectors to be, for the most part, relatively quiet. However, it is clear from the response by the Environmental Health Manager to the previous planning application that this was not the case at that time. In any event, the prospect of changes of occupier cannot be ruled out. As stated by the objectors, there is increasing emphasis on mixed-use developments and, in consequence, as emphasised in PAN 56, this is likely to make noise issues an increasingly important consideration in planning decisions. Activities that generate high levels of noise can be difficult to reconcile with noise sensitive land uses such as housing. The objectors intend to provide a buffer zone of planting some 15 metres wide and believe that any particular proposal could be assessed at the time of a planning application. On this basis, the belief by the objectors that any noise problem can be overcome has not been substantiated. In turn, I conclude that the allocation of the land for a residential development of 38 houses would not be justified in view of the potential adverse impact on future residents.

110.29 Notwithstanding my foregoing conclusion, I have previously concluded that the site does not merit green belt designation. I therefore believe that land should be included within the settlement envelope and allocated for housing on a reduced scale. In view of the lack of a noise impact analysis, it is not possible to confidently indicate the final number of houses. I have therefore judged that a total of 25 houses might be possible but a note should be added to the text to indicate that the final figure will depend on a detailed noise impact assessment. Pragmatically, whilst noting the objectors' belief the development should proceed at once, the site should be designated fh1 for development within the 2006-2010 period. A project area for strategic landscaping should be identified along the north-west boundary of the site.

## **Recommendations**

110.30 Objection 803.1.1: I recommend no change to the local plan in respect of this objection.

110.31 Objections 47.20.1 & 361.18.2: I recommend the local plan is modified as follows:

include the objection site (land to the north of site eh1) within the settlement boundary;

designate the land fh1 with a P (strategic landscaping) designation adjacent to the north-west boundary with the industrial estate;

indicate in the text:

Future housing land is shown as site fh1(25)<sup>1</sup>

<sup>1</sup> The final figure to be dependent on a noise impact assessment.

Two project areas are shown as P1 (beach access) and P2 (strategic landscaping)

## ISSUE 112

### Formartine – Cultercullen

<b>Objector</b>	<b>Reference</b>
Scottish Environment Protection Agency (SEPA) Country Life Estates Limited	969.5.9 1310.2.1 & 17.4 (previously 568.67.4 & 82.1)
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

112.1 The finalised local plan designates Cultercullen as a rural service centre in the Aberdeen housing market area. Future housing land with a capacity of 10 houses is shown as site fh1. A footnote indicates that first time sewerage provision will be required. There is a project area for future landscaping with P notations to the south and east of site fh1.

### Basis of the objections

112.2 **Country Life Estates Limited** welcomed site fh1 but, in view of a shortfall in the 5 year housing land supply, (see Issue 20), the site should be brought forward for development in the period 2000-2005. (1310.2.1)

112.3 **SEPA** objected to site fh1 as there is no Scottish Water sewerage system and no potential for a new system. No foul effluent would be permitted due to the sensitivity of the receiving watercourse. Individual private drainage systems would have an adverse impact. (969.5.9)

### The council's initial response

112.4 The comments of **SEPA** clarify the infrastructure requirement. Initially it was intended to retain Cultercullen as a rural service centre but to delete site fh1. However, it was subsequently decided to restore site fh1 and it is therefore intended that the Cultercullen settlement statement and map should remain as in the finalised local plan.

### Further comments and objections

112.5 **SEPA** indicated a willingness to withdraw the objection but this is conditional upon site fh1 being deleted.

112.6 **Country Life Estates** objected to the proposed deletion of site fh1. Cultercullen is an attractive small settlement in the Aberdeen housing market area which would benefit from new residential development for which there is significant demand. The primary school has a capacity of 96 pupils but the existing roll of 47 is forecast to increase to only 61 by 2011.

Lack of mains drainage is a constraint but measures to overcome the difficulty are being pursued with Scottish Water. Drainage should not be an impediment to allocating the site in the local plan. The development plan should provide a land use framework to allow investment and development to take place with confidence.

112.7 The continued inclusion of site fh1 is supported but the time period should be brought forward to 2000-2005. (1310.17.4)

### **The council's further response**

112.8 The council confirms that there is no overall shortfall in housing land supply and therefore, in order to comply with structure plan requirements, site fh1 should remain in the period 2006-2010.

### **Conclusions**

112.9 In considering housing land supply under Issue 20, it was concluded that there is not a requirement for additional allocations. In terms of drainage, SEPA is adamant that there is no prospect of an acceptable drainage system. The council appears to have initially accepted that the information provided by SEPA clarified the situation. Although Country Life Estates is pursuing this matter with Scottish Water, no information has been provided that permits me to conclude that drainage problems will be overcome. On this basis, notwithstanding the footnote that draws attention to the need for first time sewerage, I conclude that the inclusion of site fh1 would be misleading, there being no clear indication that the drainage constraint can be overcome. In turn, I conclude that site fh1 should be deleted from the local plan along with the related project areas.

### **Recommendation**

112.10 I recommend that the local plan is modified whereby site fh1 and the related project areas are deleted from the Cultercullen proposals map and settlement statement.

## ISSUE 113

### Formartine – Cuminestown

<b>Objector</b>	<b>Number</b>
Monquhitter Ratepayers and Amenities Association	915.1.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

113.1 The finalised local plan designates Cuminestown as a rural service centre in the rural housing market area. A project area for strategic landscaping is shown in the north-west section of future housing site fh1 for 25 houses.

### Basis of the objection

113.2 **Monquhitter Ratepayers and Amenities Association** believes the project area should be extended to Kirkbrae Road

### The council's response

113.3 The objection is accepted. It is intended to re-designate site fh1 as site A with a capacity of around 8 houses and relocate site fh1 to the immediate west with the capacity reduced from 25 to 17 houses. This ensures compliance with structure plan housing land requirements. Project areas for strategic landscaping are proposed along the entire northern and western boundaries. The existing site Emp A would be re-designated Emp B.

### Conclusions

113.4 Insofar as the proposed modification includes project areas for strategic landscaping along the northern and western boundaries, the terms of the objection are met. There is no reason to dissent.

### Recommendation

113.5 I recommend that the local plan is modified, as proposed by the council, and as set out in paragraph 113.3.

## ISSUE 114

### Formartine – Daviot

Objector	Reference
Kirkwood Homes Limited	560.10.1-3
Scottish Natural Heritage (SNH)	986.27.1
Mr Norman P Lawie	1126.2.1-3

  

Procedure	Reporter
Informal hearing (Mr Lawie) and written submissions	Richard Dent

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### Provisions of the local plan

114.1 The finalised local plan designates Daviot as a rural service centre in the rural housing market area. Around 42 houses are identified under site eh1 which relates to various areas of land in the proximity of the House of Daviot. Future housing is shown as site fh1(10), again close to the House of Daviot.

### Basis of the objections

114.2 **SNH** is concerned about the housing identified under site eh1, in the grounds of the House of Daviot. Although not included in the Inventory of Gardens and Designed Landscapes in Scotland, the grounds are recognised as being of local importance and contribute to the wider landscape. The gardens therefore have a heritage value and the allocation is contrary to the purpose and principles of Policy Env\20, Historic Gardens and Designed Landscapes, and Policy Gen\1, Sustainability Principles, in respect of damage to a built and cultural resource. (986.27.1)

114.3 **Kirkwood Homes** seeks the relocation of the settlement boundary to the west of the village of Daviot to allow residential development in the periods 2000-2005 and 2006-2010 along with an adjacent area for strategic planting, access and leisure.

114.4 The current boundary is arbitrary and difficult to discern whereas the proposed modification is more obvious and defensible, adjacent to the main access road to Daviot. Proposed sites A and fh1 would allow visual integration with the adjacent existing houses. Project area P would lie between the residential allocation and the Daviot Estate.

114.5 The existing site fh1 should be deleted as the location is arbitrary, exposed and divorced from the main settlement. The site would be unduly conspicuous in its landscape setting. Compared with the proposed alternative site, servicing would be difficult and expensive.

114.6 Although Daviot is within the rural housing market area, it is a satellite settlement of Inverurie, around which there should be a range of new residential locations. No new

allocations are intended in the smaller settlements around Inverurie and existing allocations are limited or constrained. Structure plan Table 4b indicates 165 houses in the effective land supply for “other settlements, Formartine” whereas local plan Appendix 10 has a total of only 144. The proposed site A could be developed immediately to make good this deficit. (560.10.1-3)

114.7 **Mr Lawie** objects to sites eh1 and fh1 as both are divorced from the existing built-up settlement of Daviot. As an alternative he proposes that land around the House of Daviot should be allocated as a redevelopment area suitable for around 18 houses and including two project areas to the east for recreational facilities and environmental improvements. To the north-west of the village land should be allocated under site A for around 25 houses (as proposed in CALPs) and future housing should be shown to the south-west (site (i)). There should be additional landscaping to the south-west of site A.

114.8 The draft local plan had regarded houses within the grounds of the House of Daviot as enabling development to allow conversion of the main building into flats. These houses should not now be included in the housing allocation figures, nor should they be shown as part of Daviot. The new access is from the B9001, Rothienorman Road, to the west, and the link to Daviot is merely an agricultural track. New residents in site eh1 will not consider themselves to be part of the village.

114.9 Site A, as proposed, would have the advantage of shielding the intrusive nature of the existing rear gardens. Should site fh1 be deleted from the finalised local plan, site A would be able to accommodate more than 25 houses. (1126.1-3)

### **The council’s responses**

114.10 Objection 986.27.1: The objection is not accepted. Planning permission has been granted for site eh1, enabling the retention of the historic buildings and taking account of the designed landscape. Site fh1 remains as the least obtrusive of the available sites. (see objections 1126.1.1-3)

114.11 Objections 560.10.1-3: The objections are not accepted in terms of site A which may appear as “rounding-off” but is in a very prominent location and would have a high visual impact at the entrance to the village from the south. Site fh1 complements the landscape setting of the settlement and was identified as being visually less conspicuous. The structure plan does not require further housing land allocations.

114.12 Insofar as the proposed project area is concerned, a similar proposal is being taken forward by the Daviot Community Trust.

114.13 Objections 1126.1.1-3: The objections are not accepted. Allocation of site A would result in an over-supply of houses in the rural housing market area for the period 2000-2005. Similarly, no allocations are required in the 2006-2010 period. In any event, any allocation in excess of 15 houses would be contrary to the structure plan which seeks to ensure development in rural service areas is small-scale, usually less than 15 houses.

114.14 The incorporation of a project area of 4.7 hectares is unnecessary as community woodland within the House of Daviot estate is to be provided as part of the overall redevelopment scheme through the Daviot Community Trust.

114.15 The principle of development of the House of Daviot estate was established at the CALPs inquiry and subsequently carried forward into the finalised local plan. The area involved included site fh1. Planning permission for the estate was granted in 2000 as an enabling development to ensure that both the listed buildings and associated grounds were restored and maintained in perpetuity. This involved conversion, demolition and new-build comprising 42 units in total. Work is underway and, although the new houses will be physically separated from Daviot, the residents will use the facilities in the village.

114.16 Site fh1 is located in a mature, well-structured woodland landscape, which formed part of the original estate associated with the mansion. The well-established nature of the planting will screen any development and there will be no impact on the landscape character of the open countryside to the north and east of the site or the landscape setting of Daviot. Residential development is currently underway adjacent site fh1.

## **Conclusions**

### Structure plan issues

114.17 Conclusions in respect of objections considered under Issue 20 do not support additional housing land allocations to meet strategic requirements and so it is appropriate to limit consideration of objections in respect of Daviot to matters of relevance to the settlement.

### House of Daviot estate and site eh1

114.18 Site eh1 has been granted planning permission as part of a wider development to secure the restoration of the House of Daviot and the grounds. Work is well underway and a number of houses have been completed to the west of the house with access from the B9001. The development must be regarded as a *fait accompli* and objections to this allocation have therefore been overtaken by events. Although SNH is concerned about the impact on the grounds of the House of Daviot, it appears that the planning permission and related environmental work is intended to encompass the long term improvement of the estate.

114.19 Mr Lawie believes that the House of Daviot development is divorced from the village. The access to the B9001 will be used and the direct link to the village is an agricultural track. The council accepts the physical separation but is of the opinion that the incoming residents will look to the facilities offered in Daviot.

114.20 I believe the link between the House of Daviot and the village will prove unattractive and it is inevitable that the access to the B9001 will be used as a matter of course. It is likely that there will be some use by the new residents of the facilities in the village but this will be akin to use by those living in the rural hinterland of any village. The incorporation of the House of Daviot estate within the village envelope is therefore an artificial concept that cannot be justified. Accordingly the House of Daviot and the surrounding grounds should be excluded from the settlement boundary.

114.21 Insofar as the housing potential was identified in the Housing Land Audit, January 2000, the development remains part of the base supply and the eh1 designation should remain. However, it would be appropriate to augment the designation by means of a redevelopment area symbol and text explaining that site eh1 is suitable for around 42 houses, including some conversion opportunities, as part of an enabling project to support the restoration of the House of Daviot and related buildings and to secure the improvement and long term maintenance of the grounds. The protected area designation should remain albeit outwith the proposed smaller settlement boundary. (An example of a similar protected area beyond the settlement boundary is found on the Stonehaven South proposals map.)

Existing site fh1 and proposed sites A, fh1 and (i)

114.22 Mr Lawie and Kirkwood Homes oppose site fh1 on the basis that it is divorced from the village. The council maintains that the site is preferable in landscape terms to the alternatives suggested to the west of the village which would be more prominent in the landscape.

114.23 Site fh1, as proposed in the finalised local plan, is clearly separate from the village and, in terms of the foregoing conclusion, is located some distance beyond the appropriate settlement boundary. I accept, as argued by the council, that development would not have a significant impact in terms of the wider landscape, particularly as the site is adjacent to housing built under the eh1 allocation. However, the site lies in the countryside and, whilst to some extent it could be seen as an extension of the eh1 allocation, development has not been required on an enabling basis. Accordingly, there is a strong policy presumption against development and, in turn, I conclude that site fh1, as proposed in the finalised local plan should be deleted.

114.24 The land to the west of the village is regarded by the council as prominent although it has been suggested by Mr Lawie that a benefit of development would be to hide the existing rear gardens and Kirkwood Homes also believes that new housing could integrate with the existing.

114.25 The land rises to the north of the road approaching the village and, although there is an aspect across rear gardens, this is not prominent nor particularly displeasing in wider views of this edge of Daviot. New development would remove the upward sweep of the ground from the road to the trees beyond to the detriment of the setting of the village. Despite it being suggested that new housing could integrate with the existing village, I find it difficult to accept this argument as the existing housing in this part of Daviot is built around a self-contained cul-de-sac and is not conducive to further natural expansion of the settlement. I therefore conclude that there should be no housing land allocations to the north of the road leading to Daviot from the west.

114.26 On the other hand, the area to the south-west of the village, south of the road (area (i) on the plan submitted by Mr Lawie), is significantly less prominent in the landscape and would be suited to a small residential development subject to access being possible from the north and careful design that takes account of the amenity of the existing houses to the east and the outlook to the west. I conclude that this land should be designated fh1 with the

number of houses to be determined following a more detailed assessment of the layout requirements.

### Project areas

114.27 Insofar as I have concluded that land to the east of the proposed project area should not be allocated for housing, I also conclude that there is no requirement to proceed with this particular proposal. However, notwithstanding this conclusion, I have noted that, as part of the House of Daviot development, the Daviot Community Trust is to undertake improvement work.

### **Recommendation**

114.28 I recommend that the local plan is modified whereby:

the settlement boundary of Daviot is reduced to include only the village itself and the land to the south-west recommended for designation as relocated site fh1 (see below);

a redevelopment area symbol should be applied to the House of Daviot with text explaining that site eh1 is suitable for around 42 houses, including some conversion opportunities, as part of a project to support the restoration of House of Daviot and related buildings and to secure the improvement and long term maintenance of the grounds; the protected area designation should remain;

site fh1 should be deleted as shown and relocated to the south-west of Daviot. The text should indicate future housing land, the number of houses to be determined following an assessment of layout considerations including access and boundary treatment.

## ISSUE 115

### Formartine – Ellon

<b>Objector</b>	<b>Reference</b>	
Mr & Mrs John Stevenson	47.18.1	
Bett Homes Limited	47.39.1	
Tesco Stores Limited	450.3.1	
Mrs A M Tawse	693.2.1-2	
Safeway Stores plc	693.4.1	
Mrs P J Norman	939.1.1-2	
Taylor Design Services	1085.12.1	
Scotia Homes Limited		1237.2.6
Barratt Construction Limited	1251.1.2 & 5.1	

  

<b>Procedure</b>	<b>Reporter</b>
Public local inquiry (Barratt Construction) and written submissions	Richard Dent

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### Provisions of the local plan

115.1 The finalised local plan designates Ellon as a main settlement in the Aberdeen housing market area. High demand for new housing is one of the identified main planning issues. There are nine development sites including site eh1/ch1, suitable for around 500 houses, site eh2, around 18 houses, site eh3, around 7 houses, site eh 4, around 7 houses, site eh5, around 7 houses, site ch2, around 25 houses, site ch3, around 46 houses, site A, 20 houses and site Emp B, suitable for appropriate employment uses.

115.2 No particular areas of search are indicated, but, consistent with its main service centre role, Ellon is expected to accommodate a share, proportionate to its size, of the future housing for the period 2011-2016. A preferred area (or areas) of search will be identified, on the basis of a strategic investigation, early in the life of the plan.

115.3 A footnote indicates the development of site Emp B will be subject to a development brief, which might include provision for a supermarket, subject to satisfying the sequential approach as set out in structure plan Policy 15.

### Basis of the objections

115.4 **Barratt** requires 10.5 hectares at Comleybank to be allocated for housing and ancillary uses after 2006. Services are available and the notional capacity would be 200 houses. The site is the most suitable for housing in Ellon and there should be no question of undertaking a search in any other area. Identification of the site, which has been extensively tested and analysed, would overcome the uncertainty engendered by the plan.

115.5 The site is well-located in terms of road links, the town centre, access to Aberdeen, further long-term expansion, providing balance to the shape of the town, assimilation into the social and physical fabric of the town and relationship with the Ythan river corridor.

115.6 The site is effective being under the control of a housebuilder.

115.7 A masterplan has been prepared with a first phase of 200 houses, associated landscaping and open space, riverside walk and a roundabout providing access from South Road. This would also serve any future phase. Barratt wishes to co-operate with the council in respect of providing land for an expansion of the sewage treatment works, landscaping and the construction of a footbridge over the river. A landscape appraisal has been undertaken and concludes that the site is the most appropriate in terms of impact. There would be positive environmental benefits in terms of the nature conservation value of the River Ythan. Although the northern section of the site lies within the flood plain, all houses would be built on land above this level.

115.8 Depending on the outcome of the consideration of strategic housing objections under Issue 20, the land should be designated under Policy Hou\1, Policy Hou\2 or, in the last resort, as an fh\* site under Policy Hou\2b. Although structure plan allocations for Ellon are limited because of the rate of building that has taken place in recent years, there is a need to ensure conformity with Policy 7 in terms of the 5 year housing land supply. It is essential for allocations to be made as part of the local plan process rather than following the council's capacity study at a later date, particularly in view of the length of time since the preparation of the plan commenced. This would be in accordance with the role of Ellon as a main service centre where development should be focussed.

115.9 There are compelling reasons for allocating the land at Cromleybank in comparison to the various other sites that have been suggested, particularly taking into account the outcome of the CALPs inquiry. Adequate information has been provided to enable an assessment of the relative merits of the various sites and conclude that Cromleybank should be the preferred location. (1251.1.2 & 5.1)

115.10 **Mr & Mrs Stevenson** require land to the east of Ellon to be reserved as an area of search for future housing for the period 2011-2015. In pursuing this objection the evidence in respect of objections to strategic housing land supply, affordable housing and developer contributions is accepted.

115.11 A structure plan review may show a need for earlier release and the identification of the objection site would allow the land to come forward at the appropriate time.

115.12 Ellon is a key main service centre and is situated on a major communications and development corridor. Although the council is intending to identify an area or areas of search under structure plan Policy 10 following a capacity study, no work appears to have been undertaken in this respect. It would therefore be appropriate for land to be safeguarded under Policy Hou\2(b), through the local plan process.

115.13 There is a demand for housing in Ellon and the 500 units allocated in the town up to 2006 through the Grampian Structure Plan are nearing completion. If overall land supply is in deficit, consideration should be given to allocating additional land in Ellon.

115.14 A landscape and visual assessment of the objection site has been undertaken which confirms the land is fully enclosed by the A90, A920 and the River Ythan and would relate well to the new housing built in the Knockothie expansion area, including the new link road and park-and-ride facility. Development would represent a natural further expansion which would not cross the constraints of the river of the A90. The assessment draws attention to the potential for continuing the riverside path and the need for screen planting. The site is convenient for public transport, employment land and future possible retail development. (47.18.1)

115.15 **Bett Homes** requires land to the north of Ellon Golf Club to be allocated as an area of search for housing for the period 2011-2015, or earlier should a need be identified. The site has defensible boundaries, enclosed by a farm track, dyke and housing and is well-located for access to the new relief road. Although the site has been criticised in the past for intruding into a “green finger” of land, sensitive development with structural landscaping could help to establish an appropriate gateway to Ellon.

115.16 The objection also relies on objections to strategic housing land supply discussed under Issue 20.

115.17 Ellon is recognised in the local plan as the main service and employment centre for the south part of Formartine and is a well-established commuter town for Aberdeen. The structure plan indicates that the town is already committed to accepting considerable growth and therefore no allocations are made beyond 20 units for the period 2000-2005. Nevertheless, under structure plan Policy 10, Ellon is expected to accommodate a proportionate share of the future housing required for the period 2011-2016. Land should therefore be identified as part of the local plan preparation process.

115.18 The council’s housing land audit shows that effective sites in Ellon will be completed by 2007 and constrained sites will be built-out by 2009. Essentially, housing development in Ellon has been at a single site at Knockothie. It is therefore important to allocate more sites in the town at this time in order to maintain a continuous effective housing land supply.

115.19 Although the council has indicated that a capacity study is to be undertaken, it is not to be part of the current local plan and no findings have been published. In terms of the structure plan requirements, it is important that the local plan should allocate further sites. In this respect, the objection site could contain around 80 houses adding to the range of choice.

115.20 On the foregoing basis the site should be allocated for housing under Policy Hou\1, failing which it should be allocated as a future housing site under Policy Hou\2 or, alternatively, safeguarded as a potential future housing site under an fh\* notation. (47.39.1)

115.21 **Scotia Homes** points out that only two housing sites are under development and these will be completed prior to the adoption of the local plan leaving only a site for 20 affordable houses. This is unacceptable in terms of providing a continuing 5 year effective land supply.

115.22 Land to the south of Ellon is available and could have the further advantage of creating a by-pass to alleviate traffic congestion. A hotel and leisure complex could also be

included which would complement Ellon as main service centre. On this basis, the land should be allocated for residential and commercial development. (1237.2.6)

115.23 **Taylor Design Services** requires the allocation of a small area of land to the south of Ellon for a single house plot. The disused allotment is in a derelict condition and house plots are in great demand. (1085.12.1)

115.24 **Mrs Tawse** objects to project area P1, improved public access, which suggests access throughout land in her ownership. The notation should be deleted as it includes a field in agricultural use where it is inappropriate to encourage public access. (693.2.1)

115.25 Part of the land owned by Mrs Tawse is designated ch2 and this should be shown within a larger area for residential development under Policy Hou\1. (693.2.1-2)

115.26 **Tesco** believes that site Emp B is suitable for a supermarket subject to satisfying the sequential approach of structure plan Policy 15. The plan should clearly indicate the intended retail development on the site is to improve choice and competition rather than replace existing town centre retail floorspace. The town centre would retain its position as an important retail focus and complement the proposed new store. (450.3.1)

115.27 **Safeway** also supports the use of site Emp B for a supermarket and expresses the desire to relocate to the site from the town centre in the belief that the sequential test can be satisfied. (693.4.1)

### **The council's responses**

115.28 Objections 1251.1.2 & 5.1: The objections are not accepted. The structure plan does not make provision for additional houses in Ellon prior to 2011. In respect of housing beyond that time work is underway on the Ellon Capacity Study. No specific areas of search for Ellon are to be identified in advance of the study. In due course the Cromleybank site could potentially make a significant contribution towards housing or other land use requirements. However, the site has never been allocated for housing in a development plan. The early designation of one, or more, areas of search would prejudice the study which should be available on draft in the spring of 2005. All potential housing areas will be considered in the study on a comparative basis.

115.29 The area is next to the River Ythan and a detailed drainage impact assessment and flood risk assessment will be required to demonstrate feasibility as suitable development land. In particular, it will be necessary to delineate the functional flood plain and take cognisance of climate change. It is likely that a substantial area of the proposed site would be suitable for development and so the issue of drainage and flooding could be considered in the context of an outline planning application.

115.30 Objection 47.18.1: The objection is not accepted. The site, to the immediate south of site Emp B and the existing park-and-ride facility, extends to approximately 15.4 hectares and could potentially make a significant contribution towards housing or other land use development requirements identified through the capacity study. However, the designation of one, or more, areas of search at this time would prejudice the study.

115.31 Objection 47.39.1: The objection is not accepted. Housing land beyond 2011 will be identified through the ongoing capacity study. However, the CALPs inquiry found no justification for safeguarding the site for future housing as this would be to the detriment of the “green finger” which leads from the town centre northwards.

115.32 Objection 1237.2.6: The objection is not accepted. The proposed site to the south of Ellon may provide a significant opportunity towards meeting development requirements for future growth. However, as indicated in respect of other objections, the designation of one, or more, areas of search would prejudice the study.

115.33 Objection 1085.12.1: The objection is not accepted. The site is an illogical extension of the settlement and would set a poor precedent for the future. The use of the site would only be possible if Ellon continues to grow to the south-west

115.34 Objection 693.2.1: The objection is not accepted. At the CALPs inquiry it was argued that the retention of site P1 for open space should be given the highest priority due to the contribution the site makes to the character of the immediate vicinity and to Ellon as a whole. However, as a result of the inquiry, the public open space designation was removed although the Reporter saw no reason why the designation for greater public access for informal recreational purposes should not remain. This designation is now reflected in the finalised local plan. Protected area status is applied to the woodland surrounding the site, which is subject to a tree preservation order, and the objection site itself, the use of which for agricultural purposes is acknowledged.

115.35 The inclusion of site P1 as a project area affords the area a degree of protection to safeguard the intentions of the council. Development is not precluded, providing the project - in this case improved public access - can still be achieved. As a prominent open space in a central location, the castle environs are an integral part of the Ellon open space framework and the character of the town. The woodland area is part of Ellon Circular Walk and highly valued by residents of the town. A series of paths covers the area and provide a link between housing to the north and the town centre. This is to be encouraged, especially is the 600 house development at Knockothie is nearing completion.

115.36 Objection 693.2.2: The objection is not accepted. Housing allocations are not required under structure plan Policies 8 or 9, either on the objection site or elsewhere in Ellon. Except for Project Area P1, the area is not designated for development. Policy Gen\4, Infill Development, applies, and this could include residential development.

115.37 Site P1, along with site ch2, is the subject of a current planning application. A development brief has been approved promoting the provision of around 75 houses across both sites, with a lower density in area P1. However, the need for public open space with improved public access and footpath links remains an explicit requirement.

115.38 Objections 450.3.1 & 693.4.1: The council does not consider that the “objections” conflict with the provisions of the local plan insofar as a retail proposal which meets the sequential test would be acceptable on site Emp B. A planning application has been submitted which includes a retail impact assessment. A similar application has been received in respect of another site in the town and both applications have been “called-in” for determination by Scottish Ministers.

## **Conclusions**

### Housing in the period to 2011

115.39 Structure plan Table 4a allocates 20 houses to Ellon for the period January 2000-December 2005 followed by no allocation for the period January 2006-December 2010. Site A in the Ellon Central proposals map satisfies the 2000-2005 allocation through the provision of 20 affordable houses. The structure plan explains that for the period 2006-2010, indicative housing allocations are made to all the main service centres (Ellon being identified as a “key” main service centre) with the exception of Stonehaven and Ellon. The structure plan explains that Ellon is already committed to accepting considerable growth. That growth is reflected in the eh and ch housing sites within the town where development has progressed and, in the opinion of Bett Homes, will be complete by 2009.

10.40 It is clear that the Knockothie development represents a very substantial expansion of the town and, on the basis of Table 4a, I conclude that additional housing land allocations should not be provided at Ellon for the period up to 2010.

115.41 Objectors also rely on the arguments put under Issue 20 but consideration of these matters has led to the conclusion that additional housing land allocations in the local plan are not necessary. Accordingly, notwithstanding the terms of Table 4a, I also conclude that there is no other strategic requirement for the provision of housing land in the period up to 2010.

### Housing in the period 2011-2016

115.42 Structure plan Policy 10, Indicative Housing Distribution: 2011-2015, states that strategic housing land reserves sufficient to accommodate 5,700 houses in the Aberdeen housing market area are required. An allowance is to be made for 3,000 houses on brownfield land in Aberdeen with the remainder distributed amongst accessible greenfield locations adjacent to the urban area of Aberdeen and in the main service centres in Aberdeenshire. Local plans may, where possible, indicate where this housing should be accommodated, based on the capacity of settlements and in accordance with their function and roles and in the same broad proportions that are set out in Policy 9. These indicative allocations will be subject to review through the development plan process.

115.43 Overall, any indicative allocation in Ellon would fall within the total of 2,700 to be provided in the Aberdeen housing market area in greenfield locations adjacent to the urban area and in the main service areas. Insofar as Ellon is concerned, an indicative allocation could be anticipated insofar as the town is a “key” main service area. On the other hand, insofar as allocations are to be in the same broad proportions as set out in Policy 9, it may be argued that there should be no allocation for Ellon to reflect the lack of any housing land required for the 2006-2010 period.

115.44 Areas of search or sites safeguarded to contribute to the indicative structure plan housing distribution from January 2011-December 2015 are included in some settlements in Aberdeenshire under an fh\* designation. However, it is clear that Policy 10 does not oblige the finalised local plan to include indicative housing allocations. Nevertheless, when it is

indicated where housing should be accommodated, this should be related not only to the function and role of the settlement and in broad proportion to Policy 9 but should also be based on the capacity of the settlement. Insofar as Ellon is concerned, the local plan states that a preferred area (or areas) of search will be identified, on the basis of a strategic investigation, early in the life of the plan. The council has explained that a capacity study is underway with a draft expected during the spring of 2005. This is the strategic investigation referred to in the document. Despite the concern by Barratt about delay in the preparation of the document, progress is being made and, as indicated by the council, an assessment of the various objection sites will be included in the study.

#### The potential of the objection sites in terms of strategic housing

115.45 Mrs Tawse requires her land to be designated under Policy Hou\1 but, as I have concluded, no housing allocations are required in Ellon in the period to 2011. Nevertheless, the council has referred to a planning application relating to both site ch2 and project area P1. It may be that this planning application will, in effect, lead to the resolution of the housing land objection but, in terms of the local plan, there is no supportable case for an additional allocation. Insofar as project area P1 is concerned, the council acknowledges the agricultural use of part of the area and emphasises the importance of links between the new housing development to the north and the town centre. I accept the pedestrian links are a worthwhile objective but it is clear that a balance must be achieved. The current planning application may also lead to a resolution of this aspect of the objection but, in the meantime, the generality of the local plan is acceptable and I conclude that no modification is required.

115.46 Mr and Mrs Stevenson draw attention to the locational advantages of their site in terms of proximity to transport facilities and possible retail development along with the benefits to be derived from extending the riverside walk and providing screen planting.

115.47 Barratt believes the Cromleybank site to be clearly the leading contender for future housing land in terms of the overall structure of the town, landscape impact, availability of infrastructure, provision of riverside open space and the attention that has been devoted to assessing and testing the site. The objection site itself could be extended to provide for longer term housing needs.

115.48 Scotia Homes asserts that development to the south of Ellon could lead to the construction of a relief road and could include a commercial element that would be to the economic advantage of the town.

115.49 Bett Homes believes that, despite concern about the impact on the green finger, the site north of the golf course could form a gateway to Ellon.

115.50 Other than for the Bett Homes objection site, the council recognises that each of these sites could make a contribution to future housing land requirements. Nevertheless, the council states that any decision on allocations should derive from the ongoing capacity study.

115.51 Whilst I accept that local plans should provide detailed guidance to provide certainty in respect of future development, I do not consider that the local plan is out of step with the structure plan in terms of guidance for housing land from 2011-2015. No matter the hope of the objectors that there should be indicative allocations in Ellon for this period, the council is

entitled not to include fh\* notations on land in and around the town. Similarly, notwithstanding concern about the rate of progress, the council is undertaking a capacity study which should be available in the relatively near future. This will consider the relative merits of the objection sites and, no doubt, any other potential sites that might be available.

115.52 On the basis of the foregoing, I conclude that the local plan should not be modified in respect of indicative housing land allocations for the period, 2011-2015.

#### Single house plot

115.53 The objection seeking development of the site for a single house in effect requires the extension of the settlement boundary. Such an extension would involve a finger of land protruding from the existing boundary which is clearly defined by the rear of residential property. The proposed single house plot, would therefore appear as an incongruous feature on the edge of the built-up area. Peripheral locations such as this often experience development pressure which, cumulatively could lead to the loss of integrity of a settlement. I therefore conclude that the local plan should not be modified in respect of this objection.

#### Site Emp B

115.54 Both Tesco and Safeway support the reference in the finalised local plan to the possibility of a supermarket on site Emp B and contend that the sequential approach is satisfied. The council believes, in effect, that these views are not objections to the terms of the local plan although they have been recorded as such. The council also points out that planning applications have been submitted proposing supermarkets on this and another site in the town, both applications having been “called-in” for determination.

115.55 The two planning applications will take their course but I conclude that the terms of the local plan do not require modification as there is no objection to the location of a supermarket within site Emp B or the requirement to satisfy the sequential approach.

#### **Recommendation**

115.56 I recommend that there are no changes to the local plan in respect of all the foregoing objections.

## ISSUE 117

### Formartine – Fisherford

<b>Objector</b>	<b>Reference</b>
Scottish Environment Protection Agency (SEPA)	969.5.13
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

117.1 The finalised local plan designates Fisherford as a rural service centre in the rural housing market area. Site A is shown to be suitable for around 7 houses and a footnote indicates that first time sewerage provision will be required. Site B is said to be suitable for around 4 houses. Future housing land is shown as sites fh1(7) and fh2(6). Sites B, fh1 and fh2 contain project areas for strategic planting.

### Basis of the objections

117.2 **SEPA** objects to the development allocations as there is no Scottish Water sewerage system and no potential for a new system. No foul effluent would be permitted due to the sensitivity of the receiving watercourse. Individual private drainage systems would have an adverse impact.

### The council's response

117.3 The objection is not accepted. No change is intended as the chosen sites contribute towards the housing land supply in the rural housing market area. It is proposed to add a further footnote to indicate the requirement for first time sewerage provision at site B.

### Conclusions

117.4 Although the council's desire to provide a housing contribution in the rural housing market area is appreciated, SEPA is adamant that appropriate drainage provision cannot be provided. On this basis, notwithstanding the proposed additional footnote drawing attention to the need for first time sewerage, I conclude that the inclusion of development allocations would be misleading as there is no indication that there will be a solution to the drainage constraint. In turn, I conclude that sites A, B, fh1 and fh2 should be deleted from the local plan along with the related project areas.

### Recommendation

117.5 I recommend that the local plan is modified whereby sites A, B, fh1 and fh2 along with the related project areas are deleted from the Fisherford proposals map and settlement statement.

## ISSUE 118

### Formartine – Foveran

Objector	Reference
Blairythan Properties	448.42.1, 448.47.1 & 568.53.1
J W Benton	619.27.1
Scottish Environment Protection Agency (SEPA)	969.61
Jane B Pirie	1258.1.1

Procedure	Reporter
Informal hearing (Blairythan Properties and Mr Benton) and written submissions	Richard Dent

### Provisions of the local plan

118.1 The finalised local plan does not identify Foveran, which is within the Aberdeen housing market area, as a rural service centre. A proposed modification applies rural service centre designation along with an fh1 allocation adjacent to the north-western section of the settlement boundary, north of Ardoe Road. There are “P” notations close to the western boundary of site fh1. The modified text states:

Within Foveran only development meeting the Plan’s policies will be permitted.  
A project area (strategic landscaping) is shown as Site P.  
Future housing land is shown as Site fh1(6).

### Basis of the objections

118.2 **Blairythan Properties** explains that land to the south of Ardoe Road, opposite site fh1, had been allocated in the draft local plan for around 12 houses but this allocation was omitted from the finalised document. Despite objections to this omission, an alternative site to the north of Ardoe Road has been proposed as a modification to the local plan.

118.3 Appendix 10 of the local plan sets out the housing allocations which, in terms of the structure plan requirements, should total 125 for “other settlements, Formartine” in the period 2006-2010. Various modifications to the local plan have led to a shortfall of 17 and an allocation at Foveran is justified to meet the target. On this basis, the housing allocation should be reinstated as originally proposed. The benefits of Foveran include a school, shop, hall, businesses and good transport links along the A90.

118.4 The 17 houses required to meet the target could be achieved by either extending the site to the south of Ardoe Road or allocating land to both the north and south of the road. In the event of additional land not being required for the period 2006-2010, the objection site should be allocated for future development under an f\* notation. A benefit of allocating a single larger site to the south of Ardoe Road would be that 25% of the units could be affordable housing.

118.5 The site designated fh1 by the council has poor porosity and drainage would require a reed bed, understood not to be popular locally. On the other hand, the land to the south could be readily drained using “biolife” technology which would not involve discharge to a watercourse. SEPA has confirmed that, in principle, there is no objection to the proposals subject to there being no discharge. This is a pragmatic approach to ensure the best practical and environmentally acceptable method for the disposal of foul drainage.

118.6 A new foul drainage system is proposed involving a pipe from Newburgh to Balmedie which would pass Foveran at a distance of about 1.5km. A connection would not be justified to provide drainage for six new units but the opportunity could be taken to solve the wider drainage problem in the village.

118.7 Access to site fh1, as proposed by the council, would either be from Ardoe Road or from the adjacent cul-de-sac where there are ongoing problems in terms of adoption. In contrast, access to the land to the south would be directly from an existing adopted cul-de-sac. Site fh1 is on a north facing slope and therefore more susceptible to frost than the south facing land on the opposite side of Ardoe Road. Site fh1 is a westward intrusion into the countryside whereas the site to the south is a more logical rounding-off of the settlement boundary and would also allow any development required in the future to extend towards the A90 rather than further west. Overall, the visual impact of the land to the south of the road would be less than that of the land to the north. (448.42.1, 448.47.1 & 568.53.1)

118.8 **Mr Benton** points out that the allocated site has previously been rejected because of unsuitable ground conditions and lack of foul water drainage in the village. The houses adjacent to Site fh1 experience difficulty caused by surface water from the adjacent fields running into septic tanks. Additional houses would exacerbate this problem. All new houses *must* connect to Scottish Water facilities but there are no plans to upgrade the system. The junction providing access to the proposed site should not be subject to additional traffic. It appears that site fh1 was allocated to replace a deleted site at Newburgh. However, there is a more appropriate housing option at Newburgh. (see Issue 123) (619.27.1)

118.9 **Jane Pirie** objects to the reinstatement of the rural service centre designation. No additional housing should be allocated until there is adequate provision for sewage disposal with a guarantee that there would not be a further detrimental impact on existing householders. The most recent houses have experienced severe problems due to inadequate drainage.

118.10 Clay soil prevents adequate drainage and run-off from surrounding fields exceeds the capacity of the existing system leading to localised flooding. There is no indication that a permanent solution will be forthcoming and it is not acceptable to suggest that the construction of new houses would lead to the provision of a new system. (1258.1.1)

118.11 **SEPA** objects to the allocation as there is no existing Scottish Water sewerage system and the development of the site would be unlikely to provide the level of funding required for a new system. Individual private drainage systems would impact adversely on the environment, including controlled waters. (969.9.1)

118.12 When consulted on the alternative site proposed by Blairythan Properties, SEPA maintained the objection. It is accepted that individual houses in the countryside can often be

accommodated as the environment usually has the capacity to absorb the waste water without significant harmful impact. However, a proliferation of houses can lead to groundwater pollution. When not working well, private systems in the proximity of other housing can give rise to complaints. Whilst individual waste water soakaways in a settlement might fulfil technical requirements, the cumulative impact on groundwater can be significant.

118.13 Ground conditions in Foveran are, in general, unsuitable for full soakaways with no discharge to a watercourse. The watercourse has been at capacity for many years and draws effluent from a number of illegal connections which have failed. Any additional houses would not be environmentally sustainable.

### **The council's responses**

118.14 Objections 448.42.1, 448.47.1 & 568.53.1: The objections are not accepted. Generally, there is little discernable difference between the two sites as both would link to the existing settlement and display similar characteristics such as density. In terms of landscape setting, each site is relatively exposed with no natural topographic shelter or mature planting. SEPA maintains that there is no satisfactory drainage solution for either site; further individual private systems discharging to watercourses would not be approved.

118.15 Overall, taking into account that only 6 houses are proposed, the land to the north of Ardoe Road, is the council's preferred site. The allocation should be retained despite the concerns of SEPA in the hope that a drainage solution will be forthcoming eventually. The drainage connection between Newburgh and Balmedie may allow an additional allocation in due course but no details of such a possibility are presently available.

118.16 No additional allocations are required to justify further housing land at Foveran although it is accepted that, if the target of 125 houses cannot be met, the objection site would be a suitable location to meet some of the shortfall. Indeed, future development at Foveran would be welcomed should the drainage problems be capable of resolution.

118.17 Objection 619.27.1: The objection is not accepted. Although it is clear that the site is not particularly suitable in terms of drainage and the council does not wish to encourage private drainage systems, the fh1 designation should be retained. The continued allocation would allow the development of the site in the event of a solution to the drainage problem, the alternative being the sterilisation of the village.

118.18 Objections 969.9.1 and 1258.1.1: The objections are not accepted. The allocation of 6 houses requires to be retained as the site selected to contribute to the housing land supply in the Aberdeen housing market area.

### **Conclusions**

#### Rural service centre designation

118.19 There is little doubt that Foveran currently contains the required elements to justify designation as a rural service centre. These were set out by Blairrythan Properties and not disputed by the council which, in principle, welcomes the prospect of future development. Although Ms Pirie objects to the designation, this is on the basis that she believes the

drainage is inadequate and should preclude the construction of further houses. In terms of the local plan glossary, rural service centres “may provide opportunities to absorb small-scale local development needs” and it is therefore clear that additional development is not an absolute prerequisite. Indeed, there are a number of rural service centres that do not contain specific development proposals. Accordingly, I conclude that Foveran should be designated as a rural service centre as shown in the proposed modification to the finalised local plan.

### Drainage

118.20 Significant objections have been lodged in respect of drainage matters. Ms Pirie voices concerns on the basis of local knowledge and draws attention to problems in respect of both surface water and foul drainage. Mr Benton describes a surface water problem in the vicinity of site fh1 and this is not disputed by the council. SEPA points out that the local watercourse is at capacity and suffers from sub-standard illegal connections. Private systems are of concern and can cumulatively cause problems.

118.21 Blairrythan Properties accepts that there is a drainage problem although, at the end of the day, there is the prospect of a comprehensive solution through connection to the foul sewer connection proposed between Newburgh and Balmedie. In the meantime, a “biolife” system would be appropriate on the site to the south of Ardoe Road although, because of the nature of the soil, a similar system would not operate on the land to the north.

118.22 The council has provided little detailed evidence in respect of drainage but believes that a solution may be found in due course and therefore the residential allocation should remain.

118.23 It is clear that there is a problem in respect of both surface water and foul drainage. There is no firm indication that a solution to these problems can be anticipated through the provision of local improvements. Despite the reference to the possibility of connecting to the new Newburgh to Balmedie pipe, no details have been provided to allow me to conclude that this is a reasonable prospect. In any event, it is accepted by Blairrythan Properties that this solution would not be viable for a small number of new houses.

118.24 Overall, I consider that the concerns expressed by SEPA, as supported by Ms Pirie and Mr Benton, are valid and I therefore conclude it would not be appropriate to allow even a limited number of additional houses at Foveran. Although a housing land allocation in the local plan might draw attention to the need to provide a “first time sewerage connection”, there is no practical method of fulfilling this requirement. Accordingly, any allocation would be misleading and not provide the reasonable certainty of development that should be offered by a local plan. Foveran should therefore be shown as a rural service centre without any development opportunities.

### Site fh1

118.25 On the basis of the foregoing conclusion, there is no practical necessity to compare the competing sites. Notwithstanding, if a comparative assessment had been necessary, the council has stated there is little to choose between the two sites whereas Blairrythan Properties claim certain advantages for the site to the south of Ardoe Road. I agree that the lower level of the site to the south and its relationship with the existing houses would ensure

more compatible development in terms of both the built form and the landscape setting of Foveran. The various concerns about access arrangements to the land to the north are noted but these have not significantly influenced my conclusion that the land to the south should be preferred. Similarly, the claim that the southern site would be suitable for a biolife system that would operate without a requirement to discharge to the watercourse is noted. SEPA originally offered no objections to this proposal and has not subsequently made any detailed comments on this type of system.

### **Recommendation**

118.26 I recommend that the local plan is modified, as proposed by the council, but only to the extent that Foveran is designated a rural service area. No development opportunities should be identified and site fh1, shown by the council to the north of Ardoe Road, should be deleted. Accordingly the associated text should read:

Within Foveran only development meeting the Plan's policies will be permitted.

## ISSUE 119

### Formartine – Fyvie

<b>Objector</b>	<b>Reference Number</b>
Scottish Natural Heritage (SNH)	986.28.1
Grampian Primary Care NHS Trust	1310.14.7 (previously 568.60.7)
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

119.1 The finalised local plan designates Fyvie as a rural service centre in the rural housing market area. To the east of the village, site eh1 is identified for around 40 houses. Strategic landscaping is indicated to the south of the site under P1 and in the north-east part of the site under P2. Site A is identified as being suitable for community facilities including a community centre and car park.

### Basis of the objections

119.2 **SNH** objects to site eh1 which is on sloping ground above the village. Strategic landscaping required under P1 and P2 is welcomed but, notwithstanding, great care is required to prevent unacceptable landscape impact. (986.28.1)

119.3 **Grampian Primary Care NHS Trust** has identified a requirement for a further health care facility in Fyvie. This is recognised in Appendix 8, Developer Contributions, and a reference should also be included in the settlement statement. (1310.14.7)

### The council's responses

119.4 Objection 986.28.1: The objection is not accepted. The site, as adjusted, is derived from CALPs. Strategic landscaping will mitigate impact further.

119.5 Objection 568.60.1: The objection is accepted. It is proposed to extend site A and include a reference to the provision of a medical centre in the description.

119.6 The objection was conditionally withdrawn on the basis of the proposed modification.

### Conclusions

#### Site eh1

119.7 Objection 986.28.1: Although site eh1 is at the highest part of the village, development would not be on the skyline and the land slopes further upwards beyond the site. Taking into account the requirement for strategic landscaping, I conclude that the allocation

of the site is acceptable. In reaching this conclusion I note that SNH is not totally opposed to the site although it is recognised that great care is required. The development control process provides the opportunity to ensure that the overall design and layout meets the required standards. On this basis, I conclude that site eh1 should remain as allocated in the finalised local plan.

#### Health care facility

119.8 Objection 568.60.1: The proposed modification meets the terms of the objection and there is no reason to dissent.

#### **Recommendation**

119.9 Objection 986.28.1: I recommend no change to the local plan in respect of this objection.

119.10 Objection 568.60.1: I recommend that the local plan is modified, as proposed by the council, whereby site A is extended and reference made to a health centre.

## **ISSUE 120**

### **Formartine – Garmond**

<b>Objector</b>	<b>Reference</b>
Scottish Environment Protection Agency (SEPA)	969.5.15
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### **Provisions of the local plan**

120.1 The finalised local plan designates Garmond as a rural service centre in the rural housing market area. Site A is shown to be suitable for around 8 houses and a footnote indicates that first time sewerage provision will be required.

### **Basis of the objections**

120.2 **SEPA** objects to the development allocations as there is no Scottish Water sewerage system and no potential for a new system. No foul effluent would be permitted due to the sensitivity of the receiving watercourse. Individual private drainage systems would have an adverse impact.

### **The council's response**

120.3 The objection is not accepted. No change is intended as the chosen site contributes towards the housing land supply in the rural housing market area. It is proposed to re-designate site A as land for future housing under fh1(8)

### **Conclusions**

120.4 Although the council's desire to provide a housing contribution in the rural housing market area is appreciated, SEPA is adamant that appropriate drainage provision cannot be provided. On this basis, notwithstanding the proposed re-designation of site A to site fh1, I conclude that the inclusion of a development allocation would be misleading as there is no indication that there will be a solution to the drainage constraint. In turn, I conclude that site A should be deleted from the local plan.

### **Recommendation**

120.5 I recommend that the local plan is modified whereby site A is deleted from the Garmond proposals map and settlement statement. The site should not be re-designated fh1 as proposed by the council.

## ISSUE 123

### Formartine – Newburgh

<b>Objector</b>	<b>Reference</b>
Holyrood Developments Limited	568.71.1-6
Mr J W Benton & Mr J Marshall	619.3.1
Mr J W Benton	619.16.1 & 27.1
James Warrender	761.1.1-4
F R Sawdon	981.2.1

  

<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mr Benton) and written submissions	Richard Dent

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### Provisions of the local plan

123.1 The finalised local plan designates Newburgh as a rural service centre in the Aberdeen housing market area. There are 5 main opportunities for development: sites ch1 and ch2 suitable for around 12 and 8 houses respectively with a small element of retail use as an option in the development of the sites; site ch3 suitable for around 5 houses; site Emp A suitable for appropriate employment use(s); and site Emp B suitable for a mixed use development (possibly tourism related) and housing to a maximum of 15 houses. Future housing land is shown as site fh1(10). The coastal planning policy applies to land on the seaward side of the road passing through the centre of Newburgh.

### Basis of the objections

123.2 **Holyrood Developments** requests the removal of the constrained designation from site ch2 with more prominence given to retail potential to allow a mixed use development. (568.71.1)

123.3 Site emp A would compromise the character of the sensitive surrounding area, particularly the nearby mill. The allocation should be transferred to land to the west of Newburgh Motors (west of the village) as identified in CALPs. The site is available for development, has good links with transport corridors and offers easy pedestrian access to the village. (568.71.2)

123.4 The number of houses permitted in the mixed use development on site Emp B should be increased. (568.71.3)

123.5 Two sites adjacent to the Ythan estuary are currently overgrown grassland and should be brought within the settlement envelope. It is proposed to provide amenity open space to complement the coastal setting along with a wildlife lookout area, small visitor centre, WCs and boardwalk. The project would be subsidised by small-scale residential and tourist

development. The southern site would provide high quality houses and flats for summer lets and should be designated as an opportunity site for environmental improvements and small-scale residential and tourist development. The northern site would provide a coastal footpath, pedestrian pavilion and licensed restaurant, parking and two houses with possible scope for an internet café and crêche. (568.71.4-5)

123.6 A further site (site 6), rough land adjacent to the golf course, should be allocated for 6 houses. This is brownfield land, having been occupied by cottages, and development of high quality housing would enhance the character of the area. (568.71.6)

123.7 **Mr Warrender** also objects to site Emp A and believes the allocation should be transferred to land to the west of Newburgh Motors. The site designated in the finalised local plan would cause heavy traffic to pass through the village whereas the alternative would not lead to this problem. (761.1.1)

123.8 Site ch2 should be retained for sheltered housing or retail use, the only remaining site in the village centre for such a purpose. (761.1.2)

123.9 Site ch1 should be deleted as the access road is unsuitable for any additional traffic. Nevertheless, some housing land should be allocated and a development rate of 15-20 new houses a year would be appropriate. (761.1.3-4)

123.10 **Mr Benton** requires some 6 hectares of land to the west of the village, north of the B9000, to be allocated for housing.

123.11 The site is well-integrated with the existing pattern of development and the gentle southerly slope is ideal for passive solar gain. A safe route to the nearby primary school could be provided for children. New housing would support the declining school roll. There would be peripheral and internal landscaping to soften the current hard edge of the village. The low density proposed would facilitate a high level of planting. Indeed, the generally open nature of the surrounding landscape could be altered by extensive planting in the vicinity.

123.12 Development would support the village services and allow the provision of new facilities. In terms of traffic, the site can be approached from the A90 without the need to pass through the village and adding to the existing congestion. Public transport through Newburgh is within easy walking reach. Drainage could be provided and the site is ideal for SUDS. Development of the site would reduce pressure for housing in the proximity of the Ythan estuary which is a RAMSAR site. Site Emp C is probably not viable and the housing site would allow the necessary subsidy to be provided.

123.13 The southern part of site should be allocated for 50 houses in the period 2000-2005 with the remainder available for development in the next 5 year period. The total site capacity is in the range of 70-100. (619.3.1)

123.14 Site fh1 has previously been assessed as being unsuitable for development if access is proposed from Knockhill Road. Alternative access arrangements would require an enlarged site. It would be preferable to develop alternative land (see above) and improve the access to site fh1 at a later date. (619.16.1)

123.15 **F R Sawdon** requires an extension of the settlement boundary to the north-west of the village. This is a logical extension and would allow housing development with no adverse visual impact on the Ythan estuary. Access could be taken through site fh1. If the land is not allocated in the current plan it should be designated as an area of search. (981.2.1)

### **The council's responses**

123.16 Objection 568.71.1: The objection is not accepted. The “constrained” designation does not prevent site development providing it accords with the local plan. An element of retail use would be welcomed in this location as indicated in the settlement statement.

123.17 Objections 568.71.2 and 761.1.1: The objections are accepted to the extent that site Emp A provides the opportunity for high quality prestige employment uses (Class 4) and strategic landscaping. A development brief will provide control and remove the potential for heavy traffic. A new site emp C is proposed west of Newburgh Motors to provide choice. A modification to this effect is proposed.

123.18 Objection 568.71.3: The objection is not accepted. The local plan provides the best solution for the regeneration of this sensitive site.

123.19 Objections 568.71.4-5: The objections are not accepted. The character of the Ythan estuary would not be enhanced by further housing outwith the settlement envelope. The land is included in an area designated “undeveloped coast.” Informal recreation provides the best use of this land, with tourism uses confined to the quayside. The southern site is within the flood plain of the Foveran Burn.

123.20 Objection 568.71.6: The objection is not accepted. The site abuts a SSSI and National Nature Reserve within designated undeveloped coast and is thereby afforded a high degree of protection from development.

123.21 Objection 761.1.2: The objection is not accepted. The site is not required for sheltered housing.

123.22 Objection 761.1.3: The objection is not accepted. Housing could be provided on the site which is to be designated as suitable for around 12 houses with an optional element of retail use.

123.23 Objection 761.1.4: The objection is not accepted. The structure plan advocates the provision of small-scale development (usually less than 15 houses) to be spread via new allocations among rural service centres within any five year period. This is provided in site Emp B along with 25 units on constrained sites representing 8 houses a year over a five year period.

123.24 Objection 619.16.1: The objection is accepted to the extent that site fh1 has been deleted although the allocation has been moved to another rural service centre.

123.25 Objection 981.2.1 & 619.3.1: The objections are not accepted. The local plan allocates enough housing land to meet structure plan requirements which, along with existing commitments, constrained sites and windfalls, will contribute to meeting the strategic target.

123.26 The site proposed by Mr Benton has been consistently opposed. It is a visually intrusive site when approaching Newburgh from the A90. Even single storey buildings would be unsuitable although good design would be of assistance in mitigating impact.

### **Objection to proposed modifications**

123.27 **Mr Benton** opposes the modification to site fh1 re-iterating the opinion that a more sustainable option exists in Newburgh. (619.27.1)

### **Conclusions**

#### House building programme

123.28 Objections 619.3.1, 761.1.4 & 981.2.1: Consideration of objections under Issue 20 led to the conclusion that there is no requirement for the local plan to make additional housing land allocations to meet structure plan requirements. Accordingly, I conclude there is no strategic case for further allocations at Newburgh. In terms of Mr Warrender's belief that there should be an annual programme of 15-20 houses, the council has pointed out that sites in Newburgh could provide 8 houses a year over 5 years. I conclude that this is a reasonable total and that a case for additional houses has not been established.

#### Sites emp A and emp C

123.29 Objections 568.71.2 & 761.1.1: The council has met the objections insofar as a new site Emp C is proposed adjacent to Newburgh Motors premises. The deletion of site Emp A, as required by the objectors, is not intended although it is proposed to modify the description by making reference to Class 4.

123.30 Class 4, Business, is defined in The Town and Country Planning (Use Classes) (Scotland) Order 1997, as a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke soot, ash, dust or grit. To this extent, it is clear that the activities within the site would not have a detrimental impact on surrounding property, including the mixed use development of site emp B.

123.31 Mr Warrender is concerned about the level of traffic generation and the impact on the village centre. Whilst Class 4 use could generate significant traffic levels, the likelihood of the incidence of heavy goods vehicles would be less than if the site were to be allocated for general industrial use or storage or distribution under Classes 5 and 6. It is likely that most traffic to and from the site would pass through the village but there is also the potential for a proportion of vehicles to travel to and from the north with no impact on the centre of Newburgh. I conclude that the wider benefits of the development of site emp A for Class 4 uses warrants the retention of the allocation under the amended site description.

### Site emp B

123.32 Objection 568.71.3: The objector states that more than 15 houses are required. Although the total envisaged is not specified, the sketch plan provided appears to show a significantly higher number of units in a layout that is essentially residential in character. On the other hand, the council simply asserts that the description in the settlement statement provides the best solution. I conclude that the stated maximum of 15 houses should remain to ensure the basis for a genuinely mixed use development.

### Site ch1

123.33 Objection 761.1.3: Site ch1 is a development site of relatively longstanding. Careful design will be required to ensure suitable access but the principle of development on this central site is worthy of support. No modification is required. (see also site ch2 below)

### Site ch2

123.34 Objections 568.71.1 & 761.1.2: Residential use is appropriate for this site and designation as such would not preclude sheltered housing if a provider was to favour this form of development. The constrained status of the site reflects the situation recorded in the Housing Land Audit, 2000. This should remain to ensure consistency throughout the local plan. As pointed out by the council, this is not an impediment to development subject to the constraint being removed. A footnote also indicates that a small element of retail development is an option. Again this is an appropriate use and to indicate a more significant retail potential through the possible use of the street frontage for shops, the deletion of “small” would be appropriate. The amended footnote should also apply to site ch1. I conclude that other than for the deletion of “small” in the footnote, there should be no modification in respect of these objections.

### Site fh1

123.35 Objections 619.16.1 & 27.1: The council has deleted site fh1 and therefore has met the objections in terms of the basic land use allocation. However, the council points out that that the allocation has been transferred elsewhere. I conclude that the deletion of site fh1 in Newburgh does not require the retention of the 10 houses for the period 2006-2010 in the village.

### Land to the north-west of Newburgh

123.36 Objection 981.2.1: To a large extent, the lack of any strategic requirement for additional housing land precludes the allocation of the site identified by Mr Sawdon. Although the size of the site or its potential capacity have not been provided, the area is extensive and would have significant impact in terms of traffic generation, Access has been suggested through site fh1 (now deleted) and, from this point, all traffic would pass through the centre of the village. Notwithstanding the lack of strategic necessity, and the claimed lack of visual or other environmental impact, the prospect of significant additional traffic

movements is unacceptable. I conclude that the land should not be allocated for housing or as an area of search.

#### Land to the west of Newburgh

123.37 Objection 619.3.1: In view of my conclusions in respect of strategic land supply, and the lack of any need to reallocate site fh1 in Newburgh, most of Mr Benson's underlying arguments are negated. As pointed out by the council, there is the potential for residential development on a number of small sites within Newburgh and this would be in scale with the rural service centre status.

123.38 It has been suggested that the development of the objection site could improve this approach to Newburgh. However, the existing houses are set down and, when entering the village from the west from the A90, they have little visual impact notwithstanding the generally open nature of the local countryside. Some roofs can be seen but the distant horizon between the sea and the sky is unbroken. Despite careful design and layout, earth moulding and any planting that might be undertaken either peripherally or within the site, the visual impact would be significant and would detract from this approach to Newburgh. Although it has been suggested that the character of the countryside may alter through proposed planting schemes, it is unlikely that trees could bring about any significant change in the short or medium term.

123.39 Despite the benefits of the site in terms of harnessing solar power, providing a safe journey to school and proximity to public transport, I conclude that the disadvantages of the site are such that the land should not be allocated for housing. In reaching this conclusion, the claim that housing development would support site emp C has been noted. This claim was not substantiated and does not override the finding that the housing land allocation is not justified.

#### Land adjacent to the Ythan estuary

123.40 Objections 568.71.4, 5 & 6: The Ythan estuary is an internationally important area in terms of nature conservation and therefore commands the highest level of protection under local plan and structure plan policies. The development proposed would be intrusive and individually and collectively would threaten the integrity of the estuary habitat, including the Foveran Burn. Although site 6 may at one time have been developed, this does not justify setting aside the current environmental considerations. I conclude that the local plan should not be modified in respect of these objections.

### **Recommendations**

123.41 Objections 619.3.1, 761.1.4 & 981.2.1: I recommend no change to the local plan in respect of these objections.

123.42 Objections 568.71.2 & 761.1.1: I recommended that the local plan is modified, as proposed by the council, whereby the description of site Emp A is amended as indicated in paragraph 123.17 and site Emp C is inserted on land to the west of Newburgh Motors with the description "suitable for appropriate employment use(s)" along with a project area for strategic landscaping." There are now 6 main opportunities for development.

123.43 Objection 568.71.3: I recommend no change to the local plan in respect of these objections.

123.44 Objections 568.71.1, 761.1.2 & 3: I recommend that the local plan is modified whereby “small” is deleted from footnote 1 in respect of sites ch1 and ch2.

123.45 Objections 619.16.1 & 27.1: I recommend that the local plan is modified, as proposed by the council, whereby site fh1 is deleted.

123.46 Objections 568.71.4, 5 & 6: I recommend no change to the local plan in respect of these objections.

## ISSUE 124

### Formartine – Oldmeldrum

<b>Objector</b>	<b>Reference</b>
Invervale Limited	47.43.1 & 50.1
Ian Douglas	361.19
Kirkwood Homes Limited	560.12.1-2, & 19.1
George Wimpey East Scotland	568.68.5, 14-15
Norman P Lawrie	1126.10.1
Scotia Homes	1237.2.8
Grampian Primary Care NHS Trust	1310.14.6 (previously 568.60.6)

  

<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

124.1 Oldmeldrum is a main settlement in the Aberdeen housing market area. Five development sites are shown as site eh1/ch1 which is suitable for around 390 houses, site ch2, suitable for around 15 houses, sites Emp A and Emp B, suitable for appropriate employment use(s) and site C, suitable for appropriate community uses including a medical centre. The text indicates that an outstanding issue is to consider whether or not Oldmeldrum should have an out-of-centre retail development and, if so, on which of sites Emp A and Emp B should it be accommodated. Appendix 10 indicates that 290 houses are constrained under site ch1.

124.2 There are four project areas including site P2, strategic access and site P4, relief road shown as “- - - -”.

124.3 Structure plan Table 4a does not require any housing land allocations at Oldmeldrum during the periods 2000-2005 and 2006-2010.

### The basis of the objections

124.4 **Kirkwood Homes Limited** requires site ch2 to be re-designated as effective, the ownership constraint having been removed. The settlement statement should not indicate an estimated capacity as this could impose a pre-determined limit on numbers. Indeed, it is likely that a greater number of houses could be provided on this site, along with adjacent brownfield land, than shown in the settlement statement. (560.12.1-2)

124.5 Notwithstanding the likelihood of a structure plan review, a site should be allocated to the north-east of Oldmeldrum for future residential development under designation fh\*. Easy access is possible from the main route through the town and a link with the northern end of the proposed by-pass could be provided. The landform in the area could accommodate development in an acceptable manner. (560.19.1)

124.6 **Ian Douglas** is concerned that land in his ownership that is suitable for housing development has been omitted from the settlement envelope. The continued westwards extension of the town is causing the historic centre to become increasingly off-set. Development towards the east would help to restore the physical balance.

124.7 The inclusion of the site would contribute to the housing shortfall for the period 2000-2005. Oldmeldrum is a main settlement and well-placed to meet this need. (361.19.1)

**Note:** the land concerned is also that referred to in objection 560.19.1

124.8 **George Wimpey East Scotland** welcomes the allocation of around 390 houses but does not accept that 290 houses are constrained. (568.68.5)

124.9 The line of the relief road should be shown to be indicative and therefore subject to amendment. (568.68.14)

124.10 The settlement statement should indicate that the uses suitable for site Emp A include business and retail. (568.68.15)

124.11 **Norman P Lawrie** points out that the proposals map provides an incorrect direction indicator to Aberdeen. (126.10.1)

124.12 **Scotia Homes** believes more land is needed to meet the identified housing land shortfall. A site to the south of Oldmeldrum would both provide housing development and help alleviate town centre traffic problems. (1237.2.8)

124.13 **Grampian Primary Care NHS Trust** has identified for a new healthcare centre and this should be referred to in the settlement statement. (1310.14.6)

### **The council's responses**

124.14 Objections 560.12.1-2: The objections are not accepted. The Housing Land Audit 2000 is the basis for the finalised local plan, but does not prevent the development of any constrained site if the particular constraint is removed.

124.15 The combination of the two sites may accommodate more than 15 units but this would be better determined once the full extent of the site is identified and assessed.

124.16 Objection 560.19.1: The objection is not accepted. Development as proposed is not favoured as it lies across the busy main road from the town's services and facilities. The option to indicate an area of search for future growth under structure plan Policy 10 has not been exercised at Oldmeldrum. However, a future capacity study will consider the area.

124.17 Objection 361.19.1: The objection is not accepted. The expansion of Oldmeldrum to the west was accepted in principle following the CALPs inquiry and the subsequent granting of outline planning permission for 390 houses. As indicated in respect of objection 560.19.1, development of the objection site would not be well-located.

124.18 There is no shortfall in the housing land supply and the existing development will continue until 2006. Beyond this date, there is no structure plan housing land requirement under Policy 9.

124.19 Objection 568.68.5: The objection is not accepted. As previously indicated, the Housing Land Audit 2000 is the basis for identifying constrained sites but does not prevent development if the constraint is removed.

124.20 Objection 568.68.14: The objection is accepted to the extent that the southern section of the relief road has received planning permission although the route to the north remains indicative. It is proposed to modify the settlement statement, the amended text being proposed as follows: P4 – indicative relief road route.

124.21 Objection 568.68.15: The objection is not accepted. There is the possibility that site Emp A could include an element of retail use as indicated in the settlement statement. This will be a matter for negotiation as a site nearer the town centre would be preferable. Any retail development would be required to fulfill the sequential test as set out in Policy Emp\6.

124.22 Objection 1126.10.1: The objection is accepted. The proposals map is to be modified as appropriate.

124.23 Objection 1237.2.8: The objection is not accepted. Allocation of the land would lead to an “unacceptable gross over-supply of housing land in Oldmeldrum” as recognised by the CALPs inquiry Reporter. The finalised local plan allocates enough housing land to meet structure plan requirements under Policies 8 and 9. These allocations, along with existing commitments, constrained sites and windfalls, will all contribute to the overall housing requirement.

124.24 Objection 1310.14.6: The objection is accepted. Site C in the finalised local plan is to be replaced by a new site and appropriate reference will be made in Appendix 8, Developer Contributions.

### **Objections to the proposed modifications**

124.25 **Inervale Limited** points out that the route of P4 through the southern portion of site Emp B is no longer “indicative” as detailed planning permission has been granted. A modification retaining reference to an indicative route would be inappropriate.

124.26 Designation P2, strategic access, appears to point to a 10 metre wide landscape buffer. There is a requirement for land to be reserved to allow the relief road to pass through this area, the location having been determined although this is not shown by the arrow on the proposals map. The actual position should be shown. (47.43.1 & 50.1)

### **The council’s further responses**

124.27 Objections 47.43.1 & 50.1: The objections are not accepted. The change was made to reflect the terms of the planning permission.

## **Conclusions**

### Site ch2

124.28 Objections 560.12.1-2: I appreciate that the passage of time can bring changes in circumstances but, to be consistent, it is preferable for the local plan to refer to the position at the time of the Housing Land Audit, 2000. Similarly, I accept that additional houses may be provided if adjacent land is included. Nevertheless, as recognised by the objector, the local plan provides an indicative capacity that should be retained in the interests of consistency. The council has indicated that neither matter will prejudice the ultimate development of the site as appropriate. I conclude that the local plan should not be modified in respect of these objections.

### Direction indicator

124.29 Objection 1126.10.1: The proposed modification is shown in the schedule dated 26 May 2003 and meets the terms of the objection. There is no reason to dissent.

### Health care facility

124.30 Objection 1310.14.6: The schedule dated 26 May 2003, shows an amended site C but the Second Set of Proposed Modifications, dated 17 October 2003, reverts to the position of the finalised local plan. Clearly, it is necessary to ensure that the amended site is correctly located to the satisfaction of the NHS Trust. In this respect, the council's statement of participation indicates "Site C moved along Colpy Road nearer town."

### Additional housing land allocations

124.31 Objections 560.19.1, 361.19.1 & 1237.2.8: All three objections seek the release of additional land for residential development beyond the settlement envelope, two to the north-east and the other to the south. Consideration of objections under Issue 20 led to the conclusion that there is no requirement for the local plan to allocate additional housing land in terms of structure plan Policies 8 and 9, that is, for the periods 2000-2005 and 2006-2011. Structure Plan Table 4a does not require any housing allocations in Oldmeldrum for either period.

124.32 Structure plan Policy 10, Indicative Housing Distribution: 2011 to 2015, explains that local plans may, where possible, indicate where housing in this period should be accommodated although any indicative allocations will be subject to review. Local plans are therefore not obliged to make indicative allocations and the council has stated the intention to undertake a capacity study that will consider the potential for housing. Irrespective of the various supporting arguments put forward by the objectors, I conclude that the local plan should not allocate additional housing land for the periods 2000-2005 and 2006-2011 and that the forthcoming capacity study should provide the basis for any future allocations beyond 2011.

Site ch1/eh1

124.33 Objections 568.68.5: As indicated under objection 560.12.1, the passage of time can bring changes in circumstances but, to be consistent, it is preferable for the local plan to refer to the position at the time of the Housing Land Audit, 2000. As recognised by the council, development on a site that was constrained in 2000 is not precluded once the constraint is removed. I therefore conclude that there is no requirement to modify the local plan in this respect.

Site Emp A

124.34 Objections 568.68.15: Insofar as retail development is regarded by the council as an employment use, the possibility of site Emp A accommodating retail development is not precluded. The settlement statement indicates that the question of an out-of-centre retail development is unresolved but draws attention to sites Emp A and Emp B. The response to the objection is helpful to the extent that the council is prepared to negotiate the siting of retail provision. On the basis of the information available it is not possible to draw any conclusions as to a preferred retail location. However, as the terms of the finalised local plan do not rule out the use of site Emp A, I conclude that no modification is required.

Line of the relief road

124.35 Objections 568.68.14, 47.43.1 & 50.1: I believe that this matter could be resolved by a straightforward representation of the factual position.

124.36 In terms of the relief road, the approved section, including the roundabout, should be shown by means of a solid line, the remainder by a broken line. The settlement statement should read:

Site P4, relief road:-

approved route \_\_\_\_\_

indicative route - - - - -

In respect of P2, strategic access, the arrow should point to the approved position.

**Recommendations**

124.37 Objections 560.12.1-2: I recommend no change to the local plan in respect of these objections.

124.38 Objection 1126.10.1: I recommend that the local plan is modified, as proposed by the council, whereby the direction indicator to Aberdeen is shown on the Newmachur road. This is shown in the shown in the Schedule of Proposed Modifications and Amended Settlement Maps, 26 May 2003 (although the Second Set of Proposed Modifications, 17 October 2003, reverts to the position shown in the finalised local plan.)

124.39 Objection 1310.14.6: I recommend that the local plan is modified, as proposed by the council, whereby the site C is relocated in a position to the satisfaction of the NHS Trust and that an appropriate reference is contained in Appendix 8, Developer Contributions.

124.40 Objections 560.19.1, 361.19.1 & 1237.2.8: I recommend no change to the local plan in respect of these objections.

124.41 Objections 568.68.5: I recommend no change to the local plan in respect of this objection.

124.42 Objections 568.68.15: I recommend no change to the local plan in respect of this objection.

124.43 Objections 568.68.14, 47.43.1 & 50.1: I recommend the local plan is modified as indicated in paragraph 124.36.

## ISSUE 125

### Formartine – Pitmedden & Milldale

<b>Objector</b>	<b>Reference</b>
Chap Construction (Aberdeen) Ltd	47.42.1-3, 45.1 & 49.1
David Murray Associates	427.6.1 & 7.1
Michael Sleigh	568.38.1 & 3 & 84.1
J W Benton	619.27.2
Scottish Natural Heritage (SNH)	986.38.1-3
Grampian Primary Care NHS Trust	1310.14.8 (previously 568.60.8)

  

<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mr Sleigh, David Murray Associates, Mr Benton) and written submissions	Richard Dent

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### Provisions of the local plan

125.1 The finalised local plan designates Pitmedden and Milldale as a rural service centre in the Aberdeen rural housing market area. There are three defined settlement areas with Pitmedden itself to the north, Milldale to the south and a small area between the two. In the village itself, site A is identified as being suitable for 65 houses and site B for appropriate community facilities (medical centre, village hall, open space). The central area is designated Emp D for a mixed use development including employment use and a small element of residential use, subject to a development brief. There is an adjacent project area, P2, strategic landscaping. The southern area includes site eh1, suitable for 15 houses, and site Emp E, suitable for appropriate employment use(s) and a recycling facility.

125.2 Successive proposed modifications by the council in respect of site B are as follows:

- add to the text: and no more than 14 houses (2006-2010), subject to a development brief;
- identification of a separate site fh1 for 14 houses outside the settlement boundary, to the east of a reduced site B;
- deletion of site fh1 and the restoration of site B in terms of the first proposed modification.

### Basis of the objections

125.3 **David Murray Associates** believes site Emp D is too restrictive and should incorporate the adjacent project area, P2, as the rim of the quarry is difficult to delineate precisely without an accurate survey. This would allow more flexibility yet still allow strategic landscaping. (427.6.1)

125.4 There is also concern about the proximity of site eh1 to site Emp E and the reference to a recycling plant. The existing wood recycling facility is acceptable but some other, less benign process would not be inappropriate opposite a high quality housing project. (427.7.1)

125.5 **Taylor Design Services** states that site eh1 is remote and requires paths and lighting along the road from Pitmedden and generally involves costly infrastructure. Land adjacent to site B should be allocated for residential development. (1085.6.1)

125.6 **SNH** is concerned about sites eh1, Emp D and Emp E which are separate from the village and therefore do not comply with Policy Gen\1, Sustainability Principles. Development would lead to a dispersed settlement pattern with impacts on landscape and visual character. The proposed recycling facility is also contrary to the policy as it would front a busy, narrow road which would be dangerous for pedestrians using the site. (986.38.1-3)

125.7 **Mr. Benton** explains that Pitmedden has struggled from lack of facilities and one objective of site B should be to provide the opportunity for retail development along with the medical centre – which has recently opened – and the public hall. The residential development of the remainder of site B would be totally inappropriate and could threaten the potential for retail uses for which there is a known demand for two units, a hairdresser and an accountant. In any event, as explained in Circular 5/1992, site B falls within a *cordon sanitaire* which does not permit development within 400 metres of a stock unit.

125.8 The houses recently constructed in Pitmedden have already resulted in the primary school being over-capacity and there are more suitable sites elsewhere. (619.27.2)

125.9 **Chap Construction** originally objected to the lack of houses in site B. The land is suitable for residential development and this would help fund the provision of community facilities. An objection to the proposed modification was lodged on the basis that the allocation of 14 houses in the period 2006-2010 should be changed to 20 houses for immediate release. Subsequently, the council proposed to remove the housing element from the settlement boundary under site fh1 and a further objection was lodged seeking retention of the site within the defined boundary. The council's further indication that the housing site was to be subsumed within site B and contained within the settlement boundary allowed the objection to be conditionally withdrawn in that particular respect.

125.10 The objection must be considered in the context of the wider strategic background as discussed under Issue 20. In particular, any release of Phase 2 sites (2006-2010) should not be restricted to larger settlements. Smaller places, such as Pitmedden, could make an immediate contribution to the effective land supply.

125.11 Site A at Pitmedden was due for completion by 2004 and site B could follow in early course. An initial masterplan had shown that the development could include 28 houses and the community facilities. A contribution towards the village hall would be made by the developers and that would allow the provision of the medical centre, hall and open space along with shared car parking. This would not be possible without the related housing. Despite this, the council's development brief indicates that the medical facility will be built as a first phase, providing access to the site for the public hall with the housing proceeding independently.

125.12 Notwithstanding the progress with the medical centre, the land for the hall and the housing is in a single ownership and it would be sensible to allow the housing to come forward as soon as possible. Insofar as housing sites in other parts of Formartine are proposed for deletion, additional housing is available for distribution elsewhere, including Pitmedden. Furthermore, Scottish Water has opposed development in some other centres. On this basis, a further masterplan has been prepared indicating 20 houses along with the other elements of site B. As it is possible to achieve more than 14 units, a flexible approach could be applied without being of any strategic significance. The development would compare with that proposed at Udney Green where housing has been approved to allow the provision of community facilities.

125.13 Site B should therefore be identified as a mixed use site, including 20 houses in the period 2000-2005. Alternatively, the housing should be designated under fh1 to contribute to the effective land supply on the conclusion of the local plan inquiry. (47.42.1-3, 45.1 & 49.1)

125.14 **Grampian Primary Care NHS Trust** welcomes the recognition of the requirement for a further medical centre. Appendix 8, Developer Contributions, should be amended to reflect the situation. (1310.14.8)

125.15 **Mr Sleigh** objects to the non-allocation of land for housing to the east of Pitmedden. This was allocated in CALPs and should be re-instated for 65-70 units in the period 2006-2010. Additionally, land to the north-west of the village should be safeguarded for housing. Residential development of the land would be natural extensions to Pitmedden and accord with national guidance and strategic policy resulting in the full and appropriate use of the land and infrastructure. Access and drainage can be provided, a new medical centre has just opened and the recently extended primary school has spare capacity. Restructuring of secondary school catchment areas has ensured additional capacity. The sites could be well-integrated with existing public transport and walking and cycling networks. The sites are well-contained and there would be no detrimental visual impact from within the settlement or from surrounding areas.

125.16 Overall, the residential development suggested would satisfy structure plan Policy 11 and make a positive contribution to the community, contributing to a range of residential environments. As a popular location for house purchasers, development at Pitmedden would contribute to making good the overall shortfall in the 5 year land supply.

125.17 The two sites should be developed prior to site B which is adjacent to a burn and prone to flooding. The community facilities proposed on site B could be accommodated on the objection site to the north-west of the settlement which is highly accessible. (568.38.1-3 & 84.1)

### **The council's responses**

125.18 Objection 427.6.1: The council accepts that the objection has some merit. The main concern is to ensure that development does not breach the skyline. Any extension of the settlement boundary should not provide scope for development above the quarry rim. Should building be visually confined within the rim of the quarry, strategic landscaping may not be required. Detailed guidance could be provided through the development brief.

125.19 Objection 427.7.1: The objection is not accepted. Any development on site Emp E opposite site eh1 would be assessed under the general development policies of the local plan to ensure compatibility with residential use.

125.20 Objection 1085.6.1: The objection is not accepted. Site eh1 is part of the effective land supply and is connected by footpath to Pitmedden

125.21 Objections 986.38.1-3: The objections are not accepted. Site eh1 cannot be removed from the finalised local plan being a former CALPs site and part of the effective supply.

125.22 Development at site Emp D is to be contained in the base of the quarry and widens the choice of employment locations.

125.23 Site Emp E relates to neighbouring site eh1 and the existing post office. The recycling facility refers to the existing premises and its possible extension, not to public recycling facilities. The employment site adds further to choice.

125.24 Objections 568.38.1 & 3 & 84.1: The objections are not accepted. There is no strategic allocation available for a site of the size required. Any development should be small scale as indicated in structure plan Policy 8.

125.25 The allocation of site A derived from CALPs and since then there has been an endeavour to disperse small scale development throughout the various rural service centres. Despite the availability of infrastructure and the topographical suitability of the land to the east of Pitmedden, the scale of development on site A precludes the allocation of further housing land other than the mixed development at site B.

125.26 Site B has been studied and is not at risk from flooding. However a drainage impact assessment should be carried out. The allocation is appropriate and will enable the provision of community facilities.

125.27 Objections 47.42.1-3, 45.1 & 49.1: The objections are not accepted other than the reallocation of site B within the settlement boundary. It is possible to locate limited housing on the site in conjunction with community facilities. This is reflected in the text through the allocation of 14 units for 2006-10 period. There is no justification for additional houses and the 14 specified have subsequently been approved in a development brief for the site. No further allocations remain for 2000-05 in terms of the structure plan targets.

125.28 Objection 1310.14.8: The objection is accepted. Appendix 8, Developer Contributions, is to be modified by means of the following insertion for Pitmedden and Milldale: Health care facilities serving the settlement, subject to confirmation by Grampian Health Care Trust.

## **Conclusions**

### General

125.29 Consideration of objections to strategic housing land matters under Issue 20 led to the conclusion that there is no requirement for additional allocations. Accordingly, I conclude in respect of Pitmedden that further housing land is not necessary to meet the structure plan objectives.

#### Site emp D

125.30 Objections 427.6.1 & 986.38.2: The council agrees with David Murray Associates that more flexibility would be preferable although the need to maintain a contained settlement boundary is also important. The local plan does not provide detailed development descriptions and many sites are to be the subject of development briefs, as in the case of site Emp D. The scale of the map, the thickness of the boundary line and the overgrown nature of the former quarry all combine to add uncertainty to the precise extent of the site.

125.31 On the other hand, SNH is concerned that the location does not comply with principles of sustainability, as set out in the local plan itself. The council has responded by pointing out that development would be restricted to the base of the quarry and that development would broaden employment opportunities.

125.32 The quarry is much overgrown and, in its current condition, has little impact on the countryside. It is difficult to imagine the site as part of a settlement, either Pitmedden to the north or Milldale to the south. Equally, it cannot be regarded as a settlement in its own right. As a development opportunity, the proposal to provide employment and residential uses appears to be contrived and, even if contained within the quarry, the site is likely to be an incongruous and unwarranted intrusion. The limited size of the site would appear to preclude any scope for meaningful mixed development.

125.33 All-in-all, I conclude that the concern of SNH is justified and that site Emp D and the associated project area should be deleted from the local plan.

#### Site Emp E

125.34 Objections 427.7.1 & 986.38.3: The council has drawn attention to the general development policies and recognises the need for compatibility. I note that Policy Gen\2, The Layout, Siting and Design of New Development, supports new development in principle if it can be laid out to fit successfully into the site itself “and respect the character and amenity of the surrounding area.” On this basis, I conclude that the local plan provides adequate protection for the amenity level of site eh1 and other nearby houses. However, the council also explains that the reference to a recycling facility is to accommodate a possible extension of the current activity, itself acceptable to David Murray Associates. Should this be the case, the facility would not be used by the general public. Similarly, the allocation would not create a new site in the countryside but simply allow the reasonable expansion of an existing facility. A modest extension of the current facility would fall within the scope of “an appropriate employment use”. In turn, I conclude there would be no detriment to the objectives of the local plan if reference to a recycling facility is deleted.

#### Site eh1

125.35 Objections 1085.6.1 & 986.38.1: The objections have been overtaken by events insofar as site eh1 is now under construction. Whilst it has been suggested by the objectors that the site is remote, there is an adjacent group of houses, including a shop and post office, and therefore there is a degree of sustainability in the allocation. Clearly, allocation eh1 should remain.

#### Land to the east of Pitmedden

125.36 Objections 568.38.1 & 568.84.1: Although there is spare infrastructure available in Pitmedden and the council agrees that the visual impact of the development would be limited, there is no strategic requirement for housing development on the scale proposed. There has been significant development in recent years involving the completion of site A along with continuing development nearby at site eh1. Site B is allocated to provide houses as part of a mixed development. Although it has been suggested that the land to the east should have a higher priority than site B, the scale of the two sites is not comparable and, in any event, housing on site B provides the opportunity for a developer contribution towards community facilities. The claim that site B is prone to flooding has not been substantiated although the council would require an assessment. I therefore conclude that the land to the east of Pitmedden should not be designated for residential development.

#### Land north-west of Pitmedden

125.37 Objection 568.38.3: It has been suggested that this land could be utilised for community facilities but, this alternative to site B has been overtaken by events insofar as the medical centre has been constructed and is now operational. In any event, the site is not as accessible as site B. Despite the claim by the objector, the land to the north-west is not highly accessible and it is approached through a modern residential development where amenity would be reduced by additional traffic generation.

125.38 The structure plan does not oblige local plans to safeguard land for longer term development and therefore there is not a strong argument for designating this land at the current time. If a need for housing allocations were to be identified, it is likely that Mr Sleigh's land to the east would have a stronger claim to be allocated for residential development. In turn, I conclude that the land to the north-west of Pitmedden should not be safeguarded for future housing development.

#### Site B

125.39 Objections 568.84.1 & 619.27.2: Both Mr Sleigh and Mr Benton oppose the allocation of site B. The reference to flooding potential has been considered above.

125.40 Mr Benton believes that development is precluded through the provisions of Circular 5/1992 which relates to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. However, the *cordon sanitaire* withdraws permitted development status for the construction, extension or use of buildings for intensive livestock or for the storage of slurry sludge within 400 metres of a "protected building". A protected building is defined as a building normally occupied by people other than one within the agricultural unit or a building within a Special Use Class. The implication is that planning permission will be required for any change of use to a livestock unit within the *cordon sanitaire*. It is recognised

that planning authorities should exercise particular care when considering planning applications for houses and other new “protected buildings” within 400 metres of established livestock units to minimise the potential for future nuisance. However, development is not precluded as a matter of course as suggested by Mr Benton but, clearly, this is a factor to be taken into account in the proximity of an established livestock unit. No evidence leads me to the conclusion that development of site B, as envisaged in the local plan, would not be possible.

125.41 Mr Benton is also concerned about frustrating the demand for retail units. One of the uses referred to, accountancy, is not a retail use but, in any event, the mixed uses proposed by the local plan are those most suited to achieving maximum community benefit. In turn, I conclude that land uses on site B, as proposed in the most recent local plan modification, are appropriate and worthy of support.

125.42 Objections 47.42.1-3, 45.1 & 49.1: Chap Construction prepared an initial masterplan showing 28 houses on site B but reduced this to 20 and provided more open space. This layout demonstrates that a residential development with some 20 houses could be achieved on the site. Chap Construction also argues that, the medical centre having been provided, the completion of the remainder of the site – housing, hall and open space – would be most practical and beneficial if achieved as early as possible and as a co-ordinated development. Although the council has approved a development brief which refers to 14 houses proceeding separately, there seems to be little merit in such an approach. Pragmatically, it would be of benefit to ensure that the entire development is completed at the earliest possible date, particularly as the objector, who owns the land, has indicated agreement to making a contribution towards the provision of the other facilities. The allocation of 20 houses rather than the 14 shown in the local plan is insignificant in strategic terms and better reflects the capacity of the site. The allocation of the houses in the 2000-2005 at the outset of the local plan preparation process may well have been significant but, in view of the passage of time, there is little point in bringing forward the period. I therefore conclude that the capacity of site B should be increased to 20 houses but the development period should remain 2006-2010.

125.43 Objection 1310.14.8: The proposed modification of Appendix 8 meets the terms of the objection. There is no reason to dissent.

#### Land adjacent to site B

125.44 Objection 1085.6.1: I have concluded above that there is no purpose in deleting site eh1. On this basis, and in view of the general conclusion that additional housing land allocations are not required, I conclude that the land adjacent to site B should not be allocated for residential development.

#### **Recommendations**

125.44 Objections 427.6.1 & 986.38.2: I recommend the local plan is modified to delete site Emp D, including project area P2.

125.46 Objections 427.7.1 & 986.38.3: I recommend the local plan is modified to delete “and a recycling facility” from the description of site Emp E.

125.47 Objections 1085.6.1 & 986.38.1: I recommend no change to the local plan in respect of these objections.

125.48 Objections 568.38.1 & 3 & 568.84.1: I recommend no change to the local plan in respect of these objections.

125.49 Objections 47.42.1-3, 45.1 & 49.1, 568.84.1 & 619.27.2: I recommend that the local plan is modified, as most recently proposed by the council, subject to the description for site B indicating “no more than 20 houses (2006-2010)”

125.50 Objection 1310.14.8: I recommend the local plan is modified, as proposed by the council, whereby a reference to health care facilities at Pitmedden and Milldale are included in Appendix 8, Developer Contributions.

125.51 Objection 1085.6.1: I recommend no change to the local plan in respect of this objection.

## ISSUE 126

### Formartine – Potterton

<b>Objector</b>	<b>Reference</b>
Tor Ecosse Limited	11.6.1
Mr Sandy Stuart	361.20.1
Kirkwood Homes Limited	560.23.1
James Thomson	568.38.1
David Eliot	882.1.1

  

<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mr Thomson) and written submissions	Richard Dent

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### Provisions of the local plan

126.1 The finalised local plan designates Potterton as a rural service centre in the Aberdeen housing market area. The village is located in the green belt. A project area, site P, is shown to be suitable for access, recreation and strategic landscaping, subject to a development brief.

### Basis of the objections

126.2 **Mr Stuart** requires land to the north-east of Potterton to be included in the settlement envelope. Drainage facilities have been improved and could allow further development. The northern edge of Potterton has a bare, unfinished appearance and development would allow for substantial strategic landscaping.

126.3 About 100 houses are envisaged including some affordable housing. The site is well-placed in terms of Aberdeen city centre and various business parks and industrial estates. The houses would contribute to the shortfall in supply in an attractive and sustainable manner. (361.20.1)

126.4 **Tor Ecosse Limited** points out that services and facilities in Potterton rely on local people for revenue. Lack of any proposal for new housing is therefore surprising. Notwithstanding that Potterton is not specified under structure plan Policies 8 or 9, the village is identified as a rural service centre. It is close to Aberdeen, well-placed on a main transport corridor and will benefit from the construction of the western peripheral road.

126.5 In contrast to other settlements where housing has been allocated, there is drainage capacity for 50 additional houses and land at Laingseat Farm should be designated accordingly. Although marginally in the green belt, this is a policy of more relevance to Aberdeen city. Indeed, the city council has itself agreed to development in the green belt. There are also precedents in Aberdeenshire where housing has been allocated on green belt land. In any event, the council accepted the site has development merit when it was considered at the CALPs inquiry. It was acknowledged that the land does not make a major

contribution to the green belt which, in this vicinity, will be significantly changed by the western peripheral road. As existing development extends further to the south, the proposal represents a natural rounding-off.

126.6 Screen planting would soften the edge of the settlement where houses currently breach the skyline. Developer contributions would include affordable housing (subject to a settlement needs survey), land for a car park, a turning circle and a junction improvement.

126.7 Development would contribute to overcoming the shortfall in the housing land supply, the council having already accepted the necessity to release sites programmed for the 2006-2010 period.

126.8 The site should be allocated either under Policy Hou\1, as a future housing site under Policy Hou\2 or as a potential future housing site under an fh\* notation for the period 2011-2015 to comply with structure plan Policy 10. (11.6.1)

126.9 **Kirkwood Homes** seeks a modified settlement boundary to include land to the west of the B999 and north of a disused caravan site for which planning permission has been granted for redevelopment. The new boundary would constitute a minor incursion into the green belt but would be a natural rounding-off without prejudice to any fundamental principles. It would allow additional housing, strategic planting, access and recreation, generally improving the appearance from the B999.

126.10 The housing could be divided between periods 2000-2005 and 2006-2010 and would contribute to the strategic shortfall. In general, Potterton is well-located to accommodate new development particularly as a longstanding drainage constraint has been removed. (560.23.1)

126.11 **James Thomson** requires agricultural land extending to about 10 hectares in the green belt north-west of Potterton, to the west of the B999, including the land which is the subject of Kirkwood Homes objection 560.23.1, to be recognised as a settlement expansion area. This would sustain the existing services and facilities in the village. There is already some development on this side of the road including a garage, caravan site and housing to the south and more housing to the north. The land rises to the north and provides a sense of enclosure. The objection site is therefore of an infill nature and development would round-off the village. Landscaping to the north and west would provide a defensible boundary. There would be no detrimental impact on the setting of Potterton when viewed from the approach roads or other vantage points.

126.12 Insofar as the council has not undertaken a comprehensive review of the green belt boundary, the local plan does not comply with the approved structure plan. Any such review would inevitably identify a number of locations that are not essential to the green belt, including the objection site. The land has little inherent agricultural value and development would not result in coalescence, detract from the landscape setting of the city or prejudice recreational pursuits.

126.13 Access and services, including drainage, could be provided. A range of plot sizes, open space and play areas would be included in the site. A pedestrian crossing would link the site to the services and facilities in the village. Development would take advantage of the

locational benefits of Potterton, particularly in respect of transport - there are two bus routes with frequent services - and proximity to the likely route of the western peripheral road.

126.14 Houses on the site would also contribute to the shortfall in the 5 year effective land supply. If not allocated for immediate development, the land should be safeguarded for future residential development. (568.38.1)

126.15 **Mr Eliot** requires the site of the disused sewage treatment plant at Milton of Potterton, to the north of Potterton, to be identified for redevelopment in order to construct a house. The site is on the edge of Potterton with seventeen existing houses in the vicinity and should therefore be defined as a settlement in its own right. It is a brownfield site having been previously designated as an industrial use. Redevelopment would remove an eyesore. Some of the equipment has been left on the site precluding the possibility of returning the land to agricultural use.

126.16 A new access has been agreed. Services, including drainage, are available. Development should be allowed as an exceptional case as the house is proposed to support a cottage industry and forestry, through the maintenance of existing woodlands. Other less deserving cases have established a precedent.

126.17 Mr Eliot was obliged to sell his previous home because of the proximity to a hazardous waste tip. Human rights considerations should therefore weigh in favour of the objection. (882.1.1)

### **The council's responses**

126.18 Objection 361.20.1: The objection is not accepted. There is no benefit that would outweigh the loss of a significant area of green belt around the village. As the site is in the green belt development should not be contemplated before all other reasonable areas are considered.

126.19 All development in such locations must comply with structure plan Policy 28 and local plan Policy Gen\13.

126.20 There is no strategic requirement to justify housing land allocations at Potterton.

126.21 Objections 11.6.1: The objection is not accepted. Further allocations are not required for the period 2000-05, whilst for 2006-10, more suitable sites in other settlements have been identified. In any event, the site is in the green belt.

126.22 Objection 560.23.1: The objection is not accepted. The proposal would impinge into the green belt and would not comply with structure plan Policy 28 or local plan Policy Gen\13. It would do little to round-off the settlement, more likely creating a precedent for further claims to extend in a location physically separated by a busy main road.

126.23 Objection 568.38.1: The objection is not accepted. The proposed site is beyond the Potterton settlement boundary and located in the green belt. The green belt is a key component of national and local policy safeguarding the environmental resources of Aberdeenshire. Although the loss of this green belt land would not, in itself, lead to

coalescence or have an adverse impact on landscape setting, it is necessary to consider the concept in a wider sense and take account of the cumulative effect of many proposed sites.

126.24 The land is not of an infill nature; it is simply a greenfield, green belt site, outwith the settlement boundary. Although there is the prospect of new development on the caravan site, the essentially rural character will remain. Approved development is not of a scale comparable with the objection site. Development should be discouraged unless there is no alternative especially as structure plan allocations have been met.

126.25 The location of the site across the busy B999 which, despite the proposed crossing, would remain a clear barrier and physically separate the few facilities and services, is not a logical or desirable extension of the settlement. Furthermore, the boundary proposed does not follow any natural feature and would be imposed on the existing field pattern which offers no defined edge to an expanded settlement. Accordingly, the site cannot be regarded as rounding-off Potterton. If development did take place, any planting would require some time to establish.

126.26 Objection 882.1.1: The objection is not accepted. The site is too distant from Potterton to be included within the settlement boundary and the area cannot itself qualify for settlement status. Accordingly, the site is within the green belt and should not be considered for housing.

## **Conclusions**

### General

126.27 Consideration of objections to strategic housing land matters under Issue 20 led to the conclusion that there is no requirement for additional allocations. Accordingly, I conclude in respect of Potterton that further housing land is not necessary to ensure the local plan conforms to the provisions of the structure plan.

126.28 Although the council has argued that development of peripheral sites would be contrary to green belt policy, the local plan preparation process is an opportunity to review land uses and determine any new land use allocations. In turn, this process could lead to the designation of land for development, in effect removing the green belt status, redefining the boundary to a greater or lesser extent.

126.29 It has also been suggested by an objector that the local plan does not conform to the structure plan as a comprehensive review of the green belt has not been undertaken. This matter is considered under Issue 21 where it is concluded that the local plan is not contrary to the structure plan in this respect.

### Land to the north-east of Potterton

126.30 Objection 361.20.1: It is claimed that the land to the north-east of Potterton is bare and unfinished and would benefit from strategic planting. I do not accept this contention as the open, undulating fields provide an attractive approach to the village. If planting is required, this should not be justified by the construction of 100 houses, as proposed by the

objector. Notwithstanding the potential for providing affordable housing, I conclude that this land should not be released for development.

#### Land to the south of Potterton

126.31 Objection 11.6.1: In terms of green belt, the loss of the objection site would have less impact than development on other peripheral sites although, in townscape terms, development at this location would appear as a somewhat contrived addition. In any event, in the lack of a strategic requirement for additional housing land, there is not a case for the release of this site. In reaching this conclusion, I have taken account of the potential developer contributions.

#### Land to the west of Potterton

126.32 Objection 568.31.1: Although it is suggested that the release of land to the west of the B999 would constitute a natural extension of Potterton, the road currently forms a clear boundary and development on the opposite side, despite a proposed pedestrian crossing, would not link easily with the village. There are some existing buildings on the west side of the road and the caravan site is to be redeveloped. However, by comparison with the area proposed for release, the scale of existing and committed development is very limited and does not have a comparable impact.

126.33 It has been suggested that development to the west of the B999 could be regarded as an infill site but this is not so as the proposed development land is not a clearly defined area enclosed by development. Equally, development cannot be regarded as rounding-off as the road provides an adequate edge to the village at this point. Planting is proposed to create a defensible boundary but, again, the road serves this purpose at present.

126.34 In terms of the green belt, it has been argued that the land makes little contribution. The council is concerned about the value of the green belt being eroded by means of a plethora of incursions, perhaps not individually of great significance but, in total, amounting to a significant loss. This is an important consideration as many areas of green belt are not, in themselves, of great landscape value but they do contribute to the open character of the wider area. Accordingly, the release of any green belt land requires careful consideration.

126.35 Despite the objector's argument that the loss of the land would not prejudice the functions of the green belt, the area does have an important role in the wider landscape and, in turn, contributes to the setting of Aberdeen. When approaching Potterton from the south, the B999 runs in a north-west direction on higher ground and the village is largely obscured by the topography. However, as the road turns to the north, there is a clear view of the buildings to the south of the objection site. Visually, these buildings are dominated by a wider, open landscape which retains its green belt character. The field comprising the objection site is an essential part of this character and its loss to development would therefore be detrimental to the purpose of the green belt and would impose a significant urban element. Similarly, the B999 to the north of the village runs to the south-west and turns south at the edge of the village. This directs views across the open objection site to the existing development on the west of the road. That development is low and not very prominent, set well below the horizon. Development of the field would alter this aspect and destroy the green belt character of this section of the road.

126.36 All-in-all, I conclude that the village boundary should not be extended as required and the land should be retained in the designated green belt.

126.37 Objection 560.23.1: The area of land proposed for development in this objection is significantly less than in the previous objection and it is intended that construction should take place over two periods, 2000-2005 and 2006-2010. Nevertheless, the same principles apply that led to my conclusion that the larger area should not be incorporated within the settlement boundary. In turn, despite the smaller scale of the development proposed under this objection, I conclude that the village envelope should not be extended to the west of the B999.

#### Disused sewage treatment plant

126.38 Objection 882.1.1: Although Mr Eliot suggests that the objection site is on the edge of Potterton there is a distinct non-urban area between the settlement boundary and the objection site that cannot be regarded as part of the village. As Mr Eliot points out, there are numerous residential properties in the vicinity of the objection site. However, these do not form a cohesive group that would warrant settlement status and therefore, in turn, cannot be regarded as a rural service centre. In any event, even if the houses in the vicinity of Milton of Potterton were to be considered as a settlement, the criteria that justify rural service centre designation are not satisfied.

126.39 On the basis of the foregoing, notwithstanding the details of the proposal that have been provided, I conclude the objection site should be retained in the green belt and subject to the policies relative thereto. Any formal proposal should be assessed in the light of those policies, particularly Policy Hou\3, New Housing in the Green Belt.

126.40 I conclude that the local plan should not be modified in respect of this objection. In reaching this conclusion, I have noted the personal circumstances of the objector but these were not considered to be matters which should influence local plan land use allocations.

#### **Recommendations**

126.42 I recommend no modifications to the local plan in respect of the objections related to Potterton.

## ISSUE 127

### Formartine – Rosehall

<b>Objector</b>	<b>Reference</b>
Harbro Limited	361.21.1
<b>Procedure</b>	<b>Reporter</b>
Informal hearing	Richard Dent

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### Provisions of the local plan

127.1 The finalised local plan designates Rosehall as a rural service centre in the rural housing market area. In the northern part of the settlement, site Emp A is identified as being suitable for appropriate employment use(s).

### Basis of the objection

127.2 **Harbro Limited** welcomed the designation of Rosehall as a rural service centre but was concerned about allocation Emp A. North Eastern Farmers Ltd are likely to vacate their premises in Rosehall and there would be little chance of development or redevelopment for business purposes. The northern part of the site should be allocated for housing with an intervening buffer zone. In effect, this would be an enabling development to allow the greater part of the site to be brought back into employment use.

### Council's response

127.3 The lack of continued employment use removed the basis for designating Rosehall as a rural service centre. A modification has therefore been proposed to delete the rural service centre status.

127.4 An outline planning application for a mixed residential/industrial/business development has been lodged, which includes 22 houses on site Emp A. Discussions are continuing in respect of the cost of removing redundant industrial buildings and the remediation of any contaminated land.

127.5 More recently, it has been decided that Rosehall should be identified as “opportunity site” with the following accompanying text:

In Rosehall there is an opportunity for a mixed use redevelopment comprising appropriate employment use(s) and a small number of housing units.

127.6 Designation as an opportunity site allows for continued employment use. It is hoped that Rosehall could maintain some form of productive, economic use, but not at any expense. The benefit of redevelopment would be significantly eroded for local residents as well as the wider area if ill-considered proposals were brought forward on an *ad hoc* basis.

### **The objector's further comments**

127.7 There is potential for a range of uses through the identification of an opportunity site but rural service centre status allows greater flexibility and could include a defined site for residential development. The current planning application proposes houses, start-up and intermediate units, a business centre and community facility. Should the land not be included within a settlement boundary, restrictive policies might be applied. Nevertheless, the objection was withdrawn on condition that the opportunity site is designated as proposed by the council.

### **Conclusions**

127.8 Designation as a rural service centre with a defined boundary offers more certainty to prospective developers and removes the need to propose development on greenfield land that is subject to restrictive policies. In identifying a development opportunity, the proposed text refers to housing units and site Emp A would appear to be the logical, if not the only, site for residential development. It would therefore be unreasonable to exclude site Emp A from any forthcoming development scheme. On this basis, I conclude that the “star” designation and the associated text proposed by the council is appropriate. However, Rosehall is no longer a rural service centre and should not be located in this section of the local plan. It would be preferable to include a separate map in the Formartine section of the plan entitled “Rosehall Opportunity Site.”

### **Recommendation**

127.9 I recommend that the local plan is modified, as proposed by the council, whereby Rosehall is identified as an opportunity site along with the associated text as set out in paragraph 127.5. However, the map should be removed from the section containing rural service centres.

## ISSUE 128

### Formartine – Rothienorman

Objector	Reference
Cormack Development Company	242.3.4, 3.8-10 & 3.12
Fyvie, Rothienorman, Monquhitter Community Council	580.2.1
Rothienorman Community Association	1134.1.1

  

Procedure	Reporter
Formal inquiry (Cormack Development Company) and written submissions	Richard Dent

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### Provisions of the local plan

128.1 Rothienorman is designated as a rural service centre in the finalised local plan. Site ch1 is located in the south-western part of the settlement and is said to be suitable for around 10 houses. To the north-east of the built-up area, site eh1 is identified as being suitable for around 30 houses. To the north-west of the built-up area, site A is shown to be suitable for a maximum of 25 houses. Immediately to the south of the settlement boundary, site fh1 is shown as future housing with a capacity of 25 houses.

### Basis of the objections

128.2 **Cormack Development Company, Fyvie, Rothienorman, Monquhitter Community Council and Rothienorman Community Association** object to site ch1 as the land had previously been a protected area, long established as a play ground. There are plans to undertake significant improvements to the area. (242.3.9, 580.2.1 & 1134.1.1)

128.3 **Cormack Development Company** believes that land to the immediate north of site A should be allocated for housing. The land is well-sited in terms of both existing residential development and the centre of the village with local bus services, school (a new primary school is under construction), hall, shops, bank and sporting facilities all within walking distance by means of footpath links. The village is well-located to enable commuting to various nearby centres. Vehicular and pedestrian access would be via existing development with an emergency link to the B9001 which is not a particularly busy road at this point. The land is agricultural but unused and does not fall within prime land category. No restrictive landscape, agricultural, mineral, archaeological or nature conservation designations apply. Subject to strategic planting, development would not have an adverse impact. Altogether, the site is fully effective in terms of PAN38, Housing Land. Designation as site B would allow an early contribution, probably through the provision of serviced house plots.

128.4 There is strong local support for the construction of houses on the site, a petition to this effect having been submitted to the Rothienorman Community Association. The “Planning for Real” project had also demonstrated support for the site. Development of the site would be a logical extension of the village. Trees have already been planted along the

northern boundary of the site to provide 1.6 hectares of community woodland and will create a natural boundary for the village.

128.5 Approximately 8 houses a year have been built in Rothienorman over the past 12 years but no suitable gap sites remain available for development. A former industrial site is lying vacant and could be regarded a brownfield land. However, this is for sale as an employment site.

128.6 Lack of sites brought about a pause in development between 2000 and 2003 and when the land to the south of the objection site was granted planning permission in September 2003, the 25 serviced plots were sold within a year. There is now a long waiting list with an especially high demand from young couples. Continuing development would help to sustain the community. This could be achieved by allocating the land to the north of site A for a maximum of 25 houses. (242.3.4)

128.7 Site eh1 is suitable for housing but the allocation should be deleted as the owner does not wish to develop the land. On this basis the land is constrained and cannot be regarded as effective. It had been understood that the site has been allocated for over 30 years although it is accepted that a residential allocation is not shown in the Banff and Buchan District Local Plan 1988. Nonetheless, no interest has been shown in developing the land. Some years ago there was a proposal to build local authority houses but this was resisted by the owner and an alternative site was identified. Since the 1980s new development in Rothienorman has been to the west of the B9001. This has been cost effective due to the proximity of the sewerage works. When the waste water treatment plant was constructed in 1994 at a cost of £200,000, the owner of site eh1 refused to make a contribution. Housing on the site would now require an expensive waste water treatment plant.

128.8 Although the owner has stated to the council that the land will be developed within 5 years, in view of the previous reluctance to release the site, this is unlikely to reflect a genuine desire. It is more likely that the residential allocation is required for valuation purposes.

128.9 It would be appropriate to substitute the land to the north of site A for housing. Site eh1 could be retained for residential development with an allocation of 15 houses. Lack of an alternative site would significantly restrict the growth of Rothienorman, lead to a rise in the price of property and reduce the ability of the lower paid to acquire property in the village. In any event, the alternative site is preferable insofar as it benefits from planting separating the site from the fields beyond. Whilst site eh1 may round-off the village, it does not have such a boundary. However, the visual impact of development on land to the north of site A would be no greater as neither site is significantly exposed within the wider landscape. (242.3.8)

128.10 Site fh1 should not be allocated for housing in view of infrastructure constraints. The site is low lying requiring an expensive (at least £40,000) waste water pumping station to connect to the sewerage works. It would also be difficult and expensive to provide a water supply. There is no suitable footpath linking to the village centre and children would not be able to walk to school in safety. The provision of an acceptable footpath, 2 metres in width, would involve widening a bridge. The site is adjacent to the B9001 which, at this point, carries a high volume of traffic. A nearby site was recently refused planning permission because of similar safety concerns.

128.11 Site development would be constrained as the land is adjacent to the sewerage works. No development is permissible within a radius of 100 metres of the works which have been the subject of complaints in the past. Site fh1 is not a logical extension of the village and this again points to the northwards extension of site A. (242.3.10 & 12)

128.12 In summary, the Cormack Development Company seeks a modification whereby 25 houses are allocated to the land north of site A for immediate development, 15 houses are allocated to site eh1 for immediate development, 25 houses are allocated to site eh1 for future housing land and site fh1 is deleted.

### **The council's responses**

128.13 Objections 242.3.9, 580.2.1 & 1134.1.1: The objections are accepted. A modification is proposed deleting site ch1 and applying protected area designation to the land. As a consequence, the community council and the community association withdrew their objections.

128.14 Objection 241.3.8: The objection is not accepted. Site eh1 is part of the effective housing land supply for Rothienorman and the wider rural housing market area and, as part of the base supply, does not count towards the housing allocations under local plan Policies Hou\1 or Hou\2. The 2004 Housing Land Audit identifies the site for "around 30 houses" and indicates that it entered the land supply in 1998. As part of the established land supply, the site has been subject to considerable public consultation and it would be neither reasonable nor appropriate to delete the site from the local plan. The site is "effective" in terms of the definition in the local plan glossary and this status has not previously been challenged. The owner has confirmed a desire to develop the land and that intention has been re-iterated with an indication that a developer has expressed an interest. No substantive argument to the contrary has been provided and it may be that the owner is waiting for the certainty of an allocation in an adopted local plan. Topography, landscape setting and proximity to village facilities support the development of the site, particularly in conjunction with strategic landscaping. In this respect, development would accord with the principles set out in SPP3, Planning for Housing.

128.15 Objections 241.3.10 & 12: These objections are not accepted. Site fh1 extends to 1.5 hectares and helps to provide housing choice. At present choice in Rothienorman is limited to the provision of serviced plots. The loss of the site would result in a shortfall in the rural housing market area for the period 2006-2011.

128.16 The site is secluded and within a suitable landscape setting in contrast to the exposed nature of the land to the north of the village. Although concern has been expressed about the need to pump effluent, it is understood that the financial implications of any required work are unlikely to be onerous.

128.17 Roads constructed to service Site fh1 would be subject to the council's standards. A single access road from the B9001 would be adequate. The required splay of 60 metres by 4.5 metres could be achieved. It would be necessary to extend the 30mph speed limit to the south. Although there is not a footpath on the west side of the B9001 between the site and the centre of the village, the size of development would not justify a contribution by the

developer to allow the construction of a path. However, visibility is good at the location and safe crossing of the B9001 would be possible. Provision of a pedestrian island would be required to further facilitate crossing. A separate footbridge would be preferable when crossing the existing bridge but the existing footpath, although relatively narrow, does allow safe passage when approached with care.

128.18 Objections 241.3.4 & 12: These objections are not accepted. It is not proposed to delete either site eh1 or fh1 and the requirements of the rural housing market area under Policy Hou\2 have been met. Future housing land can be provided in Rothienorman on the two sites allocated and on brownfield opportunities. In any event, further development to the west of the B9001 would create an imbalance in the structure of the village. It is recognised that planting has taken place on land to the north of the proposed alternative site. This maturing tree screen may influence subsequent allocations but these would be the subject of consideration in a future local plan review. A survey has shown the B9001 carries less traffic at the northern side of Rothienorman but it is likely that residents walking to the village centre would cross the road closer to the shops where traffic flows are greater. It is also necessary to cross two roads when walking to the school from the north-west side of the village. The distance to the school from the land to the north of site A would be about 800 metres compared with approximately 400 metres from site fh1. Neither is an unreasonable distance.

## **Conclusions**

### Site ch1

128.19 Objections 242.3.9, 580.2.1 & 1134.1.1: The council has proposed a modification that meets the terms of the objections, two of which have been conditionally withdrawn. It is appropriate to afford protected status to the land which is integral to the village structure and clearly important to the community. The proposed modification is therefore worthy of support.

### Site eh1

128.20 Objections 242.3.4, 8, 10 & 12: It is clear that site eh1 is generally accepted as being suitable for residential development. Although the objector initially required the deletion of the residential allocation, it was subsequently suggested that the local plan should provide for 15 houses for immediate release with 25 houses for future development. This amended requirement is at odds with the thrust of the original argument that the site is constrained because the owner is not prepared to release land for development. I agree that, in land use terms, the site is suitable for residential development. Although the land rises, from the existing boundary of the built-up area, it is not prominent within the wider landscape. Indeed, when approaching Rothienorman from the north, the topography and the alignment of the B9011 effectively shield the site from any long views.

128.21 The question of an appropriate residential designation must be addressed. In this respect, the council has explained that the land is part of the effective housing land supply and therefore does not fall to be included under either Policy Hou\1 or Hou\2. On this basis, despite the request by the objector, it would be inappropriate to designate the land as “site B” for housing in the period 2000-2005 or under an “fh” notation for future housing. The choice

depends on whether the land is regarded as effective, in which case an “eh” prefix should be applied, or whether a “ch” prefix should indicate that the land is constrained.

128.22 Notwithstanding the more recent suggestion that the site should be allocated for development, the objector’s case for constraint relies on the opinion that the owner does not wish to release the land for development. Reference is made to PAN38 which indicates that ownership must be considered when assessing constraints. Sites must be in the ownership or control of a party expected to develop the land or release it for development. The objector believes that the opportunity to develop the site has existed for many years and that there was active resistance to releasing the land for local authority housing. Housing allocation would increase the value of the land as an asset but there is no substantive reason to suggest that release could be anticipated in the future. On the other hand, the council, whilst recognising the value of housing land, points out that the site has never been allocated for residential purposes in an adopted local plan. The owner has twice expressed an intention to release the site and has indicated that a developer has expressed interest.

128.23 I note that PAN38 requires the effectiveness of sites to be determined in the light of discussions between parties. In this case there has been correspondence between the council and the owner and this must be seen as a genuine attempt to determine the likelihood of the land being released. Despite the claim by the objector that history suggests otherwise, it is considered that the positive response of the owner must be taken at face value. On this basis, I conclude that an “eh” prefix is appropriate and believe the designation of site eh1 should therefore remain as contained in the finalised local plan. In reaching this conclusion I have also noted that the site has been included in the housing land audit without challenge to its effectiveness.

#### Site fh1

128.24 In respect of Site fh1, I accept that an access could be provided in accordance with the required standards and that an effluent disposal system could be installed notwithstanding the cost. Nevertheless, the prospect of development gives me three causes for concern. Firstly, although the council believes the narrow footpath across the bridge could be safely negotiated, I consider that this is an undesirable feature, particularly in respect of use by children and parents with prams or push chairs. Secondly, the proximity of the site to the existing sewerage treatment works is unsatisfactory. Although there has been reference to a *cordon sanitaire* insufficient detail has been provided to enable an assessment on the potential impact – if any - on the capacity of site. Thirdly, Rothienorman is a relatively compact settlement focussed on the central crossroads. Development of site fh1, which the council describes as secluded, would not respect the existing form of the village and lead to houses that would not be well-related to the rest of the settlement. The requirement for strategic planting in the northern part of site fh1 would reduce the impact of the sewerage works but would add to the degree of separation from the rest of the village. Accordingly, notwithstanding the potential choice offered by the site, I conclude that the allocation has significant limitations and should be removed from the local plan.

#### Land to the north of site A

128.25 The objector believes that land to the north of site A should be allocated for residential development although the council states that any additional land requirement

should be provided on brownfield land within the village. The view of the objector in this latter respect is that there is no potential within the village, particularly as the vacant industrial premises are intended for employment use. This is not disputed by the council. The loss of site fh1 would not require that the resultant deficit in the housing land potential should be made good in Rothienorman. However, several benefits have been claimed by the objector in respect of the land to the north of site A.

128.26 I accept that the development of the site would allow the continued growth of Rothienorman and there is no reason to doubt that there is local support for the project. Equally, it is clear that the existing provision of serviced plots is a popular method of securing new houses and, in itself, offers choice of design. There are no access problems and, although the site is further from the school than site fh1, the council accepts that the distance is not unreasonable. Although it would be necessary to cross two roads, I conclude that the general level of safety would be higher than the route from site fh1.

128.27 I also accept that in terms of continuity of development the extension of site A to the north would be logical. However, such development must also be considered in a wider planning context. In this respect, the disposition of the land is an important consideration. As explained, Rothienorman is a relatively compact village and the development of the land to the north of site A would link well with the existing development and retain the general form of the village. Whilst development to the west side of the B9011 would extend further than that on the opposite side of the road, particularly if the development of site eh1 should be delayed, this is not a significant impediment. The land to the north of site A continues to rise and would be more exposed than either site fh1 or site eh1. Nevertheless, the visual impact in the landscape setting would be limited, particularly as the B9011 rises to a crest beyond the northern extremity of the site. The community woodland that has been planted will progressively create an additional screen although the full benefit of this is likely to take a number of years to achieve.

128.28 All-in-all, I conclude that the development of the land to the north of site A is justified and that the designation fh1(25) should be applied to indicate the construction of 25 houses in the period January 2006-December 2010.

### **Recommendations**

128.29 I recommend that the local plan is modified, as proposed by the council, whereby site ch1 is deleted and replaced by a “protected area” designation.

128.30 I also recommend that Site fh1, including the P3 notation, is deleted. The land should remain outwith the settlement boundary.

128.31 I further recommend that land to the north of the village, as identified on the location plan provided by Cormack Development Company (October 2004, reference SK-105) is designated fh1. The text should remain unaltered in this respect and read:

Future housing land is shown as Site fh1(25)

## ISSUE 131

### Formartine –Tarves

<b>Objector</b>	<b>Reference</b>
Mr J W Benton Tarves Community Council	619.13.1 & 24.1 302.2.2 & 2.4
<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mr Benton) and written submissions	Richard Dent

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### Provisions of the local plan

131.1 The finalised local plan designates Tarves as a rural service centre in the Aberdeen housing market area. Site Emp A is identified as being suitable for mixed use: employment use and around 15 houses (2006-2010). No particular areas of search are indicated but, consistent with its rural service centre role, Tarves is expected to accommodate a share, proportionate to its size, of the future housing for the period 2100-2016. A conservation area is shown along with various protected areas.

### Basis of the objections

131.2 **Tarves Community Council** suggests that only the frontage of the school should be within the conservation area and points out that the “area of special character” around the manse, included in earlier versions, has been removed. (302.2.2 & 2.4)

131.3 **Mr Benton** is concerned that the local plan does not reflect the council’s decision in respect of land allocations in Tarves. He requires land to the south-west of Tarves to be designated for 50 houses in the period 2000-2005 to contribute to maintaining an effective 5 year supply of housing land with a further allocation for the period 2006-2011.

131.4 Although the structure plan states that the housing allocation for “other settlements” in Formartine in the period 2000-2005 is 115, this is an indicative figure and could be exceeded. There is no specific restriction limiting new housing in rural service centres to 15 in the period 2000-2005 and the local plan allocates a greater number to various centres.

131.5 Tarves has been identified as a priority area for business expansion and a full range of housing must be available to support this objective and reflect the sustainability principles of both the local plan and the structure plan. This would allow low-cost social housing to be built to the north of Duthie Road (site Emp A) and high quality private housing to the south. The housing land allocations would also allow the construction of a nursing home providing employment and a facility to serve Tarves and a wider area. Houses would support fragile community services including the school, shops and public transport. The school roll declined from 192 in 1996 to 123 in 2004 and is projected to fall to 93. A bakery has closed, the general store/post office is for sale, the bank has become part-time and there are fears

about the future of medical facilities as a new health centre has been constructed at Pitmedden.

131.6 There was an embargo on development in Tarves because of the capacity of the waste water treatment plant. The embargo was lifted in 2001 with the completion of the new facility which, unusually, had the capacity to cope with significant expansion of the settlement. Housing land allocations at Pitmedden should be transferred to Tarves where there are better facilities.

131.7 The site itself is free-draining, open agricultural land and would provide a natural extension to the village being visually contained in the landscape. It would not impinge on views from the main approach to Tarves which is from the south. Development would cause minimal light pollution and conform to the council's guidance in terms of landscape character. The south facing slope would take advantage of solar gain. The entire northern boundary would be landscaped and, overall, there would be greatly increased bio-diversity. Safe access to the school and adjacent play area, which are on the south side of Duthie Road, would be possible. The main village shop and post office are also on the south side of the street.

131.8 The objection site should be preferred over site Emp A which has been available for over 30 years and yet no development has ever taken place. (619.13.1 & 24.1)

### **The council's responses**

131.9 Objections 302.2.2 & 2.4: The objections are accepted to the extent that the school and its grounds are to be deleted from the conservation area and the "protected area" is to be extended to include the manse.

131.10 Objections 619.13.1 & 24.1: The objections are not accepted. The minutes of the council confirm that the finalised local plan accords with decisions taken in respect of land use allocations.

131.11 A housing land allocation of around 15 houses has been made for Tarves as part of the mixed development on site Emp A. This is more suitable than the proposed alternative as the housing relates to the employment land proposal and the character of existing development. There is no housing land requirement for the period 2006-2010 and the text explains that future housing (post 2010) will be required although no areas of search are identified.

131.12 In terms of the structure plan, allocations in rural service centres should be small-scale and normally amount to less than 15 units in any five year period. The structure plan target of 115 for "other settlements, Formartine" has been exceeded and stands at 141, mainly through the inclusion of sites derived from CALPs.

131.13 The objection site has merits in terms of topography and relationship to the village. The land was identified at an early stage in the plan-making process although not included in the finalised document. Future housing land allocations will follow a capacity study of the village when all possible sites will be assessed.

## **Conclusions**

### Conservation area and protected area

131.14 Objections 302.2.2 & 2.4: The amended extent of the conservation area is appropriate and excludes buildings that do not merit special status. Similarly, the extension of the “protected area” to include the manse is a reasonable response to the objection.

### Housing land allocations

131.15 Objections 619.13.1 & 24.1: The conclusions reached in Issue 20 in consideration of objections to strategic aspects of housing land supply found no fundamental difficulties in respect of the local plan complying with the provisions of the structure plan. In particular, we concluded that there is no strategic need to identify additional housing land and, on this basis, the allocation of the site at Tarves is not justified.

131.16 The council has pointed out that the target of 115 for “other settlements” for the period 2005-2010 has been met and, indeed, stands at 141. Although the structure plan sets a target, Mr Benton does not consider that this should represent the maximum number of houses to be allocated. Insofar as the council has identified sites with a capacity of 141 houses, it is clear that the structure plan target has not been regarded as an absolute maximum. I therefore conclude that there is scope for allocating sites that could lead to a total capacity greater than the target set in the structure plan and that this, in itself, should not preclude the designation of the objection site at Tarves.

131.17 Although the council points to the allocation of 15 houses in the mixed use development on site Emp A, there is an argument, on the basis of the foregoing conclusion, that further land could be allocated. Clearly, should there be a further allocation, the size of the development must have regard to the structure plan target and not give rise to the prospect of a significant over-provision, thereby grossly distorting strategic objectives. Secondly, any houses proposed must take account of the scale of the existing settlement and the impact of new development. In this respect, the structure plan emphasises that small-scale development will be spread among rural service centres and that this will usually involve less than 15 houses. This guidance is contained in a paragraph that discusses the period 2006-2010. Thirdly, the site identified must be suitable in land use terms.

131.18 Notwithstanding the difference in opinion in the likelihood of 15 houses being provided on site Emp A, this is the only allocation for development in Tarves during the period 2006-2010. A further allocation would not appear inappropriate in view of there being, at least, some doubt as to whether the envisaged development will proceed. There has been very little development in Tarves since the time the embargo was imposed due to lack of waste water treatment capacity. Taking into account the possibility of 15 houses being built on site Emp A, additional new building in the period 2006-2010 would have little or no adverse community impact if retained at a reasonable scale. In this latter respect, I conclude that the 50 houses suggested by Mr Benson is too high a figure but that there is a case for exceeding the usual maximum referred to in the structure plan. The availability of waste water treatment infrastructure, the school roll are further considerations in this respect. Additionally, although difficult to quantify, it is likely that there would be additional expenditure in local shops. I have not regarded the suggestion that allocations should be

transferred from Pitmedden as a valid argument. However, I conclude that Tarves could accommodate 30 houses in the period 2006-2010 in addition to the 15 allocated under site Emp A.

131.19 Although the council wishes the opportunity to assess all potential sites for future housing land, there is general agreement that the objection site has merits in terms of topography and relationship to the village. I therefore conclude that land immediately south of Duthie Road and west of the existing houses would be suitable for the allocation of 30 houses for the period 2006-2010. Mr Benton also makes reference to a nursing home but no details have been provided to allow me to reach any conclusion in this respect.

131.20 In terms of houses for the period 2011-2015, the settlement statement indicates that Tarves is expected to accommodate a share proportionate to its size. The council is to undertake a capacity study to permit a comparative assessment of any alternative sites. Structure plan Policy 10, Indicative Housing Distribution, 2011 to 2015, emphasises that any allocations in this period are indicative and subject to review. In order to allow the capacity study to assess all potential housing sites, I conclude that there is not a requirement for the local plan to safeguard further land.

### **Recommendations**

131.21 I recommend that the local plan is modified, as proposed by the council, whereby (i) the conservation area is reduced in size to exclude the school site and (ii) the protected area is extended to include the area around the manse. The proposals map should be modified as indicated in the Schedule of Proposed Modifications and Amended Settlement Maps dated 26 May 2003.

131.22 I further recommend that the local plan is modified by the inclusion of site fh1 as described in paragraphs 131.19 with appropriate amendments to the proposals map and settlement statement.

## ISSUE 132

### Formartine – Tipperty

<b>Objector</b>	<b>Reference</b>
Taylor Design Services	1085.4.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

132.1 The finalised local plan designates Tipperty as a rural service centre in the Aberdeen housing market area. There are three components to the settlement, one to the west of the A90 and two to the east. To the south of the most northern element of Tipperty, east of the A90, site fh1\* is identified future housing land.

### Basis of the objection

132.2 **Taylor Design Services** expresses concern about site fh1\* which is located on a conspicuous slope. It would be preferable to transfer the allocation to the north of the existing settlement boundary where mature tree planting to the east, south and west would reduce the impact on the landscape and protect the site from the elements.

### The council's response

132.3 The objection is only accepted to the extent that it is proposed to delete site fh1\*. As an area of search is not warranted in Tipperty and no replacement is suggested.

### Conclusions

132.4 Site fh1\*, as shown in the finalised local plan is very prominent, and I conclude that the deletion of the allocation is justified. The statement that an area of search is not required has not been supported by any explanation. However, in terms of structure plan Policy 10, Indicative Housing Distribution: 2011-2015, local plans are not obliged to indicate where housing in this period should be accommodated. Allocations should be indicative and are subject to review. In view of the uncertainties surrounding a possible further fh1\* allocation at Tipperty, I conclude that the local plan should not include an indicative location.

### Recommendation

132.5 I recommend that the local plan is modified, as proposed by the council, whereby site fh1\* is deleted.

## ISSUE 133

### Formartine – Turriff

<b>Objector</b>	<b>Reference</b>
David McDonald	102.2.1
Alasdair Ramsay	202.2.1
R F Maxwell & Son	252.14.1
Mrs Towler	568.69.1-2
Pamela J Singer	674.2.1
Stuart G Mair and Sons	837.1.1
Albert S Cumming & Lorna E Cumming	987.1.1

<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mrs Towler) and written submissions	Richard Dent

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### Provisions of the local plan

133.1 The finalised local plan designates Turriff as a main settlement in the rural housing market area. There are six existing housing sites and one constrained site. Future housing is indicated under sites fh1, fh2 and fh3 with respective capacities of 50, 20 and 80. Site Emp A includes a P, strategic landscaping, designation to the rear of the site.

### Basis of the objections

133.2 **Mr McDonald** requires land to the immediate south-west of Turriff to be included in the settlement boundary. (102.2.1)

133.3 **Mr Ramsay** explains that planning permission has been granted for employment land allocated under site Emp A. However, a tree belt crosses the centre of the field preventing further development. The allocated area is very small and to meet demand for the 10 year timescale of the local plan, the extension of the site is justified to provide additional land. (202.2.1)

133.4 **Mr Cumming & Ms Cumming** also believe that the size of site Emp A may threaten viability and prejudice the development of the land. (987.1.1)

133.5 **R F Maxwell & Son** seeks allocations for residential development south of Turriff to the north-east and south-west of the A947. The land is largely agricultural with some commercial use and adjoins the settlement envelope to the north. The development of the land would contribute to the anticipated shortfall in the effective 5 year overall housing land supply. There is a specific shortfall in Turriff with no current housing allocations. This is leading to a reduction in choice and consequent increase in demand. The local plan does not provide any indicative housing land allocations for Turriff under structure plan Policy 10 for the period 2011-2015.

133.6 The objection site is superior to sites fh1 and fh3 as it is closer to the town centre, it would provide a more balanced pattern of growth, it is partly brownfield, it is effective, it is located at an important gateway to Turriff from Aberdeen and creates the potential to improve its appearance resulting in a positive effect on the landscape and it offers a sustainable solution for a long-term planned and programmed extension of Turriff. (252.14.1)

133.7 **Mrs Towler** believes the capacity of site fh3 is not sustainable and should be raised from 80 to at least 100 houses. Excluding the area for strategic planting, the density proposed in the plan is exceptionally low at around 15 per hectare compared with a generally accepted density of 20 per hectare. The site is not prominent and so there is no wider landscape reason for a lower density. The higher density would still permit open space, play areas, adequate plot sizes and landscaping. Whilst the final number of houses would be determined through the granting of planning permission, more certainty is required at this stage. The greater number of houses would maximise the potential of a greenfield resource and help maintain the 5 year housing land supply as argued under Issue 20. (568.69.1-2)

133.8 **Ms Singer** requires land at Findon Croft to reflect the outline planning permission that has been granted. (674.2.1)

133.9 **Stuart G Mair and Sons** requires the extension of the settlement boundary to the south-west of Turriff to include a field to be used for individual housing. There are 5 existing houses next to the field and the site is within easy walking distance of Turriff (less than ¼ mile) with a pavement all the way. The existing houses are connected to mains drainage and water. (837.1.1)

### **The council's responses**

133.10 Objection 102.2.1: The objection is not accepted. Part of the objection site is within the settlement boundary with the remaining area being a low-lying section of “the haughs” bounded by the Burn of Turriff and a dismantled railway siding. The area may be susceptible to flooding but, in any event, the piecemeal expansion of Turriff in this vicinity for one or two dwellings is neither sustainable nor desirable. Policy Gen\1, Sustainability Principles, requires proposals to be well-related to existing settlements and avoid dispersed patterns of development. Additionally, the site is opposite the walkway along the former Turriff Junction Railway at an attractive gateway to the rural environs of the Deveron valley, the character of which would be eroded by new housing.

133.11 Objections 202.2.1 & 987.1.1: The objections are not accepted. The boundary of the employment land was chosen to prevent skyline development.

133.12 Objection 252.14.1: The objection is not accepted. The inclusion of this land is not favoured at present and better sites are allocated. Despite the apparent close proximity of the site to the town centre, in the short-term this would not be a logical extension to the settlement.

133.13 Objections 568.69.1-2: The objections are not accepted. All development must respect the character and amenity of the surrounding area and be of an appropriate density in accordance with Policy Gen\2, The Layout, Siting & Design of New Development. Density should reflect the position of the site within the settlement and should include a mix of

densities which take account of adjacent sites. This site is allocated for “around 80 houses” which is appropriate for a site in a relatively exposed, edge-of-settlement location that is visible from a distance. The gross area, including strategic landscaping, is 6.3 hectares and the developable area is 5.2 hectares. Densities on adjacent sites fh1 and eh2 are 17-18 per hectare and 19.5 per hectare respectively. A density of 20 per hectare is standard but a lower density is usually appropriate at the edge of towns.

133.14 In cases where there are clear planning reasons for a maximum number of houses, that number is given alongside the settlement. Otherwise the number given is indicative only. This is intended to inform the calculation of structure plan requirements, and is expected to provide a reasonable approximation of the number of units to be anticipated, e.g. “around 10”. However, the precise number can only be set ultimately through the detailed process of applying all the appropriate planning policies to a specific proposal on the site. This is achieved through development briefs and the processing of planning applications.

133.15 In terms of the wider strategic issue of housing land supply, the matter is dealt with under Issue 20. However, structure plan Table 4b, requires 150 houses in Turriff for the period 2006-2010 and this number has been allocated.

133.16 Objection 674.2.1: The objection is accepted. The site was omitted in error and the plan will be modified accordingly.

133.17 Objection 837.1.1: The objection is not accepted. Turriff should not expand in the direction of the objection site. The site is divorced from the town and development would set a precedent which could lead to ribbon development and coalescence with Rosehall.

## **Conclusions**

### Land south-west of Turriff (a)

133.18 Objection 102.2.1: No justification for the objection has been provided and there is no sound reason for extending the boundary. There is a row of houses within the proposed boundary at this point and it may be that an adjustment of the boundary to the north-west as required would lead to proposals to extend the residential development. As pointed out by the council, development in this location would be contrary to Policy Gen\1 and should not be encouraged. In any event, where there is a concern about flooding, the precautionary principle should apply.

133.19 The area does not have an urban character and the rural environs referred to by the council should be protected.

133.20 Overall, I conclude that the settlement boundary of Turriff should not altered as a consequence of the objection.

### Site Emp A

133.21 Objections 202.2.1 & 987.1.1: The site is located in one of the higher parts of the town at the edge of Turriff. The land slopes upwards and away from the access road towards the crest of a hill. The P1 designation is important and should be retained. Although the

precise form of the landscaping should be determined at the time detailed proposals come forward, I conclude that the boundary of the site should be retained as shown in the Turriff East proposals map. No details have been provided to substantiate the suggestion that the site might not be viable and therefore this claim does not alter my conclusion.

#### Land south of Turriff

133.22 Objection 252.14.1: Consideration of objections under Issue 20 has led to the conclusion that there is no strategic requirement for additional housing land allocations. In terms of allocations in Turriff, structure plan Table 4b does not require any allocations for the period 2000-2005. Allocations for 150 houses for the period 2006-2010 have been achieved through sites fh1, fh2 and fh3 with 50, 20 and 80 houses respectively. On this basis, the outcome of the objection hinges on the claim that the land to the south of Turriff should be favoured over sites fh1 and fh3.

133.23 Although it is suggested that the objection site is closer to the town centre, the links between sites fh1 and fh3 are direct and cannot be regarded as remote. Despite the claim that development to the south would provide a more balanced pattern of growth, the objection site is across the River Deveron and, notwithstanding some limited development along the A 947, the majority of the site is physically and visually unrelated to Turriff. In contrast, sites fh1 and fh2 are immediately adjacent to the existing built-up area. I conclude that, in terms of location, the objection site cannot be considered as superior to the local plan housing land allocations.

133.24 The objection site is said to be partly brownfield but this status could be applied to only a very small proportion of the overall site and is not a persuasive argument.

133.25 The site is effective but this does not overcome the basic concerns about the location of the land.

133.26 Whilst the objection site does lie at an important gateway to Turriff, the claim that this creates the potential to improve appearance and provide a positive effect on the landscape has not been elaborated. This unsubstantiated claim is therefore not persuasive.

133.27 Finally although it is suggested that the land offers a sustainable solution for a long-term planned and programmed extension of Turriff, the problems of location again casts doubt on this assertion. In any event, as has been previously concluded, there is no requirement for further housing land allocations for the period up to 2010 and the structure plan does not oblige the local plan to make indicative allocations beyond that date.

133.28 Overall, I conclude that the land south of Turriff should not be allocated for residential development.

#### Capacity of site fh3

133.29 Objections 568.69.1-2: Although the objector has suggested that a higher density would assist in making good any shortfall in the 5 year housing land supply, the conclusions to Issue 20 demonstrate that there is not a requirement in this respect.

133.30 The council has inferred that housing numbers have been influenced significantly by the structure plan housing land requirements. In particular, structure plan Table 4b requires an allocation of 150 in Turriff for the period 2006-2010. Sites fh1(50), fh2(20) and fh3(80) provide the required total. Although the council accepts that 20 per hectare is a standard density, it is argued that a lower density is appropriate at edge-of-settlement locations. Nevertheless, the site capacity in the local plan has a degree of flexibility and the council emphasises that the final figure is derived from an ongoing process including a development brief and, in due course, detailed planning permission. The objector does not consider this approach provides an acceptable degree certainty as the proposed density of site fh3 is significantly below the standard 20 per hectare.

133.31 In general terms it is clear that density often reduces from town centre sites, where a high number of units per hectare is commonplace, outwards to the suburbs. Lower densities provide the opportunity for a range of houses including single storey development and upper market housing. However, an edge-of-town location does not, in itself, dictate the need for significantly lower density. In this case the objector states that the site is not prominent although the council believes that the land can be seen in wider views of the town. I conclude that, visually, the development would have limited impact and that site density of development within the range of 16-20 per hectare will have little influence on the landscape setting of Turriff subject to a maximum of two storey development.

133.32 More important is the relationship with neighbouring development, particularly site fh1, where a density of 17-18 per hectare is envisaged, site eh2, where the density of the completed development is 19.5 per hectare, and intervening housing. The housing in site eh2 provides a pleasant residential environment but is built at a higher density than proposed for site fh1. I conclude that it would be appropriate for site fh3 to compare, in terms of density, with site fh1 with a net density of 17.5 houses per hectare. On the basis of a net developable area of 5.2 hectares, this would provide an indicative total of 91 houses (rounded to 90). Insofar as the council accepts that a final figure depends on the ultimate detailed planning permission, there would be scope for reasonable variation in this figure.

133.33 With regard to structure plan Table 4b, the allocation of 90 houses to site fh3 would provide a total of 160 houses in the period 2006-2010, that is, 10 more than required. I conclude that this addition is within strategically tolerable limits.

#### Findon Croft

133.34 Objection 674.2.1: The modification meets the terms of the objection and reflects the planning status of the site. There is no reason to dissent.

#### Land south-west of Turriff (b)

133.35 Objection 837.1.1: Although there is an existing group of houses fronting the road adjacent to the site, the vicinity is essentially rural in character. There is a wooded gully to the east of the site which ensures there is no direct visual or physical relationship with the nearby town. The inclusion of the land within the settlement boundary would allow the residential development required but, as feared by the council, the release of a relatively isolated site without a clear planning justification could well lead to irresistible pressure for

further similar development. Overall, I conclude that the extension of the settlement boundary to incorporate the objection site is not merited.

### **Recommendations**

133.36 Objection 102.2.1: I recommend no change to the local plan in respect of this objection.

133.37 Objections 202.2.1 & 987.1.1: I recommend no change to the local plan in respect of these objections.

133.38 Objection 252.14.1: I recommend no change to the local plan in respect of this objection.

133.39 Objections 568.69.1-2: I recommend that the local plan is modified whereby the settlement statement for Turriff indicates "Site fh3 (90)".

133.40 Objection 674.2.1: I recommend that the local plan is modified, as proposed by the council, whereby the settlement boundary is adjusted to the south-east of site eh3 as shown in the Schedule of Proposed Modifications and Amended Settlement Maps, 26 May 2003.

133.41 Objection 837.1.1: I recommend no change to the local plan in respect of this objection.

## ISSUE 134

### Formartine – Udney Green

<b>Objector</b>	<b>Reference</b>
Mr J W Benton	619.25.1
<b>Procedure</b>	<b>Reporter</b>
Informal hearing	Richard Dent

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### Provisions of the local plan

134.1 The finalised local plan designates Udney Green as a rural service centre in the Aberdeen housing market area. To the east of the village an area designated P is described as a project area suitable for cemetery provision, car parking, a maximum of 15 houses and strategic planting.

### Basis of the objection

134.2 **Mr Benton** objects to changes made to the project area proposals which he believes differ from those endorsed by the community council. Overall, his aims match those of the council insofar as he supports the project area but there is concern locally that only the houses will come forward. A planning application has been submitted but the car park is not the size that had been agreed originally. Although the council has produced a development brief to ensure that all the various elements come forward together, the local plan should indicate that an integrated project is proposed and that any planning permission will also be subject to a section 75 agreement.

### The council's response

134.3 The project area was included in the local plan to facilitate the creation of essential community facilities and allow a moderate growth of the village in accordance with the structure plan. Housing will not be allowed without the provision of a cemetery and school/cemetery car park. A development brief has been prepared with an input from the community council. Indeed, a local plan objection by the community council was withdrawn as the concerns expressed were satisfied through the development brief.

134.4 The council is minded to approve an application for detailed planning permission which complies with the brief. Developer contributions will ensure the provision of the car park and cemetery extension and this requirement will be included in a section 75 agreement as stipulated in the development brief.

134.5 For clarification, it is proposed to modify the local plan by adding a footnote explaining that site P will be “subject to a development brief.”

## **Conclusions**

134.6 Matters have moved forward since the publication of the finalised local plan with the preparation of a development brief and the submission of a detailed planning application which the council is minded to approve. The development brief does not refer to an integrated development or the need to conclude a section 75 agreement. The brief does advise that developer contributions should be discussed with the Planning Gains Co-ordinator.

134.7 The council has explained that the community council was involved in the preparation of the development brief and is presumably content with its terms as a local plan objection had been withdrawn. The council has also indicated that the provision of the car park and cemetery extension will be regulated through a section 75 agreement.

134.8 All-in-all, I conclude that although matters have moved beyond the local plan, there would be merit in the modification proposed by the council. Similarly, for the avoidance of doubt, it would not be inappropriate to indicate that the project should involve the integrated provision of the various elements.

**Note:** The 15 houses have not been placed within any of the development periods set out in section 8, of the introduction to chapter 8. No specific objection has been lodged in this respect but the council may wish to consider whether it would be appropriate to place the houses within a structure plan period in terms of Table 4a.

## **Recommendation**

134.9 I recommend that the local plan is modified, as proposed by the council, subject to a further modification as follows:

Add the following footnote at the end of the description for site P: “An integrated development is required including all the specified elements. Subject to a development brief.”

## ISSUE 137

### Formartine – Ythanbank

<b>Objector</b>	<b>Reference</b>
Taylor Design Services	1085.5.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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### Provisions of the local plan

137.1 The finalised local plan designates Ythanbank as a rural service centre in the Aberdeen housing market area. Site eh1 is identified as being suitable for around 6 houses.

### Basis of the objection

137.2 **Taylor Design Services** explains that site eh1 is substantially complete. There is a mains water supply at Ythanbank and drainage by means of septic tanks and soakaways is possible. A modest residential extension would help support existing facilities. An area west of the southern “leg” of the village would be appropriate with strategic landscaping around the T-junction.

### The council’s response

137.3 Residential allocations have been distributed to more suitable sites in the Aberdeen housing market area.

### Conclusions

137.4 The amount of housing proposed would be unlikely to be significant in the context of the requirements for the wider housing market area. However, taking into account the virtual completion of site eh1, Ythanbank has a distinctive three-legged form with single frontages along the western and southern legs. Properties here look out across and, to some extent enclose a green area bounded by the River Ythan providing an overall pleasing disposition. Development as proposed would be significantly detract from this established character and would be likely to present the rear view of property in place of the existing frontage. I conclude that the required additional allocation would be detrimental to the character of Ythanbank and is not justified.

### Recommendation

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

## ISSUE 138

### Formartine – Areas Outwith Settlements – Castlehill Farm, near Methlick

<b>Objector</b>	<b>Reference</b>
Mr Ian Cook	568.31.2
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### **Provisions of the local plan**

138.1 The finalised local plan places Castlehill Farm in the countryside. It lies within the Aberdeen housing market area.

#### **Basis of the objection**

138.2 Land at Castlehill Farm should be designated for the provision of home farm units. The concept involves the creation of small, compact farms in conjunction with the use of existing farm buildings. This would offer an opportunity to retain and strengthen the farming base whilst creating rural employment. Proposals of this nature cannot be considered on a widespread basis but assessed on merit in specific areas. Castlehill Farm would be an ideal location as the farm is no longer operated as a single unit with much of the land leased and various buildings let on a short-term basis.

138.3 Structure plan Policy 12, House Building in the Countryside Beyond the Green Belt, makes provision for new houses which are related to an enterprise appropriate to the countryside.

#### **Council's response**

138.4 The objection is not accepted. The concept of home farm units is related to degraded land and areas of mineral extraction, for example, in West Lothian. Such degraded land is not widespread in Aberdeenshire. Structure plan Policy 12 and local plan housing policies deal adequately with housing in the countryside, including the use of steadings as houses and related business space.

#### **Conclusions**

138.5 The council has explained that this form of development is more closely associated with areas of degraded land. Clearly this does not apply in the vicinity of Castlehill Farm.

138.6 Structure plan Policy 12 generally presumes against house building in the countryside other than in certain limited cases including, as referred to by the objector, those related to an enterprise appropriate for the countryside. Objections to local plan Policies Hou\4 and 5 have been considered under Issue 22 but no recommendations have been made that would

specifically encourage home farm units. Objections to Policy Emp\3, Employment Development in the Countryside, were considered under Issue 30 and it was concluded that greater flexibility is not justified. Nevertheless, Policy Emp\3 does provide a basis for considering a home farm unit proposal albeit that the criteria for assessment are strict.

138.7 Overall, I conclude that it would be inappropriate to make a particular allocation for home farm units at Castlehill Farm but that such units are not necessarily precluded subject to rigorous assessment against the relevant provisions of the structure plan and local plan.

### **Recommendation**

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

## ISSUE 138

### Formartine – Areas Outwith Settlements – Craigdam

<b>Objector</b>	<b>Reference</b>
Mr J W Benton	619.26.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### **Provisions of the local plan**

138.9 The finalised local plan places Craigdam in the countryside. It lies within the Aberdeen housing market area.

#### **Basis of the objection**

138.10 Craigdam has been designated as a settlement in the previous two local plans and no justification has been given for the loss of this status in the current plan. Much smaller settlements that were not all listed previously have been identified. A site at Craigdam, previously identified for 5 houses should be regarded as an infill site.

#### **The council's response**

138.11 The objection is not accepted. Craigdam does not meet the criteria for designation as a rural service centre, as there is no school, shop, workplace or other facility to be sustained by new development.

#### **Conclusions**

138.12 Although Craigdam comprises a significant number of houses which generally front both sides of the minor road. To this extent, Craig dam could be regarded as a settlement. However, there are no discernable services or facilities that could support a case for rural service centre designation. Accordingly, I support the council in its opinion and I conclude that Craigdam should not be afforded rural service centre status.

#### **Recommendation**

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

## ISSUE 138

### Formartine – Areas Outwith Settlements – Drumhead

<b>Objector</b>	<b>Reference</b>
Country Life Estates	1310.17.2 (previously 568.67.2)
<b>Procedure</b>	<b>Reporter</b>
Informal hearing	Richard Dent

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#### **Provisions of the local plan**

138.14 The finalised local plan places Drumhead in the green belt. It lies within the Aberdeen housing market area.

#### **Basis of the objection**

138.15 **Country Life Estates** considers that Drumhead is a village in its own right and should be enclosed in a settlement envelope. There is a well-defined grouping including 8 houses, an office development and Belhelvie North Church which, along with the new church hall, are a focus for the wider community. A small housing development, which is supported by the Church, could be provided on land opposite the church hall bringing more homes to the area, improving security for and supporting the church, improving an area of neglected land and enhancing the community. A school bus provides public transport. The proposed site is well- defined by the existing buildings, roads and trees and is generally well-contained in landscape terms. It serves no useful purpose at present, containing two derelict buildings, but could accommodate a low density development of 4 houses and provide car parking (8 spaces) for the church hall.

138.16 The designation would reflect the approach taken in CALPs which recognised a number of similar groupings of dwellings and enclosed them in settlement envelopes. In any event, Drumhead accords with the rural service centre definition insofar as it contains some viable services and provides an opportunity to absorb small-scale local development needs by means of a rounding-off.

138.17 There are numerous rural service centres with fewer services and facilities than Drumhead. Indeed, in some centres there are no services or facilities whatsoever. Despite there being a hall, the designation of Drumhead was resisted by the council but, in contrast, Cookney was added on the basis that there is a community hall.

138.18 Small-scale development at Drumhead would accord with the structure plan requirement to allocate houses to “other Aberdeenshire settlements” in either the period 2000-2005 or 2006-2010. In this general respect objections were lodged under Issue 20.

## **The council's response**

138.19 The objection is not accepted. Drumhead has not been designated as a settlement in any recent local plan, nor is it shown as a rural service centre in the Aberdeenshire Local Plan. The new local plan adopts a different approach to settlements than that taken by CALPs and so a direct comparison is not possible.

138.20 The small group of 8 houses fits the criteria but there are no services or facilities (school, shop or bus stop), or workplaces to be sustained by new development. The church and hall alone do not constitute justification for rural service centre status.

138.21 Despite the suggested opportunity for small-scale development, growth is not appropriate. Policy requires growth to be well-related to existing settlements, in this case Balmedie, thereby avoiding dispersed patterns of development. Development at Drumhead could not be regarded as part of Balmedie being about 580m from the settlement boundary and 1.1-1.8km from the key services. Drumhead is therefore relatively distant and physically separated by countryside and the A90. In any event, more appropriate housing land allocations have been made elsewhere.

## **Conclusions**

138.22 Although the council has emphasised the distance between Drumhead and Balmedie, this is not relevant if Drumhead itself can be defined as village in its own right, as claimed by Country Life Estates and, in turn, fulfils the criteria to justify designation as a rural service centre. In terms of the glossary definition, a rural service centre is simply a minor service centre that contains at least some viable services and may provide opportunities to absorb small-scale local development needs.

138.23 It seems clear that, having regard to the glossary definition, Drumhead should be regarded as a minor service centre in view of the church, hall and offices. Although the council points to lack of a shop and other facilities, there is no specific requirement in this respect under the glossary definition. Indeed, it appears that this definition has been the basis of identifying certain other rural service centres such as those referred to by the objector. Additionally, Drumhead could absorb small-scale local development, the location proposed by the objector being suitable in land use terms, providing the prospect of environmental improvement and supplementing parking for the church hall.

138.24 Chapter 8 describes rural service centre as towns and villages other than main settlements. Clearly, Drumhead is neither a main settlement nor a town. It has some of the components of a typical village, particularly the church and church hall. The office development adds a further dimension. There is no absolute requirement for bus stops, schools and shops, these being referred to as particular examples. The minimum number of houses required is 6 in a very compact group. It is agreed that there are 8 houses at Drumhead which, for the most part are arranged in a clear and compact group. As indicated above, there is an opportunity for development. The scale of development (4 new houses) is appropriate in a local context and would be insignificant in terms of strategic guidance. There is nothing to suggest that the proposal could not meet both structure and local plan policies.

138.25 Whilst Drumhead does not contain all the elements of a typical village, this is not surprising because of the small number of houses. Nevertheless, I conclude that it should be regarded as a village. In terms of chapter 8 and, more specifically, the local plan glossary, I further conclude that Drumhead should be designated as a rural service centre. The boundary suggested by Country Life Estates is appropriate including the site opposite the church hall for residential development. Pragmatically, the site should be allocated for future housing under notation fh1(4). The north-west corner of the site should also include a “P” notation which, in the explanatory text should be described as a project area for the provision of car parking.

### **Recommendation**

138.26 I recommend that the local plan is modified and that Drumhead should be designated as a rural service centre, the boundary to be as contained in the plan accompanying objection 1310.17.2. Future housing for 4 houses should be allocated under site fh1 being land in the northern part of the rural service centre, opposite the church hall. A “P” annotation should be contained in the north-western part of site fh1 and described in the settlement statement as a project area for car parking.

## ISSUE 138

### Formartine – Areas Outwith Settlements – Hattoncrook

<b>Objector</b>	<b>Reference</b>
Scotpigs Limited	361.22.1
Mr G W Simpson	729.1.2

  

<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### **Provisions of the local plan**

138.27 The finalised local plan shows Hattoncrook as a rural service centre within the Aberdeen housing market area on the Formartine main proposals map although it is not included in the Formartine section of chapter 8, Settlements. Hattoncrook is listed as a cohesive group of houses in Appendix 2, Annexe 1, Additional Groups of Houses in the Rural Housing Market Area.

#### **Basis of the objections**

138.28 **Mr Simpson** points out that Hattoncrook is defined as a “cohesive group” in Appendix 2, Annexe 1 although it shown in the Aberdeen housing market area in the Formartine proposals map. Other former settlements in CALPs should also be considered as cohesive groups. (729.1.2)

138.29 **Scotpigs Limited** also points out that Hattoncrook is contained in Appendix 2, Annexe 1. Settlement status should be retained with land to the east of the A947, south of the settlement, allocated for housing. New development would be capable of adapting the existing drainage system and use an access constructed to serve recently built houses on adjacent land. Overall, the development would contribute towards the required 5 year housing land supply. (361.22.1)

#### **The council’s responses**

138.30 Objection 729.1.2: The objection is accepted to the extent that Hattoncrook is included in Annexe 1 in error. To designate other cohesive groups in the Aberdeen housing market area would not comply with the structure plan.

138.31 Objection 361.22.1: The objection is not accepted. Hattoncrook no longer meets rural service centre criteria as defined in either the local plan or the structure plan.

138.32 It is proposed to modify the local plan by deleting reference to Hattoncrook from Appendix 2, Annexe 1 and from the main Formartine proposals map.

## **Conclusions**

138.33 It is clear that Hattoncrook, which is in the Aberdeen housing market area, was erroneously included in Annexe 1 as Appendix 2 (as modified) deals with cohesive groups in the rural housing market area. There is no reason why other settlements identified in CALPs should be considered as cohesive groups as the current local plan has provided an opportunity to consider planning policy afresh.

138.34 The council does not believe that Hattoncrook meets the criteria for designation as a rural service centre and no evidence has been brought forward for me to conclude that rural service centre status is justified. Accordingly, I conclude that Hattoncrook should not be designated as a rural service centre and that the Formartine proposals map should be altered accordingly.

## **Recommendation**

138.35 I recommend that the local plan is modified, as proposed by the council, whereby reference to Hattoncrook is deleted from both Appendix 2, Annexe 1, Additional Groups of Houses in the Rural Housing Market Area, and the Formartine main proposals map.

## ISSUE 138

### Formartine – Areas Outwith Settlements – Hill of Keir

<b>Objector</b>	<b>Reference</b>
Chimes Integrated Building Services	560.14.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### **Provisions of the local plan**

138.36 The finalised local plan places Hill of Keir in the countryside. It lies within the Aberdeen housing market area.

#### **Basis of the objection**

138.37 Hill of Keir has been identified as a small settlement in previous local plans and should be similarly defined in the current local plan being a compact group of more than 6 houses on a transport route. There is capacity for development beyond the recent granting of planning permission for 6 houses.

138.38 The development plan must provide a wide range of differing locations and site settings within any particular area. This is not achieved in Formartine with new allocations limited to Ellon, Balmedie, Belhelvie and Pitmedden. The smallest allocation is for 20 houses and smaller development opportunities are essential to provide a balanced range.

138.39 The proposed houses would also contribute to making good the shortfall in the housing land supply.

#### **The council's response**

138.40 Hill of Keir was shown as a settlement CALPs, with site of 0.8 hectares suitable for housing. Detached houses have recently been built on this site, along with adjoining infill land. Despite this significant growth, Hill of Keir fails to meet the criteria for a rural service centre in terms of services and facilities, having no school, shop or workplace to be sustained by new development. In addition, there are no opportunities for development that could meet structure plan and local plan policies.

#### **Conclusions**

138.41 Insofar as strategic housing land requirements are concerned, this matter has been considered under Issue 20 and the conclusions and subsequent recommendations do not support claims of a need for additional allocations.

138.42 The Aberdeenshire Local Plan designates main settlements and rural service centres but other settlements are not defined by means of boundaries. Strategic policy directs housing allocations on brownfield sites in Aberdeen together with edge-of-city communities and main service centres. Small-scale development, usually less than 15 houses will be spread among rural service centres. Although Hill of Keir may be regarded as a settlement, it does not fall within any of the categories where further development could be anticipated.

138.43 It has not been argued by the objector that Hill of Keir should be accorded rural service centre status. However, as stated by the council, the basic criteria are not met.

138.44 All-in-all, I conclude that Hill of Keir should not be designated as a rural service centre and, in turn, additional housing land - even small-scale - should not be allocated.

### **Recommendation**

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

## ISSUE 138

### Formartine – Areas Outwith Settlements – Ladyleys

<b>Objector</b>	<b>Reference</b>
Peter Walkey	759.1.1
Norman P Lawie	1126.34.1

  

<b>Procedure</b>	<b>Reporter</b>
Informal hearing (Mr Lawie) and written submissions	Richard Dent

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### Provisions of the local plan

138.46 The finalised local plan places Ladyleys in the countryside. It lies within the Aberdeen housing market area.

### Basis of the objections

138.47 **Mr Walkey** believes that Ladyleys should be included in the local plan as a settlement. (759.1.1)

138.48 **Mr Lawie** also requires the identification of Ladyleys as a settlement. There is a riding and training school and livery stables along with surrounding working farms. The equestrian centre is a sustainable activity providing employment for 2 full time and 6 part time. There is also an office. The built form of Ladyleys, with houses and businesses, provides a sense of place which is recognisable as a village. A school bus provides transport. Overall, Ladyleys bears favourable comparison with certain other designated rural service centres including Durno, Glasgoforest, Roughpark, Ythanbank and Sauchen. The finalised local plan should therefore designate Ladyleys as a rural service centre.

138.49 Settlement designation would comply with both structure plan and local plan policies. There would be a benefit in the provision of a small area of housing, say 4-5 houses, as shown in CALPs. An infill frontage development is envisaged which would be landscaped under a “P” designation, thereby improving the setting of the mill, a listed building. (1126.34.1)

### The council’s response

138.50 Objections 759.1.1 & 1126.34.1: The objections are not accepted. Ladyleys was included in CALPs as a small settlement with two residential opportunity sites. Under the new local plan, rural service centre status requires services, facilities (particularly bus stops, schools and shops) or workplaces that could be sustained by new development in addition to a very compact grouping of at least 6 houses and opportunities for development. Ladyleys does not meet these criteria.

138.51 One of the sites identified in CALPs was refused planning permission, a subsequent appeal being dismissed in December 2003. The Reporter noted the lack of services and facilities and described the proposal as constituting “scattered commuter housing...inconsistent with the structure plan and national policy”. Despite a number of other rural service centres being referred to, the comparisons were not very fair and, in any event, each case designated rural service centre requires to be considered on individual merit.

138.52 Although it is clear that an element of employment is provided locally, it is unlikely that the equestrian facilities would sustain 5 or 6 new houses. Even a reduced number of houses would be inappropriate and out of character. At present, Ladyleys has a rural ambience comprising a few sporadic houses with no focus.

### **Conclusions**

138.53 The approach to settlements in the Aberdeenshire Local Plan has changed from that adopted at the time of CALPs. Only certain of the smaller settlements are designated as rural service centres and therefore some settlements have no formal status in the plan and are subject to countryside policies. Although reference was made by Mr Lawie to a number of designated rural service centres, the council did not accept that there was a fair comparison in every case and, in any event, pointed out that every case was considered on merit.

138.54 Whilst certain of the rural service centre designations have been questioned, I accept it is necessary to consider Ladyleys in its own right. In this respect, Mr Lawie believes there is a village atmosphere whereas the council considers Ladyleys to be a scatter of houses with no focus. This view echoes that of the appeal Reporter who described Ladyleys as a small and, in part, diffuse rural settlement. I prefer the opinions of the council and the Reporter and conclude that, notwithstanding the employment offered locally, Ladyleys cannot be regarded as a village and, in turn, does not merit designation as a rural service centre.

138.55 Even if rural service centre status were justified, development opportunities do not necessarily follow as a matter of course. In particular, I conclude that the development of the land identified by Mr Lawie, as previously concluded by the appeal Reporter, would alter the established character in an unacceptable manner. This adverse impact would still result from the reduced number of houses and the amended form of layout now proposed.

138.56 Overall, I conclude that Ladyleys should not be designated as a rural service centre and that, in consequence, a residential development opportunity should not be identified.

### **Recommendation**

138.57 I recommend no change to the local plan in respect of these objections.

## ISSUE 138

### Formartine – Areas Outwith Settlements – Little Ythsie

<b>Objector</b>	<b>Reference</b>
Taylor Design Services	1085.2.1
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### **Provisions of the local plan**

138.58 The finalised local plan places Little Ythsie in the countryside without rural service centre designation. It lies within the Aberdeen housing market area.

#### **Basis of the objection**

138.59 **Taylor Design Services** believes Little Ythsie should be identified as a settlement being a cohesive group of buildings in the countryside. An application for outline planning permission has been submitted.

#### **Council's response**

138.60 The objection is not accepted. Little Ythsie does not meet the criteria for a rural service centre.

#### **Conclusions**

138.61 The local plan identifies main settlements and rural service centres. Little Ythsie is neither. As stated by the council, the criteria for designation as a rural service centre are not met. As Little Ythsie lies within the Aberdeen housing market area, Appendix 2, as modified, Cohesive Groups in the Rural Housing Market Area, does not apply. Any proposed development will therefore be considered against modified Policy Hou\4 in the wider context of structure plan Policy 12, House Building in the Countryside Beyond the Green Belt.

#### **Recommendation**

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

## ISSUE 138

### Formartine – Areas Outwith Settlements – Whitecairns

<b>Objector</b>	<b>Reference</b>
Whitecairns Farm Limited	560.11.1 & 15.1-2
<b>Procedure</b>	<b>Reporter</b>
Written submissions	Richard Dent

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#### Provisions of the local plan

138.63 The finalised local plan places Whitecairns in the countryside. It lies within the Aberdeen housing market area.

#### Basis of the objections

138.64 Whitecairns should be a defined settlement with the boundary extended to the south-west (site A) and north-west (site B) to provide two sites for housing with respective capacities of 18 and 12 houses.

138.65 Whitecairns has been attributed continual settlement status since the first local plan was prepared. Drainage problems on sites A and B have been resolved through agreement on the use of individual private treatment plants. It is possible to improve the road junction with the B999 to provide satisfactory sight lines. In all other respects the sites are entirely suitable for development with a good location including road links and a bus route to Aberdeen. Despite its relatively large scale, development would fit into the landscape.

138.66 All-in-all, the proposed houses would contribute to making good the shortfall in the housing land supply.

#### The council's response

138.67 The objections are not accepted. Whitecairns was identified as a settlement in CALPs but without any opportunities for development due mainly to a lack of drainage infrastructure. However, there were also concerns about increased traffic using the road junction where cars regularly parked outside the village shop.

138.68 The Whitecairns Hotel closed in 2002 and planning permission was granted for change of use to a private house. The village shop has also ceased trading and lies vacant. Consequently, Whitecairns does not meet the criteria for designation as a rural service centre with no viable services or facilities (particularly a school or shop) or workplaces that could be sustained by new development.

138.69 Additionally, no further housing allocations are required in the period to 2010 under structure plan Policies 8 and 9. The 30 houses sought would be out of scale with the small

group of houses at Whitecairns and would exceed the maximum of 15 usually considered appropriate for a rural service centre under the structure plan.

## **Conclusions**

138.70 Insofar as strategic housing land requirements are concerned, this matter has been considered under Issue 20 and the conclusions and subsequent recommendations do not support claims of a need for additional allocations.

138.71 The Aberdeenshire Local Plan designates main settlements and rural service centres but other settlements are not defined by boundaries. Strategic policy directs housing allocations on brownfield sites in Aberdeen together with edge-of-city communities and main service centres. As pointed out by the council, small-scale development, usually less than 15 houses will be spread among rural service centres. Although Whitecairns may be regarded as a settlement, it does not fall within any of the categories where development would be anticipated.

138.72 It has not been argued by the objector that Whitecairns should be accorded rural service centre status. However, as stated by the council, the hotel has closed and residential use has been approved. Similarly, the shop has closed. More houses might lead to the shop re-opening but there can be no certainty that this would happen.

138.73 Even if Whitecairns were to be designated as a rural service centre, the scale of development would be in excess of strategic guidelines and would overwhelm the existing buildings. The small development that is being undertaken at the northern end of Whitecairns is more suited to the overall scale. Although it has been claimed that the proposed development would fit into the landscape no details have been provided to demonstrate how this would be achieved.

138.74 All-in-all, notwithstanding the indication that drainage and road constraints have been overcome, I conclude that Whitecairns should not be designated as a rural service centre and, in turn, the proposed housing land allocations are not justified.

## **Recommendation**

138.75 I recommend no change to the local plan in respect of these objections.