Mr P Blaxter  
Aberdeen Council  
Sent By E-mail

Our ref: LDP-110-2  
19 December 2016  

Dear Piers Blaxter

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)  
(SCOTLAND) REGULATIONS 2008

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of 
the above plan. Having satisfied ourselves that the council’s consultation and 
engagement exercises conformed with their participation statement, our examination 
of the plan commenced on 11 January 2016. We have completed the examination, 
and now submit our report.

In our examination, we considered all 73 issues arising from 849 unresolved 
representations which were identified by the council. In each case, we have taken 
account of the original representations, as well as the council’s summaries of the 
representations and the council’s responses, and we have set out our conclusions 
and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied 
site inspections and, for some issues we requested additional information from the 
council and other parties.

We held one hearing session on 18 August 2016 relating to Issue 7 – Housing Land 
Supply.

Subject to the limited exceptions as set out in Section 19 of the Town and Country 
Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning 
(Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, 
the council is now required to make the modifications to the plan as set out in our 
recommendations.

The council should also make any consequential modifications to the text or maps 
which arise from these modifications. Separately, the council will require to make 
any necessary adjustments to the final environmental report and to the report on the 
appropriate assessment of the plan.
A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them that the report is now available to view at the DPEA website at:


and at the council’s office at Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB, and the area planning offices detailed in your e-mail of 16 December and that it will also be posted on the council’s website at:


The documents relating to the examination should be retained on the council’s website for a period of six weeks following the adoption of the plan by the authority.

*It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.*

*Allison Coard  Rob Huntley  Robert Maslin  Michael Shiel*

REPORTER  REPORTER  REPORTER  REPORTER

*Christopher Warren*

REPORTER
REPORT TO ABERDEENSHIRE COUNCIL

PROPOSED ABERDEENSHIRE COUNCIL LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: Allison Coard MA MPhil MRTPi
Rob Huntley BSc DipTP MRTPi
Robert W Maslin BA DipTP MRTPi
Michael Shiel MA(Cantab) BPhil MRTPi
Christopher Warren BA(Hons) DipTP MRTPi

Date of Report: 19 December 2016
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Examination of conformity with the participation statement

Legislative context

1. Section 19(4)\(^1\) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires an examination by the appointed persons of whether the planning authority has consulted on the proposed local development plan and involved the public in the way it said it would in its participation statement.

2. Section 20B of the Act requires each planning authority to prepare a development plan scheme at least annually. The scheme should set out the authority’s programme for preparing and reviewing its development plan, and must include a participation statement. This publication should state when, how and with whom consultation on the plan will take place, and the authority’s proposals for public involvement in the plan preparation process.

The participation statement

3. The Participation Statement for the proposed Local Development Plan (LDP) is set out in the Aberdeenshire Local Development Plan Scheme, approved by the council on 22 March 2015. Much of the council’s consultation effort was directed towards the preparation and assessment of options in the Main Issues Report (MIR). However, there was also extensive publicity and engagement in respect of the proposed LDP.

4. The participation statement sets out 14 actions that the council intended to take to support engagement and encourage participation with the LDP.

The report of conformity

5. Together with the proposed local development plan, section 18(4)(a)(i) of the Act requires an authority to submit a report to Scottish Ministers demonstrating the extent that the authority has met the needs of section 19(4). Aberdeenshire Council submitted a ‘Report on Conformity with the Participation Statement’ in November 2015. It identifies what the participation statement set out to do and to what extent the authority has complied.

6. The report of conformity indicates the actions taken by the council in relation to the 14 participation actions as follows:

- The use of clear branding for the proposed LDP to make it distinctive – the council adopted the slogan “Shaping Aberdeenshire” to highlight the greater emphasis on place-making throughout the proposed LDP.
- Publication of the plan on the internet, with paper copies available on request – the proposed LDP was uploaded to the council’s website on 27 March 2015, along with a pro-forma to allow people to make representations.

\(^1\) Section 19(4) of the Act states “the appointed person is firstly to examine under this section the extent to which the planning authority’s actings with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).
• Publication of statutory and other notices in local newspapers – statutory notices were placed in 11 local newspapers. In addition, a press release was published on 27 March 2015 and articles published in local newspapers during the course of the consultation period.

• Placing copies of the plan in area offices and libraries – copies of the proposed LDP, supplementary guidance and consultation pro-forma were placed in nine council offices and 35 libraries for public display.

• Communication with all community councils – copies of the proposed LDP and supplementary guidance were posted or emailed to 68 community councils throughout Aberdeenshire; accompanied by an offer by the Planning Policy team to discuss matters with the community councils before they made their submissions if they so wished. Two community councils requested meetings and there were a number of telephone and email requests for information.

• Communication with all those who had engaged with the council on the MIR – letters and emails were sent to 1489 respondents to the MIR, out of a total of 1828 responses received. The discrepancy is accounted for by duplicate responses, and separate letters sent to the community councils and key stakeholders. The letters provided a reference to the council website containing the proposed LDP and encouraged responses to be made online, or via letter or email. 709 unique responses were subsequently received.

• Neighbour notification – notices were sent to all properties within 40 metres of sites affected by proposals in the proposed LDP, as required by the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. A total of 10,336 letters were sent. There were four cases where problems over neighbour notification arose and these were rectified.

• Notification to Scottish Ministers, key agencies, adjoining local authorities and the strategic development planning authority – copies of the proposed LDP were sent to Scottish Ministers, Aberdeen City, Angus and Moray Councils, the Cairngorms National Park Authority, and the Aberdeen City and Shire Strategic Development Planning Authority. Copies were also sent to Scottish Water, Scottish Natural Heritage, the Scottish Environment Protection Agency, Scottish Enterprise, Historic Scotland, Transport Scotland, the Grampian Primary Care NHS Trust, and the North East of Scotland Transport Authority. In addition copies of the plan were sent to 57 other businesses, environmental and sectoral groups.

• Use of Twitter – this was used extensively throughout the plan preparation and consultation period to include topics such as the plan’s progress through committee, publication and consultation response dates, publication of videos and publicity for drop-in events.

• Updating website with a Frequently Asked Questions section – the answers to 12 questions were placed on a website page.

• Conducting 11 “drop-in” events in major towns across Aberdeenshire - a total of 13 such events were held in all administrative areas of the council and across a wide geographic spread of locations. They were advertised in the press, on the website, and via Twitter and Facebook. A total of 427 people attended these sessions.

• Use of internet advertising to target young people – a suite of adverts was bought for Facebook, which received 90,587 website clicks from 5500 people, including 1505 from the targeted youth market.

• Production of internet videos on the plan and its main themes - seven videos were produced and added to the council’s YouTube channel, with links provided on Twitter and the council’s website. They covered the function of
the LDP, development in the countryside, neighbour notification, natural heritage protection, historic environment protection, developer obligations and a trailer. In total they were viewed 3316 times. The videos won an award in the Scottish Awards for Quality in Planning 2015.

- Utilisation of the council’s network of promotional video screens in its public offices – this network was closed in March 2015 because of costs, and was therefore not able to be used.

**Representations on the participation process**

7. Four representations received in relation to the proposed LDP raised issues about the participation process. One (398) relates to a specific site allocation in the plan, and suggests that public involvement is pointless as the Planning Policy team was determined to proceed with an unpopular allocation. The other three (303, 310 and 693) question the procedures that have been used to determine the housing land supply and the allocation of sites.

**Conclusions**

8. Reading the council’s report on conformity it is clear that the authority has carried out all the methods it stated in the participation statement to involve people in the preparation of the proposed plan with the exception of using the video screens which were no longer available. Given the large number of individuals and organisations informed about the proposed LDP and provided with the opportunity to make comments, I do not consider that this omission represents a material failure on the part of the council. In addition to the conventional methods of seeking engagement – statutory notices, press articles and letters – the council has extensively used the internet to communicate, including through Facebook. It has also used Twitter in order to widen the potential audience. The use of themed internet videos is a further attempt to engage people in the LDP process, and has been recognised at a national level as a valuable means of reaching a wider audience given Aberdeenshire’s large geographic spread.

9. The fact that there have been 709 responses to the proposed LDP indicates that there has been a reasonable level of engagement by local people, communities and organisations. That this compares to the 1828 responses received at the MIR stage suggests that the council has taken account of the earlier comments. To the extent that there remain differences of view, these will be considered during the examination of the plan itself.

10. Turning to the individual criticisms raised, my remit is to assess whether the planning authority has consulted on the LDP in the manner in which it said it would do so in the participation statement. Issues of how the council responded to representations received are not part of this assessment, although they may be relevant to my consideration of the topics contained in the individual Schedule 4s. The internal arrangements that the council made for reporting on representations and bringing forward proposals between the MIR and the proposed LDP are also not for me to consider. Complaints about such arrangements can be made to the Scottish Public Sector Ombudsman if appropriate. Matters raised on specific sites are addressed within the relevant issue in the main report. Specific matters concerning the overall adequacy of the housing land supply are considered under Issues 7 and 8 in the main report.
11. I understand that a number of additional sites have been included in the proposed plan that were not identified in the MIR, although some were included in the MIR Addendum of August 2014, when further views were sought on a number of topics, including the assessment of the housing land supply and some additional proposed land allocations; others were included as alternatives in the original Report but not identified as preferred sites at that time. Nevertheless, I am satisfied that through the participation process outlined above, members of the public have had the opportunity to comment on all the sites identified in the proposed plan.

12. Having considered all the evidence, I find that the planning authority has consulted on the proposed plan and involved the public in the way it said it would in its participation statement. Being satisfied as to this, I therefore proceed to examine the proposed plan.

M D Shiel
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| Provision of the Development Plan to which the issue relates: | |
| Topics not included in the Plan | |

| Planning Authority’s summary of the representation(s): | |
| The Plan is lacking in discussion and evidence to support the policies and allocations in the Plan, for example, in Housing Land Supply (577). | |
| While there are no air quality management areas within Aberdeenshire, greater policy coverage of air quality issues should be included, in-line with the SEPA Development Plan Guidance on Air Quality and Co-Location (658). | |
| Broadband should be recognised as a key driver of business success and requires a higher profile in the final Aberdeenshire Local Development Plan, with specific discussion of how Aberdeenshire Council will enable the development of broadband infrastructure (584). | |
| There is a requirement in Scottish Planning Policy (SPP) for Local Development Plans to include policies relating to digital roll-out plans, mast siting and provision of digital infrastructure in new buildings. A consistent policy basis should be provided for decision making on these topics within the Aberdeenshire Local Development Plan (ALDP). This should include policies that address the following requirements: new developments should consider opportunities to install infrastructure to allow connection to the fibre optic network, where available; providers of telecoms equipment have demonstrated compliance with paragraph 295 of SPP; and planning applications address the issues set out in paragraph 296 of SPP. The policy contained within the East Ayrshire Council Proposed Local Development Plan could be used as an example of how to take account of SPP on supporting digital connectivity (636). | |

| Modifications sought by those submitting representations: | |
| The Plan should be expanded to consider more topics within the main body of the text (577). | |
Reference should be made to air quality impacts within the policy (658).

Broadband and how Aberdeenshire Council will enable provision should be given a higher profile in the Plan (584).

The Proposed Plan should be amended to take account of Scottish Planning Policy (SPP) on supporting digital connectivity. Policies should be included to ensure the Aberdeenshire Local Development Plan 2016 reflects the requirements of SPP for Local Development Plans to include policies relating to digital roll out plans, mast siting and the provision of digital infrastructure in new buildings.

**Summary of response (including reasons) by Planning Authority:**

Full details of the evidence base used to inform the Plan, and the discussion of the options available, was presented in the Main Issues Report 2013 and its supporting Position Papers (see Main Issues Report 2013 Position Papers 01 to 10). Repetition of that information in the Plan is unnecessary and would increase the size of the document. No change is required.

Air quality in Aberdeenshire is very good and no air quality management areas have been designated. There is no policy in the Aberdeenshire Local Development Plan 2012 relating to air quality and SEPA did not raise this omission in response to the Main Issues Report 2013 (where question 1 specifically sought comments on the existing policies of the Local Development Plan). The 2014 Air Quality Progress report for Aberdeenshire Council identified a number of new local developments with potential to impact on air quality within the Local Authority area but concluded that there was no requirement for Aberdeenshire Council to proceed to a detailed assessment for any pollutant at present (see Executive summary).

The SEPA Development Plan Guidance on Air Quality and Co-Location notes in paragraph 1 that “Development Plans provide an important opportunity to address air quality through supporting sustainable transport infrastructure, the location of new development, promoting sustainable places and green infrastructure”, all issues which are addressed in the Plan. The requirements of this guidance note for Local Development Plans are met both because there are no existing air quality issues in the area and because the site assessment process has clearly mitigated risks associated with the allocation of sites. No change is required.

Scottish Planning Policy is clear on page 3 (paragraph v.) that it does not restate policy and guidance set out elsewhere. Paragraphs 292 to 300 set out Government policy on supporting digital connectivity and this does not need to be restated. SPP is inconsistent in that sometimes detailed considerations are included under a heading “Development Management” (see for example paragraph 264) and sometimes, as here, under a heading of “Development Planning”. SPP is a significant material consideration and it is appropriate not to repeat national policy in the Local Development Plan.

Infrastructure providers cannot always predict their roll out plans for the next 10 years due to the rate of change of technology and also a contract was signed between the Scottish Government and BT plc in July 2013 to deliver access to fibre broadband to at least 96% of premises outwith the Highlands and Islands area by the end of 2017 (see http://www.digitalscotland.org/superfast-broadband/the-programme/). Fibre broadband is
already available to the majority of the Aberdeenshire Local Development Plan area. There is no need to reflect digital roll-out plans in the Local Development Plan as they do not have any material land use planning implications and this would just be information that is available elsewhere. No change is required.

The Planning Authority has received only 7 applications for telecom masts or other equipment since January 2010. Other applications for telecoms equipment have been received but relate to Conservation Area Consents. With this level of development activity, there is no justification for a policy on the subject. Paragraph 33 of SPP sets out the circumstances that would apply if a Plan does not contain policies relevant to a proposal, including taking into account adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the Plan. This provides a consistent policy basis for decision making.

Scottish Planning Policy seeks the Local Development Plan to encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises. This is not a mandatory requirement and is arguably not necessary particularly as the quality of the broadband connection to new buildings becomes an increasingly important selling point.

East Ayrshire’s policy on this matter is largely a simple repetition of the text of SPP and does not add any new dimension to this issue (see East Ayrshire Council Proposed Local Development Plan, Digital Infrastructure, Paragraphs 6.3.3 and following). No change is required.

**Reporter’s conclusions:**

**Structure and content of the plan**

1. The development plan has to be read as a whole and I do not think that it matters that its provisions are presented by way of broad policies and appendices, provided there is adequate cross-referencing. Representations about specific matters relating to the general policies and settlement statements are considered under the relevant Issues elsewhere in this report. In particular the evidence base relating to housing land supply is discussed in detail under Issue 7.

2. Paragraph 8 of Circular 6/2013: Development Planning states that Scottish Ministers want development plans to be succinct and map based, with the emphasis on the written material explaining the spatial strategy, policies and proposals shown on the maps. To include a detailed discussion of the evidence for each policy within the plan itself would make it an unwieldy document that would not be user-friendly, especially for members of the public without specific professional training. I accept that there should be an adequate evidence base and rationale behind the policies and proposals, but the detail of these can be separate from the plan itself. The council has explained that this evidence and discussion is contained in the Main Issues Report [CD10] and its supporting Position Papers [council documents 227-236]. Reference will be made to these as necessary in the discussion on particular issues.

**Air quality**

3. SEPA, in its detailed representations on the proposed plan, has indicated that it
objects to it unless it is modified to include more policy coverage of air quality and has given examples of wording that might be applied. It has also cited its *Development Plan Guidance on Air Quality and Co-location* in support of its representation. The council has pointed out that there is no specific reference to air quality in the existing local plan; nor are there any current air quality management issues in Aberdeenshire. Policy P4 of the proposed plan is similar to supplementary guidance LSD9 and LSD10 in the current adopted local plan, and sets out the basis on which the planning authority will determine applications for hazardous developments and on contaminated land. Not all developments that may have an impact on air quality will necessarily fall within those categories. The council’s 2014 *Air Quality Progress Report* [council document 25] identifies a number of proposed developments that may have air quality implications. Other proposals may also come forward that have such implications. Some of these may be subject to Environmental Impact Assessment, which will include the impact on air quality. In the circumstances, I consider that it would be prudent to include reference to air quality in the local development plan; and that the most appropriate place to do so would be widening the context of policy P4.

**Digital connectivity**

4. *Scottish Planning Policy* (SPP) [CD14] has a specific section on digital connectivity which highlights its importance to the Scottish Government. Paragraph 295 states that local development plans *should* *my emphasis* provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. Paragraph v. of SPP indicates that where “should” is used in the document it reflects Scottish Ministers’ expectations of an efficient and effective planning system. It therefore seems to me that Scottish Ministers expect local development plans to normally include a policy on communications infrastructure. The Scottish Government’s representation on this issue states that the proposed plan should be amended to include policies that take account of the factors in paragraphs 295 and 296 of SPP. The council considers this to be unnecessary, both because of the low number of telecommunications applications received since 2010, and because it considers that any such applications can be dealt with under other policies (specifically P1, Layout, siting and design) together with SPP which is a material consideration in the determination of applications.

5. I appreciate that Aberdeenshire Council has managed without a specific communications infrastructure policy in its current local development plan. However, I feel that policy P1 provides little assistance in dealing with the types of issues raised by developments such as telecommunications mast, and I do not consider that reliance on SPP is satisfactory. The council should have its own policy which is apparent to potential developers through the local development plan.

6. I recognise the difficulty of the local development plan trying to reflect the infrastructure roll-out plans of digital communications operators, as is suggested in paragraph 294 of SPP. Detailed information might be lacking at the time the plan is being prepared and might change during the plan period. In its response to my request for further information, the council has pointed out that the operator selected to run the Emergency Services Network has predicted the need for 23 infrastructure locations in Aberdeenshire, but has not indicated where they might be. This does suggest that a specific, criteria-based policy would be helpful in considering future proposals.
7. The council has suggested a form of words that could be added to sections 05-09 of the plan, which the Scottish Government has confirmed would accord with SPP, paragraph 294. In this case, however, I agree with the council that such statements would serve no practical purpose. They are merely statements of fact about broadband provision and do not amount to meaningful policies.

8. The Scottish Government’s representation wants a policy included in the plan to ensure the provision of digital infrastructure in new residential, business and industrial developments, to enable new premises to be connected to the existing fibre optic network. I have considerable doubts about the effectiveness of such an approach from a practical development management standpoint. Much of that infrastructure would be internal or underground and not, therefore, normally subject to planning control. If a certain type or level of service provision is required, it would be more effectively achieved through the Building Standards, as is currently being suggested through the consultation on the Building Standards Review 2015. I am not convinced that policies that “encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development”, as stated in paragraph 297 of SPP, provide any practical benefit. They are essentially aspirational.

9. The Scottish Government’s representation cites as an example of what it is seeking the policies in the East Ayrshire Proposed Local Development Plan [council document 94]. In its most recent submission, the Scottish Government has cited the terms of policy INF 2 in that plan, which is currently also under examination. That policy appears to make it mandatory for developers to install the necessary infrastructure for and connections to the fibre optic network. Whilst it is, of course, for each planning authority to determine its own priorities for its development plan policies and, perhaps more importantly, how they will be monitored and enforced, I remain extremely sceptical that the planning system is the best suited or most appropriate vehicle for ensuring the provision of particular infrastructure to and within buildings. It is not though the planning system that buildings are provided with electricity, gas and water connections, and it is questionable why that should be different for broadband connections.

10. Where the planning system does have a role to play is in its control of the above-ground facilities required for the broadband network. Even here, some developments will not need applications for planning permission, benefitting from permitted development rights. However, it is in this area that I think that the plan should have a specific policy on digital infrastructure, including telecommunications equipment.

**Reporter’s recommendations:**

1. Amend the title of policy P4 to read: “Hazardous and potentially polluting developments and contaminated land”.

2. Add the following sentence at the end of policy P4:

   “Any proposed development which could have a significant detrimental impact on air quality, including the exacerbation of existing air quality issues, must provide appropriate mitigation measures.”
3. Add the following policy:

"Policy P5 Digital Infrastructure

We will support development that provides digital infrastructure to homes and businesses, subject to it complying with the other policies in this plan.

In considering proposals for telecommunications equipment, we will take into account the extent to which the development involves mast or site sharing; installation on buildings or other existing structures; the installation of the smallest suitable equipment to meet the technological requirements; concealing or disguising masts, antennas, equipment housing and cable runs through design or camouflage techniques; or whether it involves the installation of a new ground-based mast.

Applications will be required to be accompanied by a range of additional information including: an explanation of how the proposed equipment fits into the wider network; a description of the siting and design options explored and the reason for the chosen solution; details of the design, including height, materials and all components of the proposals; a landscaping and screen planting plan (if appropriate); and an assessment of the cumulative effects of the development in combination with existing equipment in the area.

Where necessary the application should be accompanied by a declaration that the equipment and installation is designed in full compliance with the appropriate guidelines of the International Commission on Non-Ionising Radiation Protection on public exposure to radiofrequency radiation."
**Influences on the Plan**

**Development Plan reference:** Proposed Plan Section 2, Page 5, Introductory Text  
**Reporter:** Michael Shiel

**Body or person(s) submitting a representation raising the issue (including reference number):**

Scottish Government (637)  
Scottish Enterprise (632)  
Scottish Environment Protection Agency (658)

**Provision of the Development Plan to which the issue relates:**

Introductory text on influences to the Plan

**Planning Authority’s summary of the representation(s):**

Scottish Enterprise supports the approach taken towards development in the Proposed Plan and congratulates the Council on producing a good document which is, for the most part, a comparatively high quality, clear and user-friendly Plan, particularly in relation to visual presentation of information and clear written text. However, the Aberdeenshire Local Development Plan (ALDP) should provide greater clarity in relation to the strategic context in which it has been prepared (632).

The National Marine Plan has statutory effects for Public Authorities taking decisions which can affect the marine environment. It was adopted and published on 27 March 2015. It may contain policies of relevance to coastal planning in Aberdeenshire and Development Plans are required to have regard to the National Marine Plan in their preparation. Aberdeenshire Council should consider the Marine Planning Circular (Circular 1/2015 The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licensing) for advice on opportunities for alignment between the maritime and terrestrial planning systems (637).

Effective dovetailing is required between the river basin management planning and land use planning regimes. Local Authorities must have regard to the River Basin Management Plan relating to their area. The ALDP should support the delivery of the relevant River Basin Management Plan for the area. SEPA objects unless this section of the Plan is modified to also list the Scotland River Basin Management Plan (658).

**Modifications sought by those submitting representations:**

Clarity should be provided to the ALDP by providing a section that provides a strategic context through reference to the Aberdeen Western Peripheral Route (AWPR), Aberdeen Airport, the proposed new Aberdeen Exhibition and Conference Centre, Energetica, major
employment hubs and new business park developments on the city periphery, and access (major road and public transport routes) to Aberdeen City Centre.

The third paragraph of introductory text in the section headed “Influences on the Plan” (page 5) should be amended to include the National Marine Plan (637).

References to the Scotland River Basin Management Plan should be made in the "Influences on the Plan” section of the Plan (658).

**Summary of response (including reasons) by Planning Authority:**

The section "Influences on the Plan" was written to reflect the scale and nature of significant documents used to develop the ALDP. The text is clear that we have "written the Plan to be in line with the Plans of other organisations, including our neighbouring Planning Authorities and national and regional strategies". The shortlist that follows is labelled "such as" and is by no means inclusive of all the feeds into the Plan. Aberdeenshire Council believe that the strategic context is rightly contained within the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) and providing a statement of Aberdeenshire’s position in relation to the growth in the city region is arguably inappropriate. The decisions on distribution and scale of land are set by the SDP and it adds very little to repeat them in the Local Development Plan. No change is required.

On the 21 October 2014, the Planning Service met with Marine Scotland and discussed the alignment of our emerging Plan with current thinking on the Scottish Marine Plan. Following that discussion, Marine Scotland were content that, as the Scotland’s National Marine Plan was still to be published, it would be inappropriate to make reference to the drafts circulating. Scotland’s National Marine Plan was ultimately published on the same day as the Proposed LDP. Circular 1/2015 “The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licencing”, while useful and providing information used in development of the Plan, was still a draft document at the time of publication of the Proposed ALDP.

From our discussions with Marine Scotland and examination of Scotland’s National Marine Plan, we are content that issues that are likely to arise which require alignment have been addressed. The Scottish National Marine Plan 2015 (SNMP) sets out, over pages 15 to 35, general policies that apply to the marine area including the intertidal area. As could be expected, many of these are common to SPP and the National Planning Framework 3. Issues associated with landscape, (page 21), flooding (page 22) and natural heritage (page 23) are all addressed by specific and appropriate policies within the Plan. We have been open to the needs of ports and harbours as required on pages 39 and 98/99 (see Peterhead Settlement Statement). Specific provision is made for carbon capture and storage at Peterhead in line with the National Planning Framework (see SNMP page 65 and 73, and the Peterhead settlement statement). Policies relating to activities in the coastal zone (Proposed LDP Policy R1, page 34) address issues associated with shore-side developments of renewable energy, recreation and tourism, and other development types.

While no change is required, reference to the SNMP could be made in the list of bullet points on page 5. As a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter making this minor change to the ALDP.

A similar argument can be advanced for the exclusion of river basin planning processes from this section. The North East Scotland Area Management Plan was published in 2010.
and is due to be replaced by 2016. This document, on page 13, sets out the pressures and risks affecting Aberdeenshire’s water environment, in line with the objectives of the Scotland River Basin Management Plan 2009-2015. Of these, the only two elements which are of relevance to the ALDP are the abstraction and impoundment of water supply and the alteration to beds, banks and shores by urban development. Assessment of the impacts of water abstraction were considered by the Habitats Regulations Assessment of the Aberdeen City and Shire Strategic Development Plan and by the Habitats Regulations Assessment of the Proposed Plan. Scottish Natural Heritage have sought and received additional comfort on this assessment. Otherwise the policies in the ALDP that protect against fluvial and coastal flood risk restrict development to those locations away from watercourses and coasts except in extraordinary circumstances.

The River Dee Catchment Management Plan articulates the water quality of burns and streams in the Dee catchment but only one of these relates to land use planning matters under specific control of the ALDP (page 6, Tarland Burn). No other catchment plans have been produced.

While no change is required, reference to river basin management processes could be made in the list of bullet points on page 5. Again, as a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter making this minor change to the ALDP.

**Reporter's conclusions:**

1. The local development plan must be read as a whole, and reference to the Aberdeen City and Shire Strategic Development Plan is made in both the preceding (01) and following (03 and 04) sections of the local development plan. It is therefore not necessary to refer to it explicitly in section 02. Similarly, I do not think that it is necessary to refer to the other strategic developments referred to by Scottish Enterprise in its representation (632).

2. I appreciate that the position with regards to the Scottish National Marine Plan has changed since the proposed local development plan was in preparation. The Marine Plan has now been adopted and it may have an effect on developments within the coastal zone. Public authorities are required to have regard to it in making decisions which are capable of affecting the marine area, and this includes the preparation of development plans (The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (as amended) regulation 10(1)). I appreciate that the list of other plans referred to in section 02 is not intended to be exhaustive, but the council has accepted that a reference to the Marine Plan could be made in that list. I agree and consider that it would be desirable to do so.

3. SEPA is also seeking the addition of the Scotland River Basin Management Plan to this list. The council does not object to this and, again, I consider it would be desirable to make such a modification; particularly as The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 states that the preparation of a local development plan must have regard to any river basin management plan relating to its area.
<table>
<thead>
<tr>
<th><strong>Reporter's recommendations:</strong></th>
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<tr>
<td>1. Add two extra bullet points at the end of the third paragraph in the first column on page 5, to read:</td>
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<tr>
<td>- Scotland's National Marine Plan; and</td>
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<td>- the Scotland River Basin Management Plan.</td>
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<td>Issue 03</td>
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**Development Plan reference:** Proposed Plan Section 3, Page 6, Introductory Text for the Plan Vision  
**Reporter:** Michael Shiel

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Inverurie Community Council (434)
- Jackie Cumberbirch (435)
- Nestrans (566)
- Aberdeen & Grampian Chamber of Commerce (584)
- Scottish Environment Protection Agency (658)

**Provision of the Development Plan to which the issue relates:**

The Vision for the Plan

**Planning Authority's summary of the representation(s):**

The six key themes are commendable, particularly the commitment to sustainable transport and improved access (434, 566). It is encouraging to see recognition of the need to "protect" and "improve" our natural and cultural heritage noted within the aims and the importance of "sense of place" highlighted (658).

More clarity is required on how Aberdeenshire Council will balance the need to support economic growth with protecting the environment and addressing climate change issues. It is essential that situations where vital development does not take place due to unacceptably challenging and disproportional environmental standards are avoided (584). Modification should be made to the aim on green networks to stress the benefits derived from maintaining and enhancing water features and ensuring their connectivity. The term blue/green networks should be used (658).

Additional aims should be introduced that support community groups to buy land for the benefit of the community (435) and to prioritise developing town centres in line with the importance that the Scottish Government places on town centres as key elements of the economic and social fabric of Scotland and central components of successful local economies (584).

The further aims relating to quality of life, protection and improvement of our natural and cultural heritage, creation of sustainable mixed communities and making the best use of our transport system are unnecessary and should be removed as they are already dealt with in the Aberdeen City and Shire Strategic Development Plan (SDP) (584).

No mechanisms are provided to deliver the aims of the Plan and how success against them will be reported is unclear. The respondent indicated that they were not asked what they would like to see and so the Plan is not constructed to meet their Vision (434).
Modifications sought by those submitting representations:

Responsive (434) wishes to see how the Vision aims are to be delivered.

An additional aim related to town centres should be added (584).

The fifth aim on page 7 should be modified to refer to blue/green networks and text added as follows after the first sentence of that box: "Similar benefits can be derived from maintaining and enhancing water features (for example rivers, lochs, burns, ponds) and ensuring their connectivity is equally important (658).

Summary of response (including reasons) by Planning Authority:

The Vision and aims presented in the Proposed Local Development Plan are derived from those of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP), but augmented with an aim relating to green networks, as promoted in the Main Issues Report 2013 (MIR). These aims provide interpretation and further detail on how the Aberdeenshire Local Development Plan (LDP) propose to implement the Vision and aims of the SDP.

It is welcoming that the Vision for the six key themes has general support.

The balance between environmental and economic aims of the ALDP are provided by its policies. Neither the Natural Heritage and Landscape or the Climate Change policies place unacceptably challenging or disproportionate environmental standards on development but promotes appropriate safeguards to conserve and enhance the natural environment and promote sustainable development in line with national policy.

SEPA previously commented on the MIR Addendum in 2014 (see MIR Representation 1580, paragraph 4.1,) and emphasised the need to link to “blue” networks through the river basin management planning process. However, significant debate with stakeholders took place throughout the development of the Plan as to what function green networks should fulfil and the conclusion Aberdeenshire Council derived from the MIR consultation was that, in an Aberdeenshire context, support for green networks derived from the improvements in quality of life, connectivity and providing opportunities for safe active travel of residents, not as a further natural heritage designation (see Issues and Actions Paper 005 Main Issue 2 “Green Networks”). Scottish Planning Policy (SPP) makes a distinction between green networks and green infrastructure with the latter including “blue” elements. Paragraph 222 of SPP identifies the need for a holistic, integrated and cross sectoral approach to green infrastructure (which is found throughout the Plan in a range of policies relating to design, climate change, protection of resources and nature conservation). Care was taken to use the term “green networks” and not “green infrastructure” to reinforce the consideration of places within the Plan. Many of the objectives that may be required to deliver an aim of maximising the benefits of “green infrastructure” are already found in other aims of the Plan. Change of the term “green networks” in the aims of the Plan to “green infrastructure” would be a minor change to the Plan which would address SEPA’s concerns, but this would not add any value and moves away from a descriptive, place orientated term that is appropriate for interlinked areas of social and economic value to residents. No change is required.

In relation to community acquisition of land, there is nothing that the Development Plan would be able to do to facilitate community buy out of redundant land promoted by the
Community Empowerment (Scotland) Act 2015.

Promoting town centres first is a principle that SPP (paragraph 60) translates into specific principles. These principles and the prescriptions that follow from them are all addressed within the Proposed Aberdeenshire Local Development Plan. It would be inappropriate to elevate a matter which only impacts on a part of Aberdeenshire to an aim or objective for the Plan.

The aims identified for the Plan are not superfluous as they provide additional interpretation and meaning to the statements of Vision and aims of the SDP (see Strategic Development Plan 2014 page 4, The vision for the plan). The aims provide guidance on how Aberdeenshire Council will apply the aims of the SDP.

The aims of the Plan will be delivered through the application of the policies of the Plan to development proposals and success will be measured with reference to a monitoring report to be prepared to support the next LDP. The Vision for the area was provided to us by the SDP, which was subjected to extensive public consultation. The vision for local settlements was presented in the MIR and open for comment at that time. Before the MIR was published Community Councils were asked to comment on the draft text to be used in the MIR.

No change is required.

Reporter's conclusions:

1. The Vision for the Plan is, by its nature, a broad statement of what the council is seeking to achieve over the lifetime of the local development plan. It inevitably must flow from the vision and aims of the Aberdeen City and Shire Strategic Development Plan (SDP), but I do not consider it superfluous to include the specific aims set out in section 03 of the local development plan, which contain Aberdeenshire’s interpretation of how the SDP aims will be applied to its area.

2. Most of the representations on this issue seek changes relating to specific matters, and I agree with the council that it is not necessary or appropriate to include these details in the broad vision for the plan. They can be adequately covered through the detailed policies, where necessary. As with any plan, there will at times be tensions between different aims (e.g. the protection of the environment and addressing climate change, and the achievement of economic development). The balance between these aims can only be drawn in the context of the specific circumstances and the more detailed policies in the plan. I do not think that it is realistic or appropriate to try to set out in general terms how such tensions can be reconciled.

3. Whilst noting SEPA’s recommendation that water bodies should be included as part of the connected networks of green space and habitats, I accept the council’s explanation that this aim of the plan is essentially focussed on promoting facilities for active travel by residents using a linked network of open spaces. The “blue” features (i.e. the water environment), although they may be used for active recreational pursuits as well as being of nature conservation and environmental value, have a somewhat different emphasis. I consider that these interests can be adequately covered through the detailed policies of the plan.
4. Having considered the matters raised in the representations, I conclude that none of them warrant any changes to this section of the plan.

**Reporter's recommendations:**

None.
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<th>Issue 04</th>
<th>The Spatial Strategy</th>
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<tr>
<td><strong>Development Plan reference:</strong></td>
<td>Proposed Plan Sections 4,5,6,7,8,9 and 10, Pages 8-27</td>
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<tr>
<td><strong>Body or person(s) submitting a representation raising the issue (including reference number):</strong></td>
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<td><strong>Spatial Strategy</strong></td>
<td>Scottish Enterprise (632)</td>
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<td><strong>Shaping Banff and Buchan</strong></td>
<td>Scottish Water (287)</td>
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<td><strong>Shaping Garioch</strong></td>
<td>Bennachie Community Council (413)</td>
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<td><strong>Shaping Kincardine and Mearns</strong></td>
<td>Neil Rogers (43)</td>
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<td>** Provision of the Development Plan to which the issue relates:**</td>
<td>The Spatial Strategy of the Plan</td>
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<td><strong>Planning Authority's summary of the representation(s):</strong></td>
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<tr>
<td><strong>Spatial Strategy</strong></td>
<td>In general, Scottish Enterprise supports the approach taken towards development in the Proposed Plan. They support employment and business allocations generally. They also refer to the role of the strategic growth corridors. The importance of the Energetica and Inverurie areas is stressed (632).</td>
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Scottish Water fully supports the approach of promoting sustainable development near the smaller settlements, thereby making use of existing infrastructure and reducing the cost to developers for off-site infrastructure extensions (287)

Shaping Banff and Buchan

Scottish Water expresses concern regarding the misleading nature of the sentence "Often in smaller communities the scale of house building which is needed to overcome lack of water and waste water services is unlikely to be achieved". They consider it implies that, where there is a deficiency in capacity available at their strategic assets (for example Waste Water treatment and Waste Treatment Plants), only larger developments will trigger the provision of growth. Scottish Water is funded to provide growth, whatever the size of the development, providing one development meets their 5 Growth Criteria. Insufficient capacity should not be seen as a barrier to development (287)

Shaping Buchan

Scottish Enterprise make particular reference to the growth suggested for Peterhead and its importance to the energy sector and the recognition of its NPF3 status They also refer to the role of the strategic growth corridors and the importance of the Energetica (632).

Shaping Formartine

Insufficient capacity should not be seen as a barrier to development and should not "restrict what can be planned". Scottish Water is funded to provide growth at our Water Treatment Works (WTW) and Waste Water Treatment Works (WWTW), provided one development meets their 5 Growth Criteria. Scottish Water acknowledge that the timescale for delivering the growth project at Ellon WWTW means that there could be a delay to some developments getting their connection to the public sewer system. They advise that they are doing all that they can to keep this project on track and, once delivered, it will provide sufficient capacity for all known domestic development programmed out to 2027 (287).

Scottish Enterprise refer to the role of the strategic growth corridors and the importance of Energetica (632). Scottish Enterprise request that the Plan be amended to include areas of Energetica within Aberdeen City (632).

Shaping Garioch

Scottish Enterprise refer to the role of the strategic growth corridors and the importance of the Inverurie areas (632).

There is support for the general policy on the Garioch area in Section 8 (413).

While mention of Inverurie is made in the section "Shaping Garioch" as an area where demand for development will be met, no mention is made of the community of Inverurie or its resilience and cohesion. A clear overarching vision for the town is required for the next 25 years. The current strategy results in significant and overwhelming strains on the town’s infrastructure (434).
Shaping Kincardine and Mearns

Spatial Strategy for Kincardine and Mearns

Scottish Enterprise refer to the role of the strategic growth corridors (632).

The Local Development Plan strategy for the allocation of housing in the Aberdeen to Laurencekirk Strategic Growth Area is flawed and incapable of delivering the housing, both mainstream and affordable, required to meet Strategic Development Plan growth targets and housing need. The problem is not with the overall number of houses allocated in the Plan but with the distribution of the houses. Stonehaven is the most important settlement in the Strategic Growth Area yet the number of houses allocated is considerably less than the allocations elsewhere in the corridor including Edzell Woods where all the allocation is constrained. Additional development in Stonehaven should be permitted (150).

The statement ‘There is still concern that developing Laurencekirk as a sustainable settlement could be affected by industrial and business developments on both the Fordoun and Edzell disused airstrips’ on page 23 is unacceptable. The heavy types of development as identified for Fordoun and Edzell could not be accommodated at Laurencekirk (222).

A respondent supports focusing development in Chapelton. It will have a lesser environmental impact than large-scale developments further away from Aberdeen, such as Stonehaven (60).

Transportation

Create a new cycle route between Stonehaven and Newtonhill/Portlethen to improve the coastal cycle link from north Aberdeen to Dundee, which is currently via the B979 Netherley road and is not cycle friendly (43).

A respondent considers that the Council has failed to recognise the significance of the AWPR to Stonehaven and the surrounding area. This will extend the catchment for workers and increase housing demand. The new junction will bring developer interest and LDP allocations should take advantage of it. (517).

Fracking and Wind Turbines

Although potential for onshore gas extraction is limited in Aberdeenshire, a clear and robust policy framework in relation to unconventional gas extraction should be presented. RSPB Scotland considers that a precautionary approach should be adopted by Aberdeenshire Council in relation to extraction of shale gas, coal bed methane and underground coal gasification (all forms of unconventional gas extraction) (594).

Lobbying by Stonehaven residents to the Stonehaven and District Community Council shows there is little support and now no economic arguments (given the structural shift in the price of oil) for further alternative energy source exploration by wind farm developments or alternative energy source exploration by fracking developments south of Stonehaven (662).
**Modifications sought by those submitting representations:**

**Shaping Banff and Buchan**

Amend fourth paragraph, "Often in smaller communities the scale of house building which is needed to overcome lack of water and waste water services is unlikely to be achieved". No amended text is suggested by Scottish Water (287).

**Shaping Formartine**

The Shaping Formartine plan should be amended to include areas of Energetica within Aberdeen City (632).

**Shaping Garioch**

A clear vision is required for Inverurie which enables stakeholders to see and understand how all the LDP proposals fit (434).

**Shaping Kincardine and Mearns**

**Spatial Strategy for Kincardine and Mearns**

An additional area of 4.8ha of land should be allocated for a residential development of up to 30 houses on land at Dunnottar, Stonehaven in the Settlement Statement (150).

On page 23, third paragraph, remove the last sentence "There is still concern that developing Laurencekirk as a sustainable settlement could be affected by industrial and business developments on both Fordoun and Edzell disused airstrips" (222).

**Transportation**

Identify a cycle route between Stonehaven and Newtonhill/Portlethen (43).

Allocate Mains of Cowie (KM043) for 400 houses, a supermarket (up to 4,000m²), land for a primary school (1.2ha) and open space (517).

**Fracking and Wind Turbines**

Recommendation to develop a clear and robust policy framework in relation to unconventional gas extraction (594).

Introduction of a policy to prevent further windfarm developments and fracking developments south of Stonehaven (662).

**Summary of response (including reasons) by Planning Authority:**

**Shaping Banff and Buchan**

Aberdeenshire Council disagrees that the sentence "Often in smaller communities the scale of house building which is needed to overcome lack of water and waste water services is unlikely to be achieved." implies that only larger developments will trigger the
provision of growth. As stated in Scottish Water’s representation, the infrastructure needed to connect to a Water Treatment Works (WTW) or Waste Water Treatment Works (WWTW) may render the development economically unfeasible. In such cases viability will be dependent on the scale of development and the ability to provide such infrastructure at an economic cost is likely to require larger developments. No changes are required.

Shaping Formartine

Reference to water capacity is provided in each Settlement Statement to allow developers to plan accordingly. It is necessary to indicate the constraints to developers in advance so that the LDP provides certainty to the development industry. Accordingly, it is appropriate to make reference to the issues of water supply that may act as a barrier to timely development. No change is required.

It would be inappropriate to show policy designations within Aberdeen City as these would be a matter for Aberdeen City to agree and promote. Aberdeenshire has no control or influence over Energetica Policy within Aberdeen City. No change is required.

Shaping Garioch

The support for the general policy approach to the Garioch area is welcomed.

The "Shaping Garioch" section of the Plan provides an overview of the Spatial Strategy for the Garioch area. The Settlement Statements in Appendix 8 of the Plan outline a unique vision for each identified settlement and provide the additional level of detail requested by respondent 434. It would not be appropriate to include further detail in the "Shaping Garioch" section of the Plan and, therefore, no modification is required in response.

Shaping Kincardine and Mearns

Spatial Strategy for Kincardine and Mearns

The support for the Spatial Strategy for development in Kincardine and Mearns is welcomed.

As demonstrated in the Schedule 4 Issue 7 Housing Land Supply and issue 8 Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within both the Aberdeen and Rural Housing Market Areas. Comparisons of the housing land supply between different Market Areas and between settlements in the Strategic Growth Area and those outwith the Strategic Growth Area are flawed. Apart from Chapelton, which lies in the Portlethen to Stonehaven Strategic Growth Corridor, Stonehaven has the highest amount of allocations in the corridor. The merits of the additional site on land at Dunnottar is discussed in Schedule 4 Issue 59 Stonehaven. No change is required.

Scottish Planning Policy (SPP) supports economically, environmentally and socially sustainable places (see SPP paragraph 28). Allocations in Laurencekirk are in accordance with this policy by creating opportunities for a settlement which mixes both housing and employment allocations. In this context, Fordoun Airfield is not a sustainable location and, therefore, development there would not contribute to this principal policy. No change is required.
Transportation

The Local Development Plan would not reserve a site for a cycle route between settlements. When planning applications are submitted to the Local Authority, discussions can then take place regarding open space requirements looking at Policy P2 Open Space and Access in New Development and promoting cycling as a means of transport. It should also be noted that the identification of a cycle route between Stonehaven and Newtonhill/Portlethen is something that would be considered within the Local Transport Strategy where promoting cycling is one of the objectives (see Local Transport Strategy 2012 page 14).

There was no quantitative information submitted by the respondent to clarify the statements made regarding demand for housing. The Local Development Plan is required to meet the levels of growth which are set out within the Strategic Development Plan. The Schedule 4 Issue 7 Housing Land Supply and Issue 8 Housing Land Spatial Strategy show that these requirements have been met and there is sufficient growth within the Aberdeen Housing Market Area and the Stonehaven to Portlethen Strategic Growth Area. It is also worth highlighting that as Stonehaven is included in a Strategic Growth Area it is already a location which accounts for a large amount of growth as the Strategic Growth Areas are the main focus for development.

Fracking and Wind Turbines

Aberdeenshire Council submits that a policy on unconventional gas extraction is not required. The issue of including a policy on “fracking” was raised in response to the Main Issues Report. At this stage in the process there was no indication that fracking would become a significant form of development within Aberdeenshire in the next Plan period. This position is maintained and it is noted in the Proposed Plan (see page 23) that a large part of the area south of Stonehaven had been released for licence for extracting gas. This area of land has not been taken up for a Petroleum Exploration and Development Licence which strengthens the position taken in the Main Issues Report that this is not likely to be a significant form of development within Aberdeenshire. There are no coal-bed methane or shale deposits in Aberdeenshire. Should a proposal come forward there are policies in the Plan that any application would be assessed against. No change is required.

Policy C2 Renewable Energy outlines the detailed requirements which need to be met for wind turbine planning applications. The policy requires information on the spatial framework associated with the areas of significant protection identified by Table 1 of Scottish Planning Policy to be married to the layout siting and design prescriptions set out in the Scottish Natural Heritage (SNH) Strategic Landscape Capacity Assessment for Wind Turbines (2014). This piece of work constitutes a rigorous assessment for the whole of Aberdeenshire. There is no reason to extend restriction on wind turbines to the areas south of Stonehaven without valid reason. No change is required.

Reporter's conclusions:

1. There are no objections to the broad spatial strategy in section 04 of the local development plan.
2. With regards to Scottish Water’s comments on the fourth paragraph in section 05, I note that it supports the approach of promoting development nearer to smaller settlements in order to make use of existing infrastructure and reduce the cost to developers for off-site infrastructure extensions. However, it is concerned that insufficient capacity in its infrastructure provision should not be seen as a barrier to development. Whilst I do not think that the first sentence in this paragraph necessary implies that, I am not sure why it is needed, particularly as it is not included in the statements for the other administrative areas, where there are also smaller settlements where the same circumstances are likely to apply. I conclude that it should be omitted, with some minor modification of the second sentence.

3. Scottish Water has a similar concern over the reference in section 06 to lack of sewage treatment facilities. In this case the lack of public services refers to the justification for the particular spatial strategy in this area; namely, a small number of large allocations. I see no reason to modify this wording.

4. Inverurie Community Council is concerned that there is no clear vision for the town, and that the scale of allocations is resulting in significant strains on the town’s community and infrastructure. Section 08 states that Inverurie fulfils a role as a wider service centre for a very large rural catchment and that the council is promoting continued development in the area. Whilst understanding the community council’s concerns about the implications of this growth, I consider that they are more appropriately dealt with in Issue 37, which deals specifically with the settlement statement for the town in Appendix 8.

5. Some of the representations deal with the adequacy and distribution of housing land allocations within this area. These matters are dealt with in Issue 7, on the overall housing land supply. Matters specific to Stonehaven are addressed in Issue 59, which considers the settlement statement for Stonehaven in Appendix 8 of the plan, and the question of a site for a supermarket in the town.

6. Allocations of land in and around Laurencekirk are dealt with in Issues 56, 63 and 64.

7. I note the request in one representation for the identification of a new cycle route between Stonehaven and Newtonhill/Portlethen, but I accept the council’s argument that this does not require a statement in this section of the local development plan as there is no proposal at this time to safeguard a specific route.

8. I also agree with the council that there is currently no need for a specific policy on unconventional gas extraction or fracking in the area to the south of Stonehaven. The evidence suggests that there are unlikely to be proposals for any such development in this area. Any such that may come forward could be considered against other relevant policies in the plan.

9. A blanket restriction on wind turbines in this area would also be inappropriate. There is
a specific policy in the plan (C2) against which any such proposals should be assessed. The adequacy of this policy and the associated spatial framework is considered in Issue 14.

**Reporter's recommendations:**

1. Delete the first sentence of the fourth paragraph in section 05 (Shaping Banff & Buchan).

2. Amend the second sentence in that paragraph to start:
   
   “To make the best use of existing infrastructure, wherever possible, we promote....”
### Issue 05: Shaping Business Development Policy


#### Body or person(s) submitting a representation raising the issue (including reference number):

**Policy B1 Employment and Business Land**
- Westhill Developments (Arnhall) Ltd (282)
- Kilbride Resources Ltd & International Paper Landholdings (365)
- Ian & Kaye Cowie (432)
- ANM Group Ltd (522)
- Persimmon Homes East Scotland (572)
- Carnegie Base Services (591)
- John Forbes (619)
- Scottish Enterprise (632)

**Policy B2 Town Centres and Office Development**
- Meldrum, Bourtie & Daviot Community Council (174)
- St James Place Property Unit Trust c/o Orchard Street Investment (493)
- Aberdeen & Grampian Chamber of Commerce (584)
- NHS Grampian (610)
- Scottish Enterprise (632)
- Scottish Government (638)
- Stonehaven Community Council ( 662)

**Appendix 2 Retail Centres**
- Keith Newton (6)
- Kirkwood Homes Limited (470)
- St James Place Property Unit Trust c/o Orchard Street Investment (494, 495)
- Colin & Esther Tawse (601)
- NHS Grampian (610)
- Elsick Development Company Limited (614)
- Ashfield Land (629)
- Scottish Government (633)

#### Provision of the Development Plan to which the issue relates:

Policies relating to business land development

#### Planning Authority’s summary of the representation(s):

**Policy B1 Employment and Business Land**

In general, Scottish Enterprise supports the approach taken towards development in the
Proposed Plan and the employment and business allocations generally, particularly for Peterhead, the Energetica Area and Inverurie. Economic and energy-related development should be fully supported and encouraged. The Local Development Plan (LDP) should maintain a positive and high-growth vision for all sectors, particularly energy, food and drink and tourism. The LDP should not place any onerous or unnecessary obstacles to development (632).

**Huntly - Laurencekirk SGA**

A respondent objects to the removal of a BUS site (BUS6) in Inverurie as the respondent feels that this contradicts Scottish Planning Policy (SPP) paragraph 101 which states that LDPs should allocate a range of sites for business (365). Allocations for Inverurie remain unaltered from the 2012 LDP which will result in an unnecessary delay to the expansion of a key employment hub at Thainstone, Inverurie and, therefore, additional land at Ga047 should be allocated for employment use (522).

**Local Growth and Diversification Area – AHMA**

A respondent states that employment land supply is inadequate in the Garioch Area. Demand for industrial sheds and storage is anticipated to remain strong in the North East and the Employment Land Audit 2013 identifies a number of sites in the Garioch area that are subject to constraints and delays (282) (see Employment Land Audit 2013 page 29-30). Additional sites in Westhill are proposed and the town must move carefully to strengthen its position in order to attract and maintain the skills and labour force required to function effectively. It should also build on existing assets and ensure ‘that there is enough of the right type of land for business use, in the right places’, as promoted by paragraph 4.3 of the SDP (282) (see SDP, page 25).

**Local Growth and Diversification Area – RHMA**

Although the Proposed Plan allocates a generous supply of employment land, there is a shortage of immediately available land within south Kincardine and Mearns. The Employment Land Audit 2014 records only 2.76ha of land being immediately available and includes none of the land at Edzell Woods (591).

**Unallocated sites for Employment Land**

Construction of business workshops should be allowed on ground already owned by applicants as an affordable means of promoting economic development (432).

**Home Work Units**

A respondent objects to the omission of provision for live work units. The Strategic Development Plan (SDP) requires all Strategic Growth Areas (SGAs) to focus on creating sustainable mixed communities. Paragraph 4.33 of the SDP warns against continuing past errors where development has been neither mixed nor sustainable, and paragraph 4.34 advises that the focus on providing sustainable communities means not dealing with different land uses in isolation (see SDP, page 36). Support for sustainable mixed communities is also provided in Scottish Planning Policy (SPP) paragraph 122. It is disappointing that the LDP is not more encouraging of live-work units (619).
Non Employment Uses

Any site which has evidence provided that it has been marketed with no developer interest should be allowed to be developed for an alternative use. This principle has already been considered for existing allocations (572).

Policy B2 Town Centres and Office Development

General

The Aberdeen & Grampian Chamber of Commerce in principle support the adopted approach in the proposed LDP and consider that it will require strong leadership from local Councillors. The Chamber of Commerce consider that recent issues highlighted in the local press relate to large out-of-town retail proposals which conflict directly with the principles of the town centre policy. It would be unfortunate if these plans were allowed to proceed against the planning guidance (584).

More Emphasis on Other Uses

The LDP hierarchy acknowledges that Westhill is a town centre and the preferred location for convenience shops which serve the town. There is scope within Westhill Shopping Centre for the creation of additional floor space as part of a masterplanned approach. Indeed, there is an implemented consent which would allow for development to the west of the centre, APP/2008/0397 (see decision notice). Early work suggests that this space could be developed in a variety of forms to accommodate a number of convenience or comparison retailers, or indeed commercial leisure operators. Such uses will be developed where they complement the function of the town centre (493).

The position taken on town centres in the Main Issues Report (MIR) was supported by NHS Grampian. However, the only policy relating to town centres in the LDP is Policy B2 which refers to business development. Health Centres, by nature, bring high footfall into town centres, benefitting retailers. Health Centres in town centres would therefore help to enhance vitality and viability of town centres. Support should also be given to health centres in town centres and their scope for expansion. Where Health Centres move out of town centres, the redundant site should be identified as an opportunity site (610).

Policy B2 of the Proposed Plan uses the wording "retail and other uses which a lot of people will visit, including office developments". If the policy cites examples of uses "which a lot of people will visit", rather than just saying "including office developments", it should specify the full range of other town centre uses set out in SPP (638).

Scottish Enterprise supports attempts to ensure that town centres are the location to be considered first for many forms of development which a lot of people may visit and wishes to encourage the inclusion of all uses which are appropriate to town centres (e.g. leisure uses). Scottish Enterprise also appreciates that the Proposed Plan is seeking to implement the requirements of SPP (632).

Sequential Assessment

SPP sets out (in paragraph 68) the town centres first approach which requires that locations are considered in the following order of preference: town centres (including city centres and local centres); edge of town centre; other commercial centres identified in the
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

LDP; and out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes. Policy B2 refers to a sequential assessment but does not clearly set out what that sequential order of preference is, or indicate that it will be as set out in SPP. To enshrine the town centres first sequential approach in the LDP and give it the weight and status that brings, the Scottish Government recommends that the Proposed Plan clearly explains the sequential approach in Policy B2 (638).

The policy is insufficiently clear in relation to its requirements for sequential assessment. The 'sequential assessment' is a clearly understood and defined mechanism for assessing retail development but considers that office development is not similar in characteristic, form or requirement to retail uses, and the sequential assessment is not directly transferrable. If this approach is deemed necessary, Scottish Enterprise suggests the rewording of Policy B2 and the preparation of Supplementary Guidance to provide more information to support the policy to ensure the assessment is robust - for example, the type and size of uses which are expected to locate in town centres, car parking and accessibility requirements, the type of 'tests' required, and how other sites can/cannot be differentiated as being 'appropriate' (632).

Scottish Enterprise also considers that there should be no constraint in principle to development 'which a lot of people will visit' (i.e. office development) on allocated Policy B1 land (employment and business land) so there should be no need to address the sequential assessment in Policy B2. This should be clarified as it may otherwise be difficult to implement Policy B1 to the detriment of economic development and employment growth. As these employment allocations have been justified in accordance with the SDP, it is unnecessary and counterproductive to introduce an additional level of assessment due to proximity to town centres where the B2 Policy applies (632).

Stonehaven Community Council does not support the Scottish Government's "Sequential Test" in its current form as it prejudices development of supermarkets on the outskirts of towns and suggests that such a development would decimate the vitality or viability of a town centre. There is evidence from towns within Aberdeenshire which refute this assertion e.g., Inverurie and Ellon. Stonehaven Community Council believe that an integrated approach between an edge of town supermarket development and the town centre can feed off each other to mutual benefit and create new business and civic opportunities (662).

Oldmeldrum

There is not adequate shopping available in Oldmeldrum town centre (174).

Appendix 2 Retail Centres

Additional Information to be Added to the Appendix

CC1 Macduff is not identified in the Retail Appendix as a site where retailing is encouraged (6).

Appendix 2 of the Proposed Plan fails to recognise Blackdog as a retail centre and this is clearly inconsistent with the adopted LDP allocation which includes retail as part of the mix. Blackdog should be included within the Principal Town Centres designation within Appendix 2. The scale of retail development anticipated for Blackdog, and as included in the approved Masterplan and adopted LDP, is consistent with the reference to the policy
approach in Appendix 2 which states ‘Town Centres with a diverse mix of uses, a high level of accessibility qualities which identify them as “places”, wider economic and social activity and integration with residential areas’ (470, 629). The proposed principal town centre at Blackdog would complement the role of the city centre (629). Confirming that OP1 will have a town centre ensures that development will be truly mixed and provides confidence to retail operators who want to invest in the area (601).

Chapleton requires to be identified as having a principle town centre, alongside other large settlements and, given the scale of the settlement, also requires to be identified as having neighbourhood centres, as shown in the approved Development Framework. The LDP sees Chapleton as having a major role in delivering development for strategic housing and employment allowances in the Strategic Growth Area. The description of a town centre in Appendix 2 applies to the ethos of Chapleton (614).

Changes to Existing Sites
The hierarchy suggests that Westhill Shopping Centre, and the broader town centre, can support local retail provision only but it is felt that the area can support more than this. As a town centre, it should be the focus for all new retail and commercial leisure uses in line with SPP (494).

Consistency with Policy B2 Town Centres and Office Development
The retail hierarchy in Appendix 2 appears to suggest that all forms of retail or leisure development need not be directed towards town centres first, in accordance with the sequential approach, potentially contradicting SPP and providing a context for out of centre retailing without at first meeting these fundamental tests. In its current form, the policy is open to misinterpretation potentially undermining the town centre (495).

The position taken on town centres in the MIR was supported by NHS Grampian. However, the only policy relating to town centres in the Plan is Policy B2 which refers to business development. Health centres, by nature, bring high footfall into town centres, benefitting retailers. The location of health centres in town centres would, therefore, help to enhance vitality and viability of town centres. Specific reference to health centres should be made in Appendix 2: Retail Centres (610).

Consistency with Scottish Planning Policy
SPP advises, in paragraph 61, that “Plans should identify a network of centres and explain how they can complement each other.” It goes on to advise that the network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Appendix 2 of the Proposed Plan sets out the ‘Retail Centres’. This would have been better termed the ‘Network of Centres’ in recognition of the terminology used in SPP and the wider role and functions that town centres have to play. The Town Centre Action Plan and SPP recognise the importance of having a mix of uses in town centres to support their vitality, vibrancy and viability, throughout the day and into the evening (633).
<table>
<thead>
<tr>
<th>Modifications sought by those submitting representations:</th>
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<tbody>
<tr>
<td><strong>Policy B1 Employment and Business Land</strong></td>
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<tr>
<td><strong>Huntly - Laurencekirk SGA</strong></td>
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<tr>
<td>More land should be identified in the Huntly – Laurencekirk SGA and BUS6, Inverurie from the 2012 LDP should be reinstated in the Proposed Plan for business land under terms of Policy B1 (365).</td>
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<td>More land should be identified in the Huntly – Laurencekirk SGA with additional land allocated for future employment development at Thainstone, Inverurie for the 2016 LDP and beyond including bid Ga047 (522).</td>
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<td><strong>Local Growth and Diversification Area – AHMA</strong></td>
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<td>Additional land should be allocated in the Local Growth and Diversification Area (AHMA) with the full extent of bid Ga034 in Westhill identified in the LDP for immediate business and industrial development (282).</td>
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<tr>
<td><strong>Local Growth and Diversification Area – RHMA</strong></td>
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<td>Additional land needs to be allocated in the Local Growth and Diversification Area (RHMA) and the allocation boundary of site OP1 in Edzell Woods and Newesk should be increased to match the boundary of the former Edzell Base (591).</td>
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<td><strong>Unallocated Sites for Employment Land</strong></td>
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<td>Planning needs to allow businesses to grow and develop on ground which is already owned by the developer (432).</td>
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<tr>
<td><strong>Home Work Units</strong></td>
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<td>The LDP requires alteration to provide specific support for live work proposals under a mixed use policy which allows various permutations of uses to come forward. Failing that, either the housing or the business policy should be amended to permit live-work units within housing sites or on employment sites, depending on the size of the site and location (619).</td>
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<tr>
<td><strong>Non Employment Uses</strong></td>
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<td>Policy B1 should be amended as follows: 'Aberdeenshire Council will approve non-employment uses on sites where the developer has proven there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for business development, and where a site is demonstrated to have been marketed with no interest shown' (572).</td>
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Policy B2 Town Centres and Office Development

More Emphasis on Other Uses

Amend Policy B2 'Town Centres and Office Development' to make reference to other uses including commercial leisure in accordance with SPP (493).

Amend the policy to cover all development in town centres, not just business development (610).

The text of Policy B2 should be changed from 'other uses which a lot of people will visit, including office developments', to "other uses which a lot of people will visit, including office and leisure developments" (632).

Sequential Assessment

Provide Supplementary Guidance to identify the sequential approach to be taken for all town centre uses, in addition to that which has been provided for retail development (632).

Policy B2 should define more clearly what is required by the sequential assessment including what forms of development are likely to be acceptable and where these might be and also clarify that there will not be a ‘no harm’ test for development other than retail in town centres and also clarify that the sequential assessment is not required for development on B1 or BUS allocated sites (632).

Policy B2 'Town Centres and Office Development' should be revised to reflect the Town Centres First Policy set out in SPP. It should be amended to clearly set out:
- the full range of town centre uses the town centre first approach applies to; and
- the town centres first sequential approach (by either explicitly replicating the order of preference set out in SPP or by confirming that the SPP’s order of preference will apply) (638).

Include a deliverable site(s) in Stonehaven to incorporate a major supermarket (4000sq. ft. approximately) (662).

Reword Policy B1 text to clarify that sequential assessment is not required for development within B1 or BUS land (632).

Oldmeldrum

Address retail services and Town Centre in Oldmeldrum (174).

Appendix 2 Retail Centres

Additional Information to be Added to the Appendix

Introduce a statement encouraging retail development of CC1 Macduff (6).

Blackdog should be added to the list of Principal Town Centres in LDP Appendix 2 Retail Centres (470, 601, 629).

Chapelton should be identified in Appendix 2 as having both a Principal Town Centre and
a number of neighbourhood centres (614).

**Changes to Existing Sites**

Westhill Town Centre shares many of the characteristics of a Principal Town Centre and should be regarded as such (494).

**Consistency with Policy B2 Town Centres and Office Development**

Amend the Council's hierarchy of retail centres as it relates to 'Town Centres' (Appendix 2 - Retail Centres) to make it consistent with Policy B2 Town Centres and Office Development (495).

Specific reference to health centres should be made in Appendix 2: Retail Centres (610).

**Consistency with Scottish Planning Policy**

Appendix 2 'Retail Centres' should be changed to 'Network of Centres' to reflect Scottish Planning Policy (SPP). Any references to the Appendix in the Proposed Plan should also be changed from 'Retail Centres' to the revised name 'Network of Centres' (633).

**Summary of response (including reasons) by Planning Authority:**

**Policy B1 Employment and Business Land**

Figure 6: Employment Land Allocations within the SDP show the employment land requirements. Appendix 1, Table 1 of the Proposed Plan demonstrates a land supply in excess of the SDP targets for the Huntly to Laurencekirk Strategic Growth Area (SGA) by 16.6ha and the Blackdog to Peterhead SGA by 4.4ha.

The Aberdeen City and Shire Employment Land Audit 2014 shows that there has been a slight decrease in the established land supply between 2013 and 2014. A total of 14ha were completed in the past year and a further 11ha are under construction (see Employment Land Audit 2014, page 1). The main significant activity and take up of employment land has been mainly in Aberdeen City and the surrounding area. It should also be noted that there has also been no change in the constrained land supply (this includes allocated sites either because they do not have an agreed Masterplan or because the planned phasing means that the employment land element is not expected to be developed within five years of the base date of the Audit). There has also been a slight decrease of 4% of the marketable land supply which is due to both site take up and also sites moving into the constrained land supply (see Employment Land Audit 2014, page 2). The supply of land in Aberdeen City and key Aberdeenshire settlements gives no cause for concern in terms of the choice of sites currently available as both Aberdeen City and Aberdeenshire currently have an adequate choice and supply of marketable land.

The support for the general approach of the policy and, in particular, the support of the growth in Peterhead is welcomed.

**Huntly - Laurencekirk SGA**

Inverurie is located in the Huntly –Laurencekirk SGA where there is an excess of 16.6ha of
employment land available in the SGA. In the proposed LDP there are 41.5ha of employment land allocated in this SGA. This is due to the changes made to the employment land in Inverurie where Strategic Reserve land was brought forward for immediate use. While this leaves a shortfall in terms of the Strategic Reserve land targets of 11.6ha, this is not an issue as it creates a significant oversupply in the employment land allocations which are available to 2026. This highlights that there is no further need to bring any more land forward as there is a substantial amount of land allocated which meet the targets set out in the SDP. This means that there is no requirement for further land at Ga047, Inverurie or the reallocation of BUS6 Inverurie. Site specific information relating to the reasons for the removal of BUS6 and information relating to Ga047 are covered in Schedule 4 Issue 46: Inverurie and Port Elphinstone. No change is required.

Local Growth and Diversification Area – AHMA

Westhill is located in the Local Growth and Diversification Area which means that land is allocated to meet local needs. It is important to note that Westhill is not in a SGA and, therefore, does not contribute towards meeting the SDP requirements for these growth corridors. Within the Local Growth and Diversification areas, there are no targets set by the SDP as allocations are made by looking at each individual settlement’s needs. Westhill is in high demand for development given its proximity to Aberdeen and also the presence of sub-sea engineering businesses. The respondent has suggested that there is a requirement to allocate more, including the full extent of Ga034 for employment land but it is felt that there is no need to allocate more land for general employment uses at this stage. Site specific information relating to Ga034 is covered in Schedule 4 Issue 50: Westhill. No change is required.

Local Growth and Diversification Area – RHMA

The term ‘immediately available land supply’ is defined in the Employment Land Audit (ELA) as “land that currently has planning permission or has a secure planning status, is serviced and has no other major constraints to immediate development” (Employment Land Audit 2014, page 24). It is the case that the availability of this land has declined but only due to the fact that various sites have been developed. The respondent states that there is a shortage of immediately available land in south Kincardine and Mearns and states that only 2.76ha of land is immediately available. It should be noted that this figure actually represents the full area of Kincardine and Mearns rather than just the south of Kincardine and Mearns, notably the RHMA which has 1.74ha of immediately available land (Employment Land Audit 2014, page 31-32).

There is, however, a large amount of marketable land in the RHMA of Kincardine and Mearns where there is 16.2ha. Marketable land is defined in the ELA as “…land that, as well as meeting business requirements, has a secure planning status, can be serviced within 5 years, is accessible by walking, cycling and public transport as defined by SPP” (Employment Land Audit 2014, page 24). Marketable employment land also contributes towards the SDP requirements for employment land. The land at Edzell Woods has not been classified as immediately available or marketable in the ELA as there are issues concerning drainage and a grade separated access onto the A90(T) that need to be resolved. With the issues relating to the land at Edzell Woods and there being no shortage of employment land within the RHMA of Kincardine and Mearns, it is not considered necessary to amend the boundary of the OP1 site. No change is required.
Unallocated Sites for Employment Land

Allowing the use of any land for significant employment uses could lead to sporadic development which would not be able to be controlled by planning policy and would be contrary to a Plan led system. This sporadic approach would not help meet one of the policy principles of SPP of sustainability. Within SPP it states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost' (see Scottish Planning Policy, page 9). The importance of this policy principle is ensuring the right development is in the right place, which is why it is felt that the current approach to allocating sites for employment opportunities remains the most appropriate option. Policy P3 Infill and Householder Development Within Settlements (including home and work proposals) details that the Council will approve a house extension or an ancillary development associated with an existing house providing it respects both the character of the surrounding area and the design/scale of existing houses and does not significantly reduce the amenity of neighbouring residents. This gives landowners the opportunity to develop land they own for employment uses as long as it is in line with the criteria in the policy. No change is required.

Home Work Units

There is currently reference to home work units within the LDP under this policy, where it states that ‘We will not allow houses, even if also designed as workplaces, on land identified in the Plan specifically for business uses. Home/work proposals may be appropriate on land identified for mixed use development depending on the criteria set out in Policy P3 Infill and Householder Developments Within Settlements (including home and work proposals)’. This shows that there is already clear guidance within the Plan as to where home work proposals are appropriate. No change is required.

Non Employment Uses

The respondent provides text which they feel should be included in Policy B1. However, in order to ensure that the Plan is creating mixed sustainable communities as outlined through the SDP and SPP it is important to ensure that there remains to be employment opportunities within settlements. This means that it is not desirable to allow the opportunity sites to be developed as alternative uses as this could lead to settlements turning into purely residential areas. Employment sites which have not been developed could be proposed as bids for an alternative use in the LDP process and considered in that context. No change is required.

Policy B2 Town Centres and Office Development

General

The support for the policy is welcomed. The policy is similar to the approach which is currently being used to assess allocations but goes further, in that the sequential approach now includes other high footfall uses. As the main change to the policy is to increase the uses in which the sequential approach is used, this should help to ensure the continued support for the policy (see Town Centres Position Paper, page 4-8). Elected Members have already had the chance to air their views regarding the policy, which was later agreed at Full Council, which in turn became the settled view of the Council emphasising their
support of the policy.

More Emphasis on Other Uses

Policy B2 Town Centre and Office Developments does not make a specific reference to health centres, leisure uses etc. but reference is made to ‘other uses which a lot of people will visit’. This relates to the reference in SPP where it states that ‘where appropriate, other public building such as libraries, and education and health facilities’ should follow the sequential approach (see Scottish Planning Policy, page 20). It is, therefore, not felt that a specific reference is required to be made to all town centre uses including commercial leisure and office developments as requested by the respondents. To do so would repeat policy articulated elsewhere. No change is required.

The continued support for Westhill Town Centre is welcomed. The comments made regarding the potential to use it for commercial leisure uses is acknowledged and welcomed by Policy B2 as the sequential approach has been widened to include these uses in line with SPP. No change is required.

Sequential Assessment

Policy B2 does not specifically state the order of the sequential assessment, however, it refers the reader to the glossary to provide further information. Planning Advice 3/2014: “The sequential approach to retail site selection” to give greater guidance on this element of policy. It is considered that this summarises the approach taken in SPP. If this is not seen as sufficient then Aberdeenshire Council would not object to the approach suggested by the Scottish Government.

The comments received relating to office developments being different in form and requirement are noted, however, SPP specifically names offices as one of the uses which attract significant numbers of people and, therefore, should follow the sequential approach. It should be noted that SPP notes that Planning Authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach to ensure that different uses are in the most appropriate of places.

The types of offices that the sequential assessment covers are those offices that generate a high footfall. As stated in SPP, town centres should be the first choice for uses which generate a significant footfall. It does, however, go on to state that Planning Authorities, developers, owners and occupiers should be a flexible and realistic in applying the sequential approach to ensure that different uses are developed in the most appropriate locations. This means that it would be inappropriate to refuse applications if there was not a suitable site within the town centre. No change is required.

The views of Stonehaven Community Council do not reflect experience within Aberdeenshire where the most successful town centres have major food retailing associated with the centre (such as Inverurie and Turriff) whereas significant decline is observed in those towns where trade diversion to the periphery occurs. This can be seen within Aberdeenshire in the Draft 2015 Town Centre Health Checks, where the top two towns performing well over all of the categories are Inverurie and Turriff (see Draft Town Centre Health Check 2015, page 3). This supports robust application of Scottish Government Policy to ensure that the vitality and viability of town centres is maintained in these challenging economic times. No change is required.
Oldmeldrum

Oldmeldrum has a defined town centre within the Plan which Policy B2 would effect. The sequential assessment that has to be followed as the policy ensures that the town centre is the first choice for any retail development or other development of high footfall including commercial leisure and offices. This helps to drive development into the town centre rather than in other locations across the town. No change is required.

Appendix 2 Retail Centres

Additional Information to be Added to the Appendix

CC1 in Macduff is allocated for 4ha of large format stores and a health centre which shows that retailing is encouraged at this location and, as such, a non-notifiable modification should be introduced to include Macduff CC1 in Appendix 2. This does not change the overall strategy of the Plan.

The requests for Blackdog and Chapelton to be included within Appendix 2 are noted. However, Policy B2 and Appendix 2 set out the guidelines for development relating to town centres. The policy and associated Appendix are in place to ensure appropriate development happens within the designated town centres. It is, therefore, felt that the request is premature and it would be more appropriate to review this later in the development of Chapelton and Blackdog. No change is required.

Changes to Existing Sites/Consistency with Policy B2 Town Centres and Office Development

Westhill is included under the ‘Other Town Centres’ category which, as stated, is a location where the LDP would expect to see local retail provision and there has been a request to include this as a principal town centre in order for the town centre to include leisure and commercial. In order to align with Policy B2 Town Centres and Office Development and SPP, a non-notifiable modification should be introduced to the sections of the Appendix Principal Town Centres and Other Town Centres to include reference to commercial, leisure, offices, community and cultural uses. By including this text within the Appendix, a clear link can be drawn between the policy and SPP and provides clarity on the uses appropriate for town centres. This would then allow for Westhill town centre to attract other high footfall uses without the need to change the status of the town centre.

Within SPP, reference is made to public buildings such as libraries, education and healthcare facilities stating that they may be appropriate. Therefore, it is not appropriate to include specific reference to these facilities, including health care as requested, as they may not be appropriate in every case. As the reference is within SPP, it will still be considered when a planning application is submitted for any of these uses. No change is required.

Consistency with Scottish Planning Policy

The term ‘retail centres’ has been used to title Appendix 2 as this uses consistent language that was used within the LDP 2012. Moreover, Aberdeenshire Council would not object should the Reporter be so minded as to update the title in line with SPP. This change would not affect the Spatial Strategy of the Plan in any way.

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Reporters conclusions:

1. Section 11 of the local development plan contains four policies, B1-B4. The representations received relate to only the first two.

Policy B1 Employment and Business Land

2. Of the eight representations relating to this policy, three seek amendments to its wording and the remainder concern allocations in specific towns or areas. One representation seeks provision for business premises to be allowed on land which is owned by the business in question but may not be specifically allocated in the plan for employment use. I do not consider that this would be appropriate. The circumstances and locations of such land would vary considerably, and its suitability for industrial or business use would depend on many factors, including the character of the surrounding area and access arrangements. I appreciate that small businesses in particular may not be able to afford the costs of developing on allocated land. However, the opportunity may still exist to develop on land elsewhere within settlements, or to expand existing premises, provided that the circumstances are appropriate. The council has referred to policy P3 in the plan, which deals with infill and householder developments within settlements, and I agree that this is the appropriate policy against which to assess proposals for small-scale business developments through the development management process.

3. Policy P3 also covers live-work proposals. One representation considers that there should be more support for such developments, which are considered to be supportive of mixed sustainable communities. Policy B1 specifically states that houses, even if also designed as workplaces, will not be allowed on land identified specifically for business uses, but may be appropriate on land identified for mixed-use development, subject to complying with policy P3. As the representation points out, there is no specific policy in the plan relating to mixed-use developments. I do not agree, however, that policy P3 relates only to either housing or employment developments. I see no reason why it cannot be used to assess proposals for live-work units. As referred to in the preceding paragraph, the circumstances of any such proposals may vary considerably, and the planning authority will need to give careful consideration to their impacts; for example, on the amenity of neighbouring dwellings. As such I think that it would be difficult to set out particular criteria relating to live-work units, and that developments should be assessed on a case-by-case basis in accordance with policy P3.

4. The third representation in regard to the wording of policy B1 seeks provision for non-employment uses on sites allocated in the plan for business use, if there are constraints that suggest that there is no reasonable prospect of it becoming marketable for business development. There is already such provision in the policy for existing land used for business (BUS sites). The proposed amendment refers specifically to opportunity sites which have been identified in the individual settlement plans in Appendix 8. Unlike existing business land, which may have constraints that render it unsuitable for continued use for that purpose, the opportunity sites are undeveloped and I consider that it would be inappropriate at this stage to make provision for an alternative use. Their position as effective business use sites can be reviewed in due course, with their possible re-allocation for other uses in a future local development plan.

5. All told, I conclude that there is no need for any modifications to the wording of policy B1.
6. The remaining representations are more appropriately dealt with in the issues covering the settlements involved: Issues 46 (Inverurie and Port Elphinstone), 50 (Westhill), and Issue 64 (Kincardine and Mearn). On a general point, however, I note that the Aberdeen City and Shire Strategic Development Plan sets out in Figure 6 the employment land targets for the Huntly to Laurencekirk Strategic Growth Area (SGA) and the Blackdog to Peterhead SGA. Appendix 1 in the local development plan shows that for employment land allocated to 2026 there is a surplus of 16.6 hectares in the former SGA and a surplus of 4.4 hectares in the latter. The council submits that there is no cause for concern about the supply of employment land in key Aberdeenshire settlements as there is currently an adequate choice and supply of marketable land. I consider that this provides the context in which any proposals for additional allocations of employment and business land need to be assessed.

Policy B2 Town centres and Office Development and Appendix 2 Retail Centres

7. I agree with the representation that the phrase “other uses which a lot of people will visit” in policy B2 is too vague as to what is meant. The council has suggested that a modification could be made to the text in Appendix 2 relating to Principal Town Centres and Other Town Centres, making clear that commercial, leisure, offices, community and cultural uses would also be appropriate uses. I agree that this would be sensible, but consider that the text of policy B2 should also be expanded. I consider that the list of examples should include health facilities as suggested in the representation on behalf of NHS Grampian. For the sake of consistency it should refer to the range of uses set out in paragraph 68 of Scottish Planning Policy (SPP), as recommended in the representation from the Scottish Government. In all cases the suitability of proposed uses in relation to their sites will need to be assessed through the development management process.

8. The policy refers to “office developments”, indicating that this term is defined in the glossary to the plan. However, there is no such definition in the proposed plan. The council accepts that a definition is needed and has provided possible wording. I have adapted it to reflect more closely the wording in the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.

9. The definition of “employment land/employment uses” refers to classes 4, 5 and 6 of the above-mentioned Use Classes Order. Class 4 includes use as an office other than within class 2 (financial, professional and other services). It is unclear whether policy B2 is intended to refer only to offices within class 2. The representation from Scottish Enterprise states that the use of a sequential approach to the location of class 4 office uses would not be appropriate if they are to be located on land identified in the plan for employment and business use. The council has explained that it wants office developments (both Class 2 and 4) to consider a sequential approach to site selection, and to encourage town centres as the appropriate location for such developments. It expects developers to submit a supporting statement on the approach taken to site selection, which considers the possibility of using a town centre site. If it is shown that such a location is not available or appropriate, then the development could be accommodated on allocated employment and business land. Policy B1 therefore complements this policy through safeguarding the use of allocated employment and business land. I consider that some clarification is needed of this relationship.

10. In its representation, the Scottish Government has requested that the policy should more explicitly set out the order of preference for locations as contained in paragraph 68 of Scottish Planning Policy. The term “sequential assessment” is defined in the glossary of
the plan and I consider that it is adequate to indicate the order of preference for locations. The council has stated that its document Planning Advice 3/2014: The sequential approach to retail site selection [council document 261] gives greater guidance on this matter, but there is no reference to it in the plan. The council has explained that this is non-statutory advice that is intended to assist developers and development management officers in assessing retail proposals. Whilst the council is proposing to review and update this advice, it does not intend to produce statutory supplementary guidance on the topic of sequential assessment, which would replace Appendix 1 of SG Retail1 in the current local development plan. That is a matter for the council to decide upon but, on balance, I consider that neither the wording of the policy nor the glossary definition need modification.

11. On the basis of the above assessment, I consider that the wording of the first sentence of policy B2 should be amended to give greater clarity as to what is meant.

12. The other representations relate to specific settlements, including their status as indicated in Appendix 2. The Scottish Government suggests that this should be re-titled “Network of Centres”, to reflect paragraph 61 of SPP. The last paragraph of policy B2 already uses this phrase, and the council has no objection to such a change. I agree that it would be appropriate to make this modification in the interests of consistency.

13. Representations in respect of the town centre at Westhill suggest that it could accommodate a wider range of uses than indicated in Appendix 2, and that it should be identified as a Principal Town Centre in the network of centres. As indicated in paragraph 7 above, the council has proposed that Appendix 2 be modified to include reference to other uses that would be appropriate in both Principal Town Centres and other Town Centres. This would give greater clarity as to the types of uses that would be appropriate in Westhill town centre. The council has explained that Westhill is identified as an “other town centre” as it does not have the range of uses and other characteristics that define a “principal town centre”. There is insufficient evidence before me to indicate that the status of Westhill in the network of centres should be changed, although this could no doubt be reviewed in the light of any further development that takes place.

14. Representations have been made that both Blackdog and Chapelton should be added to the list of Principal Town Centres in Appendix 2. Both of these settlements are proposed for major expansion in accordance with masterplans, and will include retail facilities. In time these may develop into town centres that will need to be included in the network of centres. However, I agree with the council that at the present time, when there is no indication of how much and what type of retail and other floorspace might be developed at these locations, it would be premature to include them in the network. This position should be reviewed as development proceeds. Further consideration of these settlements is contained in Issues 30 (Blackdog) and 60 (Chapelton).

15. In response to a representation, the council is proposing that Appendix 2 be modified to include an approved retail development area in Macduff (CC1) in the network of centres. I agree that this is appropriate.

16. The question of a site for a new supermarket in Stonehaven is a long-running issue, but is more appropriately considered in relation to the settlement statement for that town (Issue 59).

17. Oldmeldrum is included as an Other Town Centre in Appendix 2 and therefore a
preferred location for retail development. However, the local development plan itself cannot bring about an improvement in retail facilities; this will depend on developer interest and appropriate sites being available.

**Reporter's recommendations:**

1. Delete the first sentence of policy B2 and replace with:

   “We will allow retail and other uses which a lot of people will visit only in defined town centres unless a **sequential assessment** shows that another site is more appropriate. Other uses include **office developments**, commercial leisure uses, community and cultural facilities and, where appropriate, other public buildings such as libraries and education and healthcare facilities. In the case of **office developments**, where it can be shown that there is no suitable town centre location, they will normally be accommodated on identified employment and business land in accordance with policy B1.”

2. Amend the title of Appendix 2 to read “Network of Centres”.

3. In the third column of Appendix 2, headed “Principle for sequential approach”, delete the final sentence relating to Principle Town Centres and replace with:

   “Preferred location for large comparison type shops, commercial, leisure, offices, community and cultural uses, other public buildings where appropriate, and for local convenience shops which serve the town centre.”

4. In the third column of Appendix 2, headed “Principle for sequential approach”, delete the final sentence relating to “Other town centres” and replace with:

   “Preferred location for convenience shops, commercial, leisure, offices, community and cultural uses, and other public buildings where appropriate, which serve the town.”

5. In the fourth column of Appendix 2, headed “Centre”, add “Corskie Drive/B9026, Macduff” to the list of Other commercial centres and retail parks.

6. In the Glossary, add the following definition:

   **Office development:** A place of work usually in Class 2 (financial, professional and other services which it is appropriate to provide in a shopping area, and where the services are provided principally to visiting members of the public) or Class 4 (an office other than within Class 2) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.”
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Leiths (Scotland) Limited (623)
W M Donald Limited (626)
Scottish Government (641)
Scottish Environment Protection Agency (658)
Sport Scotland (669)

**Provision of the Development Plan to which the issue relates:**

Policies relating to development in the countryside

**Planning Authority’s summary of the representation(s):**

**Introduction**

Respondent (404) queries the assumption that development of housing in the countryside reduces the need for travel, suggesting that people move to rural areas and commute into Aberdeen City rather than working locally.

NHS Grampian (610) feels that this section does not go far enough in specifying that rural development should be easily accessible by public transport and linked to health centres. The cumulative impact of rural development must be considered to ensure there is no adverse impact on healthcare services which may be oversubscribed. This section should also make it clear that development in rural areas must demonstrate the 6 qualities of successful places as outlined in Section 14, Policy P1: Layout, Siting and Design.

Policy R1 Special Rural Areas and Appendix A3 Green Belt

**Coastal Zone**

Sports Scotland (667) believes the policy approach to be taken towards coastal zoning is different to that required by Scottish Planning Policy (SPP). This has an impact for sport both in relation to sports proposals and also in protecting sports interests. As a result, the Supplementary Guidance is considered to be unclear. Sports Scotland requests that the coast area be identified, as required by the SPP, either as part of this Plan process or subsequently, and that this takes into account sports interests unless it is clarified that all of the coastal area is considered to be “largely developed coast” (see SPP, paragraph 89).

The principle of recognising settlements within the Green Belt as set out in SPP is equally applicable to the coastal zone. There are several existing settlements including Findon and Portlethen Village which are excluded from the coastal zone. There is no planning reason for treating Downies any differently and, as such, the coastal zone boundary should be amended to exclude Downies (378).

**Green Belt**

It is unclear whether the “policy for safeguarding resources” stated in the seventh bullet point specifically covers all policies in Section 17 Protecting Resources or just Policy PR1 Protecting Important Resources. The bullet point should be amended to refer to a specific policy (PR1) or policies (PR1, PR2 and PR3) (642). Section 17 makes reference to the development of essential community facilities which healthcare falls under, however,
Policy R1 should be amended to make this clear (610).

Extent of the Green Belt

No evidence has been presented that consideration has been given to the spatial form of the Green Belt in light of changes imposed by the revised SPP (see SPP, paragraph 51). Instead, the boundaries from the 2012 LDP have been used without regards to the revised terms of SPP (378, 399). The Green Belt boundary indicated by the SDP has not been properly considered. In some areas, Green Belt designation is not necessary or does not meet the requirements and tests set out in paragraph 49 of SPP. It is suggested that commitment to a review by Aberdeenshire and Aberdeen City Councils should be included within the Action Programme (573).

The Green Belt boundary around Potterton should be modified to exclude land promoted for additional development. The boundary to the north of Potterton does not follow a clear defensible boundary and it is not clear what purpose the Green Belt serves in this location. Encircling a settlement within a Strategic Growth Area earmarked for considerable growth runs contrary to the Spatial Strategy of the Strategic Development Plan (399, 465). A plan of the suggested boundary is submitted in support of the representation (399).

Any reasonable review of the Green Belt boundary should exclude Cammachmore from the Green Belt (378).

The Green Belt around Portlethen requires to be reviewed in light of extant planning permissions, current planning applications and the route of the AWPR (599).

The Green Belt boundary should extend no further than land to the south of the AWPR (465).

The Green Belt boundary should be amended to remove bid site KM056, Portlethen. Removing this site would not prejudice the aims of the Green Belt Policy (599).

The Green Belt boundary should be amended to remove bid site KM070, Kirkton of Maryculter. Removing this site would not prejudice the aims of the Green Belt Policy (681).

The Green Belt boundary should be amended to remove bid site KM088, Portlethen. The existing boundary restricts new planned development and is contrary to SPP (682).

Hatton of Fintray and Kinellar Community Council (417) wish to see the current Green Belt boundaries on all sides of Blackburn and Hatton of Fintray retained to conserve their landscape setting and amenities. Additional support for maintaining the existing boundary around Hatton of Fintray is given (565).

Policy R2 Housing and Business Development Elsewhere in the Countryside

Sports Scotland states that there is no definition of “business use” in the glossary and that it is not clear if this is intended to apply to sports uses. If it does not, then the policy position applying to sports uses would be more restrictive in these areas than in the Green Belt which is not considered to be the purpose of this policy. The first bullet point does not make it clear what categories of development are intended to be considered acceptable (668).
A respondent (404) queries to what extent small-scale development is driven by opportunism rather than housing need. No specific modification is sought.

Sports Scotland (668) suggests that the reference to small-scale development in relation to employment proposals be removed. They consider that this could be prejudicial to certain sport uses which may not be small-scale but nevertheless may be acceptable and appropriately located in a countryside location. The other policies of the LDP could provide control in relation to what an acceptable scale may be.

The bullet points listing acceptable development should be extended to include “small-scale growth of settlements; and in the Rural Housing Market Area (RHMA), small scale employment proposals and small-scale additions to cohesive groups” (387, 604, 605).

Concern is raised at the restrictive nature of the policy for small-scale development on brownfield sites. The reuse of brownfield sites is a key part of SPP in securing sustainable development and is supported by the Strategic Development Plan (SDP). The capacity of a site will be dictated by many factors, not least scale, and the LDP should not assume that all brownfield sites will be small scale. To do so limits the potential of such sites to deliver sustainable development and regenerate an area (387, 604, 605).

One respondent (333) suggests that the identified settlements are not logically identified or defined. No specific modification is sought.

Respondent (404) queries how the numbers of 20% and up to 10 houses were calculated, arguing the level of development in small settlements with no amenities is too high. The policy creates a presumption towards unplanned development being supported. No specific modification is sought.

The catchment for organic growth should be increased to 400m (387, 389, 604, 605). 400m represents the maximum walking distance to primary education as set out in Planning Advice Note 75: Planning for Transport, with 800-1600m being acceptable for all other services. By arbitrarily reducing the catchment distance for this policy Aberdeenshire Council may be inadvertently excluding sites which are still closely related to the settlement (389).

It is not clear what restrictions are in place for development outside settlements in Appendix A4 and rural clusters, such as Ythanbank (284).

The policy changes proposed relating to chalet leisure accommodation were not subject to proper scrutiny by Elected Members and appear to indicate ignorance by Officers of the nature of residential lodge or chalet leisure accommodation. The policy is directly in conflict with the stated policy aim of encouraging sustainable communities and businesses in the countryside and also conflicts with Aberdeenshire Council’s Economic Development Policy and SPP. No evidence has been presented that there is an issue with permanent residential occupancy of this type and the proposed policy fundamentally misunderstands the nature of recent residential leisure development in Aberdeenshire. Adoption of this policy is likely to stop all such developments in Aberdeenshire (196).

There should be greater flexibility in the replacement of vernacular buildings and replacement houses. Requiring a replacement building/house to occupy the same site is overly restrictive. There must be a degree of flexibility, for example, where residential amenity could be improved if the building was re-sited. It may also be beneficial for
climatic, solar gain or road safety. In many cases older buildings will be beyond economic replacement and repair and, where possible, the use of any granite down taking or features may result in a development more sympathetic to its setting (604).

Appendix A4 Identified Settlements Under Policy R2

Classifying Barthol Chapel as an identified settlement would facilitate minor growth (335).

Leylodge should be identified as a defined settlement with a settlement boundary to reduce pressure for rural housing outwith settlements. Development of an electricity substation has already impacted on the character of the settlements and some planned additional development is now logical (333).

Kirkton of Durris should be included within Appendix A4. It is too soon to amend policy and potentially constrain the economic growth it is starting to deliver in rural areas (604).

Bridge of Alford and Montgarrie should be removed from the list of identified settlements as there has been steady, unplanned and increasingly controversial growth in the area (392). A planned development for the settlements should be promoted (582).

Lyne of Skene should be included within the list of identified settlements. There has been no development in Lyne of Skene for some time. Dunecht Primary school is projected to have a declining school roll through the Plan period (412).

Policy R3 Minerals and Hill Tracks

SEPA (658) welcomes Policy R3 and the reference to “only allow minerals development if sufficient information is provided to enable the full likely effects of the development to be assessed, together with proposals for appropriate control, mitigation and monitoring”.

Sports Scotland (669) does not consider that the policy reflects all of the requirements of SPP, specifically in relation to impacts on local communities, economic sectors important to the local economy, effects on the natural heritage and landscape and visual impacts.

The policies on minerals are located in different places within the Plan, which is confusing to the reader. Policy PR1 seeks to identify important mineral safeguarded sites and wider areas of search but minerals development is governed by Policy R3 (623).

RSPB Scotland (594) suggest that any new proposals for mineral extraction should show little or no net-negative impact on natural heritage, through minimising disturbance and maximising opportunities for mitigation and enhancement rather than just an acceptable level of impact. New operations should not be granted where they are on or near protected areas (including designated areas such as Special Protection Areas, Site of Special Scientific Interest and Local Nature Conservation Sites) or deep peat. They also suggest that it may be useful to refer to the East Ayrshire Council Report “Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees” (2014). It is also important to ensure that financial guarantees are periodically monitored to ensure their value remains sufficient to cover the maximum potential restoration, decommissioning, aftercare and mitigation liabilities.

SPP does not seek to impose an upper limit in relation to a landbank being made. In order to comply with SPP, the policy should be amended from having a landbank that would not
exceed 15 years to “at least 10 years at all times” (53, 623, 626).

Using a 50km market area travel distance fails to understand that haulage costs impact significantly on the price of aggregate. Long haulage distances have a detrimental impact on both environmental and construction costs which impede delivery of the scale of development required to meet the strategic targets. The definition of market area in the LDP requires to be replaced with a number of smaller market areas, each centred on the Strategic Growth Areas (SGA) in the Strategic Development Plan (SDP) scaled accordingly (623).

SEPA (658) also welcomes the policy wording “all conditions attached to mineral permissions will be reviewed every 15 years to ensure development is not adversely affecting the natural or historic environment, landscape character or local amenity” in accordance with SPP, paragraph 248. However, the Scottish Government (641) considers that the policy does not take account of the flexibility provided within SPP paragraph 248 and that the Plan should be amended to take account of this.

The Mountaineering Council of Scotland (56) and SEPA (658) welcome the proposed policy in relation to hill tracks and seek no modification. However, RSPB (594) recommend a change to the wording to state that applications for hill tracks will be assessed very rigorously and will only be allowed if a clear need related to the criteria for general permitted development is demonstrated beyond doubt as to avoid detrimental impacts on the ecological value and landscape of moorland areas.

Modifications sought by those submitting representations:

Introduction

Amend introduction to reflect the actuality of lifestyle and work patterns of people moving to the countryside rather than assuming that rural development results in rural workplaces (404).

Amend Section 12 to emphasise that healthcare facilities should be accessible by public transport (610).

Amend Section 12 to make it clear that rural development should demonstrate the 6 qualities of successful places (610).

Policy R1 Special Rural Areas and Appendix A3 Green Belt

Coastal Zone

Coastal area to be identified as required by the SPP, either as part of this Plan process or subsequently, and that this takes into account sports interests, unless it is clarified that all of the coastal area is considered to be “largely developed coast” (667).

Amend coastal zone boundary to exclude Downies (378).

Green Belt

Amend the seventh bullet point to specify the relevant policy/policies identified under the
Amend Policy R1 to include healthcare facilities (610).

Extent of the Green Belt

Review of Green Belt boundaries should be carried out (378 399) and included within the Action Programme (573).

Amend Green Belt boundary around Potterton to exclude parcels of land coloured red and green identified by the respondent (399).

Amend Green Belt boundary to exclude Cammachmore (378).

Review the Green Belt surrounding Portlethen (599).

Amend Green Belt boundary to extend no further than land to the south of the AWPR (465).

Amend Green Belt boundary to exclude bid site KM056, Portlethen (599).

Amend Green Belt boundary to exclude bid site KM070, Kirkton of Maryculter (681).

Amend Green Belt boundary to exclude bid site KM088, Portlethen (682).

Policy R2 Housing and Business Development Elsewhere in the Countryside

Clarify what is meant by “business development” in the title of Policy R2 (668).

Clarify what is meant by “development that would be appropriate to the Green Belt” (668).

Delete reference to small-scale development in relation to employment proposals (668).

Amend wording of bullet points listing acceptable development to include, “small-scale growth of settlements; and in the RHMA, small scale employment proposals and small-scale additions to cohesive groups” (387,604, 605).

Amend wording as not to limit redevelopment of brownfield sites to small-scale development (387, 604, 605).

Increase distance permissible for small scale development of sites included in Appendix A4 to 400m (387, 389, 604, 605).

Clarify what restrictions are in place in rural villages which are not included in Appendix A4, particularly Ythanbank (284).

Delete paragraph stating “Because of the problems associated with restricting use and occupancy, we will treat all forms of lodge or chalet leisure accommodation as housing proposals under this policy” (196).

Amend wording to introduce greater flexibility in the replacement of vernacular buildings and replacement houses as not to have to occupy the same site (604).
Appendix A4 Identified Settlements Under Policy R2

Include Barthol Chapel within Appendix A4 (335).

Include Leylodge within Appendix A4 (333).

Include Lyne of Skene within Appendix A4 (412).

Include Kirkton of Durris within Appendix A4 (604).

Delete Bridge of Alford from Appendix A4 (393, 582).

Delete Bridge of Alford and Montgarrie from Appendix A4 and replace with a dedicated Settlement Statement (582).

Policy R3 Minerals and Hill Tracks

Review the policy to ensure it meets the requirements as set out in paragraph 237 of SPP (669).

Amend the Plan so that policies concerning minerals are all in the same place (623).

Add wording to state that new proposals for mineral extraction should show little or no net-negative impact on natural heritage, through minimising disturbance and maximising opportunities for mitigation and enhancement rather than just an acceptable level of impact. New operations should not be granted where they are on or near protected areas (including designated areas such as SPAs, SSSIs and LNCS) or deep peat (594).


Add wording to state that financial guarantees will be periodically monitored to ensure their value remains sufficient to cover the maximum potential restoration, decommissioning, aftercare and mitigation liabilities (594).

Delete the upper restriction of 15 years from Policy R3 and replace with a requirement to maintain a minimum 10 years landbank at all times (53, 623, 626).

Amend paragraph 4 to read as, “all conditions attached to mineral permissions will be reviewed every 15 years (subject to the flexibility provided in SPP to postpone reviews) to ensure that the development is not adversely affecting the natural or historic environment, landscape character or local amenity.” (641).

Replace the existing market area with a number of smaller market areas, each centred on the SGA in the SDP, scaled accordingly (623, 626).

Add wording to state that applications for hill tracks will be assessed very rigorously and will only be allowed if a clear need related to the criteria for general permitted development is demonstrated beyond doubt (594).
Summary of response (including reasons) by Planning Authority:

Introduction

Rural development is encouraged by SPP to support prosperous and sustainable communities and business while protecting and enhancing environmental quality. The Scottish Government require Development Plans to reflect the overarching aim of supporting diversification and growth of the rural economy (see SPP paragraphs 76 and 79). Aberdeenshire Council’s policy takes a measured approach to development in rural areas, promoting most development to our towns and villages and restricting rural development to a small number of circumstances. Even if household employment is within an urban area, rural housing contributes to local rural communities through supporting services (such as schools) and maintaining use of community facilities. No change is required.

The bus network across Aberdeenshire is largely linear with regular services using the main and trunk roads. Restricting development only to these areas would not sustain more remote rural communities. The very nature of rural development means that healthcare provision is likely to require people to travel as healthcare facilities are planned using the sequential approach (see SPP paragraph 68). In comparison to development in towns, rural development does not provide any certainty as to where such facilities may be required and, in any case, only creates a small additional burden for the healthcare system. The scale of development (single houses) makes it very difficult to argue that development cannot go ahead due to lack of health facilities and developer obligations could not be required under the terms of Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. No change is required.

All policies of the Local Development Plan (LDP) apply to proposals. Proposals coming forward under the Rural Development Policy will also have to demonstrate compliance with Proposed Local Development Plan Policy P1: Layout, Siting and Design under the Shaping Places section. It would be unnecessary to modify the LDP to introduce a level of repetition between policies. No change is required.

Policy R1 Special Rural Areas and Appendix A3 Green Belt

Coastal Zone

The coastal zone boundary is largely unchanged from the 2012 LDP with the exception of addressing an inconsistency within the current LDP by excluding a small number of defined settlements from the coastal zone. The Main Issues Report (MIR) 2013 identified a need to review the coastal zone boundaries (see Table 1, pages 9-13), however, this has proven to be a significant undertaking for which there are considerable resource constraints at this time. Review of the coastal zone is not possible at this time and, given the considerable development and infrastructure investment (namely the AWPR), it is more appropriate to review the coastal zone boundary during the next Plan period. The detailed extent of the coastal zone is shown as Supplementary Guidance (Proposed Local Development Plan Supplementary Guidance 4: Coastal Zones). The Supplementary Guidance can be updated at any time but does not impact on either the principle of the policy or the Spatial Strategy of the wider Plan area. No change is required.

Downies is not a settlement within the LDP as the area has no allocated, reserved,
protected or safeguarded sites which need to be considered. Downies is deemed to be intrinsic to the value of the coast. It would be inappropriate to amend the coastal zone boundary to exclude Downies. No change is required.

Green Belt

The Aberdeen City and Shire Strategic Development Plan 2014 (paragraph 4.31) identifies that the Green Belt “will need to change to meet the growth this Plan seeks” but does not provide a specific boundary. The Green Belt was reviewed in 2010 (see Review of the Aberdeen Green Belt (Aberdeenshire) 2010) and this review remains consistent with paragraphs 49 to 51 of SPP. It is clear that Green Belts can be used where a Planning Authority think it appropriate to direct development to the most appropriate locations, to protect the character, landscape setting and identity of the settlement, and to provide access to open space. The fundamental purpose of the Green Belt, as identified, is to protect and enhance the setting of Aberdeen City and key dormitory suburbs, such as Potterton and Portlethen, and as such reviewing the boundaries at this time is not considered appropriate. No change is required.

It is accepted that reference to the policy for safeguarding resources could be made clearer. The Green Belt contains strategic mineral reserves (at North Mains of Findon and Parkhill) which should be available for extraction, given that full restoration would be required. Waste facilities are also so exceptional that a Green Belt location may be necessary to avoid potential blight on adjacent properties and permit close co-location with the main waste producer in the area, Aberdeen City. As a non-notifiable modification the following wording should be added to read: “Development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an established need is identified”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Healthcare facilities are planned using the sequential town centre first approach (see SPP paragraph 68). It would be inappropriate to amend the policy to deviate away from this approach. No change is required.

Extent of the Green Belt

The support for the Green Belt boundary around Blackburn and Hatton of Fintray is welcomed.

Paragraph 3.4 of the Review of the Aberdeen Green Belt (Aberdeenshire) 2010 identifies particular locations at risk of coalescence and identifies a high level of pressure for development around Portlethen. The Green Belt is identified as having an important function in maintaining the distinct identity of such settlements to the south of Aberdeen. The Green Belt is well established in this area and contributes to the landscape setting of Aberdeen. It provides an important function in protecting the separate identity of Portlethen and enables growth to be directed to the most appropriate locations. The Green Belt around Portlethen meets the SPP objectives as set out in paragraph 29 and, therefore, the land should remain as Green Belt. Cammachmore is not a settlement within the LDP as the area has no allocated, reserved, protected or safeguarded sites which need to be considered. Land around Cammachmore is designated as Green Belt to prevent coalescence with Newtonhill. It meets the objectives of SPP as set out in paragraph 29 and, therefore, the land should remain as Green Belt. No change is required.
The proposed route of the AWPR was known at the time of the Green Belt Review and was accounted for. No change is required.

Potterton lies outwith the Aberdeen to Peterhead Strategic Growth Area (SGA). It is a small village with a limited number of services. The planning objective for the village is to protect the amenity of the village. This is achieved, in part, through application of the Green Belt policy (see Schedule 4 Issue 36: Potterton). It would be inappropriate to amend the Green Belt boundary as the village is not earmarked for development at this time. No change is required.

Representations made relating to the exclusion of sites for development from the Green Belt are considered under the relevant Schedule 4 as follows:

Bid site KM056 - Schedule 4 Issue 58: Portlethen
Bid site KM070 - Schedule 4 Issue 61: Kirkton of Maryculter (and other settlements)
Bid site KM088 - Schedule 4 Issue 58: Portlethen

No changes are being made to the LDP to include any of the above sites. Paragraph 49 of SPP notes that Development Plans may designate a Green Belt around a city or town to support the Spatial Strategy by directing development to the most appropriate locations and supporting regeneration. In all cases it would be inappropriate to justify development based solely on whether the countryside in a particular location should continue to be Green Belt. If sites are identified for development it would be a consequential change to remove them from the Green Belt. No change is required.

Policy R2 Housing and Business Development Elsewhere in the Countryside

As a non-notifiable modification, the title of Policy R2 will be amended to “Housing and Employment Development Elsewhere in the Countryside” to provide consistency with other parts of the Plan. It is expected that development will accord with the definition of small-scale as defined in the glossary. This extends to sports uses. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

As a non-notifiable modification, the first bullet point of the policy will be amended to add to the end “(see Policy R1 Special Rural Areas)”. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

The inclusion of a definition of “small-scale” was in reaction to responses received to the MIR (see MIR 2013, Issues and Actions Paper 008 Main Issue 04 - Rural Development) to state that small scale employment proposals would be “a site of less than 5000m² and employing 5 or less full time people”. There is no change to the current position in the LDP 2012. The purpose of this is to avoid inappropriate development in rural areas. Every proposal will be considered on a case by case basis and, should there be a sports proposal falling outwith the definition, it may be seen as an exceptional circumstance and could be supported by departure to the LDP. Such developments are very uncommon. To extend the definition of small-scale employment would be detrimental to the core purpose of the Shaping the Countryside policies and could be open to exploitation. No change is required.

Policy R2 already makes reference to permissible forms of development in the countryside including small-scale growth of identified settlements, housing development associated
with farm succession and growth of clusters in the RHMA. Formatting with bullet points would not add anything to the interpretation of the policy. No change is required.

It is acknowledged that some brownfield opportunities within Aberdeenshire’s countryside are situated on reasonably large sites and may have capacity for development of larger scale proposals. However, reasonably large developments on such sites would not be in accord with the strategy of the Plan. Such sites should be considered as a bid to the LDP so that the consequences of such an allocation on other settlements can be assessed and accounted for. Every proposal will be considered on a case by case basis and, should there be an exceptional proposal outwith the definition, it could be considered as a departure to the Plan. There is no change to the current position in LDP 2012. The purpose of this is to avoid unplanned development of an inappropriate scale in rural areas. No change is required.

For clarity, the “identified settlements” are settlements where a particular need for a development has been identified as set out in Policy R2. The background and methodology used to determine which settlements should be identified settlements is provided in the Committee Report prepared for each of the 6 Area Committees (see Committee Paper – Settlements for Unallocated Organic Growth, prepared 27 November 2014) and Position Paper 13: Housing and Business Development Elsewhere in the Countryside (Organic Growth).

The decision to reduce the separation distance for organic growth of identified settlements was initiated following discussions held by Area Committees in response to the MIR (see MIR 2013, Issues and Actions Paper 008: Main Issue 4 – Rural Development). This reduction was made in pursuit of a policy to reflect the need to develop local identity and a sense of place associated with rural settlements. Development at 400m or more from the rural settlement promotes neither cohesion nor connection with the core of the settlement, contrary to the place making policy principles associated with paragraphs 40 and 41 of SPP. Reducing the separation distance limits sporadic growth away from the built up area. No change is required.

Policy R2 sets out, in a logical manner, the types of development that may be appropriate in a rural setting. A relatively tight level of planning control exists in the rural areas in order to protect and enhance the countryside areas through appropriate development and direct the majority of development towards the settlements discussed in Appendix 8 of the Proposed LDP. In Ythanbank the preferred pattern of development is through planned growth by way of a formal allocation for housing (see Proposed Local Development Plan, Appendix 8 Settlement Statements: Ythanbank). No change is required.

Issues relating to the process associated with the development of policy are not a matter for the LDP Examination. Clarification on the treatment of lodge or chalet ‘leisure accommodation as housing proposals under this policy was inserted as a result of inconsistency and difficulties in placing occupancy restrictions on development since the letter from the Chief Planner dated 4 November 2011 which was later replaced by paragraph 81 of the revised SPP which states that “Plans should generally…set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy restrictions”. Without such restrictions any “chalet” not part of a business development becomes indistinguishable from a house in terms of its use class and should be treated as such to ensure parity in approach between “houses” and “chalets”. No change is required.
Whether replacement buildings should always be on the same site was raised as a question in the MIR. Responses to the MIR 2013 suggested that this requirement was too restrictive. Aberdeenshire Council believes that, for those rare circumstances where need can be demonstrate and an alternative site makes clear sense, Committees can revert to the departure mechanism to decide planning applications (see MIR 2013, Issues and Action Paper 008: Main Issue 4 – Rural Development, page 6). This position remains unchanged. No change is required.

Appendix A4 Identified Settlements Under Policy R2

**Formartine – Barthol Chapel**

Barthol Chapel is situated at a crossroads of two unclassified roads leading from the A947 at St. Katherines to the B170 at Earlsford. There are 25 properties in what could be identified as the “built up” area of the settlement. There is little in the way of community facilities and urban characteristics. Although there is a falling roll at Barthol Chapel Primary School, the promotion of organic growth cannot be supported given the road access constraints and lack of safe walking infrastructure such as pavements. It is not considered to be the right place for development in the context of place making. No change is required.

**Garioch – Leylodge and Lyne of Skene**

Leylodge is situated along the B977 Kintore to Dunecht road. There are approximately 20 properties situated in Leylodge. There has been limited growth in the area and development has occurred sporadically. There are no services in the area such as shops or public hall. Children in the area go to Kintore Primary School and Kemnay Academy which are both forecast to be over capacity (see School Roll Forecast 2013, Kemnay Community Schools Network, pages 1 and 3). Although there is a speed restriction of 40 miles per hour passing through, there are no pavements and very limited street lighting. Leylodge fails to meet the criteria set to identify those settlements which may be suitable for organic growth. No change is required.

Lyne of Skene is situated at a crossroad along the B977 Kintore to Dunecht road and the unclassified Letter Road. There are approximately 32 properties in Lyne of Skene, with housing being situated along the main road and along Letter Road. There has been limited growth in the area with development focused mainly on conversions and replacement housing, particularly along Letter Road west along the B9126 towards Kirkton of Skene. There is a public hall but no other services in the village. There is limited street lighting and no pavement. Children in the area go to Dunecht Primary School and Alford Academy. Although Dunecht Primary School is forecast to have capacity, Alford Academy is forecast to be over capacity (see School Roll Forecast 2013, Alford Community Schools Network, pages 1 and 3). An allocation in Dunecht has been made in order to support the primary school roll and to support the range of services found there. No change is required.

**Kincardine and Mearns – Kirkton of Durris**

Kirkton of Durris is situated along the B0977. There are approximately 25 properties. Kirkton of Durris is lacking in urban characteristics and facilities to support it. Aberdeenshire Council has made an allocation in the nearby village of Woodlands of Durris in order to support the primary school roll. No change is required.
Marr – Bridge of Alford and Montgarrie

Bridge of Alford is situated on the A944 approximately a mile from Alford. There are approximately 46 properties in the Bridge of Alford area. It is of a suitable density and has appropriate urban characteristics. Growth in the way of formal allocations is not supported given the proximity to several large scale allocations within the nearby settlement of Alford, however, it is recognised, by inclusion in the appendix, that there is potential for limited small scale growth in Bridge of Alford. No change is required.

Montgarrie has been removed from the list of identified settlements. Therefore, the modification sought has already taken place through the Proposed LDP. No change is required.

It would not be appropriate to create a combined Settlement Statement for Bridge of Alford and Montgarrie. There are no allocated, protected, reserved or safeguarded sites in either area and both are within different primary school catchments. This may make it difficult to justify growth in a combined fashion in the future. No change is required.

Policy R3 Minerals and Hill Tracks

Policy R3 remains largely unchanged from the 2012 LDP apart from minor changes identified in the MIR 2013. The main addition is inclusion of a specific policy in relation to hill tracks. This has largely been in response to political focus on hill tracks, the apparent misuse of permitted development rights and increased development of hill tracks associated with renewable energy developments.

Support for several policy references is noted.

A policy review prior to the MIR 2013 (see Main Issues Report: Policy Review Summary Position Paper) identified that the 2012 LDP Policy 3 Development in the Countryside communicated little about Aberdeenshire Council’s approach to mineral developments and that an opportunity had arisen to provide more information within the Policy text. Given that the revised SPP paragraph concerning mineral developments has changed very little and Policy R3 has been extended to provide additional information, the way in which the Policy is set out meets the requirements of SPP paragraph 237. No change is required.

It is acknowledged that there are two policies dealing with minerals (Policy R3 and Proposed Local Development Plan Policy PR1: Protecting Important Resources). However, each policy has a different aim and objective and it is important that the two are distinguished. Policy R3 does make a clear reference to Policy PR1. This change was noted in the policy review undertaken prior to the MIR 2013 and discussed through the MIR. No change is required.

Policy R3 sets out tight requirements that the full likely effects of mineral developments are assessed and an environmental statement will be required in all cases. In addition, all policies of the Plan apply and proposals will also have to meet policy requirements of Section 15 Natural Heritage and Landscape and Section 17 Protecting Resources. It is not considered necessary to change the Plan.

It would not be appropriate to add the reference suggested to the East Ayrshire Council Report “Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees” (2014), as this guidance is very specific to that Council. The Proposed LDP already sets
out details which will need to be agreed as part of any planning application. It may be appropriate to adopt planning advice on mineral developments post adoption of the LDP, in which case Aberdeenshire Council will look to build on existing good practice advice and tailor advice to suit the specific needs of the area. No change is required.

The policy states that all conditions attached to mineral consents will be reviewed every 15 years. Financial guarantees will be periodically monitored by the Planning Service where and when appropriate, in line with SPP paragraph 248 and such conditions will be reviewed at the specified times. No change is required.

As a non-notifiable modification wording should be added to the second paragraph following “…exceeds 15 years.” to read: “A minimum landbank of 10 years shall be maintained at all times.” This is in line with paragraph 238 of SPP. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Aberdeenshire Council is satisfied that the market area for minerals is appropriate. In order to minimise impact such as transport, it is sensible to identify a market area from the Aberdeen City boundary and the Strategic Growth Areas. Introduction of sub-markets is unnecessarily complex and would not bear scrutiny. Minerals development is a key economic driver for the northern regeneration area where substantial sand and gravel reserves are to be found. No change is required.

As a non-notifiable modification, wording should be added to paragraph 4 to read: “all conditions attached to mineral permissions will be reviewed every 15 years (subject to the flexibility provided in SPP to postpone reviews), to ensure that the development is not adversely affecting the natural or historic environment, landscape character or local amenity.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Support for the final paragraph of Policy R3 in relation to hill tracks is noted. It is also recognised that one respondent wishes the policy to go further in terms of tightening the wording. Aberdeenshire Council believes the policy on hill track development is clear and goes far enough to deliver its intended aims. No change is required.

Reporter’s conclusions:

Introduction

1. Scottish Planning Policy (SPP) sets out the Government’s policies on rural development. The fundamental principles are to encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality and promoting a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. There is a potential tension in this approach between fostering the economy and communities in remoter rural areas and other “sustainable” objectives, such as reducing the need to travel by private car. To that extent I can understand the comment by one representee, querying the assumption that development in the countryside reduces the need for people to travel and that, at least in proximity to Aberdeen, it may just foster an increased level of commuting by car.

2. However, the introduction to section 12 of the local development plan recognises the distinction between “pressed” and “intermediate” areas as defined in SPP and
distinguished in the plan between the Aberdeen Housing Market Area (AHMA) and the Rural Housing Market Area (RHMA). It also states that “We need to recognise the effect that rural living can have on wider aims shared with stakeholders on reducing the need to travel and on issues of climate change and sustainable development.” I take this to mean that the council recognises the potential tension referred to above, and has tailored its rural development policies to the specific circumstances of its area, as required by SPP.

3. In the remoter rural areas, it is very unlikely that there will ever be an effective public transport system, and people will therefore have to rely on the private car for most of their transport needs. Thus, whilst I appreciate the point made by NHS Grampian, I consider it unrealistic that all rural development could be easily accessible to health centres by public transport. Such an approach would require a much more restrictive pattern of rural development, closely linked to the main roads which are served by public transport. As the council has indicated, such a pattern of development would not necessarily help sustain services in more remote rural communities. Again the tension between different “sustainable” objectives is apparent.

4. However, I conclude that there is no need to modify the introduction to section 12.

Policy R1 Special Rural Areas and Appendix A3 Green Belt

5. This policy covers two special rural areas: the coastal zone and the greenbelt. In respect of the former, the representation from Sportscotland requests that the coastal zone areas shown on the maps in Supplementary Guidance 4 should be identified as either “largely developed coast” or “largely unspoiled coast”, as required by paragraph 89 of SPP. In response the council has indicated that the coastal zone is largely unchanged from the present local development plan, apart from excluding a number of defined settlements; and that it has not had the resources to review the coastal zone boundaries, the need for which had been raised in the Main Issues Report. This does not seem to address the point made in the representation. However, in its response to a request for further information, the council has explained that it is proposing to add additional text to the above-mentioned supplementary guidance to confirm that coastal locations within settlements and with specific allocations of “reserved” and “protected” sites are “developed coast”. These will be the major focus for economic and recreational activity, and are likely to be suitable for further development. The council has also confirmed that all of the coastal zone outwith settlements is “largely unspoiled coast”.

6. Circular 6/2013: Development Planning makes clear in paragraph 141 that the content of supplementary guidance does not need to be scrutinised at the examination of the local development plan. I can nevertheless take it into account in considering the representations made to the plan. I conclude that the actions proposed by the council should largely satisfy the concerns of Sportscotland and would ensure compliance with paragraph 89 of SPP.

7. The only other representation about the coastal zone seeks the exclusion of the small settlement of Downies, between Stonehaven and Portlethen. Downies is not included in the settlement statements for the Kincardine and Mearns area, nor is it listed in Appendix 4 as an identified settlement under policy R2. It therefore differs from Findon and Portlethen Village, both of which are larger and shown as excluded from the coastal zone. The settlement statements and maps for these two villages do not identify any sites allocated for development, but the possibility of infill development within their boundaries might exist. The council states that there are no allocated, reserved, protected or safeguarded sites in
Downies. If there is any potential for infill development, as suggested by the representee, I consider that it can be dealt with through the development management process, taking account of the relevant policies and specific circumstances, and that there is no overriding need to exclude Downies from being within the coastal zone.

8. Many of the representations regarding the greenbelt seek exclusions for particular sites. These are considered in the issues dealing with the relevant settlements. Some of these representations, however, also suggest that the boundary of the greenbelt has not been reviewed to accord with paragraphs 49-51 of SPP. The council has pointed out that the greenbelt in Aberdeenshire was reviewed in 2010 [council document 287] and that it remains consistent with the purposes set out in paragraph 49 of SPP: (a) directing development to the most appropriate locations and supporting regeneration; (b) protecting and enhancing the character, landscape setting and identity of settlements; and (c) protecting and providing access to open space. There is no evidence before me to suggest that, in broad terms, the greenbelt boundaries identified in the local development plan (Appendix 3) do not meet these objectives. The criticisms essentially relate to individual sites which representees wish to see excluded from the greenbelt.

9. One representation does, however, seek the exclusion of the settlement of Cammachmore from the greenbelt. The council has explained that it is not included as a settlement in Appendix 8 because there are no allocated, reserved, protected or safeguarded sites which need to be considered. It is also not included in Appendix 4 as a settlement where limited organic growth would be permitted. This is no different to the position in the current local development plan. The council in particular wishes to prevent coalescence with the northern part of Newtonhill. Cammachmore has the appearance of a scattered group of houses in the countryside on the west side of the A90 with random infilling with more modern development. To the west it adjoins the very large allocated site at Chapelton, and I can understand the need to prevent the coalescence of development across the relatively narrow gap between this settlement and Newtonhill. In the circumstances, I consider that Cammachmore should be retained in the greenbelt.

10. The council agrees that the wording of the seventh criterion in policy R1, for permitting development in the greenbelt, could be made clearer as suggested in the representation from the Scottish Government. It has proposed amended wording to provide cross-references to policy R3 in respect of mineral resources and policy PR3 in relation to waste facilities, in order to clarify the circumstances where development may be acceptable in the greenbelt. I agree that this is a desirable change. Whilst I also agree with the council that there is no need to make specific reference in the policy to health centres, as requested by NHS Grampian, a further bullet point cross-referring to policy PR2 would help to clarify that certain developments (including community infrastructure) might be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found. The first sentence of the policy could also be made more general and avoid the reference to business development (see paragraph 10 below).

Policy R2 Housing and business development elsewhere in the countryside and Appendix A4 Identified Settlements under Policy R2

11. The council proposes that the heading of policy R2 should be amended to refer to employment rather than business development, as there is no definition of the latter in the plan. It also proposes that the first bullet point should include a cross-reference to policy R1 for clarity. Both these modifications would address matters raised in the representation
12. Sportscotland has also raised concern over the reference to “small-scale development” in policy R2, defined in the glossary as development on a site no bigger than 350 square metres; or up to three single houses; or, in the case of employment, of less than 0.5 hectares and employing no more than five people full time. It believes that these limitations could be prejudicial to certain sports uses, which may be appropriate in a countryside location. Policy R2 will replace SG Rural Development 1 in the current local development plan which also relates to small-scale developments. I think that this approach is appropriate in order to protect the rural environment and to ensure, as far as possible, a sustainable pattern of development. As the council has indicated, proposals for large-scale developments in the countryside are uncommon and can be considered on their merits through the development management process. The local development plan cannot anticipate every eventuality and I consider that the focus on small-scale developments is justified. This applies equally to proposed developments on brownfield land. Where there are large brownfield sites in the countryside, proposals for their development should generally be dealt with through specific allocations in the development plan, but exceptional proposals can still be considered on a case-by-case basis through the development management process.

13. Although the policy does not make specific reference to employment developments, the definition of “small-scale development” makes clear that these are included as potentially acceptable in the countryside. The proposed cross-reference to policy R1 will reinforce that, and I do not see the need for a specific reference to employment proposals as suggested in a number of representations.

14. Policy R2 also makes provision for small-scale growth of certain settlements identified in Appendix 4. A number of representations has criticised the provision that such growth should be within 200 metres of the settlement, compared to 400 metres in the current SG Rural Development 1. This is, as they say, a tightening of the policy but I agree with the council’s reasons for doing so. 400 metres might be a generally accepted maximum walking distance to a primary school, but this pays no cognisance to the circumstances of many rural roads – no footways or lighting – or to the location of schools within settlements. The policy allows no more than a maximum of 10 new houses during the plan period. I assume this to be up to 2026. Even within a distance of 200 metres this could lead to an impression of sprawl or sporadic development in the countryside. That situation may be more marked if development is allowed out to 400 metres. I consider that the approach proposed by policy R2 strikes a reasonable balance between the council’s wish to see the organic growth of certain small settlements to foster sustainable rural communities, and the desire to ensure cohesion of the built form of these settlements and the creation of a local identity and sense of place.

15. One representation has queried how the “need” for new houses to be permitted as organic growth of these settlements can be identified, or why 20% growth has been chosen. I do not think that the council has really addressed these queries, but it is clear that the proposed policy is a continuation (and tightening) of the policy in the current local development plan. As the introduction to section 12 states, the council has a “welcoming approach to development in the countryside that meets needs and encourages prosperous, sustainable communities and businesses while protecting and improving the quality of the environment”. Whether the results on the ground meet those aims is, to some extent, a matter of personal opinion, but I accept that the council is trying to take a planned approach to accommodating the demand for new houses in the countryside, and
that policy R2 generally accords with the advice in paragraphs 74-83 of SPP.

16. The same representation can be taken as questioning more generally the council’s approach to housing in the countryside. I have already referred in paragraph 2 above to the distinction that the council draws between “pressured” and “intermediate” rural areas, as mentioned in paragraphs 76 and 78 of SPP respectively. In Aberdeenshire these areas correspond to the AHMA and the RHMA respectively. Policy R2 allows for a more liberal approach to development in the rural parts of the RHMA by allowing small-scale additions to an existing cluster or group of at least five houses, subject to no more than 20% growth, up to a maximum of two new homes within the plan period. This is similar to the existing policy in SG Rural Development 1 with some small but significant changes to the wording. There is no longer reference to the cluster being “cohesive” or that new development should be “in scale or character” with the existing group. The council has non-statutory planning guidance to assist in the interpretation of the current policy and is proposing to update this once the new local development plan is adopted. It believes that the preparation of statutory Supplementary Guidance, which would form part of the development plan, would remove flexibility of interpretation.

17. The Main Issues Report [CD 10] says in paragraph 4.3.7 that there is a view that the “cohesive group” policy is not achieving its intended aim of creating more socially sustainable communities. It also states:

“Retaining the policy as it currently stands has the potential in the long term to result in sporadic rural clusters resulting in high car dependency. This could further impact on local services, which does not provide a long term sustainable approach to rural development.”

Position Paper No.4: Rural Development [council document 230] is even more forthright in paragraph 10.14, where it is asserted that the cohesive group policy is not currently fit for purpose. It might therefore seem surprising that the policy is largely repeated in the proposed local development plan in a potentially more liberal manner. I accept that it is for the council to decide, as a matter of policy, the approach it wishes to take on rural development, and that it seeks to create a welcoming approach to such development. I am not convinced that, as currently worded, this part of policy R2 would achieve the balance between the above aim and other elements of sustainable development (for example, landscape protection and reducing the need for travel by private car) that the introduction to section 12 also espouses. In response to my request for further information on this issue the council suggested that reintroducing the phrase “in scale or character” into this part of the policy would be an appropriate modification. I agree and consider that, on the basis of the general points made in representation no. 404, I can recommend that modification.

18. One representation is concerned that the provisions of the policy on lodge or chalet leisure accommodation is overly restrictive, as they will be treated as new housing proposals. The council’s justification for this is that paragraph 83 of SPP states that in remote rural areas planning authorities should generally not impose occupancy restrictions on new housing that they approve. In its response to the representation the council suggests that the restriction would apply to “chalets” not part of business developments, but gives no indication as to how this latter type of development would be treated. In response to my request for further information, the council has explained that chalets or chalet complexes proposed as new tourist facilities are assessed as business development under the terms of policy B3. The reference in policy R2 therefore appears to be for “second homes” or holiday accommodation for private use, but this is not clear. I
fully understand why the council would seek to treat these developments in the same way as houses in the countryside, but the policy could be clarified by a cross-reference to policy B3.

19. Concern has also been expressed that the policy is over-restrictive in its requirement that, where the refurbishment or replacement of an existing house or disused building is involved, the new development should be on the same site. The argument advanced is that, by re-siting the new building in some cases, a better standard of residential amenity or some other advantage could be obtained. However, I think that the council’s approach is to be preferred in that the landscape impact of any such new building is likely to be reduced if it directly replaces the existing one, rather than being located on a “better” site. The question would also arise of what would happen to the existing site in such circumstances; it could become a brownfield site on which further new development could then be justified. As the council has stated, any exceptional circumstances can be dealt with through the development management process.

20. The methodology for identifying settlements to which the organic growth provisions apply is set out in Position Paper 13: Housing and Business Development Elsewhere in the Countryside (Organic Growth) [council document 269]. It is criticised in one representation, and a number of representations seek additions to the list in Appendix 4. This identifies 57 such settlements, a significant reduction in number compared to the 81 in SG Rural Development 1. Some of the identified settlements are also included in the settlement statements in Appendix 8. In these cases, infill development within the defined settlement boundary may be permitted, whilst policy R2 will also allow some limited development outwith their settlement boundary. On the other hand there are settlements within Appendix 8, Barthol Chapel being an example, which are not identified for organic growth.

21. Barthol Chapel is a small settlement of 25 properties, but does contain a primary school. The council considers it unsuitable for organic growth because of road access constraints and lack of safe walking structure. However, what is being put forward in the representation is actually a small extension to the settlement boundary, and this is considered under Issue 42.

22. Leylodge is a loose grouping of some 20 properties scattered along the B977 road and what is being sought is provision for some infill development through the organic growth process. However, I agree with the council that Leylodge does not have the character of a coherent place, but rather one of sporadic development along the road. As a result I do not consider it appropriate to be identified as a settlement in Appendix 4.

23. The proposal being put forward for Lyne of Skene is for a development of 35 houses and is for an extension of the settlement boundary in Appendix 8 rather than as a settlement in Appendix 4. As such it is dealt with under issue 52. I note that it is not identified as a settlement for organic growth in SG Rural Development 1.

24. Kirkton of Durris is listed in the current local development plan, but has been excluded from Appendix 4 of the proposed plan. It does, however, have a settlement statement and plan in Appendix 8. Appendix 1 of Position Paper 13 contains a detailed analysis of all the settlements currently identified for organic growth, and gives the reason why it is no longer proposed for inclusion as the settlement lacks urban characteristics and facilities. I find no reason to disagree with that assessment.
25. Two representations seek the removal of Bridge of Alford and Montgarrie from Appendix 4. Alternatively they consider that there should be combined settlement statement for them in Appendix 8. The substance of the representations is that too much unplanned development has already taken place in the area around and between these two small settlements. The organic growth element of policy R2 would allow a further nine houses within 200 metres of Bridge of Alford in groups of up to three dwellings.

26. I have referred in paragraph 23 above to the analysis in Position Paper 13 of the settlements currently identified for organic growth. Bridge of Alford is stated to be a settlement of suitable size and density, with urban characteristics, where organic growth should be supported. On the other hand, Montgarrie is not promoted for organic growth as it lacks facilities and urban characteristics to support it. It has therefore not been included in Appendix 4 in the proposed plan. I must confess that looking at the plan of each of these settlements I find it difficult to entirely understand what distinguishes them in terms of their suitability for organic growth. Given their distance apart, however, I agree that a combined settlement statement would not be appropriate. I appreciate that the council only produces settlement maps for settlements where there is a particular policy or proposal applicable to a site within the settlement boundary. Whilst I understand the concerns about the effects of further unplanned growth around Bridge of Alford, this is part of the council’s expressed policy to allow such small settlements to grow. As indicated in paragraph 13 above, policy R2 will limit such growth to within 200 metres of the settlement boundary, rather than 400 metres as at present, thus reducing the extent of sporadic development that might otherwise take place. Given the council’s overall approach I find no overriding reason to exclude Bridge of Alford from Appendix 4.

Policy R3 Minerals and Hill Tracks

27. The policy on minerals is essentially the same as that in SG Rural Development 4 in the current local development plan. The council has suggested a number of minor modifications to its wording to address matters raised in the representations.

28. Some of the representations submit that the requirement of the policy that there should be no more than a 15 years’ landbank of construction aggregates within the market area is not consistent with paragraph 238 of SPP. This says that development plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times, but sets no maximum. Although the council is now proposing to include provision for a minimum 10-year landbank, it still wishes to retain the 15-year maximum figure. This maximum figure is included in the current plan and I have not been presented with any evidence to suggest that it has caused undue difficulties for the construction industry. I can appreciate the council’s reasons for seeking this restriction in order to avoid unnecessary blight caused by unimplemented permissions. On balance therefore I consider that it should remain, but that the wording of the policy should be modified to explain the reasons and allow a degree of flexibility.

29. A number of representations seek the identification of smaller market areas based on the Strategic Growth Areas. The identified market area of a 50-kilometre travel distance from the Aberdeen city boundary and the strategic growth areas cover a wide area (in effect the whole of Aberdeenshire) and I acknowledge that, given transport can constitute a high proportion of the cost of construction aggregates, a source at one side of this area may not be viable for use at the extreme opposite end. There are also environmental issues associated with long-distance haulage of aggregates. The plan of areas of search for sand and gravel reserves in Supplementary Guidance 6 shows a preponderance of
30. The 50 kilometre market area is referred to in SG Rural Development 4: Minerals. There is insufficient information available to ascertain the full implications of identifying smaller market areas for construction aggregates. The council does not appear to have done a re-appraisal of the search areas since the preparation of the adopted local development plan. One representation proposes the safeguarding of a specific site north of Stonehaven to support the significant level of development proposed in that area. This is considered under Issue 13. In general, however, I consider that the market area for the purposes of policy R3 should not be modified, but that further review of this position would be warranted in the light of experience before the next review of the local development plan. The wording of the policy should, however, be amended to permit some flexibility in dealing with applications for the extraction of construction aggregates based on particular local circumstances.

31. Although policy R3 for mineral extraction is in section 12 of the plan, safeguarding of resources, including minerals, is covered by policy PR1 in section 17. I agree with the council that these policies have a different emphasis and that, given the cross-reference in policy R3, this does not present a problem. It must be recognised that the development plan should be read as a whole, and that separate policies throughout the plan may have relevance to specific proposals.

32. I consider that the wording of policy R3 should be firmed up to more explicitly relate to the criteria set out in paragraph 237 of SPP and to provide cross-references to other sections of the plan, as suggested by a number of representations. The policy makes no specific reference to financial guarantees to ensure proper restoration of mineral sites. Whilst the details of East Ayrshire Council's approach is specific to its particular circumstances in relation to surface coal extraction, paragraph 247 of SPP refers to the range of financial guarantees available in relation to site restoration and that planning authorities should consider the most effective solution on a site-by-site basis. I consider that there should be explicit mention of financial guarantees in the policy.

33. The policy makes provision for the periodic review of mineral planning conditions every 15 years, but the council is proposing a minor amendment to allow flexibility to postpone such reviews if appropriate, as suggested in paragraph 248 of SPP. This modification was requested in the representation from the Scottish Government, and I consider that it is appropriate.

34. The final paragraph of policy R3 concerns hill tracks. The representation from RSPB Scotland seeks a stronger statement of control, although other representations have welcomed the policy. I consider that the wording of the policy is appropriate given that control over hill tracks is exerted through a system of prior notification under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 rather than through full planning control, except in certain limited circumstances.
1. Delete the first sentence of Policy R1: Special rural areas, and replace with:
   “Housing and employment development opportunities will be significantly restricted in the *greenbelt* and coastal zone to reflect the special nature of these areas.”

2. Delete the seventh bullet point of Policy R1, and replace with:
   “development of minerals under Policy R3 and waste facilities under Policy PR3 may be permitted where an essential need is identified.”

3. Insert an additional bullet point in Policy R1 to read:
   “developments (including community infrastructure) under Policy PR3 may be permitted in the greenbelt where they meet an established need and where it can be adequately demonstrated that no alternative location can be found.”

4. Amend the title of Policy R2 to read:
   “Housing and employment development elsewhere in the countryside”

5. Delete the first bullet point in Policy R2, and replace with:
   “be appropriate in the *greenbelt* (see Policy R1: Special rural areas); or”

6. Delete the first sentence of the fourth paragraph of Policy R2, and replace with:
   “We will also allow development proposals in the rural parts of the *rural housing market area* (which are classed as ‘intermediate’ rural areas) if they are *small-scale employment* proposals, or a *small-scale* addition to an existing cluster or group of at least five houses which is of a scale and character that is in keeping with that cluster or group.”

7. Add the following at the end of the fifth paragraph of Policy R2:
   “(Proposals for new tourist accommodation will be assessed in accordance with Policy B3: Tourist facilities.)”

8. Delete the second sentence of the second paragraph of Policy R3: Minerals and hill tracks, and replace with:
   “With respect to sand and gravel construction aggregates we will seek to maintain a minimum landbank of permitted reserves of at least 10 years within the market area, but we will generally not allow development that would result in the minerals landbank within the market area exceeding 15 years, in order to avoid unnecessary blight from unimplemented permissions.”
9. Add the following sentence in the second paragraph of Policy R3 after “…in the strategic development plan.” to read:

“We may allow the extraction of construction aggregates to meet the needs of a specific local area where it can be demonstrated that these cannot be adequately served by existing sites or reserves within the overall market area.”

10. Delete the final sentence of the second paragraph of Policy R3, and replace with the following new paragraph (that will become the third):

“In all cases an environmental statement will have to show acceptable environmental impacts. Proposals will need to address, amongst other considerations, landscape and visual impacts, taking into account Policy E2: Landscape; the effect on natural heritage and habitats, taking into account Policy E1: Natural heritage; the effect on the historic environment, taking into account Policy HE1: Protecting listed buildings, sites and monuments and Policy HE2: Protecting historic and cultural areas; impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy; disturbance from noise, blasting and vibration; and potential pollution of land, air and water.”

11. Add a new fourth paragraph to Policy R3, to read:

“As appropriate we will require financial guarantees through planning conditions or legal agreements to ensure that a high standard of site restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. Provision will be made for the monitoring and review of such guarantees as necessary.”

12. Delete the first sentence of the current fourth paragraph of policy R3 (which will become the fifth), and replace with:

“All conditions attached to mineral permissions will be reviewed every 15 years (subject to the flexibility provided by Scottish Planning Policy to postpone reviews), to ensure that the development is not adversely affecting the natural or historic environment, landscape character or local amenity.”
<table>
<thead>
<tr>
<th>Issue 07</th>
<th>Housing Land Supply – Policy H1 Housing Land and Appendix 5 New Housing Land Allocations</th>
</tr>
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<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Proposed Plan Section 13, Page 38, Shaping Homes and Housing</td>
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</tbody>
</table>

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Linda Pirie (68)
- Scotia Homes (115, 116, 117, 118, 121, 122)
- Gordon Duncan (132)
- Kirkwood Homes Limited (148, 149)
- Avant Homes (154)
- Cabardunn Development Company Limited & Dunecht Estates (179, 180)
- Mr & Mrs Buchan (181)
- Jennifer Watt & Alan MacDonald (182)
- Ian Duncan Developments (183)
- Graham Homes Limited (184)
- Balgrannach Properties Ltd (185)
- Mr Colquhoun (256)
- Mr Smith (257)
- Stewart Milne Homes (278, 179, 281)
- Irvine Christie (303)
- Various Landowners in the Aberdeen Housing Market Area (Local Growth) (304)
- Charles and Myra Simmers (306)
- Case Consulting (310)
- James Benton (323)
- SIPP (Pension Trustees) Ltd (324)
- The Duguid Family (346)
- David Murray (349)
- Alexander Stuart & others (363)
- Taylor Wimpey/The Mitchell Partnership (368)
- Bancon Developments (387)
- Barratt North Scotland (406)
- Kirkwood Homes (407)
- Polmuir Properties (Newtonhill) Limited (408)
- Stewart Milne Homes (411, 412)
- Homes for Scotland (427)
- Barratt North Scotland and Drum Property Group (510)
- Barratt North Scotland (512)
- Barratt North Scotland and Dunecht Estates (513)
- Stewart Milne Homes (514, 515)
- ANM Group Ltd (521)
- Blackburn Consortium (545)
- J Forbes (546)
- Mr and Mrs Burnett (549, 550)
- CALA Homes (North) Limited (552, 554)
- Kincluny Development Trust and CHAP Group (559)
- Mr & Mrs Howie and Mr & Mrs Brownie (560)
- J McIntosh (561)
- John McIntosh (562)
PERSIMMON HOMES EAST SCOTLAND (571, 574)
Aberdeen & Grampian Chamber of Commerce (584)
Carnegie Base Services (591)
Deveron Homes Limited (592)
Cabardunn Development Company Limited and Dunecht Estates (604)
Stewart Milne Homes (605)
Drumrossie Land Development Company Ltd (607, 608)
Mary Singleton (609)
Sandlaw Farming Company Ltd (611)
Caravan Club (627)
Scottish Government (639)
Stewart Milne Homes (654)
Bancon Developments Ltd (705, 711)

**Provision of the Development Plan to which the issue relates:**

Policy H1 Housing Land and the adequacy of the housing land supply

**Planning Authority's summary of the representation(s):**

**Policy Wording - Site Capacities**

The proposed wording of Policy H1, which states that the site capacities shown in Appendix 5 are maximum limits, is unreasonably restrictive, will constrain supply, is contrary to Scottish Planning Policy (SPP) guidance on making efficient use of land and is contrary to the presumption in favour of sustainable development (323, 324, 387, 406, 407, 408, 604, 605). The capacity of any site is a matter for detailed design and may reasonably be higher than the figures in Appendix 5, provided Plan criteria are being met (387, 406, 407, 408, 427, 510, 512, 513, 552, 571, 604, 605, 711).

**Population/Household Projections & Housing Need and Demand Assessment**

The Strategic Development Plan bases housing allowances on outdated population projections and has significantly underestimated the housing requirements (68, 179, 180, 185, 279, 281, 607, 608, 611). Additional allocations are required to take account of population and household projections in the latest National Records for Scotland (NRS) forecasts (115, 116, 117, 118, 121, 122, 132). The revised household projections, published in July 2014, identify a higher requirement for the period 2017-2026 than set out in Figure 10 of the Strategic Development Plan 2014 (406, 407, 408, 510, 512, 513, 604, 605, 654).

The Housing Need and Demand Assessment 2011 has decreased the housing requirement in the Aberdeenshire part of the Aberdeen Housing Market Area (AHMA) and increased the requirement in the Rural Housing Market Area (RHMA) without any justification (310).

**Compliance with Strategic Development Plan Allowances and Targets**

Schedule 1 of the Strategic Development Plan 2014 has a housing land requirement of 12,450 for Aberdeenshire over the 2017-2026 period, whilst the allocations in Appendix 5 of the Proposed Plan only provide for 10,957 units. It is not clear how the
shortfall will be met (303, 304, 306, 310, 574, 639, 654).

No allocations have been made for the 2027-2035 period (303, 304, 306, 310).

The Strategic Development Plan’s targets to achieve 2,500 housing completions per annum by 2016 and 3,000 completions per annum by 2020 (see page 33 of the Strategic Development Plan) will not be met. Additional allocations are required (549, 550, 554, 559, 560, 561, 562).

The Strategic Development Plan’s target build rates equate to a land supply for 28,000 homes but the Local Development Plan identifies land for 23,250 houses, resulting in a shortfall of 4,750 units (654).

**Generosity**

The housing requirements in Figure 10 of the Strategic Development Plan are not appropriately generous (310). The housing supply target should be increased by 10-20% to ensure a generous supply in accordance with SPP guidance (406, 407, 510, 512, 513).

The identified allocations in the Proposed Local Development Plan do not fully account for a generous supply and fail to reach the 10-20% margin identified by SPP (654, 310). Additional housing allocations are needed to provide the generosity and range/choice of sites required by SPP (115, 116, 117, 118, 121, 122, 148, 149, 154, 181, 182, 183, 184, 278, 346, 368, 406, 407, 408, 510, 512, 513, 591, 592, 627, 654).

**Large Site Reliance and Range of Sites**

The Proposed Plan places too much reliance on a small number of large sites with significant infrastructure requirements. These are not able to deliver at the rate needed to meet the Strategic Development Plan’s requirements (154, 182, 310, 346, 515, 591, 592, 611, 654, 705). The current larger allocated sites (in excess of 100 houses), with only a year to go in the first phase of the 2012 Local Development Plan, are only delivering 4% of their associated allocation (521, 545, 546, 549, 550, 554, 559, 560, 561, 562).

There is a lack of small sites within the overall land supply (68). Additional deliverable small sites are necessary to bolster the land supply and to replace the units on larger sites that cannot be delivered in the Plan period (182, 406, 407, 408, 510, 512, 513, 705).

The Proposed Local Development Plan does not provide a suitable range of sites (705). A range of additional housing sites is required in the AHMA (521, 545, 546) and the RHMA (545, 546, 609). The Strategic Development Plan Examination Reporter concluded that “I am in no doubt though, that a mix of site sizes would be best placed to achieve the growth rates required in the Proposed Plan” (see Examination of the SDP, page 71, paragraph 18). This illustrates that a wider mix of site sizes would be preferable. The Reporter of the recent Moray Local Development Plan has highlighted a similar concern in Elgin and has suggested that the release of additional suitable effective sites would enhance the “annual output in the early years of the Plan period” (see Examination of the Moray LDP, paragraph 32) (654).

The 2012 Local Development Plan advocated a draw-down mechanism to take sites forward from the 2017-2021 period to address any shortfall. The Plan’s reliance on large sites means that this approach has not been possible as the majority of potential draw-
down sites are Phase 2 of these larger sites. Additional allocations are, therefore, required (604, 605, 705).

**Delivery and Effectiveness of Housing Allocations**

The housing land allocations have been carried forward from the previous Plan. Many of the allocations are not effective, are constrained, have failed to deliver or are delivering at a slower rate than envisaged and this will lead to a shortfall in housing (68, 132, 148, 149, 179, 180, 185, 256, 257, 281, 303, 304, 306, 346, 349, 363, 368, 406, 407, 408, 510, 512, 513, 514, 549, 550, 554, 559, 560, 561, 562, 592, 604, 605, 607, 608, 609, 627).

No robust exercise has been undertaken to test the effectiveness and deliverability of all land which is assumed to meet the housing requirement (303, 304, 306, 406, 407, 408, 510, 512, 513, 604, 605). To be effective, sites must be capable of delivering within the 5 year Plan period, not at some point as yet not determined in the future (549, 550, 554, 559, 560, 561, 562, 609).

Additional land is required to provide the flexibility and deliverability of allocations required by SPP guidance (115, 116, 117, 118, 121, 122). New allocations that can deliver in the short-term are required (132, 154, 180, 256, 257, 281, 406, 407, 408, 411, 412, 510, 512, 513, 604, 605, 607, 608, 611, 654).

The 2012 Local Development Plan has failed to deliver housing in the 2012-2016 period. It identified sites to accommodate 4,751 units in the AHMA for the period 2012-2016, yet only 1,451 units are expected to be delivered by the end of 2016 (604, 605).

The failure of the 2012 Local Development Plan to deliver housing in the 2012-2016 period has created a large established supply that will constrain the delivery of land allocated in the Proposed Plan for the period 2017-2026 until much later. Many of the allocations for 2017-2026 can only be delivered following exhaustion of the ‘effective supply 2016’ as they are the same sites. Therefore, they cannot be considered entirely effective (705).

Many sites will not contribute their full capacity in the relevant Plan period and, therefore, cannot be considered entirely effective (310).

Additional housing sites are required to address the past undersupply of housing. The housing supply requirement should be recalculated to include the historic undersupply, which should be addressed over either the first five years of the Plan period (the Sedgefield method) or over the whole remaining Plan period (the Liverpool method) (549, 550, 554, 559, 560, 561, 562).

Many of the sites allocated within the 2012 Local Development Plan for the 2017-2023 period have been drawn down early to supplement the 2012-2016 supply. Additional allocations are needed to compensate for these (68, 132, 185, 607, 608).

Many of the allocations are not in locations where there is sufficient market demand to build or where people want to live (310, 514, 584).

**Five Year Land Supply**

There is little in the way of demonstration that there is an effective 5-year land supply, which we would expect to see within the main text of the Plan (574). Additional sites are required to ensure a 5 year effective land supply is maintained at all
times during the Plan period (181, 182, 184, 278, 281, 310, 514, 611, 654).

Substantial reliance is placed on a post 5 year effective supply of 20,283 homes which have been identified in the AHMA. However, the majority of this supply is in the City. If the proportion of post 5 year effective land is to be the same between the City and Shire as the allowances detailed in the Strategic Development Plan, this equates to a shortfall of over 2,800 homes in the Shire part of the AHMA in the post 5 year supply (604, 605, 611).

The Land Reform Review Group, in their report ‘The Land of Scotland and the Common Good’, and the RICS Housing Commission, in their report ‘Building a Better Scotland’, recommend increasing supply - in the latter case to double 5 year supply targets (549, 550, 554, 559, 560, 561, 562).

Housing Land Audit

The Housing Land Audit does not provide an accurate assessment of Housing Land Supply deficiencies in the AHMA (411) and the Garioch area (412).

Energetica

The provision of new housing is important to supporting the Energetica initiative (148, 149).

Private Rented Sector

The Scottish Government Strategy ‘A Place to Stay, A Place to Call Home’ requires Local Authorities to plan for private rented housing in the overall housing supply. The Council has failed to accommodate the private rented sector in the Proposed Local Development Plan (611).

Note

For comments on the housing land supply within specific Strategic Growth Areas and the local growth and diversification areas please see Schedule 4 Issue 8: Housing Land Spatial Strategy.

Requests to include specific sites are considered in the Settlement Statement Schedule 4s.

**Modifications sought by those submitting representations:**

**Policy Wording - Site Capacities**

Remove the cap imposed on housing sites. The number of units in Appendix 5 and the Settlement Statements should be flexible and for guidance/indicative purposes only (323, 324, 387, 406, 407, 408, 427, 510, 512, 513, 552, 571, 604, 605, 711).

**Population and Household Projections**

Allocate additional land to address the most recent population and household projections (68, 115, 116, 117, 118, 121, 122, 132, 179, 180, 185, 279).
<table>
<thead>
<tr>
<th>Compliance with Strategic Development Plan Allowances and Targets</th>
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<tbody>
<tr>
<td>Identify how the land requirement shortfall of 1,493 homes for the 2017-2026 period will be met (639, 574).</td>
</tr>
</tbody>
</table>

**Generosity**

Increase the housing supply target by 10-20% to ensure a generous supply (406, 407, 510, 512, 513).

Allocate additional land to provide a generous supply of housing land (115, 116, 117, 118, 121, 122, 184, 278).

**Large Site Reliance and Range of Sites**

Allocate additional land in both Housing Market Areas to address shortfalls in delivery on large sites (546, 545). Allocate additional land in the AHMA to address shortfalls in delivery on large sites (521).

Allocate additional smaller sites that are capable of early delivery (68, 182, 408).

**Delivery and Effectiveness of Housing Allocations**

Allocate additional/replacement land that is expected to be deliverable within the Plan period (68, 132, 179, 180, 185, 406, 407, 411, 412, 510, 512, 513, 604, 605, 609).

Appraise the deliverability of proposed sites (406, 407, 510, 512, 513, 604, 605).

Delete allocations that are logged in the Housing Land Audit as constrained (310).

Allocate additional land in the AHMA to address the delay in delivering allocated sites (132, 179, 180).

Allocate more land in deliverable locations to ensure greater flexibility in supply (627).

Allocate additional housing sites to address historical completion shortfalls using either the Liverpool or Sedgefield methods (549, 550, 559, 560, 561, 562).

Allocate land in higher demand areas (584).

**Five Year Land Supply**

Demonstrate within the Plan text how 5 year effective land supply requirements will be met (574).

Allocate additional land to ensure a 5 year effective land supply is maintained at all times through the Plan period (654, 184, 181).

**Energetica**

Allocate additional housing sites to support the Energetica initiative (148, 149).
## Private Rented Sector

Include a policy on homes for private rent (611).

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### Summary of response (including reasons) by Planning Authority:

#### Background and General Issues

Housing land supply was identified as a Main Issue and subject to detailed discussion at the Main Issues Report (MIR) stage (see MIR 2013, Main Issue 12: Land Supply & Distribution, and the subsequent MIR 2013, Issues and Actions Paper 013: Main Issue 12 Land Supply).

Following the publication of Scottish Planning Policy (SPP) in June 2014, an MIR Addendum consultation was undertaken. This considered the MIR’s conclusions on land supply in light of: the updated SPP; the approval of the Strategic Development Plan 2014; updated household projections; an update to the 2012 Local Development Plan Action Programme; and the Housing Land Audit 2014 (see MIR Addendum 2014, Section 4 and the subsequent MIR Addendum 2014, Issues and Actions Paper A003: Land Supply and Distribution).

Aberdeenshire Council’s position is that a generous supply of housing allocations has been identified within the Proposed Local Development Plan and that there is an appropriate level of confidence that these sites can be brought forward for development during the Plan period to maintain an effective five year supply in both housing market areas.

The Local Development Plan 2012 released and safeguarded significant housing allocations for the 2012-2016 and 2017-2023 periods in response to the 2009 Structure Plan. The subsequent Strategic Development Plan 2014 has not identified the need for any additional allocations to be made during the 2017-2026 period within Schedule 1: Housing Allowances. Accordingly, the Proposed Plan rolls forward the allocations that were previously made in the Local Development Plan 2012 and there is not a requirement to include significant new development sites. The Action Programme will monitor the delivery of the allocated sites and the Council’s dedicated Project Delivery Team will continue to work proactively with the development industry and key stakeholders to ensure that allocated sites are brought forward for development as envisaged.

The most recent Housing Land Audit 2015 shows that there is a supply of effective housing sites that are able to meet the Strategic Development Plan’s housing requirements over a 5, 6, 7 and 8 year period within both the Aberdeen Housing Market Area (AHMA) and the Rural Housing Market Area (RHMA). This is sufficient to meet the Strategic Development Plan’s housing requirements until the end of 2022. There is also a total effective land supply of over 14,500 houses within the AHMA and RHMA for the period after 2022. This is sufficient to meet the Strategic Development Plan’s total housing requirement for a further 7 years (i.e. until 2029).

It is notable that Homes for Scotland has not raised any overall objection to the scale of the housing land supply within the Proposed Local Development Plan.

A more detailed justification of the Proposed Plan’s housing policy and land supply
position is set out in the sections below.

Policy Wording - Site Capacities

A significant amount of consideration has been given to infrastructure planning in determining the capacities of the proposed allocations. The process of infrastructure planning becomes very difficult, and could potentially be undermined, if the stated allocation capacities are exceeded. The site capacities have also taken account of other important considerations including open space requirements, which could be compromised if the stated capacities are exceeded.

The Proposed Plan intends to promote confidence, certainty and efficiency in decision making. It would be inappropriate to undermine this certainty by modifying the policy to allow scope to exceed the stated allocation capacities as a matter of course. Opportunity exists to make submission to future Development Plans for additional development should the layout of sites result in a residue of development land, allowing the views of the community to be considered in any deliberation.

Population and Household Projections

The Proposed Local Development Plan is required to be consistent with the housing requirement and housing allowances in the Strategic Development Plan 2014, not any more recent household and population projections.

The housing requirement in the Strategic Development Plan 2014 (Figure 10, page 32) was derived from a Housing Need and Demand Assessment 2011 (HNDA) which utilised 2008-based population and household projections.

Representatives of the development industry objected to the Proposed Strategic Development Plan in early 2013 on the grounds that it failed to take account of 2010-based household and population projections. However, these objections were not supported by the Reporter at Examination. The Reporter considered that it would not be appropriate to superimpose more recent population and household projections into the Strategic Development Plan without following the implications of these through a revised HNDA. In any event, the Reporter concluded that the housing allowances in Schedule 1 of the Strategic Development Plan were sufficiently generous to accommodate the revised household projections (see Strategic Development Plan Examination Report, page 70, paragraph 11).

The latest 2012-based projections are significantly lower than the 2010-based projections and, therefore, do not provide compelling grounds for increasing the supply of housing allocations in the Proposed Local Development Plan.

In response to the comment regarding the adequacy of the HNDA, it is noted that the HNDA 2011 was endorsed as robust and credible by the Scottish Government’s Centre for Housing Market Analysis. Paragraph 113 of SPP is clear that, where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a Development Plan Examination. As such, this issue should not be relevant to the Examination of the Proposed Local Development Plan.
Compliance with Strategic Development Plan Allowances and Targets

It is acknowledged that the allocations in the Proposed Local Development Plan do not meet the full allowances in Schedule 1 of the Strategic Development Plan for the 2017-2026 period. There are three main areas where allocations have not been made to meet the full allowances: the Local Growth and Diversification part of the AHMA; the Local Growth and Diversification part of the RHMA; and the Inverurie-Blackburn Strategic Growth Area (SGA).

The Proposed Local Development Plan allocates sites with a total capacity of 1,046 houses within the Local Growth part of the AHMA - 313 dwellings less than the Strategic Development Plan’s allowance for 2017-2026. This is because the Proposed Plan’s flexible rural development policies are expected to provide a significant additional source of housing supply in this area. Policy R2 identifies circumstances in which small-scale development will be permitted on unallocated sites within the AHMA. A similar policy was included within the 2012 Local Development Plan and this has yielded a significant number of additional houses. The 2015 Housing Land Audit identifies that an average of 66 dwellings per annum are completed on small sites within the Aberdeenshire part of the AHMA (Housing Land Audit 2015, Figure 10). If this level of completions continues during the 2017-2026 period, as could be expected, this would provide significantly more than the 313 houses required to address the balance between the allocated sites and the Strategic Development Plan’s allowance.

A similar situation can be expected in the Local Growth part of the RHMA. The Proposed Local Development Plan has allocated sites in this area with a total capacity of 3,108 houses for the 2017-2026 period - 892 less than the Strategic Development Plan’s allowance. However, additional supply of an average of 134 houses per annum can be anticipated from completions on small unallocated sites within the RHMA based on previous levels of development (see Housing Land Audit 2015, Figure 10). If these completion rates continue through the 2017-2026 period, this would provide an additional 1,340 houses - again significantly more than required to address the balance between the allocated sites and the Strategic Development Plan’s allowance.

In terms of the Inverurie - Blackburn SGA, it is acknowledged that the Proposed Plan does not identify allocations to meet the Strategic Development Plan’s full allowance for 2017-2026. This is primarily because of uncertainty regarding the Scottish Government’s long term aspirations to dual the A96 from Aberdeen to Inverness, which currently limits development opportunities in Inverurie. This issue was subject to specific consideration in the MIR (see MIR 2013, Main Issue 15: What are the Implications of Uncertainty Regarding Trunk Road Development in Inverurie?). It was also subject to further detailed consideration following the MIR consultation (see MIR 2013, Issues and Actions paper 117: Inverurie and Port Elphinstone). Additional detailed discussion of the implications of the A96 dualling for development in Inverurie is set out in Schedule 4 Issue 46: Inverurie and Port Elphinstone (see the introductory text and the section headed ‘A96 and Local Transport Issues’ in the Summary of Response by Planning Authority). For the reasons outlined in the sources listed above, it is not considered to be appropriate to allocate additional land in the Inverurie - Blackburn SGA at this present time. However, this position will be subject to review through the next Local Development Plan, by which time the preferred option for the A96 dualling will be known and it will be possible to identify the most appropriate long-term growth strategy for the Inverurie - Blackburn SGA. In the meantime, windfall developments can be expected to make up the difference between the allocated sites and the Strategic Development Plan’s full allowance. An average of 41
houses per year were completed on windfall sites within the Inverurie – Blackburn SGA over the 5 year period since 2010. If these trends continue, this could provide an additional supply of around 410 houses over the period 2017-2026, which would be more than sufficient to satisfy the full allowance.

There are also minor numerical shortfalls against the full Strategic Development Plan allowances for 2017-2026 within the Huntly - Pitcaple and Portlethen - Stonehaven SGAs (the shortfalls are 15 and 30 homes respectively). However, windfall developments are expected to easily exceed these shortfalls, with an average of 6 and 19 dwellings having been completed per year respectively in these SGAs over the 5 year period since 2010.

No allocations have been made for the 2027-2035 period. The Proposed Plan identifies allocations to meet the Strategic Development Plan’s allowances for the 2017-2026 period. This accords with guidance in paragraph 119 of SPP, which requires Local Development Plans in city regions to allocate sites to meet the housing land requirement of the Strategic Development Plan up to year 10 from the expected date of adoption. Future land releases for the period after 2026 will be identified in the next review of the Local Development Plan based on the next Strategic Development Plan. No modification is required in respect of this issue.

It is acknowledged that the Strategic Development Plan identifies targets to “move towards building at least 2,500 homes a year by 2016” and to “move towards building at least 3,000 homes a year by 2020” (see page 33 of the Strategic Development Plan 2014). Contrary to the claims of some respondents, the Housing Land Audit 2015 shows that these targets are likely to be met. It identifies total projected completion levels in excess of 2,500 houses from 2016 onwards and that the target of moving towards 3,000 completions per annum is expected to be achieved in 2017 (see Appendix 3 of the Housing Land Audit 2015). In any case, it is important to note that the target build rates are distinctly different from the housing requirements identified in Figure 10 of the Strategic Development Plan. The Figure 10 housing requirements equate to the housing supply target in SPP terminology. As such, it is these housing requirements which form the basis for calculating both whether a generous supply of sites has been identified and whether a 5 year effective land supply is maintained during the Plan period. It is, therefore, not necessary to increase the supply of housing allocations within Aberdeenshire in response to the comments regarding target build rates.

The comments which state that the Strategic Development Plan’s target build rates equate to a land supply for 28,000 homes, but that the Proposed Plan only identifies land for 23,250 homes, are based on a misunderstanding of the Strategic Development Plan. As noted above, the target build rates do not form the basis for assessing the adequacy of the land supply. Moreover, these comments compare target build rates for the Strategic Development Plan area as a whole with the land allocations for the Aberdeenshire area. This is not appropriate as it discounts development in Aberdeen City. Accordingly, no modification of the Plan is required in response to these comments.

Generosity

SPP provides guidance on the provision of a generous supply of housing land in paragraphs 113-119. This guidance makes clear that, in city regions, it is the function of the Strategic Development Plan to determine the housing supply target and then increase this by a margin of 10-20% to establish the housing land requirement. This is the primary mechanism by which a generous supply of housing land is established.
The Strategic Development Plan has satisfied these requirements by identifying Housing Requirements for the period 2011-2035 in Figure 10 (which in SPP’s terminology equates to the housing supply target) and Housing Allowances for the same period in Schedule 1 (which in SPP’s terminology equates to the housing land requirement). The total housing allowances for the period 2011-2035 (67,500) are 25% higher than the total housing requirement (53,972) for the same period. When the effective land supply at 2011 (9,815) is added to the housing allowances, this provides a total land supply for 2011-2035 of 77,315 houses – a figure which is 43% higher than the housing requirement over the same period. The Strategic Development Plan Examination considered both the housing requirements in Figure 10 and the housing allowances in Schedule 1 and found both to be appropriate. In particular, the Reporter concluded that the housing allowances are “appropriately generous” (see Strategic Development Plan Examination Report, page 72, paragraph 26).

The Proposed Local Development Plan has allocated land that the Council considers deliverable in a range of locations in accordance with the Strategic Development Plan’s housing allowances up to 2026 (see the additional comments below on the range of sites and the delivery and effectiveness of allocations). An appropriately generous supply of housing land has, therefore, been made available within the Proposed Plan and no modification is required in response to the comments on this issue.

**Large Site Reliance and Range of Sites**

The strategy of the Local Development Plan 2012, and the Proposed Local Development Plan 2016, is based upon the delivery of a number of large sites. This is because the scale of housing growth over the Plan period will result in the need for significant infrastructure investment - particularly within the AHMA and the Strategic Growth Areas (SGAs). Large allocations are required to achieve the economies of scale necessary to deliver this investment. The overall infrastructure requirements would still apply if housing growth were to be provided through a larger number of smaller sites but there is a greater risk that smaller sites would be unable to provide the required infrastructure and remain commercially viable.

Whilst it is noted that the Strategic Development Plan Reporter concluded that a mix of site sizes would be best placed to achieve the required growth rates, this statement was made immediately after acknowledging that the scale of growth envisaged brings with it a need for significant infrastructure investment that is more likely to be achieved through the development of larger sites (see Strategic Development Plan Examination Report, page 71, paragraph 18).

Notwithstanding, it is also important to note that the Proposed Local Development Plan does contain a wide range of smaller allocations for the 2017-2026 period. For instance, there are some 15 allocations of 50 or less houses within 12 different settlements in the local growth and diversification part of the AHMA. There are also almost 40 allocations of 50 or less houses within 35 different settlements in the local growth part of the RHMA. In addition, there is nothing to prevent larger sites being sub-divided and delivered by more than one developer. This type of consortium based approach is currently being taken to deliver the OP1 site at Chapelton and the OP1 site at Kintore.

Whilst the rate of delivery to date of the larger allocations has been challenged, it should be noted that paragraph 4.24 of the Strategic Development Plan 2014 makes explicitly clear that, as a result of the significant generosity in the housing allowances, we cannot
expect all the new homes to be built within the relevant Plan period.

The expected rate of delivery of the sites that were allocated for the period to 2016 was also specifically considered during the Examination of the Local Development Plan 2012. The Reporter acknowledged that the (then) Structure Plan was advocating a strategy of significantly increasing the housing supply and making land available as quickly as possible at the start of the Plan period. The Reporter noted that this followed a time when the rate of house building had fallen dramatically and concluded that: “This situation may reduce the ability of sites to come forward for development and reduce the likelihood of delivering all the housing allocated over the Plan period. This is not a failing of the Proposed Plan but a situation dependant on a variety of factors outwith the direct control of the Council.” The Reporter went on to conclude that: “…I find that a delay in the delivery of housing sites allocated by the Plan would not harm the implementation of the Structure Plan Strategy or the Vision, Aims and Spatial Strategy of the proposed Plan.” (see Examination of the Aberdeenshire Local Development Plan 2012, page 191, paragraph 5).

The time that has been taken to deliver some of the larger allocations that were released for development in the period to 2016 by the Local Development Plan 2012 is neither unexpected nor has it had any prejudicial impact on the ability to meet the Strategic Development Plan’s overall housing requirement. Whilst some of the larger allocations may take more than one Plan period to deliver, a 5 year effective land supply has been maintained throughout the lifetime of the Local Development Plan 2012 and there is an appropriate level of confidence that this position will persist throughout the lifetime of the Proposed Local Development Plan (see further comments on 5 year land supply below).

**Delivery and Effectiveness of Housing Allocations**

It is acknowledged that the majority of the allocations for the 2017-2026 period have been carried forward from the Local Development Plan 2012, which identified allocations for the 2017-2023 period. This is because the Strategic Development Plan 2014 identifies the same housing allowances for the 2017-2026 period as were previously identified in the 2009 Structure Plan for the 2017-2023 period (see the housing allowances in Schedule 1 of the Strategic Development Plan 2014 and Schedule 1 of the Structure Plan 2009). There has, therefore, been no requirement for the Proposed Local Development Plan to add to the overall level of land allocated for this period.

In response to the comments challenging the effectiveness and deliverability of the proposed allocations, it should be noted that the vast majority of the allocated sites were promoted by developers and landowners and the allocations have been made on the basis of assurances which they provided to advise that the sites were deliverable. Viability of the site was a specific question within the Development Bid Submission Form (see Sample Bid Form, Question 7).

More importantly, the Action Programme incorporates a robust and objective assessment of the progress in delivering each of the allocated sites in the Local Development Plan and is based primarily on information obtained from the development industry. The Action Programme Update 2014 (which is associated with the Local Development Plan 2012), and the Proposed Action Programme 2015 (which has been published alongside the Proposed Local Development Plan), show that appropriate progress is being made in delivering the vast majority of the allocated sites for both the 2012-2016 and 2017-2026 periods.
The Housing Land Audit 2015 provides further evidence of the progress that is being made in delivering the allocated sites. In particular, it demonstrates an increase in the 5 year effective land supply within the Aberdeenshire part of the AHMA. Paragraph 5.2.2 of the Audit notes that this is primarily explained by the progress being made in delivering the larger allocations. Whilst some allocations are identified as constrained in the Housing Land Audit 2015, the Audit is a snap-shot in time and SPP does not require every allocation to be effective at the time of adoption of the Plan. Rather, it requires allocations to be effective or expected to become effective in the Plan period (see paragraph 119 of SPP).

It is also significant to note that, following adoption of the Local Development Plan 2012, the Council has established a specific Project Delivery Team. The Project Delivery Team is responsible for maintaining the Action Programme and co-ordinating the actions necessary to bring forward the Local Development Plan’s site allocations. The Project Delivery Team use a project team approach and work closely with the development industry and key stakeholders to ensure that sites are delivered as anticipated and also to identify and overcome development constraints where possible. They are involved at all relevant points in the development process including the pre and post planning stages. This provides a sharp focus on delivering the allocated sites in line with SPP guidance (see paragraph 110 of SPP). An example of the project team approach which has been applied to deliver the allocations for the 2012-2016 period is included in the Council’s Planning Performance Framework 2014/2015 (see Case Study 4, pages 27 and 28). A similar approach will be used to ensure the delivery of the proposed allocations for the 2017-2026 period.

Contrary to the assertions of some respondents, it is not reasonable to expect all of the housing which was allocated in the Local Development Plan 2012 for release during the period to 2016 to be completed during that timeframe. Whilst paragraph 119 of SPP states that allocated sites should be effective or expected to become effective in the Plan period, it does not stipulate that sites must be completed in entirety during the relevant Plan period. Moreover, as noted above, the Examination of the 2012 Local Development Plan acknowledged that it was unlikely that all of the allocations would be delivered within the Plan period and paragraph 4.24 of the Strategic Development Plan makes explicitly clear that this cannot be expected. There are consequently no grounds for including additional housing allocations in response to the comments on this issue.

In response to the requests for the housing requirement to be recalculated to include shortfalls in past completion rates, it is noted that this does not form a requirement of current National Planning Policy. There is, therefore, no requirement to modify the Plan in response to these comments. In any event, actual completions since 2011 (the base date of the Strategic Development Plan) are broadly comparable with the housing requirements outlined in Figure 10 of the Strategic Development Plan. For instance, actual completions during the period 2011-2014 amount to 5,424 dwellings in the AHMA (the most pressurised part of Aberdeenshire) (see Appendix 3 of the Housing Land Audit 2015). This compares with a housing requirement of 5,696 dwellings over the same period (see Figure 10 of the Strategic Development Plan 2014). The shortfall in completions in the AHMA against the housing requirement from the start date of the Strategic Development Plan is, therefore, limited to 272 dwellings. The anticipated future completion rates in Appendix 3 of the Housing Land Audit (which are primarily based on information from the development industry) indicate that this shortfall will be addressed by the end of 2015. After this time, projected completions within the AHMA will significantly exceed the Strategic Development Plan’s cumulative housing requirement through to at least the end
of 2022 (the last date for which projected annual completions are provided within the Audit). There is consequently no justification for allocating additional housing sites on the grounds of historic completion rates.

It is not the case that a large number of the sites that were allocated in the Local Development Plan 2012 for release during 2017-2023 have been drawn down early. There has been no early draw-down of sites as a result of a lack of supply during the 2012-2016 period. In the case of some larger allocations which span both the 2012-2016 and the 2017-2023 periods under the Local Development Plan 2012, planning permission has been granted for the entire allocation at once. This has been to provide certainty for the developer in relation to financing decisions. However, the vast majority of these planning permissions have included conditions to ensure that the sites are developed in accordance with the Plan phasing. In a very limited number of cases, land from the 2017-2023 supply has been released for immediate development. However, all of these cases have been justified by exceptional site-specific circumstances and none of these sites were released to address any shortfall in the overall land supply.

In response to the comment that many of the allocations are not in locations where there is sufficient market demand, or where people want to live, it should be noted that the majority of the Proposed Local Development Plan’s allocations are located within the AHMA where market demand is highest. Moreover, the Strategic Development Plan’s housing allowances necessitate the provision of housing allocations within lower demand areas, including the RHMA. It would not be possible to delete allocations from lower demand areas and replace them with alternative sites in higher demand areas such as the AHMA, as this would result in the Proposed Local Development Plan failing to accord with the Strategic Development Plan. Whilst demand can be relatively low within parts of the RHMA, the provision of appropriate opportunities for development to take place within these areas, in response to any uplift in market demand, remains an important objective of the Proposed Local Development Plan. This issue was acknowledged during the Examination of the Local Development Plan 2012, when the Reporter noted that the Plan strategy “is about more than just providing housing; it also looks to regenerate and reinvigorate areas” (see Examination of the Aberdeenshire Local Development Plan 2012, page 191, paragraph 8).

Further responses to comments on the delivery of specific sites in the Strategic Growth Areas and the Local Growth and Diversification Areas are included in Schedule 4 Issue 8: Housing Land Spatial Strategy.

Five Year Land Supply

There is no requirement for the Proposed Local Development Plan text to include specific reference to the effective 5-year land supply position. The effective land supply is a dynamic issue and it is the function of the Housing Land Audit to monitor and document this annually. It would be inappropriate to include specific information on the effective land supply position within the Proposed Local Development Plan as any such information is likely to be out of date before the Plan is adopted more than 2 years later.

There is also no need for additional sites to be allocated to ensure that an effective land supply is maintained at all times during the Plan period. The Housing Land Audit 2015 shows a very healthy housing land supply. It shows that within the AHMA there is currently a 5 year effective land supply of 12,091 houses (which equates to 7.7 years of the Strategic Development Plan’s housing requirement). Within the RHMA there is currently
a 5 year effective supply of 3,686 houses (which equates to 5.5 years of the housing
requirement) (see Figure 13 of the Housing Land Audit 2015). This exceeds the
expectations in paragraph 119 of SPP, which states that a minimum of 5 years effective
land supply should be maintained at all times.

In addition, the Housing Land Audit 2015 shows a healthy longer-term housing land supply
within both the AHMA and RHMA. Overall, the Housing Land Audit 2015 demonstrates an
effective land supply which exceeds the relevant Strategic Development Plan
requirements over a 5, 6, 7 and 8 year period in both the AHMA and RHMA (i.e. up to the
end of 2022 – the last date for which projected annual completions are provided in the
Audit). It also demonstrates a further supply of 12,325 houses in the AHMA and 2,337
houses in the RHMA that are effective post 2022. This is equivalent to the Strategic
Development Plan’s housing requirement for a further 8 years (i.e. until the end of 2030) in
the AHMA and a further 3.6 years (i.e. until the end of 2025) in the RHMA even without the
further contributions that are likely to arise from small sites, brownfield sites and the
removal of constraints on currently constrained sites. The effective land supply is,
therefore, expected to significantly exceed the Strategic Development Plan’s housing
requirements until well after the end of the Proposed Plan period.

The comments regarding the balance of the post 5 year effective land supply within the
AHMA are noted. However, the Strategic Development Plan does not specify how the
effective land supply should be apportioned between the City/Shire parts of the AHMA
within any given time period. Rather, the Strategic Development Plan sets a target that,
over the whole Plan period to 2035, at least 50% of all homes being built should be in
Aberdeen City (see Strategic Development Plan 2014, page 8). The post 5 year effective
land supply for the Strategic Development Plan area as a whole amounts to 22,501
houses. Of these, 10,680 houses (47%) are within Aberdeenshire and 11,821 houses
(53%) are within Aberdeen City (see Housing Land Audit 2015, Figure 8). The balance of
the post 5 year effective land supply is, therefore, considered to accord with the Strategic
Development Plan’s completions target for the period to 2035.

The research reports undertaken by the Land Reform Review Group and the RICS
Housing Commission do not constitute National Planning Policy so the Local Development
Plan does not need to accord with their recommendations. In any case, these reports
provide no specific perspective on the situation in the Aberdeen and Aberdeenshire area,
where the Structure Plan 2009/Strategic Development Plan 2014 and the subsequent
2012 Local Development Plans have provided a step-change in the scale of land
allocations and resulted in a significant increase in the housing land supply. This step-
change in supply is particularly well illustrated by Figure 12 of the Housing Land Audit
2015, which shows that the number of sites that are expected to be effective over a 5 year
period in the AHMA has more than doubled since 2011.

Housing Land Audit

In response to the comments in respect of the Housing Land Audit, it should be noted that
the Audit is subject to consultation with the development industry (see section 2.1 of the
Housing Land Audit 2015). Agreement on the effective supply was reached with the
development industry on all but one site in Aberdeenshire in 2015 (see section 7.1 of the
Housing Land Audit 2015). The Housing Land Audit, therefore, presents a robust and
agreed assessment of housing land supply.
Energetica

The Council supports the delivery of Energetica objectives and specific Supplementary Guidance is proposed to identify how this will be achieved (see Proposed Supplementary Guidance 2015, 3. Energetica). Nevertheless, the Strategic Development Plan does not include specific housing allowances for the Energetica corridor and there is consequently no requirement to identify additional sites on the basis of the Energetica concept. In any event, the Energetica corridor is broadly consistent with the Ellon - Blackdog and Peterhead - Hatton SGAs and allocations have been made in accordance with the Strategic Development Plan’s allowances for these SGAs.

Private Rented Sector

The recommendations in the Scottish Government’s strategy ‘A Place to Stay, A Place to Call Home’ are acknowledged. However, this strategy pre-dates the current version of SPP, which provides the most up-to-date expression of National Planning Policy insofar as the private rented sector is concerned. Paragraph 115 of SPP indicates that the housing supply target within the Development Plan should be separated into only two categories (affordable and market sector). It does not outline any specific requirements in respect of the private rented sector. Similarly, the Strategic Development Plan does not identify any specific requirements for the private rented sector.

Moreover, there is no reason why the allocations within the Proposed Plan could not include private rented housing. Policy P1 of the Proposed Plan specifically encourages a mix of tenure types within new developments, so any such proposals would benefit from this policy support in principle. No further modification of the Plan is required.

Reporter’s conclusions:

Background

1. Given the nature of the representations and matters raised about the land supply a request for further information- request 6- was issued to the council on 19 April. Relevant parties responded by the beginning of June. A follow up request was then sent out as request 9 on 15 July and exchanges on this concluded on 12 August. A hearing was held on 18 August in Inverurie to address the remaining matters regarding the sufficiency of the housing land supply.

Context: Strategic Plan

2. The Aberdeen City and Shire Strategic Development Plan 2014 sets out the housing requirement in Figure 10:

<table>
<thead>
<tr>
<th></th>
<th>2011-2016</th>
<th>2017-2026</th>
<th>2017-2035</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen HMA</td>
<td>9965</td>
<td>15017</td>
<td>13506</td>
<td>38488</td>
</tr>
<tr>
<td>Rural HMA</td>
<td>4237</td>
<td>6411</td>
<td>4836</td>
<td>15484</td>
</tr>
<tr>
<td>TOTAL</td>
<td>14202</td>
<td>21428</td>
<td>18342</td>
<td>53972</td>
</tr>
</tbody>
</table>

3. Through Schedule 1, the strategic plan sets out how these requirements translate to allowances within general locations. This reflects the established land supply as of 2011 plus additional land to provide for a generous supply to meet the housing requirement over
the relevant timeframes. A summary of this schedule is set out below.

Schedule 1- Strategic Housing Allowances (summary)

<table>
<thead>
<tr>
<th>Housing allowance area</th>
<th>Effective land supply 2011</th>
<th>Constrained supply 2011</th>
<th>Existing LDP Allowances to 2016</th>
<th>2017-2026</th>
<th>2027-2035</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
<td>2530</td>
<td>1750</td>
<td>16500</td>
<td>8000</td>
<td>7000</td>
<td>31,500</td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td>7285</td>
<td>2987</td>
<td>10800</td>
<td>12450</td>
<td>12750</td>
<td>36,000</td>
</tr>
<tr>
<td>AHMA</td>
<td>6318</td>
<td>2775</td>
<td>21500</td>
<td>14750</td>
<td>14850</td>
<td>51,100</td>
</tr>
<tr>
<td>RHMA</td>
<td>3497</td>
<td>1962</td>
<td>5800</td>
<td>5700</td>
<td>4900</td>
<td>16,400</td>
</tr>
<tr>
<td>Aberdeen City and Shire</td>
<td>9815</td>
<td>4737</td>
<td>27300</td>
<td>20450</td>
<td>19750</td>
<td>67,500</td>
</tr>
</tbody>
</table>

4. A footnote to this table explains that that the effective land supply 2011 includes the 5-year effective housing land supply as well as the effective supply programmed beyond year five. To avoid double-counting, local development plan allocations have not been included in the effective or constrained land supply.

5. Paragraph 4.24 of the strategic plan states that “In line with Scottish Planning Policy, these allowances provide a generous supply of land for new housing (Schedule 1) on top of the housing requirement (figure 10). As a result, we cannot expect all the new homes to be built within the relevant plan period. This makes sure the plan can cope with higher levels of demand than we currently expect.”

Policy Wording –Site Capacities

6. I understand the council’s reasoning in seeking to create greater certainty about the capacity of sites. This is intended to secure the efficient forward planning of infrastructure and to provide transparency for communities. Nevertheless, Scottish Planning Policy promotes the efficient use of land. The capacity of a site is difficult to determine at this early stage prior to the consideration of house-type, layout and design. There may be also be associated issues of financial viability and efficient infrastructure provision which support a higher density.

7. Consequently, whilst I appreciate the reasoning behind this approach, I consider that the figures in the local development plan should remain indicative. This avoids prejudging an optimal capacity of sites and enables land to be used as efficiently as possible. This should not undermine the planned and appropriate use of infrastructure but should avoid sites being developed at a density which may prove less than optimal at the detailed planning stage. However, that would not set aside the need to demonstrate that any increase in density was appropriately justified in the context of infrastructure delivery and appropriate layout and design. My recommended modifications to Policy H1 as set out below reflects this.

Population and Household Projections

8. The housing requirement as set out in the strategic plan is derived from the Housing Need and Demand Assessment 2011 (HNDA) which utilised 2008-based population and household projections. Scottish Planning Policy advises that this is the correct approach and that where such a study is endorsed as robust and credible these figures should not generally be revisited through the examination. Consequently, given that this is the case
here, I find no basis to revisit or question the housing requirement as established through the strategic plan.

Compliance with Strategic Development Plan Allowances and Targets

9. These matters were discussed further through the hearing process. It was agreed that the terminology used did not directly reflect that set out in Scottish Planning Policy which was not published until 2014. This causes some difficulty with a direct interpretation of the figures set out in the strategic plan.

10. However, the balance of evidence from parties leads me to the conclusion that the housing requirement set out in Figure 10 is equivalent to the housing target referenced in paragraphs 115 and 116 of Scottish Planning Policy. It is the amount of housing (not housing land) that the authority has agreed will be delivered in the relevant housing market areas based on the evidence from the HNDA.

11. The role and purpose of the allowances set out in Schedule 1 is however less clear. These could be interpreted as the housing land requirement. This view is supported by paragraph 4.24 which reference these allowances as providing for a generous supply of land. Diagram 1 on page 30 of Scottish Planning Policy states that the housing land requirement should include the number of new homes to be built plus a generous margin.

12. A number of parties at the hearing agreed that Schedule 1 sets out the position as at 2011 in terms of what was expected to come forward and the additional allowances that would be required in this context. This is a sensible interpretation given that the strategic plan had to base its strategy on the information available at that time and the likely performance of the land supply in the various identified locations.

13. Scottish Planning Policy explains the respective roles for strategic plans and local development plans in the allocation of land for housing. Paragraph 119 is of particular relevance as it clarifies that it is for the local development plan in City Regions to allocate a range of sites that are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic plan up to year 10 from the expected date of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing land supply target to be met.

14. I consider that the local development plan in addressing the housing land requirement has a clear role in monitoring the land supply and responding to the current situation so that the plan is kept up to date and relevant. Continuing with assumptions as of 2011 regarding the status of sites runs the risk of failing to respond to the objectives established through the strategic plan or to the national policy objective of providing an effective land supply to enable delivery of housing.

15. Drawing all of this together, I consider that the housing target is established in the strategic plan through figure 10. The allowances provide a position statement at the time the strategic plan was published and set out the amount of housing land which is required to meet the target. This provides support for the spatial strategy and indicates the anticipated scale and location of future growth.

16. I consider it is appropriate for the local development plan to revisit and update the
anticipated contribution from the established land supply and assess what implications, if any, this has for delivery of the housing target.

17. These are all matters of methodology rather than a demonstration of any insufficiency in the land supply. My assessment of the sufficiency of the land supply, taking account of these conclusions, is addressed in further detail below.

Generosity

18. I do not think there is any doubt that the housing allowances in the strategic plan were intended to provide for a generous housing land supply. This is clarified by the figures in schedule 1, which are around 20% or more in excess of the housing target. The statement as quoted above from paragraph 4.24 of the strategic plan states that the allowances provide land in excess of the requirement.

19. However, this assumed generosity is based on the premise that the land supply as of 2011 remains effective or capable of becoming effective to contribute to the housing supply. It also assumes that the land identified through the current local development plan can provide for the anticipated housing delivery within the required timeframe in order that a rolling five year land supply can be maintained. An understanding of whether a sufficient land supply remains available at 2016 requires an updated assessment of the housing land supply position. I return to this matter below.

Large Site Reliance and Range of Sites

20. The land supply includes all sites in the established supply which are considered effective or capable of becoming effective over the plan period. From the 2016 audit, I consider this includes a range and choice of sites of different sizes and in a variety of locations. I accept that the more recent allocations, through the current local development plan and as carried forward through this plan, are often of a larger scale particularly in the main towns such as Inverurie.

21. However, I consider that this circumstance is not unusual or inappropriate. The requirements for infrastructure delivery to accommodate larger scale growth commonly necessitate a master-planned approach and the provision of sufficient developer contributions to address identified constraints. I note this matter was discussed at the last local development plan examination where a similar conclusion was reached. I find no significant change in circumstances since then.

22. I accept that larger sites by their nature may have longer lead in times. As a consequence such sites can be relatively slow in coming forward to meet housing needs. There is inevitable potential for further slippage in bringing these sites forward. This is evidenced by the slower than anticipated progress on identified sites and the generally lower rate of completions overall compared to that anticipated in the strategic plan. This matter is considered below in my assessment of the sufficiency of the identified land supply. The programmed delivery of housing is a relevant consideration for the on-going maintenance of a 5 year effective land supply.

Delivery and Effectiveness of Housing Allocations

23. These matters are addressed below through my assessment of the sufficiency of the identified land supply.
Five Year Land Supply

24. The current audit (2016) shows more than a five year supply of effective land and no party has presented any substantive evidence to dispute this agreed position.

25. Evidence to the hearing showed that less housing than expected has been delivered over the period to 2016. Consequently, a higher annual rate of programming is required in the remaining timeframe to 2026 if the housing target from Figure 10 of the strategic plan is to be met. This suggests to me that meeting the housing target within the timeframe as set out in the strategic plan could prove challenging if there were to be any further delays in anticipated site delivery.

26. However, this position may change over time and will only be confirmed through future monitoring. There would also be a new development plan to re-assess housing requirements and delivery post 2021 given that the plan is currently programmed for replacement every 5 years.

Housing Land Audit

27. Representation requested that the land supply position be updated as of 2016. My assessment below reflects this.

28. There was discussion at the hearing that the assumptions in the audit were optimistic and would not be achieved. However, Scottish Planning Policy and Planning Advice Note 2/2010 on Affordable Housing and Housing Land Audits direct me to the agreed audit as the most reliable and up to date source of information on the land supply. The process of preparation has involved consultation and in most cases agreement with the house-building industry. No specific evidence was presented through the hearing to demonstrate why particular sites would be further delayed. Where raised these issues have been addressed in the relevant site specific issue.

29. Annual monitoring is required to track progress and signal any change in circumstances or further delay. This could apply for instance in relation to the delivery of the required transport infrastructure in Inverurie (as explained in Issue 7). For this reason the council accept that the proposed plan does not allocate the full housing allowance for the Blackburn-Inverurie Strategic Growth Area. However they state that this will not prejudice the maintenance of a 5 year effective housing land supply in the Aberdeen Housing Market Area throughout the Plan period and I return to this matter below.

Energetica

30. I understand that the Energetica corridor is broadly consistent with the Ellon - Blackdog and Peterhead - Hatton Strategic Growth Area and allocations have been made in accordance with the housing allowances set out in the strategic plan. Whilst paragraph 3.26 of the strategic plan recognises the need for both employment and housing land I consider the housing land requirement is addressed by the allowances set out in Fig 2 on page 16:

<table>
<thead>
<tr>
<th>Extract Figure 2: Housing Allowances Aberdeen to Peterhead</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Blackdog-Ellon</td>
</tr>
<tr>
<td>Hatton-Peterhead</td>
</tr>
</tbody>
</table>
31. The 2016 housing land audit sets out the housing land currently available and programmed for completions in this area. I note that paragraph 3.30 of the strategic plan indicates that development in the southern part of the corridor will be limited until vital infrastructure including the Aberdeen Western Peripheral Route and the dualling of the A90 between Balmedie and Tipperty is in place. The council’s proposed action programme refers to an Energetica Multi Modal Study to investigate options for improving connectivity between Fraserburgh, Peterhead and Aberdeen. This includes consideration of road, rail and other public transport interventions. Progress with the objectives of Energetica and associated infrastructure improvement may signal the potential for additional housing. However, this will be matter for subsequent development plans to consider. Our assessment of the options for further land release at this time are set out in the relevant settlement specific issues and through the conclusions on Issue 8.

Private Rented Sector

32. I acknowledge that the private rented sector has an important role in meeting housing needs. However this is a land use plan and Scottish Planning Policy does not set out any requirements in terms of the private rented sector. The strategic plan reflects this and does not reference any specific requirement for the private rented sector. Policy P1 supports a mix of tenure types on sites and there is no apparent obstacle to market provision of private rented housing on sites allocated in the proposed plan. Consequently, I do not consider that any change is required to address this matter.

Assessment of the sufficiency of the housing land supply

33. The following tables, as discussed through the hearing process, present an updated statement of the housing land supply position based on the 2016 housing land audit. Tables 1a and 1b below show that actual housing completions have been less than were anticipated by the strategic plan in the period 2011-2016. This leaves a remaining housing target, as of 2016, for 3022 houses for the Aberdeen Housing Market Area and 1835 houses for the rural market area.

<table>
<thead>
<tr>
<th>Table 1a: Remaining Requirement Aberdeen HMA to 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen Housing Market Area</td>
</tr>
<tr>
<td>Minus Completions to date</td>
</tr>
<tr>
<td>Plus Demolitions</td>
</tr>
<tr>
<td>Remainder</td>
</tr>
<tr>
<td>* Parties recognised this was based on incomplete information and that the figure may be substantially higher.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 1b: Remaining Requirement Rural Housing Market Area to 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Housing Market Area</td>
</tr>
<tr>
<td>Minus Completions to date</td>
</tr>
<tr>
<td>Plus Demolitions</td>
</tr>
<tr>
<td>Remainder</td>
</tr>
<tr>
<td>* Parties recognised this was based on incomplete information and that the figure may be substantially higher.</td>
</tr>
</tbody>
</table>

34. The council’s view was that this backlog should not be carried forward. It considers that the focus of this local development plan is on the period post 2016. This view was not shared by others at the hearing. My conclusion is that the strategic plan has a housing requirement which was assessed for the period from 2011. It is the responsibility of this
proposed local development plan to demonstrate consistency with the strategic plan.

35. There is nothing to indicate that the requirement to 2016 can be set aside. Until such times as the target is reviewed through a new Housing Need and Demand Assessment then it is my view that the strategic objective is to meet the housing requirement in full up to 2026. Consequently in assessing the sufficiency of the land supply I have rolled forward the housing target in so far as this has not been met by completions to date.

36. Tables 2a and 2b, as discussed at the hearing, show the remaining target over the relevant timeframe up to 2026. This takes into account the identified backlog. This corresponds with the 10 year timeframe from anticipated adoption of the local development plan as referenced in paragraph 119 of Scottish Planning Policy.

37. The following tables show the anticipated supply from all sources for each housing market area. The relevant evidence is drawn from the 2016 housing land audit and from past trends in windfall completions.

**Table 2a Rural Housing Market Area**

<table>
<thead>
<tr>
<th>Aberdeen Housing Market Area</th>
<th>2015/16-2026</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective supply including sites in the current local development plan and sites with planning permission (include only the portion of the site anticipated to be delivered in the timeframe)</td>
<td>21086 (from council’s submissions based on 2016 audit)</td>
</tr>
<tr>
<td>Contribution from sites capable of becoming effective (include only portion of sites anticipated to be delivered within the timeframe)</td>
<td>Up to 3699 (from council’s submissions)</td>
</tr>
<tr>
<td>Windfall assumption 2015-2026</td>
<td>1078 (average 98 homes per year)</td>
</tr>
<tr>
<td>Total anticipated supply from all existing sources</td>
<td>25863</td>
</tr>
</tbody>
</table>

**Table 2b Rural Housing Market Area**

<table>
<thead>
<tr>
<th>Rural Housing Market Area</th>
<th>2015/16-2026</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective supply including sites in the current local development plan and sites with planning permission (include only the portion of the site anticipated to be delivered in the timeframe)</td>
<td>5309 (from council’s submissions based on 2016 audit)</td>
</tr>
<tr>
<td>Contribution from sites capable of becoming effective (include only portion of sites anticipated to be delivered within the timeframe)</td>
<td>Up to 3371 (from council’s submissions)</td>
</tr>
<tr>
<td>Windfall assumption 2015-2026</td>
<td>1430 (average 130 homes per year)</td>
</tr>
<tr>
<td>Total anticipated supply from all existing sources</td>
<td>10110</td>
</tr>
</tbody>
</table>

38. In the absence of alternative or compelling evidence to the contrary I find no reason to dispute the programming assumptions set out in the most recent audit or any reason to conclude that the figures above do not present the most reliable available picture of the anticipated performance of the housing land supply.

39. On the matter of constrained sites, matters raised in representation on specific sites are addressed through the relevant issue. The council explained that a number of
constrained sites could be anticipated to come forward based on past trends. However, these had not been relied on in assessing the land supply above. This only includes those sites considered capable of becoming effective over the plan period.

40. Reliance on these figures, assuming that the identified trends for windfall completions per year will continue, serves to demonstrate that a generous supply of land continues to be available consistent with Scottish Planning Policy. This generous supply is shown in tables 3a and 3b below.

Table 3a  Aberdeen Housing Market Area- Assessment

<table>
<thead>
<tr>
<th>Aberdeen Housing Market Area</th>
<th>Total number of homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing target to 2016 (remaining)</td>
<td>3022</td>
</tr>
<tr>
<td>Plus target 2016-2026</td>
<td>15017</td>
</tr>
<tr>
<td>Total Remaining target to 2026</td>
<td>18039</td>
</tr>
<tr>
<td>Minus the total anticipated supply from existing sources (from table 2)</td>
<td>25863</td>
</tr>
<tr>
<td>Any remaining housing requirement</td>
<td>Surplus -7824</td>
</tr>
</tbody>
</table>

Table 3b Rural Housing Market Area: Assessment

<table>
<thead>
<tr>
<th>Rural Housing Market Area</th>
<th>Total number of homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing target to 2016(remaining)</td>
<td>1835</td>
</tr>
<tr>
<td>Plus target 2016-2026</td>
<td>6411</td>
</tr>
<tr>
<td>Total Remaining target to 2026</td>
<td>8246</td>
</tr>
<tr>
<td>Minus the total anticipated supply from existing sources (from table 2)</td>
<td>10110</td>
</tr>
<tr>
<td>Any remaining housing requirement</td>
<td>Surplus 1864</td>
</tr>
</tbody>
</table>

41. Representations state that an overall generous housing land supply is at least partly a reflection of the fact that sites allocated in the 2012 local development plan have not progressed as anticipated. Further delay is anticipated given that much of the allocation from 2016 relies on the build out of sites allocated through the current local development plan. This effectively means that the later stages of these sites, which were programmed for 2017-2026, would be pushed back. An example is given of a site at Chapelton of Elsick where the latest Housing land Audit stated that the 2017-2026 allocation for the site will not be begun until 2028 given that the 2007-2016 allocation will deliver only 162 of the allocated 2,200 units by the end of the current plan.

42. In addition it is stated that Aberdeenshire Council has identified sites with exaggerated delivery targets in order to bolster a rolling effective supply and protect a future housing land supply. It is stated that this approach has stifled the actual delivery of housing as it fails to allocate a suitable number of sites that were effective within the plan period. Questions are also raised about the spatial distribution of the supply in accordance with the housing allowances given that the delivery of the allocations is falling behind that anticipated in Schedule 1.

43. The 2011 land supply on which the strategic plan was based has rolled forward five years. Completions have occurred on the established land supply and programming
assumptions may have changed. The supply now includes programming of many of the sites in the current local development plan as well as a contribution from windfall sites that have come forward in the intervening period. Some constrained sites have also become effective.

44. This proposed plan, from the anticipated date of its adoption, is concerned with the period 2016-2026. However as stated above I consider it must also address any shortfall from the period 2011-2016.

45. Representations point to the need to be clear about a specific target for Aberdeenshire and suggest that this could be derived from the housing allowances. I accept that Scottish Planning Policy, through paragraph 118, states that strategic development plans should provide the housing target for each local authority area as well as each functional housing market area. Submissions to the examination provide examples of how an estimated target could be derived from the housing allowances in Schedule 1. However, this disaggregated target would not have any status in the context of this strategic plan where the emphasis is clearly placed on meeting the housing target for each housing market area. Consequently, I do not consider that it is appropriate or necessary, in the context of this strategic plan, to arrive at a housing target for Aberdeenshire in isolation.

46. Sites in the 2012 local development plan may not have performed as well as anticipated. However, from the available evidence I consider the current land supply as a whole, for each housing market area, is generous. Local variations may occur but I consider the plan places appropriate emphasis on the relative strategic locations. Scottish Planning Policy clarifies in paragraph 118 the role of the strategic plan in stating the amount and broad location of land and in making sure the housing requirement for each housing market area is met in full. The emphasis in paragraph 119 for local development plans is on enabling the housing supply target to be met. In this context, I find no inconsistency between the proposed plan and the strategic development plan.

47. Consequently, I find the only real issue to be whether the programming of the land supply and the rate of anticipated uptake remains realistic given that completions to date have been less than expected. The audit is agreed and its current anticipated programming, as set out above, weakens any argument to the contrary. However, I have also accepted above that the consequence of delays in delivery, particularly if these are to be further exacerbated, indicates that increasing levels of completions are likely to be required to meet the housing target. In my view this creates some consequent risk to the future and on-going maintenance of a sufficient 5 year land supply.

48. Paragraph 4.27 of the strategic plan accepts that increasing completions to 2500 per annum by 2016 and 3000 per annum per year by 2020 will depend on factors which are not related to the development plan or under the control of planning authorities. These factors include the health of the global and local economy, the price of oil, access to and the cost of development and mortgage finance, the response of the house-building industry and how the area is marketed to potential residents from the rest of Scotland and further afield.

49. My assessment of the current housing land supply position shows the total remaining target to 2026 for the Aberdeen Housing Market Area (18039) would require a rate of completions of around 1800 per annum. For the rural housing market area the remaining requirement points to an annual rate of completions of around 825. This signals an
increase in the level of completions, over that achieved in the past 5 years, particularly in the rural housing market area. I accept the council’s position that the rural housing market is less predictable given the nature of sites that typically come forward (smaller sites and windfall opportunities).

50. In the interests of clarity and to demonstrate consistency with the strategic plan and Scottish Planning Policy I consider that Appendix 5 of the proposed plan could be expanded to explain the target for housing in each housing market area. This could also explain that the relevant land supply falls not only to Aberdeenshire but also to the City of Aberdeen Council. It is this target that will form the basis of the on-going monitoring and sufficiency of the rolling five year land supply.

51. Given the current generous land supply I do not consider that Policy H1 need make any specific provision for additional land to come forward in the event that a shortfall arises over the plan period. I consider this would create unnecessary uncertainty. However I note that the text supporting this policy references future monitoring and a continued 5 year supply. In this context I consider that appendix 5 can provide further clarification in response to the issues raised in representation regarding the presentation of an up to date and transparent assessment of the land supply to show how this meets the strategic target. My recommendation below reflects this by recommending inclusion of a further table and supporting text.

Potential for inclusion of additional sites

52. Representations promote further land release in both housing market areas to provide for a greater range and choice of marketable sites which may be effective in the shorter term. However housing delivery is only one of the objectives of the development plan. This does not set aside the objectives of the spatial strategy or the need to direct development to appropriate and sustainable locations where environmental effects would be minimised.

53. I accept that there may be instances where sites are assessed as acceptable in terms of the other policies and objectives of the development plan and where there is sufficient evidence to demonstrate effectiveness. Inclusion of such sites may help to enhance the rate of completions and address any further delays in delivery of strategic allocations which are likely to have longer lead in times. However, there is no real certainty regarding the extent of the markets ability to deliver any significant increase in completions even if more effective land were to be allocated.

54. From my assessment of the housing land supply I do not consider there is any over-riding or pressing need for the release of an additional strategic scale of housing land release. That said some minor additions of effective land in appropriate locations may assist in achieving the required upturn in the rate of completions.

55. The scope of this examination to include other sites is as explained in Circular 6/2013 on development planning. Alternative/additional sites or approaches can only be considered where there is sufficient environmental information and evidence of public consultation. This limits the range of sites that could be included to the “bid sites” referenced in the council’s submissions given that these have been subject to consultation through the issues stage of plan preparation and also as part of the strategic environmental assessment.
56. Our assessment of the suitability of any sites for inclusion must also extend to considering compliance with the overall locational strategy of the development plan and any relevant policies, the provision of the appropriate infrastructure, the potential of the site to deliver houses over the plan period and any other relevant planning considerations. Our assessment of “bid sites” is set in this context bearing in mind that no immediate shortfall in the housing land supply has been identified but recognising that some topping up of the supply may enable an enhanced rate of delivery.

Overall Conclusion

57. Drawing on all of the above my conclusions are:

- Current programming assumptions based on the 2016 housing land audit show a generous housing land supply to meet the housing target for each housing market area in accordance with the strategic plan and Scottish Planning Policy.
- However, completions in the period to 2016 have fallen significantly short of that anticipated in Figure 10 of the strategic development plan.
- An increase in annual completions will be required if the strategic housing target to 2026 is to be achieved.
- To achieve this increase there is some, albeit limited, justification for topping up the land supply to include additional housing land but only where clearly demonstrated as effective and otherwise appropriate when assessed against the relevant planning criteria.
- Policy H1 should be modified to reflect my conclusions above in relation to the capacity of sites.
- An additional table should be added to Appendix 5 of the plan to clarify the current land supply position (as of 2016) for each housing market area. This is included to provide clarity regarding the provision of a generous housing land supply sufficient to enable the strategic housing target to be met and as a basis for future monitoring.

Reporter’s recommendations:

1. In Policy H1 delete the third paragraph and replace with:

   Capacities of sites shown in appendix 5 of this plan and the settlement statements are indicative at this stage. Higher densities would only be considered where any associated negative impacts on infrastructure, open space and residential amenity can be addressed and where justified through an approved master-plan or design statement that has been subject to appropriate public consultation.

2. In Appendix 5 add the following table and supporting text after Table 1.

   The strategic plan sets out a target for the amount of housing that is required up to 2026 and beyond for the Aberdeen and Rural Housing Market Area. Providing land to enable this target falls to this plan and to the City of Aberdeen Local Development Plan. The tables below indicate the current land supply position (as of 2016) for each housing market area to show how a generous supply of land to meet the target is provided. Delivery of housing on the land allocated through this local development plan will play an important role in meeting this target. The council will work through its action programme and with developers and service providers to enable this target to be met. The land supply will be
monitored and the council aims to provide for a minimum of 5 years of effective housing land at all times.

**Table 2: Housing land supply position as of 2016: Aberdeen Housing Market Area.**

<table>
<thead>
<tr>
<th>Aberdeen Housing Market Area</th>
<th>Total number of homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing target to 2016 (remainder- not completed)</td>
<td>3022</td>
</tr>
<tr>
<td>Plus target 2016-2026</td>
<td>15017</td>
</tr>
<tr>
<td>Total Remaining target to 2026</td>
<td>18039</td>
</tr>
<tr>
<td>Total anticipated supply to 2026 from all existing sources*</td>
<td>25863</td>
</tr>
</tbody>
</table>

**Table 3: Housing land supply position as of 2016: Rural Housing Market Area.**

<table>
<thead>
<tr>
<th>Rural Housing Market Area</th>
<th>Total number of homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing target to 2016(remaining)</td>
<td>1835</td>
</tr>
<tr>
<td>Plus target 2016-2026</td>
<td>6411</td>
</tr>
<tr>
<td>Total Remaining target to 2026</td>
<td>8246</td>
</tr>
<tr>
<td>Total anticipated supply to 2026 from all existing sources*</td>
<td>10110</td>
</tr>
</tbody>
</table>

* This reflects current programming assumptions based on the 2016 Housing Land Audit for Aberdeen City and Aberdeenshire.
<table>
<thead>
<tr>
<th>Issue 08</th>
<th>Housing Land Spatial Strategy – Policy H1 Housing Land and Appendix 5 New Housing Land Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Proposed Plan Section 13, Page 38, Shaping Homes and Housing</td>
</tr>
<tr>
<td>Reporter:</td>
<td>Allison Coard</td>
</tr>
</tbody>
</table>
| Body or person(s) submitting a representation raising the issue (including reference number): | Kirkwood Homes Limited (148, 149)  
Avant Homes (153 154)  
Ian Duncan Developments (183)  
Graham Homes Limited (184)  
Strategic Land (Scotland) Ltd (243, 269)  
Mr Colquhoun (256)  
Mr Smith (257)  
Stewart Milne Homes (281)  
Monymusk Land Company (291)  
Irvine Christie (303)  
Various Landowners in the Aberdeen Housing Market Area (Local Growth) (304)  
Charles and Myra Simmers (306)  
Case Consulting (310)  
The Duguid Family (346)  
Alexander Stuart & others (363)  
Barratt North Scotland (406)  
Kirkwood Homes (407)  
Stewart Milne Homes (411, 412)  
Barratt North Scotland and Drum Property Group (510)  
Barratt North Scotland (512)  
Barratt North Scotland and Dunecht Estates (513)  
Stewart Milne Homes (514, 515)  
ANM Group Ltd (521)  
Barratt North Scotland (523)  
Harper & Cochrane Ltd (548)  
Carnegie Base Services (591)  
Deveron Homes Limited (592)  
Alan Buchan & Ian Buchan (598)  
Drumrossie Land Development Company Ltd (607, 608)  
Sandlaw Farming Company Ltd (611)  
Caravan Club (627)  
Stewart Milne Homes (654)  
Udny Community Council (693)  
Bancon Developments Ltd (706, 707, 708, 709) |

**Provision of the Development Plan to which the issue relates:**

Policy H1 Housing Land and the appropriateness of the spatial strategy
Planning Authority's summary of the representation(s):

<table>
<thead>
<tr>
<th>Peterhead - Hatton Strategic Growth Area (SGA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited progress has been made with the allocated sites in Peterhead, with both the OP1 and OP2 sites behind in delivering units for the period to 2016. It does not seem possible to catch up and deliver the specific allocations for 2017-2026. A broader range of sites is required to address this shortfall (346, 592).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ellon - Blackdog SGA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery of housing has been slower than expected in the Ellon-Blackdog SGA. Additional sites are needed to ensure adequate houses are delivered (148, 149, 363, 548).</td>
</tr>
<tr>
<td>The Strategic Development Plan requires 1,500 houses to be allocated in the 2017 Local Development Plan for this SGA. 1,535 houses are allocated but the Draft Housing Land Audit 2015 predicts that only 788 of these will be delivered within the relevant Plan period (708).</td>
</tr>
<tr>
<td>The OP1 (Cromleybank) site at Ellon has been delayed. It will only deliver an estimated 32 houses by 2017, as against the 745 identified in the Local Development Plan 2012 for the period to 2017 (148, 149, 363, 548).</td>
</tr>
<tr>
<td>Despite a Masterplan for the OP1 site at Blackdog being agreed in February 2013, no detailed permissions have been submitted. The site is not progressing at the speed envisaged (548).</td>
</tr>
<tr>
<td>The OP3 (Menie) site at Balmedie has been added to the Proposed Plan. This site was previously considered a windfall. It has skewed the figures for the SGA, in the absence of any reserved matters/detailed planning approvals or housing development actually having begun (310, 548). The site is constrained and is not deliverable (310, 708).</td>
</tr>
<tr>
<td>A deficit of 239 units is predicted in Ellon by 2023 based on current build out projections. Failure to address this by allocating an additional site will result in Ellon falling short in its role as a major service centre (281).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Huntly - Pitcaple SGA</th>
</tr>
</thead>
<tbody>
<tr>
<td>The shortage of housing land in the Huntly - Pitcaple SGA is compounded by the failure to deliver housing land in key locations, particularly in Huntly (183). There will be a deficit in the SGA by 2016 and post-2016 constraints in Huntly will cause further deficits (607, 608).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inverurie - Blackburn SGA</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Strategic Development Plan requires 1,500 houses to be allocated in the 2017 Local Development Plan for this SGA, of which only 1,222 are allocated. Of the 1,222 allocated houses, the Draft Housing Land Audit 2015 predicts only 1,135 will be delivered within the relevant Plan period (706).</td>
</tr>
<tr>
<td>There is a requirement for a further 4,000 houses in this SGA in the 2027-2035 period. Not to plan for the 4,000 houses now would result, at best, in delays in the delivery of key</td>
</tr>
</tbody>
</table>
Inverurie is effectively left with the same allocations as the Local Development Plan 2012. The Council’s case in the Main Issues Report (MIR) responses was based on a view that the uncertainty over the dualling of the A96 and the line of the potential bypass meant that the future of Inverurie cannot be decided now. Planning is about providing certainty to the community and for developers and taking a positive stance on the future direction of growth (523).

**South of Drumthie - Laurencekirk SGA**

The vast majority of housing allocations in this SGA are on the OP1 site in Laurencekirk. There is an inherent risk associated with reliance upon a single housing site. Broadening the range of sites would reduce this risk (591).

**Portlethen - Stonehaven SGA**

There is an under supply of deliverable housing land within the Portlethen - Stonehaven SGA (153, 592).

The Strategic Development Plan requires 2,400 houses to be allocated in the 2017 Local Development Plan for this SGA, of which only 2,370 are allocated in the Proposed Plan. Of the 2,370 allocated houses, the Draft Housing Land Audit 2015 predicts only 564 will be delivered within the Plan period (707).

The new settlement at Chapelton is taking time to deliver. The Housing Land Audit shows that only 200 houses are expected to be built by 2016, whereas the Local Development Plan 2012 allocated the site for 1,845 houses for the period to 2016. Additional housing land allocations are required as a consequence of this under-delivery (153, 310, 406, 407, 510, 512, 513, 514, 654). A further complication to the Chapelton development is the recently refused planning application to amend the Section 75 agreement by removing the requirement to pay Strategic Transport Fund contributions upon completion of the 2,000th house. The deliverability of the development beyond 2,000 houses must, therefore, be seriously questioned (707).

Additional allocations are required at Portlethen, which has an abundance of local amenities and is accessible via a range of transport modes. Failure to allocate land in Portlethen makes the Proposed Plan inconsistent with the Strategic Development Plan in terms of creating sustainable, mixed communities and reducing people’s dependence on private transport (153).

Additional sites should be allocated at Stonehaven to address the shortfall in delivery while the Chapelton development becomes established (514, 592).

**Local Growth and Diversification Area – AHMA**

The Strategic Development Plan requires 1,350 houses to be allocated in the 2017 Local Development Plan for the AHMA local growth area, of which only 1,037 are allocated in the Proposed Plan. Of the 1,037 allocated houses, the Draft Housing Land Audit 2015 predicts only 850 will be delivered within the Plan period (709).
Many of the allocations in this area are constrained. Many of the effective sites will be complete early in the Plan period, resulting in a lack of supply after 2022 (303, 304, 306).

Allocations within this area have been double counted because they were in the effective supply in 2011, giving a false impression of the land supply (303, 304, 306, 693).

There is insufficient land that is readily deliverable to meet housing needs in Banchory (154, 627).

Local Development Plan policy is artificially constraining the delivery of housing supply in Westhill (411, 513, 515). The lack of new allocations in Westhill means that there are no new opportunities to deliver affordable housing or developer contributions (513, 521).

The existing housing sites in Newmachar will be exhausted within the Plan period and further sites should be identified (243, 269). There is no strategic limit on the amount of new allocations that can be made in Newmachar, where additional sites would ensure an effective housing land supply and fund delivery of a distributor road, for which there is a local need (598).

The lack of housing sites in Pitmedden is an impediment to the needs of the village (693).

Additional land should be allocated in Monymusk, where there are no constraints to development, in order to help provide an effective and deliverable land supply (291).

The lack of housing allocations in Potterton is restricting the natural growth of the village (148, 149, 363).

The OP1 site at Belhelvie is constrained due to an insurmountable ransom issue (310).

Local Growth and Diversification Area – RHMA

Torphins has the capacity to accommodate further development which would help to provide a generous housing land supply and maintain a 5 year supply of effective sites (184).

The main housing land allocation in Inverbervie has yet to commence. There is an urgent need to supplement the housing land supply in Inverbervie with readily deliverable sites (256).

The OP2 site in Memsie has yet to commence and the site has no developer interest according to the 2015 Housing Land Audit. This suggests there is a deficit of housing to meet local needs. An additional site is, therefore, required (257).

The OP1 site is Turriff will not deliver at the required rate and the OP2 site is constrained (310).

The OP1 site in Cuminestown is constrained and cannot be considered part of the effective supply (310).

Note

For comments on the overall scale of housing land supply and other issues of general
principle in relation to housing land allocations, please see Schedule 4 Issue 7: Housing Land Supply.

Requests to include specific sites are considered in the Settlement Statement Schedule 4s.

**Modifications sought by those submitting representations:**

**Peterhead - Hatton Strategic Growth Area (SGA)**

Allocate additional land in the Peterhead - Hatton SGA to address the lack of delivery and shortfall (346, 592).

**Ellon - Blackdog SGA**

Allocate additional land in the Ellon - Blackdog SGA to address the lack of delivery and shortfall (181, 281, 548, 705, 708).

**Huntly - Pitcaple SGA**

Allocate additional land in the Huntly - Pitcaple SGA to address the lack of delivery and shortfall (607, 608, 183).

**Inverurie - Blackburn SGA**

Allocate additional land in the Inverurie - Blackburn SGA to address shortfall (368, 523, 705, 706).

Identify land for development post 2026 in the Inverurie - Blackburn SGA (706).

**South of Drumlithie - Laurencekirk SGA**

Allocate additional land in the South of Drumlithie - Laurencekirk SGA to address the lack of delivery and shortfall (591).

**Portlethen - Stonehaven SGA**

Allocate additional land in the Portlethen - Stonehaven SGA to address the lack of delivery and shortfall (153, 511, 514, 592, 654, 705, 707).

**Local Growth and Diversification Area – AHMA**

Allocate additional land in the Local Growth and Diversification part of the AHMA (148, 149, 154, 184, 243, 269, 279, 303, 304, 306, 411, 412, 515, 521, 554, 598, 611, 627, 693, 705, 709).

Include additional land in Banchory (154, 611, 627), Westhill (411, 513, 515, 521, 554), Newmachar (243, 269, 598), Pitmedden (349, 693), Monymusk (291), and Potterton (148, 149, 363).
Local Growth and Diversification Area – RHMA

Allocate additional land in the Local Growth and Diversification part of the RHMA (609, 257, 256), including at Torphins (184), Inverbervie (256), and Memsie (257).

Summary of response (including reasons) by Planning Authority:

Strategic Growth Areas (SGAs) and Local Growth & Diversification Areas (General)

A number of respondents have challenged housing delivery rates within the SGAs and local growth areas and/or suggested that there will be shortfalls in specific SGAs and particular settlements. In response to these comments, it should be noted that paragraph 4.24 of the Strategic Development Plan 2014 does not expect all the allocated sites to be delivered within the Plan period and that the time taken to deliver some sites in full will not prejudice the ability to maintain a 5 year effective land supply during the lifetime of the Proposed Local Development Plan (see Schedule 4 Issue 7: Housing Land Supply for a more detailed discussion of delivery rates and the five year land supply position).

Moreover, the Strategic Development Plan does not identify completion targets or housing requirements for individual SGAs or settlements. There is, therefore, no deficit of supply at this level - the housing requirements apply at the Housing Market Area (HMA) level. Accordingly, no modification is required in response to these comments.

Peterhead - Hatton Strategic Growth Area (SGA)

Both the OP1 and OP2 sites in Peterhead are making progress towards delivery. A Development Framework was agreed for the OP1 site in October 2013 and this site is identified as effective in the Housing Land Audit 2015 (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, pages 28-30). A Masterplan has also been approved for the OP2 site, which shows how the delivery of this site will be co-ordinated with the adjoining OP5 site and a Proposal of Application Notice has recently been submitted for part of the OP2 site. The OP2 site is identified as effective in the Housing Land Audit 2015 and is expected to commence development following completion of the adjoining OP5 site, which is currently under construction (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, pages 28-30).

It is also significant to note that the remaining settlements within the Peterhead-Hatton SGA already have appropriate allocations. The options for allocating additional land are, therefore, limited. Moreover, the allocation of additional housing land within the SGA, which already has a large established land supply, is likely to result in an over-supply. This could undermine the delivery of the strategies of both the Strategic Development Plan and the Proposed Local Development Plan.

Ellon - Blackdog SGA

The Cromleybank (OP1) site in Ellon is identified as effective within the Housing Land Audit 2015 (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire part of AHMA, page 3). A Development Framework has been agreed for the site and monthly project meetings are ongoing with a view to a planning application and Masterplan for the site being submitted in late 2015. A Planning Processing Agreement has been signed. The site is, therefore, considered to be deliverable.
As acknowledged by respondent 548, a Masterplan has been agreed for the OP1 site at Blackdog. However, the site is not programmed for release until after 2016 and it is, therefore, unreasonable to expect significant additional progress to have been made towards delivery at this stage. Notwithstanding, a Proposal of Application Notice has been submitted for the whole site and discussions have been ongoing with the developer. It is currently anticipated that a planning application for the whole site will be submitted during 2016 and that a processing agreement will be signed to enable this to be determined timeously. The site is, therefore, deliverable and the progress to date gives an appropriate level of confidence that it will come forward for development during the Plan period.

The Menie (OP3) site at Balmedie was subject to specific consideration following the MIR stage (see MIR 2013, Issues and Actions Paper 013: Main Issue 12 Land Supply, page 9). For the reasons outlined in the Issues and Actions Paper, it is appropriate for the site to form part of the land supply. It is acknowledged that the site was previously identified as a ‘windfall’ in the Local Development Plan 2012. However, it was necessary to identify the site as an ‘opportunity site’ in the Proposed Local Development Plan in response to the guidance in paragraph 81 of Circular 6/2013: Development Planning. This states that the Plan should include all allocated and committed sites. This was explained in the report to Aberdeenshire Council on 22 January 2015, which noted that “All sites that are available for development, including those that currently have planning permission, but on which a start on site has not yet been made, have been included as “opportunity” sites” (see Report to Aberdeenshire Council 22 January 2015, Proposed Aberdeenshire Local Development Plan 2016, paragraph 2.7). Moreover, identifying the Menie site as an opportunity site in this way means that its delivery will be specifically monitored through the Action Programme. This will help to address criticisms in relation to its delivery.

As noted above, there is no deficit of housing land supply within Ellon, as the Strategic Development Plan does not identify housing requirements at this settlement level. In any event, the Housing Land Audit 2015 shows a supply of 1,147 houses within Ellon, all of which are identified as being effective (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of AHMA, page 3). This will ensure an appropriate supply of housing to meet demand within the town during the lifetime of the Proposed Plan.

Huntly - Pitcaple SGA

It is acknowledged that the large development allocations in Huntly (sites OP1 and OP2) are currently identified as constrained on physical and infrastructure grounds (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, page 57). The issues relating to the delivery of these sites were considered during the Examination of the Local Development Plan 2012, when the Reporter noted that the timing of development on these site will depend on overcoming waste water treatment and access constraints. The Reporter also acknowledged that the full development of these sites is likely to extend beyond 2023. Nevertheless, the Reporter supported the retention of the allocations to provide the confidence and certainty required to justify the initial expenditure required to unlock the development of these sites (see Examination of the Aberdeenshire Local Development Plan 2012, page 235, paragraph 12). Discussions are ongoing with the landowner’s agent and work is continuing with a view to bringing these sites forward for development.

The allocation of additional housing land within the Huntly - Pitcaple SGA at this stage could undermine the certainty required to deliver the Huntly allocations and potentially prejudice the strategies of both the Strategic Development Plan and the Proposed Local Development Plan.
Development Plan for this area.

Notwithstanding the above, it is significant to note that the remaining settlements within the Huntly - Pitcaple SGA already have appropriate allocations. There are also particular constraints on further development in Insch, which is the only other large settlement within the SGA (see Schedule 4 Issue 45: Insch). The options for allocating additional/replacement land in alternative locations within this SGA are, therefore, extremely limited.

Inverurie - Blackburn SGA

The justification for not allocating the Strategic Development Plan’s full 2017-2026 allowance in the Inverurie - Blackburn SGA, along with the justification for not allocating sites for the period after 2026, is outlined in Schedule 4 Issue 7: Housing Land Supply (see the section headed ‘Compliance with Strategic Development Plan Allowances and Targets’). The decision not to allocate the full allowance for this SGA at the present time will not prejudice the ability to maintain a 5 year effective land supply at the AHMA level throughout the Plan period (see Schedule 4 Issue 7: Housing Land Supply for more detailed comments on the 5 year land supply position).

South of Drumlithie - Laurencekirk SGA

It is acknowledged that the majority of the housing allocations within the South of Drumlithie - Laurencekirk SGA are on the OP1 site in Laurencekirk. The allocation strategy for this SGA was subject to consideration at the Examination of the Local Development Plan 2012, when the Reporter concluded that “Laurencekirk is the main service centre, and indeed the only large settlement, in the South of Drumlithie - Laurencekirk SGA” and that consequently “Laurencekirk is the logical location to accept the lion’s share of the (then) Structure Plan allocation for the growth corridor” (see Examination of the Aberdeenshire Local Development Plan 2012, page 388, paragraphs 2 and 3).

The Reporter acknowledged the challenges that would need to be overcome to deliver the OP1 site and concluded that there would inevitably be some delay in delivering the site. However, they did not consider that this would prejudice the delivery of the Plan Strategy or the overall provision of an adequate supply of effective housing land throughout the Plan period (see Examination of the Aberdeenshire Local Development Plan 2012, page 403, paragraphs 28-30).

There has been no significant change in circumstances since these conclusions were drawn. There is an adequate supply of effective housing sites within the RHMA and the OP1 site in Laurencekirk remains the most appropriate option for meeting the Strategic Development Plan’s housing allowance for the South of Drumlithie - Laurencekirk SGA. Moreover, the OP1 site is making progress and a planning application for the first 310 houses has been submitted (planning application ref. APP/2014/4094).

Portlethen - Stonehaven SGA

The time which is being taken to deliver the new settlement at Chapelton reflects the scale of infrastructure investment that is required to develop the site. The strategy of concentrating development within this SGA on the Chapelton site, and the consequent implications for delivery rates, were subject to detailed consideration during the Examination of the Local Development Plan 2012. The Reporter concluded that the
Chapelton site is a “reasonable response to the need to create critical mass if the chronic infrastructure constraints in the area are to be overcome”. He noted that a slower rate of delivery than anticipated for the site would create a numerical shortfall in the SGA during the period to 2016, but concluded that the established supply of other existing committed sites would help to cater for demand in the SGA in the short term until the new settlement comes on stream (see Examination of the Aberdeenshire Local Development Plan 2012, pages 348-349, paragraphs 50 & 51).

The Chapelton site remains the most appropriate response to addressing the Strategic Development Plan’s allowances within the Portlethen - Stonehaven SGA. The site is now under construction and, based on information from the site developer, is expected to deliver significant completions (up to 200 dwellings per year) throughout the Plan period.

Contrary to the assertions of respondent 707, the recent application to remove the requirement to pay Strategic Transport Fund contributions from the Section 75 agreement for the Chapelton site was not based on the viability of the development (see the Supporting Planning Statement for planning application ref. APP/2014/4424). There is, therefore, no reason to question the ability of the site to deliver more than 2,000 houses.

The allocation of additional housing land within the SGA at this stage is likely to undermine the certainty required to deliver the Chapelton allocation and potentially prejudice the strategies of both the Strategic Development Plan and the Proposed Local Development Plan for this area. This risk was specifically recognised during the Examination of the Local Development Plan 2012, when the Reporter concluded that “An obvious response would be to identify other more immediately available sites in the Strategic Growth Area to remedy the shortfall in the short term. However, that would divert the market demand to other sites and thereby threaten the viability and further delay the implementation of the Elsick (Chapelton) proposal” (see Examination of the Aberdeenshire Local Development Plan 2012, page 348, paragraph 50).

In response to the comments that there is a lack of allocations in Portlethen and Stonehaven, it is reiterated that the Strategic Development Plan does not identify housing requirements for specific settlements. In any case, existing committed sites within Portlethen and Stonehaven have the capacity to deliver significant additional housing during the Plan period and this will help to address local demand within these settlements (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of the AHMA, pages 23-25).

Local Growth and Diversification Area – AHMA

As identified in Schedule 4 Issue 7: Housing Land Supply, the Proposed Plan has not allocated land to meet the allowances for the local growth and diversification part of the AHMA in full as significant additional land is expected to be released through flexible rural development policies.

Respondents argue that there are six sites within this area which have been double counted and should not contribute to the SDP allowances as they formed part of the effective supply in 2011. These are: OP1 Pitmedden; OP1 Udny Green; OP1, Keithhall; OP1 Millbank; OP4 Banchory; and OP1 Monymusk. In respect of the OP1 Pitmedden and OP1 Monymusk sites, the Proposed Plan identifies that these are previously committed sites (i.e. allocated before the Local Development Plan 2012) which do not make any contribution towards the Strategic Development Plan’s allowances (see the footnotes to
Tables 4 and 7 in Appendix 5 of the Proposed Local Development Plan). The remaining sites were allocated for development in the Local Development Plan 2012. The footnote to Schedule 1 in the Strategic Development Plan 2014 makes clear that, to avoid double counting, the effective and constrained supply figures for 2011 do not include any Local Development Plan allocations. These sites have, therefore, not been double counted. Contrary to the assertions of respondents 154 and 627, the Proposed Plan has allocated an appropriate level of new housing to Banchory and the 2015 Housing Land Audit shows an effective supply in excess of 450 houses in the town which will meet local needs over the Plan period (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of AHMA, pages 25-27).

The Proposed Local Development Plan also makes provision for an appropriate level of new housing development in Westhill. Whilst the Housing Land Audit 2015 indicates that the allocated sites in Westhill are likely to be built out quickly, there are currently a number of constraints on further development in the town. In particular, there are significant issues with traffic congestion and a long-term solution to these issues has not yet been identified (see Schedule 4 Issue 50: Westhill for a more detailed discussion of these issues). It would, therefore, be inappropriate to identify further allocations in Westhill at this time.

Appropriate allocations have also been identified in Newmachar. Whilst it is acknowledged that that there are no strategic limits on the amount of new allocations that can be made to settlements within the local growth areas, the current allocations in Newmachar represent an appropriate level of growth related to local needs in the context of paragraph 3.43 of the Strategic Development Plan 2014. Allocation of the amount of additional land proposed would make Newmachar comparable in scale of allocations to settlements within Strategic Growth Area settlements. This would promote a rate of growth of the settlement that would be inappropriate.

The Proposed Local Development Plan has carried forward an existing allocation in Pitmedden. The Housing Land Audit 2015 identifies this site as constrained on marketability grounds at present, but it provides an appropriate opportunity for development to meet local needs in the event of any uplift in market demand over the Plan period.

Similarly, an existing committed and effective site has been carried forward at Monymusk. This provides for a total of 44 houses and will meet local needs within the settlement (38 of the houses on this site were still to be built at 1 January 2015 - see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of AHMA, page 28).

The Proposed Plan does not identify any allocations for Potterton as the settlement is currently constrained by a lack of education, roads and water infrastructure (see MIR 2013, Appendix Formartine, pages 52-57, which considered the constraints on development in this settlement).

The OP1 site in Belhelvie is identified as effective in the Housing Land Audit 2015, which has been agreed with the development industry (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of AHMA, page 1). This is a result of an access arrangement being identified which avoids the ransom issue to which respondent 310 refers. This site is, therefore, deliverable.
Local Growth and Diversification Area – RHMA

An appropriate supply of deliverable housing land is already allocated in Torphins, Inverbervie, Memsie and Turriff.

A Masterplan has been agreed for the OP2 site in Inverbervie and this site is identified as effective within the 2015 Housing Land Audit, which has been agreed with the development industry (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, page 44).

The OP2 site in Memsie is also identified as effective within the agreed 2015 Housing Land Audit (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, page 9).

A Masterplan is currently being prepared and a Proposal of Application Notice has been submitted for the OP1 site in Turriff. This site is, therefore, making appropriate progress towards delivery. A Masterplan has also been agreed for the OP2 site. Although this site is identified as constrained in the Housing Land Audit 2015, this is on the basis that a key access to the site is likely to be via the adjoining school site (site P6 in the Proposed Plan) (see Masterplan: Land to the North of Meadowbank Road, Turriff, Figure 32).

Aberdeenshire Council are currently in the process of acquiring the land for the proposed school and are, therefore, unable to enter into negotiations regarding access until the acquisition is concluded. Subject to the site acquisition, there is no absolute constraint on the OP2 site and it is reasonable to expect that it will become effective within the Plan period.

It is acknowledged that the OP1 site in Cuminestown is constrained. However, the Proposed Plan identifies that this is a previously committed site which does not make any contribution towards the Strategic Development Plan’s allowance (see the footnote to Table 4 in Appendix 5 of the Proposed Local Development Plan). There is consequently no reliance on this site to meet the Strategic Development Plan’s housing requirement.

Reporter’s conclusions:

General

1. In the main these issues are addressed by my conclusions on Issue 7. Through that issue I accept that completions to 2016 have been slower than expected. This is largely attributed to the lack of progress on sites in the established land supply including those in the current local development plan. Nevertheless current assumptions based on the most up to date audit show that progress is being made. My assessment is that the land supply has capacity to enable the overall targets to be met within the relevant timeframe. Further delay will of course place increasing pressure on the maintenance of an adequate rate of programming sufficient to maintain a rolling 5 year land supply.

2. I consider that there is some difficulty in seeking to apply targets to specific areas. The allowances are generous and provide a housing land supply in excess of that required to meet the numerical target. In this respect the strategic plan states that it does not expect all the allocated sites to be delivered within the Plan period. The targets are not split up by settlement and the allowances reflect a housing land supply rather than a delivery target. Consequently, I find that the strategic emphasis is placed on meeting housing needs within
the relevant housing market area. The allowances reflect the locational strategy in order to provide a sufficient land supply in each housing market area to enable the targets to be met.

3. Our conclusions on site specific issues are set out in the relevant schedule 4’s and on housing land supply matters in Issue 7. The following provides some further response in so far as matters are raised in representation on the locational strategy.

Peterhead - Hatton Strategic Growth Area (SGA)

4. The conclusions on Peterhead are set out in Issue 23 and on Hatton through Issue 26. The 2016 housing land audit shows a programmed land supply to 2023 of over 1000 units with 495 post 2023. A small addition is recommended through Issue 26 to include Bid Site Bcn020. Cruden Bay is in the energetica corridor and an additional allocation is recommended for inclusion through Issue 25 to reflect the terms of an extant planning permission.

5. With the existing land supply and the allocations identified in the proposed plan I consider the land supply in this strategic growth area makes sufficient provision of land effective or capable of becoming effective to meet the target over the relevant period. I am also satisfied that there is a sufficient range and choice of sites.

Ellon - Blackdog SGA

6. The (OP1) site in Ellon is identified as effective within the Housing Land Audit 2016 with programming anticipated to commence in 2017. The OP1 site referenced at Blackdog has capacity for 600 dwellings and again the 2016 audit anticipates some output in the plan period. The Menie (OP3) site at Balmedie is not relied upon in terms of anticipated completions in the plan period. It was not previously allocated but its allocation now reflects its current status. The relevant site specific matters are considered through Issues 29, 30, 31 and 32.

7. The examination has identified the potential for some additional flexibility in the land supply through additional capacity on sites OP1 and OP2 in Foveran. These changes would provide land for an additional 119 units within this strategic growth area as detailed through Issue 32. This would supplement the predicted output from the land supply as detailed on page 22 of the 2016 Housing Land Audit. This shows anticipated housing completions in this strategic growth area. For the period 2016 to 2023 these are currently estimated at 1025 units with further capacity of 864 post 2023.

8. With this current land supply I consider the local development plan makes sufficient provision of land in this strategic growth area which is effective or capable of becoming effective to meet the target over the relevant period. I am also satisfied that there is a sufficient range and choice of sites.

Huntly - Pitcaple SGA

9. As explained elsewhere meeting the housing land requirement does not negate the need to direct development to appropriate locations. For this area Huntly has an important role as a rural service centre. Additional housing would help to consolidate that role. The conclusions on Issue 63 recognise the current constraints on the allocated sites OP1-3 in Huntly. However, no other sites are identified as suitable for inclusion. I consider that
there is a reasonable prospect of the identified constraints being resolved if not in this plan period then in the next. Retention in the plan will enable a continued focus on addressing these constraints and I note that progress is being made in this respect. Alternative sites in Insch may have represented a solution to achieving an enhanced rate of delivery in the shorter term. However as explained in Issue 45 there is a lack of a clear solution to address primary school capacity issues. The examination has recommended some additional land for around 30 houses at Old Rayne through Bid Site Ga004.

10. This is clearly an instance where the housing allowance for the area and recognition as a strategic growth area accords with the locational strategy but where delivery of sites is likely to take longer than may have been anticipated. Given the nature of the area and current constraints there are no clearly acceptable alternatives for the allocations in Huntly. I consider there remains a strong case for retaining the focus on this settlement and that there is potential for the identified delay in delivery to be offset by anticipated completions elsewhere in the housing market area. Drawing on my conclusions in Issue 7, I consider the approach is sufficient to achieve consistency with the strategic plan. I agree with the council’s conclusions that alternative options within this area are extremely limited at this time.

Inverurie - Blackburn SGA

11. The 2016 housing land audit shows an anticipated output of 2145 units to 2023 with potential capacity for 685 units beyond that in this strategic growth area.

12. For Inverurie OP9 at Portstown is programmed from 2017, OP8 Uryside is under construction with ongoing completions, OP1 at Conglass is programmed from 2018, OP10 at Blackhall Road is also progressing with ongoing completions as is OP2 Inverurie Town Centre. OP4 Crichie is programmed from 2017 and OP3 Portstown from 2023. Uryside Phase 2 North OP7 is programmed from 2021 and Conglass Cottages OP6 from 2017. This shows an ongoing supply of allocated land to supplement the established supply and the land identified in the other settlements within this strategic growth area.

13. I note the council acknowledges that the new allocations included in the proposed plan for 2017 to 2026 fall short of the specific new allowances set out in the strategic plan. Nevertheless, I consider there is a sufficient supply of land overall and a range and choice of sites. My conclusions in Issue 7 demonstrate how the housing target for this housing market area can be met provided current programming proves realistic. I recognise that past experience has shown the potential for slippage particularly on larger sites reliant on major infrastructure delivery. However the programming set out in the audit has been agreed and no substantive evidence was presented to demonstrate that this was unrealistic.

14. Given this is a marketable location where an enhanced rate of completions may be achievable the examination has considered whether any of the identified bid sites could be included. However the conclusions, through the relevant settlement specific issues, have not identified any other sites suitable for inclusion at this time. I accept that there would have been merit in providing further supply in Inverurie, even if for the longer term, given the significant additional allowances anticipated to be required post 2027. However there is considerable uncertainty as to how the identified transport constraints are to be addressed. It will be important that work is progressed on these matters so that a coherent approach to any longer term land supply options can be addressed. This should be timeously addressed through the next development plan.
South of Drumlithie - Laurencekirk SGA

15. The majority of the land allocation for this area is focussed on the OP1 site in Laurencekirk. This is the main service centre and the only larger settlement. I note that a planning application has been submitted for the first 310 houses. The 2016 Housing Land Audit shows programming from 2016-2013 of 406 units with 332 falling beyond 2023.

16. The main issue here will be addressing the roads constraints through the provision of the A90 grade separated junction. The conclusions on Laurencekirk are set out in Issue 56 and the recommendations on that issue state that there are significant road infrastructure issues which need to be resolved before allocated sites can be fully developed. The outcomes of the Nestrans/Transport Scotland ‘Access to Laurencekirk’ study (2015) will have an impact on future applications in Laurencekirk. The only new site proposed in representations for Laurencekirk was not received until the later stages of the plan preparation process.

Portlethen - Stonehaven SGA

17. The 2016 housing land audit shows the programming of sites to 2023 for 1581 units with a further 2873 post 2023. I note that there are a number of submissions regarding the provision of additional land around Portlethen and Stonehaven and that this is a marketable location for future housing growth. However, these settlements are surrounded by greenbelt and our assessment shows no potential at this time to bring forward additional land.

18. There is a reliance on Chapelton and given its scale and nature the output from this site will be phased over a considerable time frame beyond 2023. Construction has commenced and it is anticipated that completions should reach 200 per year by 2021. In the meantime, as stated by the council, the established supply should accommodate continued output from the supply over the plan period.

19. I have no detailed information on the viability of the Chapelton sites in the context of the required package of infrastructure funding and how that is to be delivered. Matters relating to cumulative transport contributions are addressed through Issue 15 and I have no clear reasons to doubt the effectiveness of this site. I share the council’s view that significant further land release in this area could dilute the strategic emphasis that is placed on delivery of this new settlement. Delivery of all the associated infrastructure and a sustainable new community will rely on continued house completions and sales.

Local Growth and Diversification Area – AHMA

20. The extent of growth in these areas is intended to be of a smaller scale commensurate to the settlement concerned and related to local needs.

21. My understanding is that everything in the effective land supply as of 2011 was accounted for. The subsequent allowances were made on the assumption that these sites would be timeously delivered. I consider that as long as double counting is avoided the differentiation of the existing/established supply and the allowances becomes somewhat artificial.

22. All sites within each housing market which were not accounted for in the housing needs and demand assessment would by implication contribute to meeting the housing
target. The footnote to Schedule 1 in the Strategic Development Plan 2014 makes clear that, to avoid double counting, the effective and constrained supply figures for 2011 do not include any Local Development Plan allocations. These sites have, therefore, not been double counted. Drawing on my conclusions on Issue 7 my conclusions is that the supply in the Aberdeen housing market area is sufficient overall. Our assessment of additional sites in this area is set in the context of paragraph 3.43 of the strategic plan which states that levels of growth in individual settlements should relate to local needs which respect the character of the landscape and local identity. Some minor additions to the land supply are recommended for inclusion at Oldemeldrum, Drumoaks, Woodland of Durris and Pitmedden.

**Banchory**

23. The conclusions of the examination in relation to issues raised in representation in Banchory are set out in Issue 67. The 2016 housing land audit shows a current supply of land which I consider sufficient and proportionate to meet local needs in this settlement over the plan period. This should also make some provision for affordable housing. In any event the assessed “bid sites” were not considered suitable for inclusion.

**Westhill**

24. The success in attracting major employers to the area has signalled to many respondents its capacity to accommodate additional housing growth. However, the strategic plan does not recognise this as a strategic location. The main constraint to future growth is traffic congestion and my conclusion on Issue 50 is that whilst further allocations may be justified the available options would have to be carefully considered in the context of any future transport solutions.

25. I recognise that the supply of land for housing is constrained over the plan period. However, I do not consider this can be appropriately addressed through this examination. The supply in the housing market area is sufficient and the future role of Westhill is more appropriately considered through the next development plan.

**Newmachar**

26. My conclusions on Newmachar are set out through Issue 49 where I recognise that there is potential further capacity and a clear aspiration to deliver a distributor road. However I do not consider that the proposed strategic scale of additional land release would be consistent with the locational strategy set out in the strategic plan. In a similar vein to my conclusions above on Westhill I consider this raises matters for the next development plan.

**Pitmedden**

27. The conclusions of the examination on matters raised in representation on Pitmedden are set out in Issue 35. I note that the identified site OP1 is assessed as constrained in the 2016 housing land audit with no output programmed over the plan period. A number of additional sites have been proposed in representation to the proposed plan. The allocated site is retained as it is not assessed as inappropriate and there remains a legitimate prospect of it coming forward. An additional site (bid site FM058) is allocated in light of this uncertainty and as it is assessed as effective and otherwise suitable for inclusion. This additional choice should enable some completions to be programmed over the plan
period.

Potterton

28. The conclusions of the examination on matters raised in representation on Potterton are set out in Issue 36. A number of additional sites are proposed in representation but the village is constrained by a lack of education, roads and water infrastructure and by its location within the green belt. The recommendations clarify that the settlement is not appropriately identified within the strategic growth area.

Belhelvie

29. The conclusions of the examination on matters raised in representation on Belhelvie are set out in Issue 41. The conclusion is that the site OP1 should be retained acknowledging that there may be a prospect of the ownership constraint being resolved. The additional sites suggested in representations are not considered suitable for inclusion at this time given the lack of local facilities and amenities.

Local Growth and Diversification Area – RHMA

30. As explained by the council demand in the rural area is less predictable and housing delivery has historically been reliant on applications coming forward rather than on allocated sites. This is not unusual in rural areas.

31. I note the allocated supply at Torphins, Inverbervie, Memsie and Turriff and the progress being made towards delivery.

32. A masterplan has been agreed for the OP2 site in Inverbervie and this site is identified as effective within the 2016 Housing Land Audit. The OP2 site in Memsie is also identified as effective within the agreed audit. Our conclusions on site specific issues are set out in the relevant schedule 4 and additional land(capacity) is recommended for inclusion in Fettercairn, Alford, Glenkindie and Tarland. However proposed allocations at St Katherines, and Cairnbulg are recommended for deletion. Given the nature of the area and its settlements, some of which lack local services, other additional sites were not assessed as suitable for inclusion at this time.

Overall Conclusions

33. The allocations included in this proposed plan address the housing allowances as set out in Schedule 1 of the Strategic Plan on page 62 to augment the existing land supply. Much of this is carried forward from the current local development plan. As set out in Issue 7 progress towards the target up to 2016 has been slower than anticipated. This is mainly due to the performance of the identified land supply and delays in bringing forward larger scale allocations rather than as a result of any shortfall in the overall amount of land that is identified or its capacity to become effective.

34. A focused and joint effort will be required to ensure that appropriate infrastructure delivery does not present a barrier to delivering the strategic requirements for Aberdeenshire or the maintenance of an effective 5 year housing land supply. The action programme provides a mechanism to help address these matters and my recommendations on Issue 7 include additional text in this respect.
35. Much of the focus of the representations is on concentrating more land in marketable locations with a range and choice of sites to secure an optimum rate of completions. However this is only one of a number of planning objectives established through the strategic plan. I consider that the overall distribution of the supply generally reflects that set out in the strategic plan and is sufficient to enable the Figure 10 housing target for both the Aberdeen and Rural Housing Market Area to be met. Consequently I find that the spatial strategy of the proposed plan achieves consistency with the strategic plan.

36. Where appropriate and related to matters raised in representation this examination has made some generally minor alterations, both additions and deletions, to the supply of land within settlements. These changes are detailed in our conclusions and recommendations within the relevant schedule 4. These result in a net addition to the housing land supply in both housing market areas although a number of these additions reflect extant planning permissions. The extent of these changes is set in the context of securing consistency with the strategic plan, the scope of this examination and the need to ensure that development is directed to appropriate and sustainable locations as required by Scottish Planning Policy.

**Reporter's recommendations.**

None.
Body or person(s) submitting a representation raising the issue (including reference number):

Policy H2 Affordable Housing
Dandara Limited (277)
SIPP (Pension Trustees) Ltd (319)
James Benton (320)
Bancon Developments (387)
Elizabeth Thomas (404)
Homes for Scotland (428)
Jackie Cumberbirch (435)
Barratt North Scotland (512),
CALA Homes (North) Limited (555)
Persimmon Homes East Scotland (575)
Burness Paull LLP (596)
Stewart Milne Homes (605)
NHS Grampian (610)
Stonehaven & District Community Council (662)

Policy H5 Gypsies and Travellers
Newtonhill, Muchalls & Cammachmore Community Council (177)

Provision of the Development Plan to which the issue relates:

Policies relating to affordable housing and Gypsies and Travellers

Planning Authority’s summary of the representation(s):

Policy H2 Affordable Housing

Support

The development of balanced communities which have a mix of house types and tenures and the 25% affordable housing requirement are both welcomed (610).

Percentage Requirement, Viability and Forms of Contribution

Due to the economic need to attract key workers, greater flexibility to increase affordable housing up to 50% of developments is needed, along with an additional commitment to build more Council housing (662).
The policy wording does not reflect Scottish Planning Policy (SPP) guidance as the policy includes a minimum requirement of "no less than 25%" affordable housing which can be reduced "only in exceptional circumstances", whereas paragraph 129 of SPP states that the level of affordable housing "should generally be no more than 25%" (277, 319, 320, 387, 428, 512, 575, 605). In negotiating the level of provision, it is imperative that consideration is given to the economic climate (277, 319, 320, 387, 605) and availability of Scottish Government grant funding (575), which may result in a lower level of provision being achievable. The Local Development Plan 2012 identifies settlements where less than 25% affordable housing is required and it is unacceptable for the Proposed Local Development Plan to require “no less than 25%” across the Plan area (277, 387, 605).

Clarification is needed to enable land owners/developers to understand how the requirement will operate in practice. It should be made clear that the requirement may be reduced from 25% as part of negotiations but cannot be increased other than if the applicant proposes a greater provision than required by the policy (596).

Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits (PAN 2/2010) is clear in paragraph 22 that where alternative approaches to the provision of serviced land are to be pursued, then "either land or homes or a commuted sum of a value equivalent to the cost of providing the percentage of serviced land required by the policy" is the approach to be followed. In practice, these alternatives will produce different levels of provision and there will be many circumstances where provision of less than 25% will be the practical, deliverable solution (387, 428).

The policy lacks the flexibility of SPP and PAN 2/2010 by limiting the circumstances where affordable housing may be delivered (319, 320).

Greater flexibility should be permitted in the on-site and off-site delivery of affordable housing. In many instances, it may not be feasible or viable to provide affordable housing on site. Scope for payment of commuted sums where neither on-site nor off-site provision is feasible is welcomed but should not be seen as a last resort. This could greatly assist the Local Authority and Registered Social Landlords (RSLs) in funding affordable housing in areas of acute need (277).

Consideration should be given to the allocation of specific sites for affordable housing and surplus Local Authority owned land or buildings should be identified for affordable housing (277, 387, 605).

Threshold for Provision

There is concern that contributions to affordable housing will only be required for developments of four or more houses. Developers could exploit this loophole to avoid making contributions (404).

The policy is too onerous in requiring on-site affordable housing provision from small sites. This is inconsistent with PAN 2/2010, paragraph 16, which states that Local Authorities and developers can normally expect on-site provision to be appropriate for developments of 20 or more units. A figure of 10 or more units is a more appropriate minimum housing number to require an on-site contribution (555).
Other Issues

Housing in Aberdeenshire should be built with a higher specification, such as better insulation, so it can be rented (435).

Policy H5 Gypsies and Travellers

The policy says specific gypsy/traveller sites have been identified in the Settlement Statements to meet an identified need and to provide certainty to both gypsy/travellers and the settled community. It appears that the gypsy/traveller community have not been asked, nor considered, when drawing up this policy. The proposed site at Chapelton is nowhere near any of the informal/unauthorized sites where gypsy/travellers have 'halted' and there is no justification to say why they would prefer somewhere different (177).

Modifications sought by those submitting representations:

Policy H2 Affordable Housing

Percentage Requirement, Viability and Forms of Contribution

Inclusion of affordable housing up to 50% of developments and creation of more Council housing (662).

Policy H1 should be amended to advise that the Council will seek 25% of the serviced plots for affordable housing. The term "no less than" should be removed as the wording does not reflect Scottish Planning Policy. The word "only" should be removed from the second sentence of the second paragraph. It places unnecessary emphasis on the requirement to justify less than the 25% (277, 605).

Policy H2 is to be rewritten to reflect SPP, PAN 2/2010 and advice from the Scottish Government’s Chief Planner (319, 320).

The first sentence of the policy should be re-written as: "On housing developments of four units or more, a target of 25% of the total number of units should be affordable housing". Delete second sentence of the policy. Delete the word "exceptional" from third sentence of the policy (387, 428).

Delete reference to "no less than" in the policy (512).

The wording of Policy H2 should be changed to replace “contribute no less than 25%” with “approximately 25%” (575).

It should be clear that the percentage requirement of affordable housing may be reduced from 25% as part of discussions but cannot be increased other than if the applicant proposes a greater provision than required by the policy (596).

Consideration should be given to the allocation of specific sites for affordable housing and, in particular, surplus Local Authority owned land or buildings should be identified for affordable housing (277).

New mechanisms should be developed to take a proactive approach to delivering
affordable houses, as advocated in PAN 2/2010. In those areas where demand for affordable houses is high, the Local Development Plan should identify specific sites for such provision and the method by which they will be delivered (387, 605).

Threshold for Provision

Amend policy to ensure contributions are made regardless of the scale of the development. Amend policy to include the principal of establishing financial contributions needed through agreement and consultation with the community involved (404).

The second paragraph of Policy H2 should be reworded to read: "All new housing development of ten or more houses must include no less than 25% of the serviced plots for affordable housing" (555).

Other Issues

Develop housing in Aberdeenshire with a higher specification, such as better insulation, so it can be rented (435).

Policy H5 Gypsies and Travellers

The first paragraph of the policy should be deleted, along with the traveller sites indicated on the Proposals Map (177).

Summary of response (including reasons) by Planning Authority:

Policy H2 Affordable Housing

Background and Main Issues Report

Affordable housing is a matter of significant concern within communities across Aberdeenshire and was identified as a Main Issue within the Main Issues Report (MIR) (see MIR 2013, Main Issue 7 and Position Paper 06: Housing for People on Modest Incomes).

A large number of comments were received in response to this Main Issue. These were summarised in MIR 2013, Issues and Actions Paper 015: Main Issue 7, which was considered by the Council’s six Area Committees. As some of the Area Committees expressed differing views on the way in which affordable housing should be addressed within the Plan, the final form of the proposed Affordable Housing Policy was instructed by the Council’s Infrastructure Services Committee (ISC) before being agreed by Full Council.

Support

The support for policy H2 and the 25% affordable housing requirement is welcomed.

Percentage Requirement, Viability and Forms of Contribution

The Housing Need and Demand Assessment Update 2011 (HNDU) estimated a need for around 38% of the overall housing requirement for Aberdeen City and Shire to be affordable. The estimate of need ranged from 33% in the Rural Housing Market Area
(RHMA) to 40% in the Aberdeen Housing Market Area (AHMA). The assessment also concluded that the scale of affordable housing shortfall would increase sharply if affordability pressures continue to worsen (see HNDA, Table 7.2 and paragraph 7.12).

The HNDA further identified that the severity of the situation is such that the annual emerging affordable housing need exceeds annual supply within both the AHMA and the RHMA. As such, it concluded that, unless this is addressed, it is probable that the backlog of affordable housing need will continue to increase in the years ahead (see HNDA, paragraph 6.112). This reinforces the chronic and compelling need to increase the supply of affordable housing across Aberdeenshire.

Paragraph 129 of Scottish Planning Policy (SPP) states that the level of affordable housing required as a contribution within a market site “should generally be no more than 25% of the total number of houses”. Policy H2 is consistent with this guidance as it does not require a level in excess of 25%. This is a specific change from the 2012 Local Development Plan, which included affordable housing requirements in excess of 25% for some settlements – including proportions of up to 50% in some cases in an attempt to deliver “affordable housing” sites. The 25% requirement is clearly based on evidence from the HNDA which, as outlined above, estimates a level of need significantly in excess of this figure within both the AHMA and RHMA. Although the evidence would support seeking a higher figure, as suggested by respondent 662, such an approach would be inconsistent with the SPP guidance.

Although it is accepted that the Local Development Plan 2012 also identified settlements with an affordable housing requirement of less than 25%, this Plan was based on an earlier HNDA. The most recent 2011 HNDA shows a significant worsening of affordability pressures and an increased requirement for affordable housing within both the AHMA and RHMA. The proposed 25% requirement across the Plan area is considered appropriate in light of this evidence.

It is acknowledged that the policy wording states a requirement for “no less than 25%” affordable housing. However, it also recognises that there may be exceptional cases where a lower contribution may be appropriate. It goes on to state that these circumstances are set out in the Affordable Housing Supplementary Guidance. The Supplementary Guidance, although not specifically a matter for the Examination, identifies the need to achieve a viable development and states that development should not be rendered unviable by the request for too onerous a level of affordable housing (see Proposed Supplementary Guidance 2015, 1. Affordable Housing). It goes on to identify that extraordinary on or off-site costs incurred by the developer will be taken into account and that any affordable housing requirement could be reduced in the event that the development would be considered to be unviable. The Supplementary Guidance provides a mechanism whereby viability can be examined and tested through the developer’s provision of financial evidence, in confidence, to the Council. The Affordable Housing Policy, therefore, takes appropriate account of development viability and economic factors and makes provision for contributions that are lower than 25% in exceptional cases. In this respect, the policy is consistent with paragraph 129 of SPP, which states that Planning Authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate as part of a viable housing development.

Whilst Policy H2 and the associated Supplementary Guidance both include wording to state that a lower contribution than 25% may be appropriate in exceptional circumstances, neither indicates that a requirement in excess of 25% might be sought unless the
Paragraph 129 of SPP states that, where an affordable housing contribution is required, “this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing”. The requirement set by Policy H2 is expressed as a proportion of the serviced plots on new housing developments and is, therefore, entirely consistent with this guidance. The policy goes on to make clear that the forms of affordable housing should be consistent with the definitions in the HNDA and that more detail on the forms that the affordable housing could take is provided in the Affordable Housing Supplementary Guidance. Appendix 1 of the Supplementary Guidance outlines a variety of forms of affordable housing that may be delivered depending on site circumstances and these are entirely consistent with the forms set out in paragraph 5 of PAN 2/2010. Page 1 of the Supplementary Guidance also specifically recognises that different forms of affordable housing provision will incur different costs and that the percentage of affordable housing delivered may differ depending on form, but states that in each case the developer will be expected to make the same effective level of contribution. The arguments that the Affordable Housing Policy lacks the level of flexibility required by SPP and PAN 2/2010 are, therefore, not accepted and no change is required to the Plan in response.

The support for the scope for payment of commuted sums where neither on-site nor off-site provision is feasible/desirable is welcomed. However, the comment that commuted sum payments should not be seen as a last resort is not consistent with the guidance in PAN 2/2010. Paragraph 21 of PAN 2/2010 states that "exceptionally, a site may be unsuitable for affordable housing…” and that commuted sums “should only be used sparingly” (emphasis added). The proposed policy approach of accepting commuted sums only in exceptional circumstances is considered appropriate and consistent with this guidance and no modification is considered necessary.

In response to the comments that consideration should be given to the allocation of sites specifically for affordable housing and the use of surplus Local Authority land for affordable housing, it should be noted that much is already being achieved in this respect. For example, affordable housing has recently been developed on Council owned sites including the former Banff Primary School and the Craigewan regeneration site at Peterhead, along with a range of other locations across Aberdeenshire. Other avenues for identifying land for affordable housing development are also being proactively explored where appropriate. These include considering the Council’s corporate approach to land disposal and, in particular, the transfer of land between the General Fund and the Housing Revenue Account. Nevertheless, the Council’s Housing Service and its RSL partners do not have a large bank of land for development and the majority of future new affordable housing development will, therefore, come via contributions secured through the Local Development Plan’s Affordable Housing Policy. Any potential additional sources of supply from Council owned land should, therefore, not be seen as a substitute for the proposed policy approach. There are also concerns that if sites outside of Council/RSL ownership were allocated specifically for affordable housing these may not be deliverable as a result of ‘hope value’ issues. No modifications are required in response to these comments.

Threshold for Provision

The threshold for provision of affordable housing was specifically considered at the MIR
The 2012 Local Development Plan seeks contributions towards affordable housing from all scales of development. However, the MIR proposed that a threshold be introduced into the emerging Local Development Plan so that affordable housing contributions would only be required on sites of over 3 houses in the future. Whilst the MIR’s preferred approach was generally supported, a small number of respondents raised concerns about the proposed threshold. These concerns were discussed in full within MIR 2013, Issues and Actions Paper 015: Main Issue 7.

The Issues and Actions Paper recognised that small sites account for a relatively large proportion of all housing completions within Aberdeenshire, and that introducing a 4 dwelling policy threshold would remove the ability to secure affordable housing contributions from a relatively large number of sites. However, the paper also noted that the affordable housing contributions currently being sought from sites of less than 4 houses under the terms of the 2012 Local Development Plan are in the form of a commuted sum, calculated on a discounted rate. The contributions being secured were consequently very low (approximately £1,250 for a single house plot in the AHMA and £750 for a single house plot in the RHMA). A large number of commuted sum payments are, therefore, required in order to deliver an affordable dwelling. The level of contributions being secured was weighed against the significant overheads incurred in negotiating the associated Section 75 Agreements and, on balance, it was concluded that introducing a 4 dwelling threshold within the Proposed Plan would be an appropriate and pragmatic policy response. It is maintained that this is an appropriate course of action and no further evidence has been presented to justify continuing to seek affordable housing contributions from sites of less than 4 dwellings.

Measures have been taken to guard against the possible exploitation of the 4 dwelling threshold by including text in the Affordable Housing Supplementary Guidance. This states that the sub-division of larger sites into multiple developments of less than 4 dwellings will not be supported (see second paragraph on page 4 of the Supplementary Guidance). No further modification of the Plan is required in response to the concerns about this potential ‘loophole’.

In respect of concerns regarding the threshold for on-site provision, it is acknowledged that paragraph 16 of PAN 2/2010 indicates that, as a general guide, Local Authorities and developers can normally expect on-site provision to be appropriate for developments of 20 or more units. However, it goes on to state that on-site provision will also often be possible for smaller developments. Significantly, it highlights that in rural areas, where the general scale of development is smaller, a lower threshold for on-site provision may be appropriate in order to make affordable housing available in a range of locations.

As outlined above, a large proportion of all housing completions within Aberdeenshire comes from small sites – particularly within the RHMA. An analysis of data from the Housing Land Audit 2014 (HLA) shows that 22% of all housing completions within Aberdeenshire during the 5 year period from 2009 to 2013 were on sites of less than 10 dwellings. Within the RHMA, the HLA shows that just over 30% of all completions over the same time period were on sites of less than 10 houses. Applying a 10 dwelling minimum threshold for on-site provision within the policy, as proposed by respondent 555, would, therefore, remove the ability to secure affordable housing provision on a large proportion of the overall housing sites in Aberdeenshire – particularly within the RHMA. This would be contrary to the objectives in paragraph 16 of PAN 2/2010 seeking to make affordable
housing available in a range of locations. It would also be contrary to the objectives of Proposed Local Development Plan Policy P1 in relation to the provision of a mix of housing types and tenures on all new development sites, particularly within smaller rural communities where the general scale of development is smaller.

Other Issues

In response to the comment that housing should be built with a higher specification, such as better insulation, it should be noted that Policy C1 of the Proposed Local Development Plan outlines CO2 reduction standards that will apply to all new housing developments. It also includes standards for the incorporation of low and zero carbon generating technology and water efficiency measures within new housing developments. All of these factors will help to reduce energy demands and thereby improve the affordability of new housing in terms of lifetime running costs. No modification of the Plan is required in response to this comment.

Policy H5 Gypsies and Travellers

Gypsy/traveller policies were not identified as a Main Issue in the 2013 Main Issues Report (MIR) (see MIR 2013, page 11). The proposed policy approach remains largely unchanged from the Local Development Plan 2012 and its associated Supplementary Guidance. Only one representation was submitted in relation to gypsy/traveller policies at the MIR stage. This was from the Grampian Regional Equality Council (GREC) and did not suggest any significant change to the proposed policy approach (see MIR 2013, Issues and Actions Paper 016: Policy 7 - Other Housing Needs).

Paragraph 133 of SPP requires Development Plans to address any identified need for sites for gypsy/travellers. It goes on to state that, where there is a need, Local Development Plans should identify suitable sites for these communities.

Research undertaken by Craigforth in 2009 identified a requirement for 12 additional pitches for gypsy/travellers within Aberdeenshire (see Accommodation Needs Assessment of Gypsies/Travellers in Grampian, outcome 2, page 109). The Local Development Plan 2012, along with the Settlement Statements that were published as Supplementary Guidance in support of the Plan, identified four gypsy/traveller sites in order to address this pitch requirement. These were located at Blackdog, Ellon, Thainstone/Crichie, and Chapelton (Elsick) (see Local Development Plan 2012, Supplementary Guidance Volumes F: Blackdog & Ellon, G: Inverurie and Port Elphinstone, and H: Elsick). As noted above, the gypsy/traveller halting sites in the Proposed Local Development Plan have been carried forward from the Local Development Plan 2012 without significant modification.

The provision of halting sites within the Proposed Plan is, therefore, necessary to meet an established need and the proposed locations have been established in principle through the Local Development Plan 2012. Progress is also already being made in delivering the gypsy/traveller sites.

There is no requirement for the proposed sites to be located in areas that have been used on an unauthorised basis by the gypsy/traveller community. Indeed, previous unauthorised sites may be in fundamentally inappropriate locations. The areas that are identified within the Proposed Plan for gypsy/traveller use are well related to existing or proposed settlements and will provide occupants with appropriate access to facilities and services in accordance with SPP guidance.
Representatives of the gypsy/traveller community have been consulted during the production of the Plan. In particular, GREC have been consulted at relevant stages. GREC employ a specific Gypsy/Traveller Liaison Officer whose responsibility is to engage with the gypsy/traveller community and ensure that their views are adequately represented in decision making processes. GREC were the only body to submit comments on the proposed approach to gypsy/traveller provision at the MIR stage and did not request any significant change to the policy.

No alternative gypsy/traveller sites have been proposed and there have been no objections to the proposed sites from other members of the travelling community. Deleting the proposed sites without providing alternatives would leave the Proposed Local Development Plan out of conformity with national planning guidance. Accordingly, it would not be appropriate to amend the policy or to delete the identified sites in response to this comment.

For consistency in the Plan, as discussed in Schedule 4 Issue 10: Shaping Places, a consequential change to Policy H5 is suggested. The text “Proposals must also...allow reasonable access to employment, education, community facilities and the main road network” in the final paragraph should be changed to “Proposals must also...allow reasonable access to employment, education and other community infrastructure and the main road network.”

(It should be noted that other comments in relation to specific identified gypsy/traveller sites are included in the relevant settlement based Schedule 4 documents).

**Reporter's conclusions:**

**Policy H2 Affordable housing**

1. The majority of representations on this policy are concerned about the proportion of affordable housing being sought, which is “no less than 25%” for all new housing developments of four or more houses. They quote paragraph 129 of *Scottish Planning Policy* (SPP), which states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses.

2. Policy H2 explains the need for affordable housing provision by reference to the *2011 Housing Need and Demand Assessment* (council document 118), which has identified a requirement of around 38% of new homes to be affordable. The council has also indicated that the estimate of need ranged from 33% in the Rural Housing Market Area (RHMA) to 40% in the Aberdeen Housing Market Area (AHMA). Overall it is contended that there is a compelling and chronic need to increase the supply of affordable housing across Aberdeenshire.

3. As some of the representations have pointed out, SPP indicates that 25% affordable housing provision should normally be the maximum requirement for affordable housing, whilst the wording of policy H2 implies that it is the minimum requirement. The council has indicated that the policy does not indicate that a requirement in excess of 25% would be sought unless a developer was to specifically propose a greater level of affordable housing provision. However, as currently worded, the policy could be used to seek a provision of more than 25%.
4. I agree that, given the extent of identified need for affordable housing in Aberdeen, a requirement for 25% provision is reasonable, even though some individual settlements may not need that level. However, I think that omission of the phrase “no less than” would remove any ambiguity over whether a greater level of provision could be insisted upon (as against offered) in some cases. The definition of affordable housing refers to that in the Housing Need and Demand Assessment but, rather than require users of the plan to access another document it would be better to be explicit about what is required. The glossary of the plan also includes a definition of affordable housing, but this this is of little practical value.

5. I see no reason to change the wording of the second sentence in the second paragraph of the policy. The Affordable Housing Supplementary Guidance, which will form part of the development plan once adopted, sets out the circumstances when a lower contribution or an alternative to on-site provision may be appropriate. A number of representations refer to this guidance, but paragraph 141 of Circular 6/2013: Development Planning says that the contents of Supplementary Guidance does not need to be scrutinised in the examination of the local development plan. I can nevertheless take the contents of the guidance into account in assessing the representations to the policy. On that basis, I note that Appendix 1 of the Supplementary Guidance lists the forms of affordable housing contribution that may be sought. These are compatible with Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits. The guidance also recognises the need to achieve successful developments and that developments should not be rendered unviable by the request for too much affordable housing. I appreciate the need for flexibility in negotiations on affordable housing provision to take account of factors such as economic circumstances and the availability of funding, but I think that the Supplementary Guidance allows for that.

6. Some representations express concern over the threshold set for affordable housing provision, with policy H2 requiring all new developments of four or more houses to meet the 25% provision. The council has explained that its current policy requires a pro-rata financial contribution towards affordable housing from all new housing development, even single houses. The sums of money gained in this way have been relatively small and it has not proved a cost-effective means of securing affordable housing. The introduction of a four-house threshold is considered to be a pragmatic response to this situation. The council has also pointed out that a relatively large proportion of housing completions, especially in the RHMA, come from small sites; 22% in the whole of Aberdeen in 2009-2013, and 30% in the RHMA during that period. To apply a ten-house threshold, as is suggested in one representation, would remove the ability to secure affordable housing on a significant number of sites, particularly in remoter rural areas.

7. Paragraph 16 of PAN 2/2010 states that, as a general guide, on-site provision should be appropriate for developments of twenty or more units, although it may also be possible for smaller developments. It also states that, in rural areas, where the general scale of development is smaller, a lower threshold for on-site provision may be appropriate in order to make affordable housing available in a range of locations. This is essentially what the four-house threshold in policy H2 is seeking to achieve. Given the current policy, where every new house must make some contribution towards affordable housing, I agree that the proposed policy H2 represents a pragmatic response, which does not conflict with the advice in PAN 2/2010.

8. I can, however, see practical difficulties in implementing on-site provision for very small housing developments; not least for social rented housing the difficulty for the council or a
Registered Social Landlord of managing houses widely scattered in small rural communities. Developers of small sites may also not have other land available for off-site provision, and I suspect that commuted payments may still have a relatively large part to play in such circumstances. However, these are matters that the council will need to take into consideration when negotiating affordable housing provision on a case-by-case basis. The Supplementary Guidance guards against developers dividing larger sites into individual development of less than four houses. There is little it can do, however, to prevent developers on small sites restricting their developments to only three houses. There may, therefore, be unintended consequences that might reduce the total number of rural houses, but this is a matter that the council would need to monitor, with the practical impact of the policy being reviewed in due course.

9. Of the other representations made in respect of this policy, it would not be appropriate or in accordance with national policy to set a target of 50% affordable housing in some settlements. Whilst the council might be able to be more proactive in the delivery of affordable houses, I do not think that the allocation of sites specifically for affordable housing would be practicable; it would not guarantee the delivery of such houses. It must be remembered that new housing can be delivered on sites that are not allocated in the local development plan (for example on brownfield land in settlements) and such windfall sites may enable affordable housing provision on land already owned by the council and Registered Social Landlords.

10. All told, I am satisfied that, subject to the change referred to in paragraph 4 above, policy H2 is acceptable.

Policy H5 Gypsies and travellers

11. The council has stated that there has been consultation with the gypsy/traveller community during the preparation of the local development plan, and that there have been no objections from that community to the terms of this policy or the locations of the proposed gypsy/traveller sites identified in the proposed plan. These have followed on from proposals in the present local development plan. In the circumstances I see no reason to modify this policy as proposed in one representation.

12. The council has proposed a minor modification to this policy as a consequence of a proposed modification to policy P5, which I agree is appropriate.

Reporter’s recommendations:

1. Delete the first sentence of the second paragraph of Policy H2: Affordable housing and replace with:

“All new housing developments of four or more houses must include 25% of the service plots for affordable housing according to the definitions in the current Housing Need and Demand Assessment (i.e. housing made available at a cost below full market value, to meet an identified need. It includes social rented housing, subsidised low cost housing for sale (discounted, shared ownership or shared equity) and low cost housing without subsidy (entry level housing for sale). Private rented accommodation available at lower cost than market rents should also be considered within the affordable housing category).”
2. Delete the first sentence of the third paragraph of Policy H5: Gypsies and travellers and replace with:

“Proposals must also provide a secure environment and essential services (in the case of halting sites: water connection, refuse facilities and portable toilet), and allow reasonable access to employment, education and other community infrastructure, and the main road network.”
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<th>Issue 10</th>
<th>Shaping Places</th>
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Body or person(s) submitting a representation raising the issue (including reference number):

**Policy P1 Layout, Siting and Design**
- Environmental Health Service - Aberdeenshire Council (48)
- Elizabeth Thomas (404)
- NHS Grampian (610)
- Scottish Environment Protection Agency (658)

**Policy P2 Open Space and Access in New Development**
- Dandara Limited (277)
- Aberdeenshire Environmental Forum (351)
- Bancon Developments Ltd (387)
- Inverurie Community Council (434)
- Jackie Cumberbirch (435)
- Persimmon Homes East Scotland (580),
- Cabardunn Development Company Limited and Dunecht Estates (604)
- Stewart Milne Homes (605)
- NHS Grampian (610)
- Scottish Government (640)
- Sport Scotland (670)

**Policy P3 Infill and Householder Development**
- Dandara Limited (277)
- Bancon Developments (387)
- Elizabeth Thomas (404)
- Stewart Milne Homes (605)
- Sport Scotland (671)

**Policy P4 Hazardous Development and Contaminated Land**
- Shell UK Limited (45)
- BP Midstream Pipelines (372, 373, 374, 375, 376, 377)
- Scottish Environment Protection Agency (658)

**Policy P5 Community Facilities**
- Robert Gordon University (280)
- Homes for Scotland (429)
- Barratt North Scotland (512)
- NHS Grampian (610)
- North East Scotland College (624)
- Sport Scotland (672)
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<th>Provision of the Development Plan to which the issue relates:</th>
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Roosting gulls in coastal towns are a nuisance and costly to remove. This could be avoided by using preventative measures in the design of buildings and/or installing deterrents. These would improve the appearance of the towns and the safety of citizens and have community, environmental and economic benefits (48).

**Design and Qualities of Successful Places**

More attention should be paid to the size and style of buildings. Many new houses have been of a much larger scale and proportion than the original vernacular style (404).

The requirement in Policy P1 in relation to the six qualities of successful places is welcomed by a number of respondents (610, 658 and 404). One respondent (404) considers that these qualities should be more measurable and questions how they will be enforceable and measured.

**Blue/green Networks and Surface Water Management**

The Scottish Environment Protection Agency (SEPA) would expect the Plan to ensure that new developments protect and, where possible, deliver improvements to water bodies. Improvements can include the re-naturalisation of channels and removal of culverts and barriers to fish passage, all of which must include consideration of potential flood risk aspects. No mention is made of obligations relating to sustainable surface water management and pollution mitigation measures at the construction stage, nor the requirement to comply with the Controlled Activities Regulations General Binding Rules. SEPA, therefore, suggests additional wording within Policy P1 to address these issues (658).

**Policy P2 Open Space and Access in New Development**

**Green Networks and Expansion of Healthcare Facilities**

NHS Grampian is supportive of green networks due to associated health and lifestyle benefits but the expansion requirements of healthcare facilities should be considered when identifying and enhancing green networks (610).

**40% and 120 Square Metres Open Space Requirements**

As currently worded, the requirement to devote at least 40% of each major development site to good quality open space is unacceptable. It takes no cognisance of the quality or quantity of open space or other areas of recreation in the vicinity or wider settlement. Each site and settlement is different, yet the policy requirement fails to distinguish between sites.
in urban areas and those in rural areas which may already have access to significant areas of recreational land. Aberdeenshire is primarily rural where residents have relatively easy access to beach, countryside and woodlands, and so a 'one size fits all' approach is inappropriate. The policy should be more targeted to communities with an identified shortfall or that are lacking access to areas of countryside. For those reasons, the previous Examination Reporter considered that the policy should provide flexibility to accommodate site and settlement characteristics (277, 604, 605).

The requirement for at least 40% open space on larger sites and at least 120 square metres on sites of fewer than 50 homes demonstrates a lack of understanding of the commercial basis of land and property development. The burden on landowners is compounded when affordable housing and developer obligation requirements are factored in. The requirements conflict with other policy aims such as the efficient use of land and the creation of sustainable mixed communities, and could prejudice the Strategic Development Plan (SDP) target for a density of 30 dwellings per hectare in Strategic Growth Areas. The Council previously acknowledged that the open space expectation would result in a development density of 22 houses per hectare. The Reporter concluded that "In providing a suitable density for development and a range of house types, there may not be the opportunity to provide the open space envisaged and provide sustainable developments." The Reporter advised that such provision may lead to unsustainable development patterns contrary to Government objectives and the requirements of the then Structure Plan. The Structure Plan requirements have been carried forward into the SDP and the reintroduction of more onerous requirements for public open space is unjustified (277, 604, 605).

Respondent 387 states that they support the stance taken by Homes for Scotland and the Stewart Milne Group in respect of this policy (but no representation on this issue has been received from Homes for Scotland).

There is a need to deliver open space within a development, but a lower percentage should replace the 40% in the policy wording – an acceptable level would be 20%. The 40% requirement appears excessive particularly when compared to other Local Authorities. The examples of East Lothian, Dundee, Perth and Kinross and the City of Edinburgh Councils are discussed. The majority of Local Authorities deal with open space on a case by case basis rather than having a rigid structure. Within other LDPs, Councils will not always require significant amounts of open space if there is existing open space close by which could be improved through Section 75 contributions (580).

**Elements and Maintenance of Open Space**

A list of items that can contribute towards open space should be provided. This should include, but not be limited to, usable open space (green spaces or play areas within a development), roads (including paths) and boundary treatments (580).

Scottish Planning Policy (paragraph 227) states that Local Development Plans should safeguard existing and potential allotment sites, so that Local Authorities meet their duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces. Policy P2 does not encourage allotments and a full range of community growing spaces and wording should be added to do so (640).

Simply providing space does not create an attractive environment. The Council’s policy to
refuse to adopt new open space forces developers to charge residents. Keeping costs low results in poor landscaping standards and maintenance, which are of limited benefit to the community or the environment. A review of house prices in Inverurie suggests that areas with limited public open space score highest for desirable housing. As new residents have to pay for the maintenance of poor public spaces, why not consider having some of it in enlarged gardens where they can control their environment for the benefit of the local environs? (434).

The Council’s current Open Space Policy is a dereliction of duty for those in new developments whose areas will receive no public maintenance of public areas required through the Plan. This apparent unfairness is expensive for residents and results in a low standard of maintenance. At least an element of this space should be within private gardens to improve residents’ opportunity to develop their own environment (351).

Playing Fields and More Biodiverse Areas

Too much value is placed on the contribution of playing fields to green infrastructure. Their environmental value is questioned in comparison to ‘wilder’ areas which are often a rarity in urban settings. There should be much more emphasis on such urban sites to help offset the loss of habitat due to unprecedented development (351).

Biodiversity networks are important and should be included in the open space requirement, with money set aside for sustaining these areas and creating better wildlife habitats. Who monitors and enforces developer obligations on the environment? (435)

Access Opportunities

The Plan refers to encouraging new and enhanced opportunities for access (as outlined in Scottish Planning Policy paragraph 228) in relation to new development, but it should also encourage these access opportunities generally. This policy may not be the most logical place to do this but the matter should be covered, perhaps by subsequent Supplementary Planning Guidance (670).

Policy P3 Infill and Householder Development

The approach taken in Policy P3 will mean that unless sports facilities have a specific land use designation, the protection afforded to them by National Policy will not apply. The respondent has attempted to identify these facilities but there may be more that are not identified in the Proposals Maps. In addition, Policy P3 does not address the policy approach to new sports facilities built between this and subsequent Plans (671).

Scottish Planning Policy (SPP) and the Strategic Development Plan (SDP) promote reuse or redevelopment of brownfield land before new development on greenfield land. SPP also advocates the efficient use of existing capacities of land, buildings and infrastructure. The SDP has targets to increase the range and quality of housing in regeneration priority areas and for all housing of over one hectare in Strategic Growth Areas to have no less than 30 dwellings per hectare. Policy P3 should, therefore, be amended to provide greater encouragement to infill development. There should be no presumption in terms of the size of the site that constitutes infill development. Specific allowance should be made for higher density development on infill sites where it does not erode the character or amenity of the surrounding area (605, 277, 387).
Use of Policy P3 in rural areas may have a detrimental impact on the individual character and sense of place of small settlements in Aberdeenshire. Precedent for future back-land development could be set by allowing single houses tucked in behind one another (404).

Policy P4 Hazardous Development and Contaminated Land

Water Environment

The Scottish Environment Protection Agency (SEPA) note that Policy SG LSD 10 in the current Local Development Plan (LDP) 2012 is not present in the Proposed Plan and that reference to contaminated land is now covered by Policy P4 only. The wording of the current LDP policy includes reference to the water environment: "the necessary site investigations and assessments are undertaken to identify any actual or possible significant risk to public health or safety or to the environment, including possible pollution of the water environment". For clarity, it is recommended that the previous wording "including possible pollution of the water environment", be added to Policy P4 (658) (see Local Development Plan 2012, Supplementary Guidance LSD 10: Contaminated Land).

Contamination, Investigation and Remediation

Whilst Policy P4 requires appropriate investigation and remediation of sites known or suspected to be contaminated, the policy does not reference Annex 1 of Planning Advice Note (PAN) 33 Development of Contaminated Land. As such, there is no guidance to indicate what will be considered "appropriate site investigations" or "effective remedial actions". Annex 1 of PAN 33 should be referenced in the policy to provide a suitable benchmark for these works (658).

The policy does not refer to different types of contamination so text should be added to refer to both radioactive and non-radioactive sources of contamination (658).

SEPA expresses concerns with the statement "Both the site investigations and any remedial actions should be proportionate to the scale and nature of the proposed development". This may allow issues relating to protection of the water environment to be argued as being disproportionately expensive to investigate given the scale of a proposed development, leading to risks to people and the environment. The policy should be re-worded to enable Local Authority Contaminated Land Officers to take account of the previous use(s) of the site and the level of contamination which may or may not be present, as these factors may affect the level of investigation and remediation which may be required (658).

Oil and Gas Pipelines

Paragraph 99 of Scottish Planning Policy (SPP) requires Development Plans to identify and safeguard nationally important clusters of industries that handle hazardous substances. SPP is clear that development proposals should take cognisance of the presence of pipelines in their vicinity. HSE’s Land Use Planning Methodology (PADHI) provides information on proposals that would be acceptable near potentially hazardous installations including pipelines. Proposed Policy P4: Hazardous Developments and Contaminated Land is broadly supported but is lacking in that it contains no reference to consultation with the owners and operators of the potentially hazardous facilities. Additional text should be introduced in relation to consultation with the owners and operators of facilities where proposed developments are within consultation zones for
hazardous installations (372). The policy should be retitled 'Policy P4 Pipelines, Hazardous Developments and Contaminated Land' and two additional paragraphs are sought (45).

There is a need to provide more specific reference to pipeline consultation zones, in part through including them on the Proposals Map(s). This would provide clarity and be helpful to potential developers (45, 377). Previous versions of the Plan have included this information and most of the other plans along the pipeline route illustrate the pipeline corridors (377).

For consistency and clarity, specific reference to the pipeline consultation zones and the HSE PADHI guidelines should be made in relation to the following sites:

- R2 in Peterhead (45)
- BUS3 in Peterhead (45)
- OP6 in Peterhead (45)
- BUS3 in Stonehaven (45, 373)
- OP3 in Stonehaven (45, 374)
- OP1 in Laurencekirk (45, 375)
- BUS in Tipperty (45, 376)
- R2 in Westhill (45)
- BUS in Westhill (45)

Policy P5 Community Facilities

Sports Facilities

Sport Scotland welcomes the support given to the provision of new community facilities. It is assumed that these would include sports facilities but a definition would be helpful (672).

If the policy is intended to apply to outdoor sports facilities, it does not provide the protection required by Scottish Planning Policy (paragraph 226) in relation to these facilities, particularly with regard to new 'updated' facilities mentioned in the Local Development Plan policy (672).

Access to Community Facilities

The intention to ensure that facilities are available to all members of the community is welcomed but would be onerous in the case of some sports facilities. If a sports club is open for anyone to join, this would ensure that anyone could access it. The wording 'reasonable' amount of time on a 'regular basis' is open to interpretation and could result in an added burden on sports facility providers. Context on the circumstances in which this would apply would be helpful (672).

The second sentence of the first paragraph of the policy is unclear and the necessity for a legal agreement governing access is questioned. It is assumed that this would only apply to a privately owned and operated facility, or a community-run facility, not a Council facility. However, it should be made clear what the intention of this sentence is and in what circumstances it would apply (429). A legal agreement covering access may be contrary to Circular 1/2010 Planning Agreements in that it would be unreasonable (512).
Education Facilities

North East Scotland College has a number of facilities across Aberdeen City and Aberdeenshire. The two Planning Authorities are apparently treating education facilities differently. The College's land within the City is safeguarded under a policy covering health, education and other community facilities. That policy supports new or extended educational uses on zoned sites but recognises that surplus buildings/land can be redeveloped for appropriate alternative uses. Policy P5 adopts a similar approach to community facilities but it is unclear that this policy includes educational uses. Policy P5 should include education facilities and should support new or extended educational uses on zoned sites as well as allowing for redevelopment for alternative uses where land or buildings become redundant. It should also be made clear in the Settlement Statements that land is protected under Policy P5 (624).

Specific policies in respect of higher education facilities and ancillary uses should be included to provide greater flexibility to enable the delivery of such uses on suitable sites. Policy P5 should be modified to include provision for further education facilities and associated uses (280).

New and Expanded Health Centres

Support should be given to health centres in town centres and their scope for expansion. Where health centres require to move outwith the town centre (in cases where it is not possible to expand in the town centre) the redundant site should be identified as an opportunity site. The text of Policy P5 should be amended to include specific reference to healthcare facilities. Where health centres require to locate outwith the town centre, they should be in locations accessible by a variety of transport modes, preferably on a main transport corridor (610).

Modifications sought by those submitting representations:

Policy P1 Layout, Siting and Design

Roosting and Nesting Gulls

Add the text "Consideration should be given to the incorporation of design features that are unattractive to roosting or nesting birds, such as flat roofs, or otherwise incorporate other measures to deter nesting" to the Site Development Briefs for sites in coastal settlements, namely sites OP1 (M1) in Banff, BUS (E1) in Macduff, BUS 1-5, OP1-3 and CC1 in Fraserburgh, BUS1-3, OP1-3 and CC1 in Peterhead, and BUS 1-3, OP2, OP3 and OP5 in Stonehaven (48).

Design and Qualities of Successful Places

Amend policy to allow the six qualities of successful places to be enforceable and measurable (this modification is inferred from representation 404).

Blue/Green Networks and Surface Water Management

Add the following wording to the final paragraph of Policy P1: "…during the construction and operational phases of new development. Developers will be required to consider the
context of development with surrounding blue/green networks - how connectivity of these networks can be maintained and enhanced. Site design must take account of the natural flow paths of any associated water features. Surface water should be controlled at source and Sustainable Urban Drainage (SUD) systems employed across the site in accordance with the Water Environment Controlled Activities (Scotland) Regulations 2011 (as amended) (CAR). Retrofit SUD systems will require to be considered in respect of regeneration projects. A Surface Water Management Plan will need to be submitted to demonstrate that developers have adequately mitigated against the potential for pollution of water receptors and fulfil their obligations under the CAR general binding rules. These obligations may be controlled by conditions." (658)

Policy P2 Open Space and Access in New Development

Green Networks and Expansion of Healthcare Facilities

The expansion requirements of healthcare facilities should be considered when identifying and enhancing green networks (610).

40% and 120 Square Metres Open Space Requirements

Amend Policy P2 to set a general target of 40% open space provision but be mindful of individual site and settlement characteristics. The policy should make it clear that, in each case, the actual proportion will take account of the location, function and characteristics of the development proposal and site; the function of the open space proposed; and, where appropriate, the function and characteristics of existing open space in the area. This should also be applied to the requirements for open space provision on allocated sites of fewer than 50 homes (277, 604, 605)

Remove the 40% requirement for open space and replace it with comments which mirror other Scottish Local Authorities. Replace the 40% with a lower percentage –20% would be acceptable (580).

Elements of Open Space

Provide a list of items which can contribute towards open space to be considered within the Plan. This should include but not be limited to usable open space (green spaces or play areas within a development), roads (including paths) and any required boundary treatments (580).

Change the last sentence in the first paragraph of Policy P2 to read: “Allotments, community growing spaces and community woodlands are encouraged and will be protected” (640).

Include private gardens in open space requirement (modification inferred from 351, 434).

Have much more emphasis on ‘wilder’ urban sites (351).

In the last paragraph of Policy P2, make specific reference to the general need to encourage new and enhanced opportunities for access (as outlined in SPP paragraph 228) i.e. not just in relation to new development (670).
Policy P3 Infill and Householder Development

Include wording within Policy P3 that clarifies that the other provisions of national policy will still apply (671).

Remove the reference from Policy P3 to infill development opportunities being of only small to medium scale. The scale of development will be dictated by the site size (277, 387, 605).

Amend Policy P3 to acknowledge that such development has the ability to utilise spare capacity in infrastructure and community facilities and, in many cases, can help sustain existing services and facilities such as primary schools (277, 387, 605).

Policy P4 Hazardous Development and Contaminated Land

Water Environment

Add the wording "including possible pollution of the water environment" to the policy (658).

Contamination, Investigation and Remediation

Add reference to Annex 1 of PAN 33 within the third paragraph referring to "appropriate site investigations" (658).

Add the following text to the policy (658): "Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination."

Re-word the policy to enable Local Authority Contaminated Land Officers to take account of the previous use(s) of the site and the level of contamination which may or may not be present, as these factors may affect the level of investigation and remediation which may be required (658).

Oil and Gas Pipelines

Include pipeline corridors on Proposals Maps for Proposed Plan (45, 377).

Add specific reference in the Settlement Statements to the pipeline consultation zones and the HSE PADHI guidelines in relation to the following sites:

- R2 in Peterhead (45)
- BUS3 in Peterhead (45)
- OP6 in Peterhead (45)
- BUS3 in Stonehaven (45, 373)
- OP3 in Stonehaven (45, 374)
- OP1 in Laurencekirk (45, 375)
- BUS in Tipperty (45, 376)
- R2 in Westhill (45)
- BUS in Westhill (45)

Add the following sentence to the policy: "In determining planning applications for
development within consultation zones for hazardous installations, the Council will consult with, and take full account of advice from, the facility's owners and operators and will seek to ensure that any risk to people's safety is not increased" (372).

Retitle 'Policy P4 Pipelines, Hazardous Developments and Contaminated Land' and add the following wording to the policy (45): "Within Aberdeenshire, there are a number of high pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites, a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety." and;

“Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety. The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the LDP Proposals Maps".

Policy P5 Community Facilities

Clarify what community facilities are, specifically in relation to indoor and outdoor infrastructure (672).

Clarify the circumstances under which legal agreements will be required (672).

Clarify/expand second sentence of first paragraph, to make clear what the intention of this sentence is and in what circumstances it would apply (429).

Clarify the last paragraph of this policy with regard to how it will be applied in relation to outdoor sports facilities (672).

Amend policy to make reference to educational facilities and make clear in the Settlement Statements that land is protected under Policy P5 (624).

Modify policy to contain specific policy for higher education facilities and ancillary uses on suitable sites (reflecting Aberdeen City Council extant LDP policies CF1 and CF2) (280).

Amend policy to make specific reference to healthcare facilities (610).

Summary of response (including reasons) by Planning Authority:

Policy P1 Layout, Siting and Design

Policy P1 is a restatement of the current design policies within the Aberdeenshire Local Development Plan 2012. It promotes a design-led approach to development and requires major developments to accord with previously agreed statements on the proposed design. These statements include Development Frameworks or Masterplans as necessary, as set out within the Settlement Statements. It requires development designs to demonstrate six qualities of successful places. It also requires developments to enhance biodiversity or geodiversity and requires the submission of Site Waste Management Plans to accord with
the Zero Waste Plan.

Layout, siting and design policies (except those relating to flooding, erosion and climate change) were not identified as a Main Issue in the Main Issues Report (MIR) 2013. The MIR instead identified a need to clarify the policies to reinforce the requirement for compliance with approved Masterplans or Frameworks and require Masterplans/Frameworks for major developments on unallocated sites. It also identified a need to add a requirement for biodiversity enhancement. At the MIR engagement stage there was general support for the existing policy and Supplementary Guidance, and a number of respondents supported the addition of a requirement for biodiversity enhancement. However, there was general criticism of the policy’s ability to deliver well-designed development in keeping with the vernacular style of the area. At that stage, SEPA did not raise the issues of connectivity with blue/green networks, flow paths of natural features, or the need for Surface Water Management Plans (see MIR 2013, Issues and Actions Paper 019: Policy 8 Layout, Siting and Design).

Roosting and Nesting Gulls

The request to add text on preventative measures against roosting and nesting gulls is noted but introducing new anti-gull measures where most of the buildings in Aberdeenshire have none is unlikely to achieve the desired objective. As this is a local and detailed design issue, it should be discussed and considered at the planning application stage. No change is required.

Design and Qualities of Successful Places

The support for the Policy P1 requirement in relation to the ‘six qualities of successful places’ is welcomed. The six qualities described in Policy P1 broadly align with those set out in Scottish Planning Policy (see paragraph 55).

The preamble to Policy P1 explains that the Council’s approach to design will involve the use of Design Statements, methods of design assessment and public involvement. The policy requires major development proposals to accord with previously agreed statement(s) on the proposed design for the site and specific requirements for Development Frameworks or Masterplans are identified in the Settlement Statements. Policy P1 makes clear that all development would be assessed using a process that includes appropriate public consultation and all designs must demonstrate the six qualities of successful places. Detailed guidance on all of these requirements would be published in separate planning advice, which may refer to the Scottish Government Place Standard (see SPP, paragraph 47).

The national policy statements Creating Places: A Policy Statement on Architecture and Place for Scotland (2013) and Designing Streets: A Policy Statement for Scotland (2010) and Planning Advice Notes relating to design are material considerations when determining planning applications. These, along with future planning advice, will provide detailed guidance on these six qualities and how to assess developments in relation to them. It is, therefore, not necessary to add further clarification or detail in relation to the six qualities in the policy text. No change is required.

Blue/Green Networks and Surface Water Management

The additional text sought by SEPA in relation to blue/green networks and sustainable
urban drainage would unnecessarily duplicate requirements in other policies of the Proposed Plan as explained below. These additions would, therefore, run counter to the expectation of Scottish Ministers for Development Plans to be succinct, as explained in Circular 6/2013: Development Planning (see paragraph 8). Policy P2 “Open Space and Access in New Development” sets out open space requirements and emphasises that open space may make a significant contribution to green networks. These are defined in the glossary as “linked open space within and between settlements used for recreation, nature conservation and landscape protection” so encompass blue/green networks. It is, therefore, considered unnecessary to add a reference to “blue/green networks” in Policy P1. Policy PR1 “Protecting Important Resources” already seeks to protect water quality and flow rates and requires developments to embrace opportunities for creation, enhancement and management of habitats to contribute to improvement in the ecological status of water bodies. Policy RD1 already requires developments to deal with surface water drainage in a sustainable manner through the use of an integrated sustainable drainage system. No change is, therefore, required.

The additional text sought by SEPA in relation to requirements for site design to take account of natural flow paths of water features, and for Surface Water Management Plans, is unnecessary detail which would be better placed in subsequent planning advice prepared by the Council. In addition, these requirements are not relevant to all types and scales of development. No change is, therefore, necessary. However, in the event that the Reporter considers that these requirements should be included in the Plan, it is considered that they would be better placed in Policy RD1 “Providing Suitable Services” rather than Policy P1.

CAR General Binding Rules

The Council considers that it is unnecessary to add text in relation to the CAR general binding rules as these are regulatory requirements independent of the planning system. No change is required.

Policy P2 Open Space and Access in New Development

Open space was not identified as a Main Issue in the MIR 2013. Instead, the MIR recommended the reduction in public open space requirements for flatted and small-scale developments and the removal of the requirement for open space for minor windfall sites. At the MIR engagement stage, a number of respondents supported the existing policy approach and the proposed amendments. One queried the reduction of open space for flatted developments. A wider review of the policy was requested, to clarify what counts as open space and to consider the relative merits of public and private open space within and adjacent to developments. One respondent objected to the 40% open space requirement, arguing that it presents a large burden to major developments. It was subsequently concluded that it was appropriate to reduce the open space requirement for flatted and small-scale developments and that no wider review of the open space policy was required as the policy provides a clear framework for open space provision. The reintroduction of garden space standards would unreasonably constrain design and be unpopular with the development industry (see MIR 2013, Issues and Actions Paper 019: Policy 8 Layout, Siting and Design).

Policy P2 requires new developments to be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire Parks and Open Spaces Strategy (APOSS) and which is safe, welcoming, distinctive, well connected and
The policy sets out an expectation that at least 40% of each major development site should be devoted to open space and sets out public open space requirements for smaller sites. It requires arrangements for the establishment and maintenance of open space to be agreed. It also protects existing and potential public access routes and requires developments to include opportunities for informal recreation and promote walking or cycling. In accordance with the APOSS, and unlike other authorities, such land covers a wide range of open space types including community food growing areas, land for wildlife and woodlands around town.

Green Networks and Expansion of Healthcare Facilities

Where specific details were known, the expansion requirements of healthcare facilities were taken into account during the identification of the green networks and areas of open space in the Proposals Maps. In any case, in the “Policy P5 Community Facilities” section of this Schedule 4, a consequential change to Policy PR1 “Protecting Important Resources” is suggested so that it is clear that the Policy would allow the expansion of community infrastructure (including healthcare facilities) onto open space in certain circumstances. The detail of that policy is discussed in the Schedule 4 Issue 13: Protecting Resources. No change is required.

40% and 120 Square Metres Open Space Requirements

Paragraph 219 of Scottish Planning Policy (SPP) confirms that green infrastructure and improved access to open space can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development. These and many other benefits of public open space are discussed in more detail in the reports “Benefits of Green Infrastructure” (Forest Research, 2010) and “The Value of Public Space” (CABE, 2003). SPP requires the planning system to protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful place making (paragraph 220).

The provision of adequate public open space is an essential part of achieving many of the principles set out in SPP (paragraph 29) which contribute to sustainable development. These include supporting good design and the six qualities of successful places; supporting climate change mitigation and adaptation; and protecting, enhancing and promoting access to natural heritage. This is evidenced in the Scottish Government document “Green Infrastructure: Design and Placemaking” (2011) which explains the multiple benefits and functions of green infrastructure and how green infrastructure can help to achieve the six qualities of successful places. The 40% and 120 square metres open space requirements are intended to achieve the provision of a ‘working landscape’ of open space providing all of these benefits and functions. This is illustrated by Figure 1 of the APOSS. Countryside around settlements cannot alone provide all of the required functions shown in Figure 1, so it is important that there is sufficient open space within new development sites in all locations.

The APOSS was informed by an audit of open space carried out in late 2008 and feedback from communities gathered in 2009. This work found that the average public open space provision in towns considered to be good examples in Aberdeenshire was roughly 40% (Aboyne 40%, Banchory 52%, Blackburn 44%, Drumlithie 34% and Echt 40%).
The ‘efficient use of land’ as required by SPP (paragraph 2) should not be interpreted as only relating to built structures and the density of built development. The concept should instead be understood in terms of efficient use of land to deliver ecosystem services and achieve the six qualities of successful places, which are all essential components of sustainable development.

The concerns relating to commercial viability and density are unfounded. A study of the value of greenspace in Aberdeen based on over 50,000 property sales found that local parks resulted in a premium of 9% on nearby house values and amenity greenspace in the vicinity gave a 2.6% premium. This study was cited in a Forestry Commission Research Report: Economic Benefits of Greenspace (Saraev, 2012). Another study, of house sales in the Netherlands (Luttik, 2000), found that houses with a view of a park in a residential area attracted a 7-8% premium.

The allocated sites for major developments are sized to accommodate both a net density of 30 dwellings per hectare (resulting in a gross density of 22 dwellings per hectare) and 40% open space.

The policy is, therefore, entirely consistent with the objectives of SPP and the Strategic Development Plan. No change is required.

The 40% open space requirement is the same percentage as set out in Policy 8 of the current Local Development Plan 2012. In addition, in inviting development bids for the Proposed Plan, the Council requested that respondents undertake an initial assessment of the viability of the proposal, taking into account the need to put aside approximately 40% of the allocated site for open space (please see copy of Aberdeenshire Local Development Plan 2016 Development Bids Form). The 40% open space requirement should, therefore, not be a surprise to developers and no change in this respect is required.

Policy P2 allows developments of fewer than 50 homes on allocated sites (and those on windfall sites) to improve existing open space as an alternative to on-site provision.

A minor technical change will be made to correct an error in the third paragraph of Policy P2 - the first sentence will be amended to read "At least 120 m² of public open space per home must be provided for proposals on allocated sites of fewer than 50 homes".

Elements and Maintenance of Open Space

There is already a definition of open space in the glossary of the Proposed Plan and this definition is consistent with that in the glossary of Scottish Planning Policy.

The policy refers to the APOSS and this lists a wide range of types of open space in Appendix 1, including neighbourhood green space, on-street open space and community food growing areas. It is, therefore, unnecessary for the policy to include a list of items that can contribute towards open space. For the same reason, it is unnecessary for the policy to specifically mention community growing spaces. No change is required.

As explained in the glossary of the Proposed Plan, private garden space does not provide the community benefits associated with open space that is accessible by the public. Additionally, the planning system has very limited control over the quality and maintenance of private garden space. Such space is frequently lost as a result of householder permitted developments. No change is required.
The policy of the Council with regard to what open space it will itself adopt is not a matter for the Local Development Plan. Instead, it is considered sufficient that Policy P2 states that open space contributions will only be acceptable when arrangements for the establishment and maintenance of the open space have already been agreed. This is consistent with Paragraph 232 of SPP, which requires long term management and maintenance arrangements for green infrastructure to be incorporated into planning permissions. The APOSS assists this by giving priority to low maintenance open space in preference to “premier parks”. No change is required.

Playing Fields and More Biodiverse Areas

Playing fields are just one component of a hierarchy of open space set out in Appendices 1 and 2 of the APOSS. One of the strategic aims of the APOSS is to conserve, manage and enhance opportunities for biodiversity/wildlife. The required hierarchy of open space includes areas which are of high biodiversity value including blue-green corridors, neighbourhood green space and community woodlands. Policy P1 “Layout Siting and Design” requires developments to enhance biodiversity. Developer obligations, including those in relation to environmental improvements, are secured, monitored and enforced through the Development Management process. No change is required.

Access Opportunities

SPP (paragraph 228) requires Local Development Plans to safeguard access rights and core paths and encourage new and enhanced opportunities for access linked to wider networks. The Proposed Plan already does both of these things through Policies P2 and P1 “Layout Siting and Design” and no change is required. The promotion of access opportunities more generally (not in connection with new development) is a matter for other plans and strategies such as the Core Paths Plan and the Countryside Access Strategy.

Policy P3 Infill and Householder Development

Policy P3 largely restates the content of the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Policies: LSD4: Infill Development. Infill development policy was not identified as a Main Issue in the MIR 2013. The MIR instead identified a need for minor modifications to the policy to clarify that it also applies to applications for change of use. No comments were raised in relation to this policy at the MIR engagement stage.

Policy P3 only allows infill development that would not erode the amenity of the surrounding area. Development involving the loss of a sports facility is likely to have such an effect and so could be refused as being contrary to Policy P3 on this basis. The “Policy PR1 Protecting Important Resources” section of the Schedule 4 Issue 13: Protecting Resources promotes a non-notifiable modification to that policy to set a general presumption against development on areas of open space including outdoor sports facilities (whether or not they are shown in the Proposals Maps) unless the development is ancillary to the use as open space. Policies P3 and PR1 (as modified) would, therefore, provide appropriate protection to sports facilities and no change to Policy P3 is required.

The emphasis placed by SPP (paragraph 29) and the Strategic Development Plan (SDP) 2014 on the efficient reuse and redevelopment of brownfield land in settlements is reflected by Policy P3. The wording of the policy reflects the fact that development opportunities on infill sites are usually of a small to medium scale. However, the policy
does not preclude larger scale development if it can be suitably accommodated on a site. In any case, the Proposed Plan does not define ‘medium scale’ (whereas ‘small scale’ is defined in the glossary). No change to the policy is, therefore, required. Nonetheless Aberdeenshire Council would not be concerned if the Reporter considers it appropriate to remove the text “of a small to medium scale” from the policy.

Proposals for development on infill sites would be assessed on their own merits and against the relevant requirements of Policy P1 “Layout Siting and Design”, which requires development to demonstrate the six qualities of successful places. Policy P3 only allows infill development if it respects and does not erode the character of the surrounding area. The concerns of respondent 404 are, therefore, unfounded and no change to the policy is required.

Policy P4 Hazardous Development and Contaminated Land

Policy P4 aims to ensure that the public and the environment are protected from new and existing development which could cause a nuisance, pollution or hazard. It also aims to ensure that appropriate site investigations and remedial actions are carried out so that land known or suspected to be contaminated is made suitable for its new use. Policies on hazardous development and contaminated land were not identified as a Main Issue in the MIR 2013.

Water Environment

It is not considered necessary to add “including possible pollution of the water environment” to the policy, as this is encompassed by the existing phrase “actual or possible risk to public health or the environment”. No change is required.

Contamination, Investigation and Remediation

‘Contamination’ is a broad term which encompasses radioactive and non-radioactive sources of contamination so it is considered unnecessary to add text referring to these sources. No change is required.

Planning Advice Note 33: Development of Contaminated Land (PAN 33) provides advice on the determination of planning applications when the site is or may be contaminated. It is a material consideration for such planning applications whether or not it is referenced in the policy. It is not normal practice for the Local Development Plan to contain reference to the procedures for assessing planning applications in the Development Management process. No change is required.

It is considered appropriate to require investigation and remediation to be proportionate to the scale and nature of proposals. This reflects the ‘suitable for use’ approach set out in PAN 33 and the requirement for planning application supporting information to be proportionate to the scale of the application (paragraph 35 of SPP). Proposal-specific advice on the appropriate level and nature of site investigation and remediation would be provided where relevant at the planning application stage by the Council’s Contaminated Land Officers. It is, therefore, considered unnecessary to re-word the policy or add specific reference to PAN 33. No change is required.

However, the Council would not be opposed to the Reporter replacing the third paragraph of the policy with the following text as a non-notifiable modification: “We will not allow
development on land that is known or suspected to be contaminated unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment) and effective remedial actions are proposed to ensure the site is made suitable for its new use. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination. Both the site investigations and any remedial actions should be proportionate to the scale and nature of the proposed development and be in accordance with Planning Advice Note 33 and the advice of the Council’s Infrastructure Services (Contaminated Land) section.”

Oil and Gas Pipelines

Aberdeenshire Council recognises the strategic importance of oil and gas pipelines and other oil and gas infrastructure in Aberdeenshire, as set out in National Planning Framework 3 (pages 18, 30, 32, 57 and 66) and SPP. Policy P4 includes pipelines as a specific example of development which could create a nuisance, pollution or hazard. The policy makes clear that planning permission may be refused for other forms of development in close proximity to existing hazardous developments in the event that insufficient information has been submitted to demonstrate the impacts or where the impacts are unclear or unknown.

The issue of pipeline consultation zones was raised at the MIR 2013 stage, when a comment was received requesting that pipeline consultation zones be shown on maps within the Local Development Plan (LDP). The MIR 2013, Issues and Actions Paper 197: Other Issues considered this to be an appropriate course of action and this was agreed by the relevant Committees. However, it was subsequently decided that the Proposals Maps within the LDP were not the most appropriate way to show the pipeline consultation zones. The Proposals Maps are not intended to be constraints maps and, in any case, do not enable the entire pipeline consultation zones to be shown in the level of detail required. Contrary to the suggestion of respondent 377, previous Plans for Aberdeenshire have not included specific details of pipeline consultation zones.

The Health and Safety Executive (HSE) provides an on-line tool that allows prospective applicants to ascertain whether a proposed development is within the HSE consultation zone of a major hazard site or a major accident hazard pipeline, and obtain an indication of HSE’s advice on the proposed development (see www.hse.gov.uk/landuseplanning/developers.htm - web page print). This is a more robust and up-to-date resource than could be provided in a Local Development Plan.

The HSE is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 for proposed developments within the consultation distance of pipelines and other hazardous installations (see Regulation 25 and Schedule 5). The Council routinely consults HSE on such planning applications, via the HSE PADHI (Planning Advice for Developments near Hazardous Installations) methodology (see HSE PADHI information – web page print). Pipeline owners and operators are also consulted to ensure that risk to people’s safety is not increased and the pipelines are protected, and will continue to operate this best practice. It is not considered necessary to refer to this consultation in the policy. No change is required.

However, given the critical importance of protecting oil and gas pipelines and public safety, the Council would be not be opposed to the Reporter adding the following text, or a variation thereof, to the end of the second paragraph: “In determining planning applications
for development within consultation zones for hazardous installations (including oil and gas pipelines), the Council will consult with, and take full account of advice from, the facility’s owners and operators and will seek to ensure that any risk to people's safety is not increased."

As non-notifiable modifications, the following text could be added to Settlement Statements for the settlements listed below, all of which have a part within the HSE consultation distance of a pipeline: “Part of the settlement is within the Health and Safety Executive (HSE) consultation distance associated with one or more oil or gas pipelines in the vicinity. Development within this distance must accord with Policy P4 “Hazardous Developments and Contaminated Land” and the HSE Planning Advice for Developments near Hazardous Installations.”

Settlements:
Cruden Bay
Peterhead
Rora
St Fergus
St Fergus Gas Terminal
Pitmedden & Milldale
Tipperty
Ythanbank
Blackburn
Dunecht
Inverurie & Port Elphinstone
Kingseat
Kinmuck
Kintore & Business Park
Kirktown of Skene
Westhill
Auchenblae
Drumlithie
Drumoak
Edzell Woods & Newesk
Fordoun
Laurencekirk
Luthermuir
Marykirk
Park
Stonehaven

As non-notifiable modifications, the following text could be added to the development briefs for OP1 in Laurencekirk and OP3 in Stonehaven, and to the “Settlement Features” entries for R2 in Peterhead, BUS in Tipperty, R2 and BUS in Westhill and BUS3 in Stonehaven, in the Settlement Statements: “Development on the site must accord with Policy P4 “Hazardous Developments and Contaminated Land” and the Health and Safety Executive Planning Advice for Developments near Hazardous Installations (PADHI) owing to the presence of one or more oil or gas pipeline(s) in the vicinity.”

Respondent 45 has now confirmed that, contrary to their earlier representation, OP6 and BUS3 in Peterhead do not lie within any pipeline consultation zone. Consequently, no changes to the Development Briefs for these sites are required.
The Council also suggests the addition of the following paragraph after the first paragraph of Policy P4, as a non-notifiable modification: “Prospective applicants should check whether their proposed development is within a consultation zone of a major hazard site or a major accident hazard pipeline and should obtain further advice if this is the case. This confirmation and advice can be obtained via the HSE Planning Advice Web App at www.hse.gov.uk/landuseplanning/developers.htm or from the relevant Aberdeenshire Council Development Management Team.”

Aberdeenshire Council would not be opposed to the Reporter making the above modifications, or variations thereof.

Policy P5 Community Facilities

Policy on community facilities was not identified as a Main Issue in the MIR 2013. Policy P5 seeks to encourage, where appropriate, the provision of new community facilities comprising indoor and outdoor infrastructure in accessible locations within settlements and available to all community residents. Provision of new or updated community facilities may result in existing community facilities becoming surplus to requirements. In these circumstances, where the facilities are within settlements, the policy allows their re-use or redevelopment subject to compliance with other policies in the Plan.

Definition of Community Facilities

The Council acknowledges that the Proposed Plan does not make clear whether the term “community facilities” encompasses sports, education and healthcare facilities. Indeed, Policy RD2 “Developers’ Obligations” implies that the term does not encompass such facilities as it lists the headings “Primary Education”, “Secondary Education” and “Health Facilities” separately from the heading of “Community Facilities”. There is no definition of community facility in the glossary of the Proposed Plan.

Recognising the importance of education, healthcare and sports facilities, it is suggested that the title of Policy P5 be changed to “Community Infrastructure”, with all instances of the term “community facility/facilities” in the policy being replaced by “community infrastructure”. The policy would then read as follows: “We will support the provision of new community infrastructure which is in accessible locations within settlements and are available to all community residents. A legal agreement may be needed to ensure that the new infrastructure is available to all members of the community for a reasonable amount of time on a regular basis. Where existing community infrastructure within settlements has become surplus to requirements, due to new or updated infrastructure being provided elsewhere, we will approve proposals for their re-use or redevelopment subject to compliance with other policies in the Plan.”

As a non-notifiable modification, to clarify that community infrastructure encompasses sports, education and healthcare facilities, it is suggested that the definition of “infrastructure” in the glossary be amended to: “The facilities and other items needed to support development. This includes roads, sewage and water facilities, and community infrastructure including education, health and sports facilities”.

The Council would not be opposed to the Reporter recommending the above modifications, or variations thereof.

For consistency in the Plan, a consequential change to Policy PR1 “Protecting Important
Resources” should be made in terms of replacing “essential community facilities” with “essential community infrastructure”.

A similar consequential change to Policy H5 “Gypsies and Travellers” is suggested for consistency. The text “Proposals must also...allow reasonable access to employment, education, community facilities and the main road network” in the final paragraph should be changed to “Proposals must also...allow reasonable access to employment, education and other community infrastructure and the main road network.”

Access to Community Facilities

Aberdeenshire Council expects that there would only be very limited circumstances in which it may be appropriate to ensure (by way of a legal agreement or other mechanism) that a community facility/community infrastructure is available to all members of the community for a reasonable amount of time on a regular basis. An instance of this could be when the development of a community facility/infrastructure would result in the loss of protected land (under Policy PR1 “Protecting Important Resources”). In such a case, it may be appropriate to ensure that the community facility is widely available so that the public benefits outweigh the costs associated with the loss of protected land. Such an agreement may not be concluded under Section 75 of the Planning (Scotland) Act 1997 (as amended) and thus may not be required to meet the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements (paragraphs 14-25) which replaced Circular 1/2010. No change is, therefore, required.

Protection and Redevelopment of Community Facility Sites

Policy P5 would only support a proposal for the reuse or redevelopment of an existing community facility/infrastructure if that facility/infrastructure has become surplus to requirements. Determining whether this prerequisite is met in the case of development likely to result in the loss of (or prejudice the use of) an outdoor sports facility would be informed by the advice of Sport Scotland, a statutory consultee in such instances. Policy P5 confirms that other policies are also applicable to proposals for the re-use or redevelopment of existing community facilities. A proposal to redevelop or re-use a site containing an existing outdoor sports facility or an educational use would also need to comply with the terms of Policy PR1 “Protecting Important Resources” or Policy PR2 “Protecting Important Development Sites”. It is those policies, rather than Policy P5, that seek to protect outdoor sports facilities, other open space and education facilities (amongst other community infrastructure) from inappropriate development. No change to Policy P5 is required.

New and Expanded Health Centres

Policy P5 would provide general support to proposals for new and expanded health centres in settlements and would require them to be located in accessible locations. Policy B2 “Town Centres and Office Development” would also be relevant to such proposals, requiring a sequential ‘town centre first’ approach and requiring sites to be conveniently accessible by modes other than private car. No change is required.

If it is demonstrated that an existing health centre site is surplus to requirements, Policy P5 would support the redevelopment of the site for another purpose, subject to compliance with other relevant policies. No change is required.
Reporters conclusions:

Policy P1 Layout siting and design

1. The four representations on this policy seek only relatively minor modifications. Whilst I understand the problems associated with roosting and nesting gulls in coastal towns, I agree with the council’s response that this is essentially a local design issue. As it has said, the number of new buildings is a small proportion of the total number of buildings in each town, so that even if they were to incorporate anti-gull measures, the overall impact on the problem would be limited. Nonetheless, developers may wish to incorporate such measures, where practicable, to help the occupants of the new buildings from experiencing problems, and a non-statutory planning advice note on this topic might be helpful. However, I do not consider that any wording needs to be added to the local development plan.

2. The reference to the six qualities of successful places has been welcomed. One representation questions how their effectiveness can be measured and monitored. I understand the point being made but it is for the council, through the development management process, to try to ensure that these qualities are achieved. The council refers to future planning advice to provide detailed guidance on the six qualities and how to assess developments in relation to them. I think that this is the best way forward to achieve high standards of development.

3. With regards to the modifications sought by the Scottish Environment Protection Agency (SEPA) for policy P1, I think that these are matters that, as the council has pointed out, are covered (or can be covered) in other policies, and therefore do not need to be mentioned in this policy. Again, there may be a case for a detailed advice note on certain matters. The level of detail being sought by SEPA is, in my view, too great for what is a relatively broad-brush policy.

4. Overall, therefore, I am satisfied that no modifications are required to policy P1.

Policy P2 Open space and access in new development

5. The policy requires “at least 40%” of each major development site to be devoted to good quality open space. This has been criticised in a number of representations as excessive and inflexible, as well as placing an unacceptable burden on landowners and developers. It is argued that this requirement could prejudice the Strategic Development Plan target for a density of 30 dwellings per hectare in the Strategic Growth Areas.

6. The level of provision of open space was discussed in some detail in the report of the examination of what is now the current local development plan. The arguments advanced by parties at that time were similar to those now being put forward. The reporter recommended that the wording of Policy 8 of that plan should be modified to read “We will generally expect at least 40%...”. In the light of the relatively recent discussion on this topic, I find no overriding reason to change the 40% figure, which has been carried through from the present local development plan. It also reflects the Aberdeenshire Parks and Open Spaces Strategy (APOSS) (council document 20), which has been in place since December 2010. Unlike the position when the present plan was examined, the 40% requirement is not a new feature. Despite the generalised arguments presented, no hard evidence has been provided to show that it has had an adverse impact on the delivery of
housing sites. Equally, however, I see no reason to make the policy arguably more onerous than the present one. I therefore consider that the wording should revert to that in the last paragraph of the justification for current policy 8. I have also, however, omitted the phrase “at least”, which implies that 40% is the minimum requirement, rather than the normal one. As there is now no supplementary guidance to replace SG LSD5, I consider that the policy should retain the qualification in policy 8 relating to the site-specific circumstances. The second part of the second paragraph should also be changed to give greater clarity, as in paragraph 2(i) of SG LSD5.

7. The third paragraph of policy P2 contains the open space requirement for proposals of less than 50 homes. The council has pointed out an error in that it should read: “At least 120 m² of public open space per home….” (my emphasis). Although described by the council as a minor technical change, it actually represents a very substantial change in the meaning of the policy. However, as modified, it would be the same requirement as is currently in SG LSD5, and therefore does not constitute a fundamental change to policy. Specifically for windfall sites, the policy does allow for improvements to be made to existing open space instead of on-site provision. This allows a degree of flexibility, especially for smaller sites where the provision of small pockets of public open space may not be practical or useful. On the basis of the above, I see no need to modify this part of the policy.

8. I have some sympathy with the representations that have argued that the open space requirement for new developments represent a burden on the occupants of the new houses because of the on-going maintenance responsibilities, which falls on residents of the new homes. In contrast, existing residents may benefit both from the new open spaces and existing publicly-maintained open space. Although the council has cited some evidence that proximity to local parks and amenity greenspace may increase house values, there is no evidence in the study as to whether the occupants of the houses included in the survey were required to pay for the maintenance of the open spaces involved (other than through local taxation). It seems to me that the value of proximity to open space will depend, perhaps to a significant degree, both on the design and layout of the open space and the quality of its maintenance. I note that APOSS gives priority to low maintenance open space in preference to “premier parks”. This can all too easily translate into bland or poor quality areas of open space.

9. However, the council’s policies for the adoption and maintenance of public open space are not matters that can be addressed through the local development plan. Policy P2 requires arrangements for the maintenance of areas of open space to be agreed, as stated in paragraph 232 of Scottish Planning Policy (SPP).

10. With regards to other representations on this policy, I agree that what constitutes open space is adequately defined in the glossary to the plan as well as APOSS. More detailed requirements can be specified on a site-specific basis through design briefs and masterplans. Policy P1 requires measures to enhance biodiversity, and this should influence the design of areas of public open space, even though more formal spaces such as playing fields will be required in some cases. The provision and protection of access routes is adequately covered in the final paragraph of policy P2. There is no need to make specific reference to taking account of the expansion needs of healthcare facilities in this policy. These needs in relation to open space and green networks will need to be considered on a case by case basis.
Policy P3 Infill and Householder developments within settlements (Including home and work proposals)

11. As currently worded, the policy refers to development opportunities of a small to medium scale. A number of representations have pointed out that there may be occasions where larger scale brownfield land opportunities become available within settlements. Both SPP and the Strategic Development Plan promote the use of brownfield land, and development on such sites may be able to utilise spare capacity in existing infrastructure and help sustain existing services. As the council has said in its response, most development opportunities on infill sites are of a small to medium scale, but the policy does not preclude larger scale developments if appropriate sites become available. Nevertheless it would not object to the omission of the reference to "small and medium scale" from this policy. I agree that, in the circumstances, this would be appropriate.

12. One representation expresses concern about the impact of inappropriate infill development in small rural settlements; for example, if backland development is allowed. This is, however, a matter of the detailed implementation of the local development plan policies through the development management process. Taken together, policies P1 and P3 should be able to protect the character of settlements.

13. Concern is also expressed that, unless sports facilities have a specific land-use designation in the plan, they could be open to redevelopment proposals under this policy. I agree that the protection of such facilities is best covered by policy PR1 as is proposed by the council (see Issue 13). Together with policy P3 as currently worded this will provide protection against the loss of existing or new sports facilities.

Policy P4 Hazardous developments and contaminated land

14. Under Issue 1 I recommended that the title of policy P4 be amended to include reference to potentially polluting developments; as well as an additional sentence relating to air quality. These modifications were made in response to a representation by SEPA.

15. SEPA has made further detailed representations on the wording of this policy, seeking the inclusion of references to water pollution, radioactive contamination, and modifications relating to site investigations. Whilst the council does not consider such changes are necessary, it would not object to a modification to the third paragraph of policy P4 and has suggested alternative wording. I consider that it would be appropriate to make this change.

16. The council has also suggested modifications that could be made in response to representations received in relation to oil and gas pipelines. Some of these relate to individual settlements and sites, but the modifications are proposed under this issue because of the overall context. I agree that modifications should be made as proposed by the council, with some minor changes.

17. I see no reason to amend the title of the policy to include reference to pipelines, as they are specifically included in the terms of the policy as an example of potentially hazardous installations. I also agree with the council that it would not be appropriate to include the pipeline consultation zones on the proposals maps in the local development plan. As the council has stated, these maps are not intended to be constraints maps. It may, however, be helpful to potential developers for the council to produce comprehensive maps of the consultation zones for pipelines and other hazardous development, if they
have not already done so, perhaps as a planning advice note.

Policy P5 Community facilities

18. In response to representations seeking clarification of what is meant by “community facilities”, the council is proposing to replace “facilities” with “infrastructure” and to expand the definition of the latter word in the glossary to include education, health and sports facilities. This is a sensible change which should provide reassurance on what is encompassed by this policy.

19. I find the issue of making “community” facilities available to members of the “community” somewhat confusing. The council’s explanation is that there would only be limited circumstances where a legal agreement (not necessarily under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended) would be needed; for example, when the development of a community facility would result in the loss of land protected under policy PR1. I think that this part of the policy needs further clarification.

20. I agree with the council that it is this latter policy that should be used to protect existing facilities such as outdoor sports, and this is considered further under Issue 13.

21. Except as indicated above, I consider that no further changes are needed to this policy.

Reporter’s recommendations:

1. Delete the second paragraph of Policy P2 and replace with:

“We will generally expect 40% of each major development site to be devoted to good quality open space. In each case the actual proportion will take account of the location, function and characteristics of the development proposal and site; the function of the open space proposed; and, where appropriate, the function and characteristics of existing open space in the area. Alternatively, the developer should demonstrate that the site is a constituent part of an approved development framework or masterplan, and will contribute to the 40% open space component within that area.”

2. Amend the first sentence of the third paragraph of Policy P2 to read:

“At least 120m² of public open space per home must be provided for proposals on allocated sites of less than 50 homes.”

3. Amend the first sentence of Policy P3 to read:

“Sites within settlements that have no specific land use designation may provide development opportunities that can usefully contribute towards housing and employment land requirements.”

4. Add a new second paragraph to Policy P4 to read:

“In determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines) we will consult with, and take full account of advice from, the Health and Safety Executive (HSE) and the facility’s owners.
and operators, and will seek to ensure that any risk to public safety is not increased. Prospective applicants should check whether their proposed development is within the consultation zone of a major hazard site or a major accident hazard pipeline, and should seek further advice if this is the case. This confirmation and advice can be obtained from the HSE Planning Advice Web App at [www.hse.gov.uk/landuseplanning/developers.htm](http://www.hse.gov.uk/landuseplanning/developers.htm) or from the council's Development Management Team."

(*Added under Issue 1)

5. Delete the current third paragraph of Policy P4, and replace with:

“We will not allow development on land that is known or suspected to be contaminated unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment, and effective remedial actions are proposed to ensure the site is made suitable for its new use. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination. Both the site investigation and any remedial actions should be proportionate to the scale and nature of the proposed development, and be in accordance with Planning Advice Note 33: Development of Contaminated Land and the advice of the council’s Infrastructure Services (Contaminated Land) Section."

6. Add the following text to the Settlement Statements for the settlements listed below:

“Part of the settlement is within the Health and Safety Executive (HSE) consultation distance associated with one or more oil or gas pipelines in the vicinity. Developments within this distance must comply with Policy P4: Hazardous and polluting developments and contaminated land, and with the HSE “Planning Advice for Developments near Hazardous Installations”.

Settlements:
Auchenblae
Blackburn
Cruden Bay
Drumlithie
Drumoak
Dunecht
Edzell Woods & Newesk
Fordoun
Inverurie & Port Elphinstone
Kingseat
Kinmuck
Kintore & Business Park
Kirkton of Skene
Laurencekirk
Luthermuir
Marykirk
Park
Peterhead
Pitmedden & Milldale
Rora
St Fergus
7. Add the following text to the Settlement Statements for the sites listed below:

“Development on this site must accord with Policy P4 (Hazardous and polluting developments and contaminated land) and the Health and Safety Executive “Planning Advice for Developments near Hazardous Installations”, owing to the presence of one or more oil or gas pipelines in the vicinity.”

Sites referred to:
Laurencekirk - OP1
Peterhead – R2
Stonehaven - BUS3 and OP3
Tipperty – BUS
Westhill – BUS and R2

8. Amend the title of Policy P5 to read “Community infrastructure”.

9. Delete Policy P5 and replace with:

“We will support the provision of new community infrastructure which is in accessible locations within settlements and available to all community residents. There may be circumstances (for example, if development is taking place on land protected by Policy PR1) where we will seek to ensure through an appropriate legal agreement that the new infrastructure is available to all members of the community for a reasonable amount of time on a regular basis.

Where existing community infrastructure within settlements has become surplus to requirements, due to new or updated facilities being provided elsewhere, we will approve proposals for its re-use or redevelopment subject to compliance with other policies in the plan.”

10. Delete the definition of “Infrastructure” in the glossary to the plan, and replace with:

“Infrastructure: The facilities and other items needed to support development. This includes roads, sewage and water facilities, and community infrastructure including education and lifelong learning, health and sports facilities.”
<table>
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<tr>
<th>Issue 11</th>
<th>Natural Heritage and Landscape</th>
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<tr>
<td>Development Plan reference:</td>
<td>Proposed Plan Section 15, Page 47, Natural Heritage and Landscape</td>
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Body or person(s) submitting a representation raising the issue (including reference number):

Introductory Text
Sport Scotland (673)

Policy E1 Natural Heritage
The Mountaineering Council of Scotland (56)
Local Nature Conservation Site Panel (66)
Forestry Commission Scotland (418)
Inverurie Community Council (434)
Jackie Cumberbirch (435)
RES UK Ltd (587)
The Royal Society for Protection of Birds Scotland (594)
Scottish Natural Heritage (656)
Scottish Environmental Protection Agency (658)

Policy E2 Landscape
The Mountaineering Council of Scotland (56)
Fenneke Wolters-Sinke (201)
Banchory Community Council (359), Cecilia Rogers (392)
Bennachie Community Council (413)
Jackie Cumberbirch (435), Julia Davies (455), Michael Adams (488)
Iain Adams (620)
Sport Scotland (675)

Provision of the Development Plan to which the issue relates:

Policies on the protection and conservation of natural heritage and landscape

Planning Authority’s summary of the representation(s):

Introductory Text
Clarity should be provided around the approach to be taken to the application of the precautionary principle by reference to the approach required by Scottish Planning Policy (paragraph 204).
Policy E1 Natural Heritage

A number of respondents welcomed and supported the policies within this section (56, 594, 658).

A number of changes were suggested for Policy E1 Natural Heritage. Specifically Scottish Natural Heritage (SNH) and others have requested a number of changes to bring the policy into line with the Conservation (Natural Habitats, &c.) Regulations 1994, Scottish Planning Policy (SPP), the Environmental Impact Assessment (Scotland) Regulations (2011) and Planning Circular 3/2011: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 by using the phrase "adverse" rather than "negative" in the third paragraph of the policy (587, 656) and introducing text relating to the objectives of the designation and the overall integrity of the site (656).

SNH believe that it should be clarified in paragraph 5 of the policy that the Scottish Government’s Policy on Control of Woodland Removal applies to all woodland (656).

It has been suggested that the Local Nature Conservation sites should be included in the Settlement Statement maps of Appendix A to ensure that they are fully considered by developers and local communities and that the text is amended to clarify that there should be no net loss of biodiversity from any impacts (594). Concern is expressed that this designation gives no legal protection to sites (435) or confers specific benefits to the local environment (434). Fraserburgh Bay (Site 43 in the Main Issues Report and the associated Position Paper 8 “Local Nature Conservation sites”, page 11) should be added to the list of Local Nature Conservation Sites on the basis of its ecological and geomorphological value. This site meets the appropriate criteria and supports a variety of coastal habitats most of which are UK and local priority habitats(66)

For completeness SNH suggest that Annex II Species and Scottish Biodiversity Habitats and Species need to be added in the 8th Paragraph of the section (656). Further, it is suggested that references to "public benefits at a local level" needs to be expanded to better accord with the statutory guidance (587) and references to ecological value should refer to economic, social and environmental value to reflect the wording used in the Scottish Government’s policy on the Control of Woodland Removal (418).

In paragraph 9, SNH (656) consider that the policy should seek first to avoid the need for species licenses by requiring species protection plans to be submitted with planning applications.

SNH have also suggested that the order of the policies should be changed. They feel it would be more logical if 'Wider Biodiversity and Geodiversity' followed after the policy section on 'Protected Species', which have statutory protection (656).

The Plan should require development causing a negative impact on species, sites or habitats to be obliged to mitigate against this damage, and enhance biodiversity (594).

A commitment should be made to protect and enhance areas used by protected species and other wildlife for roosting, nesting and feeding, by the Council and developers. The Council has a duty to conserve biodiversity under the Nature of Conservation (Scotland) Act (2004) (594).
Policy E2 Landscape

A number of respondents expressed support for the development of Special Landscape Areas and/or suggested areas where this designation should be applied (56, 201, 359, 392, 435, 455, 488, 620) or the criteria to be used to identify them (675). The current policy on natural heritage and landscape, Policy E2 Landscape, needs to be more concrete. Boundaries and qualifying criteria for special landscape have to be clear for everyone (201).

The "Valued Views" policy should be retained [currently Supplementary Guidance Landscape 2] as stated in the response made to the Main Issues Report (Main Issues Report 2013, Submission no.1819 from Bennachie Community Council). The current policy is consistent with national policy and its review would neither be completed by the time of publication of the Local Development Plan nor affordable. Failures in the SG Landscape 2 policy are as a result of the views being poorly described. Perceptions of the aesthetics of views to most people determine their value, as supported by SNH in their position statement no. 05/01"SNH's Landscape Policy Framework". Landscape features that might be protected by the new policy are already protected, but places between the viewpoint and the landscape would be diminished. Aberdeenshire Council should work with Community Councils to re-assess and define valued views to make the existing policy more robust (413).

Modifications sought by those submitting representations:

Introductory text

A reference to Scottish Planning Policy, or the approach required by the SPP (para 204), should be made in the precautionary principle text in the 4th paragraph of page 47.

Policy E1 Natural Heritage

A more positive tone should be adopted about the significant benefits in meeting biodiversity and health and well-being targets (434).

Development causing a negative impact on species, sites or habitats should be obliged to mitigate against this damage and enhance biodiversity (594).

The third paragraph of Policy E1 (under ‘Nature Conservation Sites’) should be amended to "We will not allow development which may have an adverse effect on the integrity of an internationally designated nature conservation site, except where there are imperative reasons of overriding public interest and if there is no alternative solution (656).”

Amend the third paragraph to replace "significant adverse effect on the integrity of an internationally designated conservation site" with "negative effect on the integrity of an internationally designated conservation site" (587).

Policy E1, in the fourth paragraph (under Nature Conservation Sites), should be amended to "For nationally designated sites a thorough assessment must demonstrate that the objectives of designation and the overall integrity of the site will not be compromised, or that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national
importance"(656).

Policy E1, 5th paragraph add, "For any proposals involving the removal of woodland, the Scottish Government’s Control of Woodland Removal Policy will apply"(656).

Policy E1, 8th Paragraph (under Wider Biodiversity and Geodiversity) should be amended to "If development may affect undesignated habitats listed in Annex I of the Habitats Directive, species listed in Annex II of the Habitats Directive, habitats/species on the Scottish Biodiversity List, Local Biodiversity Action Plan priority habitats/species, species of importance to biodiversity, areas of importance to geodiversity, or semi-natural habitats, we will only approve it when a baseline ecological survey has been carried out, development has been designed to avoid impacts where possible (for example through incorporating areas of importance to biodiversity into open space provision, so that they are conserved and enhanced where possible), or where impacts cannot be reasonably be avoided, an ecological or geological management plan demonstrate public benefits" (656).

Amend the 8th paragraph by adding "economic, social and environmental" in place of "ecological" so that this paragraph reads: "If development may affect undesignated habitats listed in Annex I of the Habitats regulations, semi-natural habitats, LBAP priority habitats/species, species of importance to biodiversity or areas of importance to geodiversity, we will only approve it when a baseline ecological survey and ecological or geological management plan demonstrate public benefits at a local level that outweigh the economic, social and environmental value of the site. Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the site's environmental quality, ecological status or viability"(656).

Amend the 8th paragraph by adding "If development has an unacceptable adverse impact upon undesignated habitats" to replace "If development may affect undesignated habitats", and "public benefits at a local level" is expanded to the "public/environmental benefits at local and wider level" (587).

Swop round order of 'Wider biodiversity and geodiversity' and 'Protected species'(656).

The opening paragraph of Policy E1 Natural Heritage: Protected Species should be amended to "Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless; for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution"(656).

Main Issues Report Local Nature Conservation site 43 Fraserburgh Bay should be reinstated to the Plan.

Policy E2 Landscape

Scolty Hill and Land to the South of the River Dee should be included as Special Landscape Areas (201, 359, 392, 455, 488, 620).
Consideration should be given to whether there should be landscape designations relative to important local settings for outdoor recreation in the development of this policy area (675).

The Valued Views policy should be retained and added to Policy P2 (413).

**Summary of response (including reasons) by Planning Authority:**

**Introductory Text**

The introductory text provides a context for the two policies E1 Natural Heritage, and Policy E2 Landscape.

The precautionary principle is a well-established benchmark for development and has been adopted from the Aberdeenshire Local Development Plan 2012 (see page 14, Policy 11 Natural heritage). Definitions of the precautionary principle were not raised as an issue in the Main Issues Report. Text of the Plan and that contained in SPP differs in that SPP uses the term "sound evidence" whereas the Local Development Plan uses "good scientific grounds". Otherwise, the only difference is that SPP identifies that research, surveys and assessments can remove or reduce uncertainty.

It is not appropriate for the Local Development Plan to restate national policy just for its own sake, as SPP is a significant material consideration in the determination of any planning application. The definition provided in the Plan is appropriate and sufficient and very similar to that in SPP. It provides additional guidance as to the nature of the "sound evidence" that is required and no change is required to the Plan.

**Policy E1 Natural Heritage**

Policy E1 provides a robust context for the consideration of issues related to the conservation of natural heritage in the course of considering proposals for planning permission. Policy is provided for designated sites, undesignated “wider” biodiversity, and protected species in line with national legislation. The support for the policies is welcome.

Natural heritage policies were not identified as a main issue in the Main Issues Report (MIR) 2013. These policies remain largely unchanged from the Supplementary Guidance published to support the Aberdeenshire Local Development Plan 2012 (albeit their format has changed) with the notable exception of the introduction of new “Local Nature Conservation sites” added after a three year research programme in partnership with Aberdeen University, Scottish Natural Heritage and other conservation bodies. No changes were proposed by respondents to the text of the existing Supplementary Guidance in response to the Main Issues Report except for the request by SNH to take account of amendments to the Wildlife and Natural Environment (Scotland) Act 2011 and provide protection for badgers under the Protection of Badgers Act 1992. No suggestion was made, at this time, regarding species action plans or a change to the wording of the policy to require consideration of social and economic factors in assessing potential impacts.

In relation to the issue of whether the term “adverse” should be used, Aberdeenshire agree there is some merit in using a consistent form of wording between different documents. The definition of adverse (Oxford Dictionary “preventing success or development; harmful;
unfavourable”) and that of negative (“consisting in or characterized by the absence rather than the presence of distinguishing features’) are not so different, particularly when the term is used in the context of the policy wording itself. Care has been taken to use an appropriate form of words that reflects the need to protect integrity of the site above all else. Use of “adverse” is synonymous with “negative”. Change to “We will not allow development which may have an adverse effect on the integrity of an internationally designated nature conservation site” could be supported as a non-material modification as it will not have a significant impact on the Plan. Aberdeenshire Council would not be opposed to the Reporter making this modification or a variation thereof. The Environmental Impact Assessment (Scotland) Regulations 2011 make no reference to “adverse” effects.

The removal of the woodlands element of the policy does not apply to all woodlands and a more stringent policy position is provided by Policy C3 “Carbon Sinks and Stores”. While we would agree that all woodlands are important, some woodlands have particular value for conservation of natural heritage and, it is these that are referred to in this policy.

Consideration was given to including development constraints on the settlement statement maps, including Local Nature Conservation Sites, but as we have no control over the boundaries of many of these it was decided that this was inappropriate and could lead to confusion. Their general locations are shown on the proposals map and Natural Heritage and Landscape Supplementary Guidance 5 Local Nature Conservation Sites (LNCS) will provide the detail in respect of this policy topic (as provided for by Town and Country Planning (Development Planning) (Scotland) Regulations 2008 section 27(2). The LNCS designation confers a level of protection from development as an identified nature conservation site and this is an appropriate level of legal protection. The allocation is passive in the Development Plan, providing protection, rather than one that seeks to enhance and improve their ecological status as there is no mechanism available to the Planning Authority to secure this without reference to development. Obligations for all sites to improve biodiversity is contained in Policy P1 of the Plan. Recognition as LNCS sites is likely to influence other decision makers within the agri-environment industry. The level of absolute protection sought for these sites by the RSPB would be inappropriate.

Site 43 Fraserburgh Bay was supported for removal from the Plan by Banff and Buchan Area Committee at their meeting on 27 January 2015 on the basis that natural heritage interests were already protected by the Cairnbulg Site of Special Scientific Interest. It is acknowledged that the wider area meets the criteria for inclusion as a Local Nature Conservation Site.

Aberdeenshire Council remain unconvinced that changes are required to paragraph 8 of this policy relating to wider biodiversity and geodiversity. The terms “species of importance to biodiversity” is a wide catch-all that includes species listed in Annex II of the Habitats Directive and the Scottish Biodiversity list and requires no change. Consideration of Annex II of the Habitats directive is explicitly referred to in its appropriate place as part of the section on protected species. Furthermore, it is asserted that the changes to this section proposed by the Forestry Commission and RES (418, 587) to include consideration of the economic social and environmental value of sites or public/environmental benefits at a local and wider level are misguided. Perceived public benefits have to reflect the relative economic or social value of the site and allow for ecological matters to be balanced in that context. Introduction of economic and social values as part of the equation is likely to devalue the ecological contribution. In any case, social and economic considerations form part of the “public benefits” which is tested. Widening the scope of impacts beyond local considerations would end in dispute as to the
weight to be given to global environmental issues against the need to protect local biodiversity. Loss of a local biodiversity resource can only be justified by local public benefits such as employment opportunities or community benefits provided independently of the planning system (as promoted in the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments). No change is required.

The Plan contains a policy at P1 that requires enhancement of biodiversity. By inference, if ecological damage is being caused then this policy would require additional works to result in a net improvement in biodiversity. It is always in the interests of the developer to avoid negative impacts on species, sites or habitats as this would result in the need for additional compensatory measures elsewhere. No changes are required to this element of the policy.

In relation to the section of protected species it would be inappropriate for the Local Development Plan to be employed to require submission of species action plans. Until debate and analysis is conducted as to the possible impacts from the development on species then such plans would be of very limited value and would reflect a biased perspective of the development. Such plans are more appropriately required as a condition on development, should impacts be identified which require to be addressed. No change is required.

In considering the order of the policies, this is immaterial to their content and no change is necessary.

It is not appropriate to make a commitment in the Plan for the Council to protect and enhance areas used by protected species and other wildlife for roosting, nesting and feeding. The Development Plan is not a statement of Aberdeenshire Council’s position on matters, but a wider statement of how sustainable economic development is to be achieved. The Vision of the Plan applies to all development and has a strong statement (See Proposed Local Development Plan page Section 3: Vision for the Plan, page 7, box 3) regarding the need to protect and improve the natural and built environment. Statements of Aberdeenshire’s commitment to conserving biodiversity are found in the Aberdeenshire Environmental Policy 2013.

Policy E2 Landscape

A robust policy on the maintenance of Landscape Character and a policy on “valued views” were introduced into the Local Development Plan in 2012. A previous local landscape designation (Areas of landscape and ecological significance) dating from the 1980’s was abandoned at this time due to the lack of any robust information base which justified the areas identified. While issues relating to landscape character were not identified as a main issue the Main Issues Report 2013 identified failings of the valued views policy and proposed its replacement with a new designation of “Special Landscape Areas” (SLA) identified in accordance with the SNH guidance on this matter (see Issues and Action Paper 024 Main Issue 11 Valued views and Locally valued landscapes).

One representation was received in response to the Main Issues Report relating to the General Landscape Character policy. 66 responses were made to the principle of replacing “valued views” with special landscape areas. There was considerable support for the proposal to proceed with a new policy approach. Bennachie Community Council’s views were considered as part of our deliberations on the MIR and all the matters raised by them were considered at this time.
The continued support for the proposal to include the Special Landscapes Areas (SLA's) as Supplementary Guidance is welcomed. Specific areas to be included in the designation will be identified through public engagement as part of a fully funded study commissioned to deliver candidate SLA's by April 2016 for subsequent adoption as Supplementary Guidance in the new Plan. As was noted at the MIR stage of the Local Development Plan no "gap" in landscape policy is anticipated.

Identification of protected landscapes provides a more robust tool for protecting the aesthetics of landscapes than the current Supplementary Guidance Landscape 2 "Valued Views" policy which lacks the credibility of a study undertaken using national guidance. While we retain significant sympathy for the issues raised by Bennachie Community Council regarding the failure of Landscape Character derived policies to protect the settings of landscapes we remain confident that the definition of SLA's will take this matter into account.

No changes are required to the policy.

**Reporter's conclusions:**

### Introductory text

1. The term “precautionary principle” is defined in the glossary to the proposed plan. One representation seeks a reference to paragraph 204 of *Scottish Planning Policy* (SPP) in the fourth paragraph of the introductory text in Section 15. However, I agree with the council that it is unnecessary to modify the text and that it does not conflict with national planning policy.

### Policy E1 Natural heritage

2. This policy replaces SG Natural Environment1 and 2 in the current local development plan, but adds the protection of Local Nature Conservation Sites. A number of suggestions for detailed changes to the wording have been made, including by Scottish Natural Heritage (SNH). I think it is important that the wording of the policy should align with the relevant international and national legislation and policies. Whilst the words “negative” and “adverse” have similar connotations, it is the latter that is used in the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended); and I consider that it should be used in this policy where reference is made to internationally designated sites. The wording of the second paragraph of policy E1 should more closely reflect that in the above-mentioned regulations which, in turn, have transposed the European Directive into national legislation.

3. For nationally designated sites, I agree with the proposed modification by SNH, which although relatively minor, more closely aligns the wording of the policy with the advice in SPP.

4. SNH also wishes to see the policy include woodland replanting measures in the section dealing with other recognised nature conservation sites. As the council has indicated, there will be many woodlands that do not fall in those categories. It has also referred to policy C3: Carbon sinks and stores, in section 18 of the proposed plan, as providing an extra measure of control. That policy does call for an equal area of replanting if the removal of woodland is to be permitted. Nonetheless, I consider that it would be
beneficial to include SNH’s suggested modification where it specifically applies to sites of nature conservation interest.

5. In relation to the proposed Local Nature Conservation Sites, RSPB Scotland has suggested that they should be included in the Settlement Statement maps in Appendix A so that developers and the local community are aware of them. Many of the sites will, however, not fall within the areas of these maps and I think that the comprehensive coverage in proposed Supplementary Guidance 5, where the sites are described and mapped, is adequate. Once adopted this guidance forms part of the statutory development plan. The wording of policy E1 draws attention to this supplementary guidance.

6. The Local Nature Conservation Sites do not have any specific legal status, but the purpose of the policy is to give them some protection through the development management process. I do not think that the local development plan can go further than this. Proposals for managing or enhancing these sites will need to be progressed by other means unless they are linked to particular development proposals where, as the council has pointed out, policy P1 requires provision for increased biodiversity or geodiversity where appropriate.

7. A representation from the Local Nature Conservation Site Panel calls for the whole of Fraserburgh Bay to be included in the list in Supplementary Guidance 5; it having been removed from the original list by the Banff and Buchan Area Committee without any reason being given. The council accepts that it meets the criteria for selection. However, paragraph 141 of Circular 6/2013: Development Planning indicates that the content of supplementary guidance does not need to be scrutinised at the local development plan examination. As such, therefore, I consider that I have no remit to consider the detailed listing of the Local Nature Conservation Sites in Supplementary Guidance 5.

8. The second part of policy E1 deals with wider biodiversity and geodiversity (i.e. beyond specifically designated sites). SNH suggests that it would be more logical for this section to follow after the one on protected species, which enjoy statutory protection. Whilst not a major issue, I think such a change is appropriate.

9. SNH has also proposed changes to this part of the policy. I think that its wording would provide a more comprehensive explanation of the areas and species covered; although I have not fully adopted all the changes it has suggested, which I consider include more detail than is necessary. With regards to other changes to this part of the policy suggested in a number of representations, I agree with the council that the phrase “public benefits” can include social, economic and environmental issues, but that the focus of this policy should be on protecting the ecological value of sites. I recognise the difficulty in judging between local biodiversity resources and the wider environmental benefits that may be claimed for some forms of development (e.g. renewable energy). However, I do not think it is the case, as suggested by the council, that the loss of such local resources can only be justified by local benefits. I have therefore recommended that the policy be modified accordingly.

10. The third section (at present) of policy E1 covers protected species. I consider that the changes proposed by SNH more closely align the policy with the terms of the relevant legislation and should therefore be largely adopted. However, I agree with the council that it would not be appropriate for the local development plan to make a commitment to the protection and enhancement of areas used by protected species and other wildlife in
general terms. Where such actions may be called for as a result of specific development proposals, policy P1 (not P2 as stated in the proposed plan) calls for measures to enhance biodiversity.

11. In my recommendations below I have included the full text of the modified policy E1 for convenience.

Policy E2 Landscape

12. This policy replaces SG Landscape1 and 2 in the current local development plan. It introduces the concept of Special Landscape Areas, the boundaries and qualifying interests of which are in the course of identification through a study that has involved public engagement. These areas will replace the “valued views” which are presently protected through SG Landscape 2. They will be included in supplementary guidance which, once adopted, will form part of the development plan.

13. In general the representations support this approach, although some concern is expressed about the loss of the “valued views” concept and the effect of any hiatus between the adoption of the new local development plan and the formal identification of the Special Landscape Areas. A number of representations specifically call for Scolty Hill and land to the south of the River Dee near Banchory to be included in a Special Landscape Area, but this is a matter for the supplementary guidance.

14. The Main Issues Report (MIR) in 2013 [CD10] raised the question of whether the information on the valued views identified in SG Landscape2 was sufficient to allow informed decisions to be taken on what would be an acceptable impact on the view. A more detailed analysis is given in MIR Position Paper 09: Valued Views [council document 235], which identified the deficiencies of the “valued views” approach, including their subjectivity and lack of definition. The MIR Issues and Actions Paper 024 [council document 151] considered the responses to the MIR on this topic, including those such as from the Bennachie Community Council and others, that supported the retention of “valued views”, but also noted the substantial support for the introduction of new local landscape designations. It concluded that there was majority support for the latter option, and recommended that this approach should be followed. I am satisfied that the council gave careful consideration to the merits and drawbacks of the two approaches to landscape conservation, and accept that the Special Landscape Area designation should potentially be more effective in protecting locally valued landscapes. The effectiveness of any policy in achieving its objectives is, of course, dependant on not only its wording but how it is put into effect in practice.

15. With regards to the concerns about what might happen during any gap between the end of the “valued views” policy and identification of the Special Landscape Areas, I have been informed by the council that the consultation on the supplementary guidance on the proposed Special Landscape Areas started on 1 April 2016 for a period of six weeks. It is anticipated that, once this consultation has been completed and the representations considered along with the views of the six Area Committees, the finalised guidance will be considered by the Infrastructure Services Committee and then submitted to Scottish Ministers for their approval to adopt. It is hoped that the supplementary guidance will be adopted on the same date as the local development plan. In the light of this intended timescale, I am satisfied that there should be no hiatus between the end of the “valued views” policy and the adoption of the Special Landscape Areas, which will form the basis for landscape protection in terms of policy E2 along with the SNH Landscape Character
Assessments, to which reference is made in the policy.

16. I conclude that no modifications are required to policy E2.

**Reporter's recommendations:**

1. Delete the current wording of Policy E1: Natural heritage and replace with:

   "**Nature conservation sites**

   We will not allow new development where it may have an adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance, except where the following circumstances apply.

   In the case of an internationally designated nature conservation site, we will not allow development which may have an adverse effect on its integrity, except where there are imperative reasons of overriding public importance and there is no alternative solution. In all cases, suitable compensatory measures must be implemented.

   For nationally designated sites a thorough assessment must demonstrate that the objectives of designation and the overall integrity of the site will not be compromised, or that any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance. In all cases, any impacts must be suitably mitigated.

   For other recognised nature conservation sites (such as Local Nature Conservation Sites, nature reserves, designated wetlands, woodland in the Scottish Natural Heritage Ancient Woodland Inventory and the Native Woodland Survey of Scotland) the proposal’s public benefits must clearly outweigh the nature conservation value of the site. In all cases, impacts must be suitably mitigated and, for any proposals involving the removal of woodland, the Scottish Government Control of Woodland Removal Policy will apply.

   We, along with others with an interest, including Scottish Natural Heritage, Royal Society for the Protection of Birds, Scottish Wildlife Trust and Aberdeen University, have identified about 100 Local Nature Conservation Sites which are introduced by this plan. These replace a previous local designation of Sites of Interest to Natural Science and are also shown on the proposals map and in detail in supplementary guidance “Local Nature Conservation Sites.”

**Protected species**

Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless: for European Protected Species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and that the population will be maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or
environmental benefits. In either case there must be no other satisfactory solution.

Lists of species protected by legislation are available from Scottish Natural Heritage at http://www.snh.gov.uk/

Wider biodiversity and geodiversity

A baseline ecological survey should be prepared for all major developments and for smaller proposals where there is evidence to suggest that a habitat, geological feature or species of importance may exist on the site.

If development may affect undesignated habitats listed in Annex 1 of the EC Habitats Directive, species listed in Annex II of the EC Habitats Directive, species listed in Annexes I and II of the EC Birds Directive, habitats or species on the Scottish Biodiversity List, Local Biodiversity Action Plan priority habitats/species, other species of importance to biodiversity, areas of importance to geodiversity, or semi-natural habitats, we will only approve it when a baseline ecological survey has been carried out; the development has been designed to avoid impacts where possible; and, where impacts cannot reasonably be avoided, an ecological or geological management plan demonstrates public benefits that outweigh the ecological or geological value of the site. Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the sites environmental quality, ecological status or viability.

Policy P1 also says that all developments should identify measures that will be taken to improve biodiversity and geodiversity in proportion to the potential opportunities available and the scale of the development.”
### Issue 12

#### The Historic Environment

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<tr>
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<tbody>
<tr>
<td><strong>Body or person(s) submitting a representation raising the issue (including reference number):</strong></td>
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<tr>
<td>Policy HE1 Protecting Historic Buildings, Sites and Monuments</td>
<td>RES UK Ltd (587)</td>
<td>Scottish Government (649)</td>
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<tr>
<td>Policy HE2 Protecting Historic and Cultural Areas</td>
<td>Elizabeth Thomas (404)</td>
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<td>Policy HE3 Helping to Reuse Listed Buildings at Risk</td>
<td>Scottish Government (649)</td>
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<tr>
<td>Appendix 6 Conservation Areas</td>
<td>Dr Keith Stewart (385)</td>
<td></td>
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</table>

#### Provision of the Development Plan to which the issue relates:

Policies on conserving and enhancing the historic environment

#### Planning Authority’s summary of the representation(s):

**Policy HE1 Protecting Historic Buildings, Sites and Monuments**

RES UK Ltd disagrees with the word choice in the policy. Environmental Impact Assessment (Scotland) Regulations (2011) and associated Planning Circular 3/2011 continually uses the phrase ‘adverse effect’ throughout and RES would like the policy to accord with these statutory documents (587).

The Scottish Government does not consider it appropriate or effective to group heritage assets from separate policies (as was proposed in the Main Issues Report) into two (Policies HE1 and HE2), due to the different policy balances that apply to different types of heritage assets. This approach no longer provides a robust and clear framework for assessing developments that could have an impact on the historic environment. They miss the nuance approach to the treatment of various heritage assets, which the current 2012 policy framework allows. (649).

**Policy HE2 Protecting Historic and Cultural Areas**

Conservation Area policy is not being implemented equally across Aberdeenshire and consequently each new development allows an opportunity to reinterpret the policy.
Loopholes that allow developers to circumvent the policy and ignore conservation principals should be closed (404).

The wording "We will not generally allow development that would have a negative effect on ..." is not strong enough to provide a sufficient level of protection for the historic environment. This wording differs from the Natural Heritage and Landscape policy "We will not allow new development where it may have an adverse effect on ..." (649).

Relevant aspects of the policy are missing (i.e. the setting of gardens and designed landscapes is not covered at all), which has resulted in a more ambiguous historic environment policy that does not cover relevant aspects of the existing policy (649).

Policy HE3 Helping to Reuse Listed Buildings at Risk

The Scottish Government note that the 'Enabling Development' policy has been renamed 'Helping to Reuse Listed Buildings at Risk' (Policy HE3), but consider the title of 'Enabling Development' and its content is clearer (649).

Appendix 6 Conservation Areas

In Table 5, Kirkton of Fetteresso has been incorrectly spelt (385).

Modifications sought by those submitting representations:

Policy HE1 Protecting Historic Buildings, Sites and Monuments

In the second paragraph, change the wording "negative effect on the..." to "significant adverse effect on the ..." (587).

The Proposed Local Development Plan should either: Revert back to the current policy content, with some appropriate changes to reflect up-to-date national guidance and an additional content on battlefield; or Policy HE1, HE2 and HE3 should be amended to cover individual types of historic environment assets separately without missing relevant aspects of the existing LDP policy (649).

Policy HE2 Protecting Historic and Cultural Areas

Loopholes that allow the reinterpretation of this policy need to be closed, such as citing the need for modern living standards (404).

Strengthen the policy from "We will not generally allow development that would have a negative effect on ..." to "We will not allow new development where it may have an adverse effect on ..." (649).

The Proposed Plan should either:

- Revert back to the current policy content, with some appropriate changes to reflect up-to-date national guidance and an additional content on battlefield;

or

- Policy HE1, HE2 and HE3 are amended to cover individual types of historic environment assets separately and no relevant aspects of the existing LDP policy (e.g. setting) are missed (649).
Policy HE3 Helping to Reuse Listed Buildings at Risk

The Proposed Plan should either:
- Revert back to the current policy content, with some appropriate changes to reflect up-to-date national guidance and an additional content on battlefields; or
- Policy HE1, HE2 and HE3 are amended to cover individual types of historic environment assets separately. It should be ensured that no relevant aspects of the existing LDP policy are missed (649).

Appendix 6 Conservation Areas

In Table 5, change "Kirkton of Fetteresso" to Kirktown of Fetteresso" (385).

Summary of response (including reasons) by Planning Authority:

Policy HE1 Protecting Historic Buildings, Sites and Monuments

The use of "adverse effect" in national legislation referred to by RES UK Ltd is acknowledged, but Aberdeenshire Council does not consider there to be a significant difference in meaning between this and "negative effect" to merit a modification to the Plan. Both terminologies refer to an effect that is harmful, bad, destructive etc. Furthermore, other national policies, such as Scottish Planning Policy (SPP) are also inconsistent when using this or similar terminology (see SPP paragraphs 33, 73, 137, 145, second row of Table 1, 202, 207, 215, 216, 278). The Proposed Local Development Plan is also not consistent when it uses similar terminologies, but it is not considered necessary to support a change to the Plan on this issue. No change is required.

In relation to the Scottish Government’s comments, the decision was taken to amalgamate the 5 Proposed Supplementary Guidance (SG) into two policies as a result of a letter from the Chief Planner, Scottish Government “Development Plans – Supplementary Guidance” issued on 15 January, 2015, confirming they did not support continuing the approach adopted in the 2012 Aberdeenshire Local Development Plan (ALDP), which places detailed policy content in SG. To keep the Proposed Plan concise the proposed five SG were amalgamated into two policies: one that focuses on sites (i.e. listed buildings and archaeological sites), and another on designations that cover a wider area (i.e. designed landscapes, conservation areas and battlefields). A third policy allows new development to help reuse listed buildings at risk (i.e. enabling development). Further information on the background and context is provided in Position Paper 12 Historic Environment Policies, sections 1-6.

The wording of the proposed policies and their amalgamation are considered robust and not contrary to Scottish Planning Policy and Scottish Historic Environment Policies (SHEP). Paragraph 139 in SPP on providing a framework for protecting and enhancing the historic environment allows individual local Planning Authorities to determine how many policies (and Supplementary Guidance and Planning Advice) they feel is necessary to achieve this with input from stakeholders. Additionally, Local Development Plans should be succinct, mapped based documents (para 8, Circular 6/2013, Development Planning). In SPP paragraphs 141 to 151 there are differences in the policy for historic assets, but there is also repetition, notably with designed landscapes and gardens, and battlefields having similar wording. However, separate paragraphs are provided in policies HE1 and
HE2 where there are differences between the designations. Furthermore, most of the text in the previous Plan’s Supplementary Guidance has been carried over into the proposed policies (see Main Issues Report 2013, Position Paper 12 Historic Environment Policies for further information).

For the above reasons, consolidating the policies into designated sites and areas with a map of scheduled monuments, conservation areas, designed landscapes and battlefields is a logical and robust approach and does not conflict with national policies. No change is required.

Policy HE2 Protecting Historic and Cultural Areas

It is not agreed that there is a need to 'close any loopholes', as the proposed policy does not include any caveats that state when development would be permitted. Neither Scottish Planning Policy (SPP) nor Scottish Historic Environment Policy (SHEP) state when development should or should not be allowed. Instead they highlight what should be considered when a proposal could affect a designation (see for example SPP, paragraphs 143 and 149). Development proposals considered by Committee consider these issues. No change is required.

The wording of Policy HE2, "We will not generally allow..." does not weaken the level of protection for the historic environment, as it acknowledges that change is more likely to be acceptable in protected areas than sites (e.g. Listed Buildings). The suggested wording by Historic Environment Scotland includes the word "may", which Aberdeenshire Council believes would provide uncertainty: either a development will or will not have an adverse impact. In addition, SPP is also inconsistent when using the term "adverse effect" or similar (see SPP paragraphs 33, 73, 137, 142, 145, second row of Table 1, 202, 207, 215, 216, 278). The Proposed Plan is also inconsistent when it uses similar terminologies, but it is not considered necessary to support a change to the plan on this issue. No change is required.

In relation to the missing aspects of the policy, Aberdeenshire Council does not believe that this is the case, but that confusion may emerge from the different interpretations of the term “character”. Aberdeenshire Council is clear that impacts on the special character of an area includes development which may impact on its setting (amongst other things), while we believe that the Scottish Government takes a view that considers the impact on the special characteristics of historic and cultural areas, and their setting as two separate issues. Aberdeenshire Council has used the term “character” to refer to both elements that define the special area (characteristics of that area) and its setting. To clarify this matter and as a non-notifiable modification, the following wording should be added “and/or setting” after “special character” in paragraph one. Aberdeenshire Council would not be opposed to the Reporter making this modification, proposed by the Council, or a variation thereof. The remainder of Policy HE2 is considered consistent with national policy.

Policy HE3 Helping to reuse listed buildings at risk

Policy HE3 carries forward the built heritage element (Part A) of the current Supplementary Guidance, SG Enabling Development1: Enabling Development. The Supplementary Guidance was considered in full at the Main Issues Report (MIR) stage (see MIR Table 1, page 4 and the subsequent Issues and Actions Paper 021 - Enabling Development). It concluded that the two parts of the Supplementary Guidance (Parts A and B) should be separated.
It is not agreed that the content of Policy HE3 is any less clear than in Part A of SG Enabling Development 1, as there is very little difference between them. Refining and removing the criteria-based approach removes unnecessary repetition. “Enabling” development has a use in other policy areas other than conservation of the historic environment. No change is required.

It is not agreed that the title of the proposed policy should revert back to that used for the current Supplementary Guidance. It was amended in light of feedback received from The Plain English Campaign who recommended changing the proposed title from “Enabling Reuse of Listed Buildings at Risk” to “Helping to Reuse Listed Buildings at Risk”. Aberdeenshire Council supported this change as not everyone will understand what enabling development means in this context. No change is required.

Appendix 6 Conservation Areas

It is acknowledged there are two spellings of this settlement name used by Aberdeenshire Council. Having taken advice the Council is content that a non-notifiable modification should be made to correct the name to “Kirktown of Fetteresso”. Aberdeenshire Council would not be opposed to the Reporter making this modification, proposed by the Council, or a variation thereof.

**Reporter's conclusions:**

1. Section 16 of the proposed plan contains three policies on protecting the historic environment. The principal objection to these policies comes from the Scottish Government (Historic Environment Scotland), which considers that they are not as effective as the equivalent policies in the current local development plan.

2. That plan contains a general policy (13) on the historic environment, augmented by statutory supplementary guidance covering four separate elements: listed buildings, conservation areas, historic gardens and designed landscapes, and archaeological sites and monuments. Following advice given by the Chief Planner, Scottish Government, in January 2015, the council has returned the main elements of the policies to the body of the local development plan. In the interests of keeping the document succinct, the reasoned justification for the policies has been omitted. I have commented on this approach in Issue 1, but it is common to the whole plan and not something to be changed for one specific section.

3. The main change is that the four sections of supplementary guidance have been replaced by two policies: HE1 covering historic buildings, sites and monuments; and HE2 covering historic and cultural areas. The Scottish Government objection considers that this fails to distinguish adequately between the different policy balances that apply to the separate elements within each policy, and misses the nuanced approach to the various heritage assets that the current policy framework allows.

4. Whilst I understand this concern, I am not convinced that the grouping of different types of heritage assets into two categories is unacceptable, providing the wording of each policy is sufficiently robust. I therefore consider the detailed wording below.
Policy HE1 Protecting historic buildings, sites and monuments

5. This policy replaces SG Historic Environment 1 and 4 in the present local development plan. The Scottish Government has offered no suggestions on the detailed wording of this policy, but one representation seeks the replacement of the phrase “negative effect” in the second paragraph with “significant adverse effect”. In general I agree with the council that there is no practical difference between the use of “negative” or “adverse”. Both effectively have the meaning of “harmful”, a word that could equally as well have been used. As the council has pointed out, the proposed plan is not consistent in its use of these words, with policy HE2 referring to adverse impacts and effects. On balance, I consider that it would be unduly pedantic to insist on the use of a single word in this context throughout the document. I also do not think that it is necessary to qualify the word in this instance by the addition of “significant”. This introduces an additional element of judgement, and it should be recognised that, in addition to development plan policies, there are statutory provisions in the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 that need to be taken into account in dealing with applications affecting listed buildings, which might impose more stringent requirements.

6. In terms of the final paragraph of this policy, relating to development on nationally important monuments, I am somewhat surprised that the Scottish Government made no reference to the fact that any work directly affecting a scheduled monument requires consent from Historic Environment Scotland. Although the wording is similar to the current policy, I consider that it could be misleading in suggesting that it is only the planning authority that determines whether development can take place on such monuments. I would therefore recommend that the council should consider adding a note to this policy to clarify the position. This could be done at the council’s own discretion.

Policy HE2 Protecting historic and cultural areas

7. The initial wording of this policy is criticised as not being strong enough to protect the historic environment. I agree with this criticism, particularly in light of section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which places a statutory duty on planning authorities to pay special attention to the desirability of protecting or enhancing the character and appearance of a conservation area. This is highlighted in paragraph 143 of Scottish Planning Policy.

8. I consider that it would be better to amend this policy to distinguish between conservation areas, where there are statutory requirements, and the other area designations which do not have such statutory status. Provision should also be included to protect the setting of all the designated areas.

9. One representation on this policy essentially concerns the manner in which conservation area policies have been implemented in the past. However, that is not a matter that directly relates to the wording of the proposed policy. The taking of individual development management decisions by the planning authority inevitably entails the exercise of judgement based on the particular circumstances of each case, and not everybody will necessarily agree with the outcomes.

Policy HE3 Helping to reuse listed buildings at risk

10. This policy replaces part A of SG Enabling Development 1 in the current local development plan, and the Scottish Government wants its title to include that phrase. The
term “enabling development” has tended to take on a specialist interpretation in relation to the provision of development that would not normally be permitted in order to help finance the restoration or repair of a listed building that has fallen or would otherwise fall into dereliction and decay. I accept that such an interpretation of the term might not be fully understood by the general public, and I have no objection to retaining the title of policy HE3 as it stands.

11. However, the wording of the policy then reverts to the use of the term without any explanation. Nor is it defined in the glossary. I consider that wording should be introduced to clarify the situation.

Appendix 6 Conservation Areas

12. A minor change is proposed to correct the name of one of the conservation areas listed in Appendix 6. I consider that it would be appropriate to make this change.

Reporter's recommendations:

1. Delete the first paragraph of policy HE2 and replace with:

   “We will not allow development, including change of use or demolition, that would not preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its setting.”

2. Amend the first sentence of the third paragraph of policy HE2 to read:

   “Development on or outwith a battlefield, designated historic garden or designed landscape will only be permitted if the proposal would not have an adverse impact that compromises the objectives of the designation or the overall integrity, character and setting of the designated area, or any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development.”

3. Amend the first sentence of policy HE3 to read:

   “We will approve development on unallocated sites to provide finance for works to secure the long-term future of and reuse of a building that is listed and on the buildings at risk register (referred to below as enabling development).”

4. In Appendix 6, Table 5 amend “Kirkton of Fetteresso” to “Kirktown of Fetteresso”. 
## Issue 13

**Protecting Resources**

<table>
<thead>
<tr>
<th>Development Plan reference:</th>
<th>Proposed Plan Section 17, Pages 55-56, Protecting Resources</th>
<th>Reporter: Michael Shiel</th>
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</thead>
</table>

### Body or person(s) submitting a representation raising the issue (including reference number):

**Policy PR1 Protecting Important Resources**
- Scottish Water (287)
- Mr and Mrs A Murison (292)
- A Cheyne (293)
- D Jamieson (294)
- F Booth (295)
- I Gilbert (296)
- L Cooper (297)
- R Young (298)
- Bennachie Community Council (413)
- Forestry Commission Scotland (418)
- RES UK Ltd (587)
- The Royal Society for Protection of Birds Scotland (594)
- NHS Grampian (610)
- Forestry Commission (643)
- Scottish Natural Heritage (656)
- Scottish Environment Protection Agency (658)
- Sport Scotland (674)

**Policy PR2 Protecting Important Development Sites**
- Edwin McMillan (54)
- Bancon Developments (387)
- Nestrans (566)
- Stewart Milne Homes (605)
- Scottish Environment Protection Agency (658)

**Policy PR3 Waste Facilities**
- The Royal Society for Protection of Birds Scotland (594)
- Scottish Environment Protection Agency (658)

### Safeguarding Resources Plan
- Local Nature Conservation Site (LNCS) Panel (65)
- James McWilliam (436)
- W M Donald Limited (626)

### Provision of the Development Plan to which the issue relates:

Policies on protecting important resources, sites and facilities
**Planning Authority's summary of the representation(s):**

**Policy PR1 Protecting Important Resources**

SEPA welcomes the policy, but suggests amending the chapter heading and policy title to promote the enhancement and improvement of resources (658).

RES UK Ltd disagrees with the word choice in the policy. The Environmental Impact Assessment (Scotland) Regulations (2011) and associated Circular 3/2011 continually use the phrase ‘adverse effect’ throughout and RES wishes to see the policy accord with these statutory documents. They also submit that the policy should recognise that there are a range of developments where consideration of the balance between the conservation and the benefits of a specific proposal will be required and that due consideration should be weighted to wider environmental benefits of such developments (587).

Scottish Water supports Aberdeenshire Council's commitment to protecting the water environment through implementation of this policy (287).

Policy should promote enhancement and improvement of the water environment (658).

SEPA would welcome a reference to the opportunities to obtain Water Environment funding from SEPA where improvements are proposed. They would also welcome a reference to the control and prevention of spread of non-native species. However, they object to the Plan unless there is reference in the policy to groundwater dependent terrestrial ecosystems (658).

Small-scale developments linked to a rural business on prime agricultural land should be permitted (292-298, 413).

Mineral extraction on prime agricultural land should be limited to areas safeguarded or identified as areas of search in the Proposed Local Development Plan (413).

Health Centre sites should be included as an essential community facility within settlements and the policy relaxed to allow them to expand (610).

The second sentence should clarify that it does not apply to outdoor sports facilities. The policy should apply the level of protection to outdoor sports facilities required by the SPP. The Open Space Audit is not considered an appropriate basis for deciding whether an outdoor sports facility could be lost. Clarity is required in the inconsistent approach to golf courses, either by including all of them in a specific designation or insert the requirements of paragraph 226 of SPP (674).

The economic value of woodland should be recognised, citing their contribution to tourism, and forestry and timber processing jobs (418, 643), and to bring the policy in line with Scottish Government's Policy on the Control of Woodland Removal (418). RSPB Scotland look forward to the Aberdeenshire Forest and Woodland Strategy Supplementary Guidance and hope it includes strategic guidance on planting in open countryside areas that are occupied by other declining species such as farmland waders (594).

Peat and other carbon rich soils should be included in the first sentence of paragraph one of the policy to reflect SPP paragraph 205 (656).
In line with SPP paragraph 205, a Carbon Impact Assessment should be required for all developments likely to have a significant impact on deep peat, priority peatland habitat or carbon rich soils (594).

Scottish Natural Heritage suggests the policy should provide a clearer means of implementing the mitigation suggested in the Strategic Environmental Assessment.

**Policy PR2 Protecting Important Development Sites**

Support is given for the measures taken in the Policy to protect sites for future transport developments, including protecting disused railway lines and core paths (566), and to safeguard waste management facilities within the Council area (658).

Objection is raised to the reservation of sites that are unlikely to come forward (387, 605). There are examples throughout the Plan where land has been reserved for infrastructure or community facility projects and few of the sites have been developed. In many instances, no approach has been made by the acquiring Authority to the landowner to establish if there is a willingness to sell, or take any form of action in terms of compulsory acquisition. Many of these sites would otherwise have development potential for the landowner or developer, but they have been denied the opportunity of realising that due to restrictions imposed by the Plan. For example, land has been reserved for a Park and Ride at Portlethen since 2012, however no steps have been taken by the Council to acquire this land. Unless there is a funding commitment to the specific development and a clear timescale for its implementation it should be omitted from the Plan (387, 605).

The ‘Safeguarding Resources’ Map on page 58 contains some omissions in terms of land required to be safeguarded for Transport schemes. To the north of Aberdeen, a section of the proposed Aberdeen Western Peripheral Route is indicated in black and labelled A90 rather than red as AWPR; and the proposed Balmedie-Tipperty dualling on the A90 is not shown. It is unclear why some Transport proposals are safeguarded (e.g. Banff Western By-Pass and Stuartfield Link Road), but others are not such as Newmachar Distributor Road and Inverurie Northern Link Road (566).

Opening railway lines from Aberdeen to Ellon and Banchory and Inverurie to Oldmeldrum, with Park and Ride facilities installed at each of these stations would reduce traffic and be financially viable. Dismantled railway lines emanating from Aberdeen should be safeguarded from any development for future use (54).

**Policy PR3 Waste Facilities**

The East Ayrshire Council Report on ‘Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees’ should be referenced. Financial guarantees should be periodically monitored (594).

The policy wording identifying proposed locations for and safeguarding waste management facilities is welcomed (658).

Recommends amending the policy wording, in accordance with paragraph 185 of SPP, to delete the reference to business land and support waste facilities on land also designated for industrial, storage and distribution uses (658).

Recommends highlighting the importance of waste operational capacity need, rather than
solely focusing on proximity to waste source location (658).

Safeguarding Resources Plan

Requests the boundary of the Foudland site, which is safeguarded for mineral resources, is amended to prevent loss of geomorphological features and to preserve sufficient surrounds to facilitate future scientific study. A map of the revised boundary provided (65).

Requests the site at Craigie, Ythanbank is removed from the "Areas of search for minerals" as it has been planted with native trees to improve the environment and make it more beneficial for wildlife (436).

Nominates a site at Cantlayhill between Stonehaven and Chapleton. There is demand for materials and the site is not constrained by any landscape or national and location designations (626).

Modifications sought by those submitting representations:

Policy PR1 Protecting Important Resources

Change chapter heading to "Protecting and Enhancing Resources" (658).

Change the policy title to "Policy PR1 Protecting and Enhancing Important Resources" (658).

In the first paragraph, change the wording of the first sentence to: "We will not approve developments that have an unacceptable adverse impact important environmental resources" (587).

The wording of the last sentence should be modified to: ".... will only be permitted when public economic, social benefits or wider environmental benefits outweigh the value of the site to the local community" (587).

Amend the first paragraph to "We will not approve developments that have a negative effect on important environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, identified open space, and important trees and woodlands" (656).

Modify the second paragraph to read as follows:

Details of the current state of individual water bodies and proposed actions to improve them can be found here on Scotland’s environment web. All unnecessary engineering works affecting the water environment will be refused. New development, including aquatic engineering works which will generate discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. Any such developments must contribute to the objectives set against the relevant water bodies through the river basin planning process as well as the relevant freshwater objectives and targets within the North East Local Biodiversity Action Plan. Opportunities for the creation, enhancement and management of habitats
should be embraced. Any aquatic engineering works must be capable of being consented under controlled activities regulations. Adequate buffer strips should be provided to allow for maintenance all year round. Buffer strips will be at least 6m wide and may require to be wider as a result of local factors such as local hydro-geomorphology, need for pollution control, native species habitats, active travel or recreation provision."

(658)

Include text within this policy chapter on the opportunities to obtain Water Environment funding from SEPA where improvements are proposed with the sole purpose of improving the state of the water environment, and on the control and prevention of spread of invasive non-native species (658).

Include an additional third paragraph within the policy: "Groundwater dependent terrestrial ecosystems (GWDTE), which are types of wetland, are specifically protected under the Water Framework Directive. Phase 1 Habitat Surveys should be used to identify if wetlands are present. If present, then the more detailed National Vegetation Classification (NVC) survey should be completed to identify if GWDTE are present. If GWDTE are present the developer should avoid them (with a buffer), or further assessment will be required and appropriate mitigation" (658).

Amend and add to the third para of Policy PR1 "Prime agricultural land...should not be developed unless a) it is allocated in the Aberdeenshire Local Development Plan 2012, or b) for small-scale development directly linked to a rural business" (292-298, 413).

Add to the last sentence in paragraph three "... [mineral extraction on] safeguarded or identified as areas of search for minerals development..." (413).

Amend the fourth paragraph of the policy to specifically include health care sites and allow for their expansion (610).

The fourth paragraph of the policy, second sentence should clarify that the definition of open space does not apply to outdoor sports facilities (674).

Apply either of the following two approaches by inserting:
"Outdoor sports facilities (see SPP glossary for definition) will be safeguarded from development unless the criteria set out in Scottish Planning Policy (paragraph 226) are met."; or

"Outdoor sports facilities will be safeguarded from development except where:
- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see SPP paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision" (674).
Add a further paragraph that protects outdoor sports facilities regardless of the site being specifically allocated in the proposals map as follows:

"Other important resources are specifically protected in this policy. Outdoor sports facilities are likewise important and contribute to community life. We welcome that these are largely identified in the proposals maps. Some are not and we have highlighted to the best for our ability where this is the case. We consider that they should be protected regardless of whether identified in the proposals map. The national policy which is required to be applied to these is different to general greenspace and this should be recognised in the LDP" (674).

Either include all golf courses in a specific designation, which protects them, with appropriate reference in the policy, by removing reference to "within Settlement Statements" in para 4 of the policy, or ideally by inserting the requirements of the SPP (674).

Amend paragraph 5 by the inclusion of “economic” before “ecological, recreational, historical, landscape or shelter value” and “and economic” after “biodiversity and, amenity” (643).

Amend paragraph 5 by the inclusion of “economic” before "ecological, recreational, historical, landscape or shelter value" and “economic, social and environmental” before “value of the woodland and habitat” (418).

Add a new paragraph requiring the assessment and minimisation of carbon dioxide (CO2) emissions where development affects peat and other carbon rich soils, "A Carbon Impact Assessment will be required for all developments likely to have a significant impact on deep peat, priority peatland habitat or carbon rich soils, and that this may apply to landfill sites" (594).

The second paragraph should include "Development proposals must take account of the mitigation measures highlighted in the SEA" (656).

Policy PR2 Protecting Important Development Sites

The Plan should only protect those sites that are required for the various infrastructure and facilities within the 5 year Plan period and where there is a commitment to funding such facilities (387, 605).

Edit the “Safeguarding Resources” map to indicate the Aberdeen Western Peripheral Route fully, the proposed Balmedie-Tipperty route, the Newmachar Distributor Road and the Inverurie Northern Link Road (566).

Dismantled railway lines emanating from Aberdeen should be safeguarded from any development for future use (particularly from Aberdeen to Ellon and Banchory, and Oldmeldrum to Inverurie) (54).

Policy PR3 Waste Facilities

Add a reference to East Ayrshire Council's Report on 'Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees' (594).
Insert within the policy that financial guarantees will be periodically monitored (594). Replace the word “business” in the first sentence of the policy with “employment (including industrial, storage and distribution uses)” (658).

Amend first paragraph to require consideration of anticipated waste operational capacity need, including the Scottish Government’s Waste Capacity tables to deliver Zero Waste Plan targets (658).

### Safeguarding Resources Plan

Amend the north, south and west boundaries of the site at Foudland, safeguarded mineral resources (65).

Delete Craigie, Ythanbank from the "Areas of search for minerals" (436).

Identify land at Cantlayhills as an area of search for sand and gravel (626).

### Summary of response (including reasons) by Planning Authority:

#### Policy PR1 Protecting Important Resources

Aberdeenshire Council does not support amending the section heading or policy title to include 'enhancement' as the purpose of this section and policy is to safeguard existing resources - natural or man-made, and "enhancement" is only mentioned in two paragraphs (water habitats and woodland). Furthermore, the enhancement of biodiversity and geodiversity is also mentioned in Policy P1 Layout, Siting and Design. For these reasons, Aberdeenshire Council believes adding 'enhancement' would be misleading and no change is supported.

Aberdeenshire Council acknowledges the use of "adverse effect" in national legislation referred to by RES UK Ltd, but does not consider there to be a significant difference in meaning between this and "negative effect" to merit a modification to the Plan. Both terminologies refer to an effect that is harmful, bad, destructive etc. Furthermore, other national policies, such as Scottish Planning Policy (SPP) are also inconsistent when using this or similar terminology (see SPP paragraphs 33, 73, 137, 145, second row of Table 1, 202, 207, 215, 216, 278). The Proposed Plan is also not consistent when it uses similar terminologies, but the Council does not consider it necessary to support a change to the Plan on this issue.

In relation to acknowledging the wider public environmental benefits of a proposal, it is unclear what this could mean (e.g. new habitats or air, soil and water quality). Experience in developing the Strategic Environmental Assessment (SEA) has shown that even positive proposals can have negative effects on the environment (e.g. a new path could have significant positive effects, but could also have an adverse impact on water quality, landscape or sensitive habitats). In some cases, improving the environment will have an economic or social benefit. Given the ambiguity of this suggestion, Aberdeenshire Council does not support the proposed change.

In relation to water resource, the support from Scottish Water on this policy is welcomed. Aberdeenshire Council acknowledges the merits of SEPA’s suggested text and comment on each individually.
It is not considered beneficial to include the suggested first two lines of text, especially as Aberdeenshire Council would have to define what "unnecessary engineering works" is, which could be open to interpretation. No change is required.

It is considered appropriate to include a new sentence on River Basin Management Planning as it would provide clarity and River Basin Management Plans are referenced as a key document in Scottish Planning Policy. As a non-notifiable modification amend the second sentence in paragraph 2 to read “Any such developments must contribute to the objectives set against the relevant water bodies through the river basin planning process as well as the relevant freshwater objectives and targets within the North East Local Biodiversity Action Plan.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

It is accepted that the last sentence in paragraph 2 should be repositioned as it is a natural continuation from the sentence referring to the North East Local Biodiversity Action Plan. As a non-notifiable modification, the sentence "Opportunities for..." should become the third sentence in the second paragraph. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

It is accepted that the suggested text on buffer strips should be included in the Proposed Local Development Plan (LDP) as it would provide greater clarity. However, to keep the policy concise, it would be more appropriate to define “buffer strips” in the glossary of the LDP. As a non-notifiable modification, add the following text in the glossary to read “Buffer strips: Adequate buffer strips should be provided to allow for maintenance all year round. Buffer strips should be at least 6m wide and may require to be wider as a result of local factors such as local hydro-geomorphology, need for pollution control, native species habitats, active travel or recreation provision.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

It is not considered appropriate to reference the Water Environment funding from SEPA as this is not a material consideration in the determination of a planning application. No change is required.

Aberdeenshire Council disagrees on the need to include a reference on the control and prevention of spread of invasive non-native species, as developers should already take into account the provisions of the Wildlife and Countryside Act 1981 where non-native species are present on site, or where planting is planned as part of a development (SPP, paragraph 206). Furthermore, Planning Advice 5/2015: Opportunities for Biodiversity Enhancement sets out the parameters for planting native species, which depends on the scale of the development. No change is required.

Aberdeenshire Council accepts there should be an additional paragraph on groundwater dependent terrestrial ecosystems within the policy as they are protected by law. The suggested text clarifies when Surveys would be required, and any possible impacts would affect the design of a development. As a non-notifiable modification insert a new third paragraph to read "Groundwater dependent terrestrial ecosystems (GWDTE), which are types of wetland, are specifically protected under the Water Framework Directive. Phase 1 Habitat surveys should be used to identify if wetlands are present. If present, then the more detailed National Vegetation Classification (NVC) Survey should be completed to identify if GWDTE are present. If GWDTE are present the developer should avoid them (with a buffer), or further assessment will be required and appropriate mitigation." Aberdeenshire Council would not be opposed to the Reporter making this modification, or
Policy PR1 carries forward Local Development Plan 2012, Supplementary Guidance SG Safeguarding 2: Protection and Conservation of Agricultural Land and the issue of permitting small-scale developments linked to a rural business on prime agricultural land was discussed at the Main Issues Report (MIR) stage (see MIR 2013, Position Paper 10: Policy Review, paragraph 2.14.3 and the subsequent MIR 2013, Issues and Actions Paper 027: Policy 14 Safeguarding Resources and Areas of Search, page 4). It recommended adding text to Supplementary Guidance Safeguarding 2 to reference the broad development types identified in SPP, paragraph 80, including small-scale development directly linked to a rural business.

To keep the Proposed LDP policies concise some elements of the revised SG Safeguarding 2 were not carried forward into Policy R1, including reference to small-scale rural business development. However, to provide clarity, ensure compliance with SPP and to carry forward the recommendations in the MIR 2013 it is accepted that reference to small-scale rural business development should introduced to the policy. As a non-notifiable modification, add at the end of paragraph three, "In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land." Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Aberdeenshire Council disagrees with limiting where mineral extraction to sites safeguarded or indented as areas of search, as this is contrary to SPP (see paragraph 80) and the purpose of these areas is to safeguard the most important mineral assets from development that may sterilise the extraction of mineral deposits. No change is required.

Paragraph 4 of Policy PR1 carries forward part of Local Development Plan 2012 Supplementary Guidance SG LSD 5: Public Open Space that protects open space from further development and was discussed at the Main Issues Report (MIR) stage (see MIR 2013 paragraph 2.8, the MIR 2013, Position Paper 10, paragraph 2.8.6 and the subsequent MIR 2013, Issues and Actions Paper 019: Policy 8 Layout, siting and design, page 4). It recommended moving the safeguarding element into a new Supplementary Guidance under Policy 14 'Safeguarding Resources and Areas of Search'.

Aberdeenshire Council does not support replicating paragraph 226 in SPP in full, or stating that the second sentence in the fourth paragraph of the policy does not apply to outdoor sports facilities. Paragraph 4 summarises SG LSD5 and condenses the requirements set out in paragraph 226 in SPP. Aberdeenshire Council recognises that paragraph four is more stringent than SPP in terms of uses permitted on areas of open space. However, the definition of open space is provided in the glossary of the LDP, which does not preclude outdoor sports facilities. The Aberdeenshire Parks and Open Spaces Strategy 2011 (APOSS) also includes ‘outdoor sports facilities’ as open space in Appendices 1 and 2, and Planning Advice Note 65: Planning and Open Space includes outdoor sports facilities in its definition (known as ‘sports areas’). Nonetheless, for clarity, it would be appropriate to add as a non-notifiable modification “including outdoor sports facilities” after “open space” in the first sentence of paragraph four. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

In relation to unprotected areas of open space within or outside a settlement, Aberdeenshire Council would support amending the policy as it would provide clarity, ensure compliance with SPP and carry forward the recommendations in the MIR 2013. As
non-notifiable modifications "identified" should be deleted in paragraph one and, the first sentence in paragraph four amended to, “Development will not normally be permitted on areas of open space, including outdoor sports facilities, unless the new use is ancillary to the use as open space. Important areas of open space are identified as "protected land" within the settlement statements.” As a further non-notifiable modification, in the second sentence of paragraph four delete “on protected land”. Aberdeenshire Council would not be opposed to the Reporter making these modifications, or a variation thereof. Rural development policies provide adequate protection for sites outwith settlement boundaries.

In relation to comments made on the Open Space Audit, this document is not considered irrelevant or unfit for purpose given the slow net change in most of our settlements. The audit is supported by a comparative assessment of needs within the Open Space Strategy settlement summaries, on which consultation was conducted and from which specific issues of over provision or under provision can be identified. No other audits have been conducted by the Council’s Landscape Services, making this the most up-to-date account of open space in Aberdeenshire. Furthermore, Local Development Plan 2012 Supplementary Guidance SG LSD5 criterion 2.ii) states "evidence from the open space audit, or other audit, shows..." Aberdeenshire Council intends to review the Open Space Audit in 2016.

In relation to golf courses, all or part of a course may be ‘protected’ and referred to in a Settlement Statement if they provide an additional function, such as forming part of the landscape setting for the Town. As discussed above, outdoor sports facilities should be considered as open space under this policy, and this would include golf courses as per the definition of outdoor sports facilities in SPP. No change is required.

In relation to community facilities, Aberdeenshire Council disagrees that there is a need to specifically refer to health care facilities in the policy as important resources within the context of this policy. Where firm plans have been provided from the NHS on the siting of new Health Centre facilities this has been reserved under Proposed Local Development Plan Policy PR2: Protecting Important Development Sites. No change is required.

However, for consistency in the Plan and, as discussed in the Schedule 4 Issue 10: Shaping Places (see section on Policy P5 “Community Facilities”), a consequential change to Policy PR1 is suggested as a non-notifiable modification. The words “essential community facilities” in the fourth paragraph of the policy should be replaced with “essential community infrastructure”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Protection and conservation of trees and woodlands was discussed at the Main Issues Report (MIR) stage (see MIR 2013, Position Paper 10 paragraph 2.14.4 and the subsequent MIR 2013, Issues and Actions Paper 027: Policy 14 Safeguarding Resources and Areas of Search, page 4). It recommended a number of minor amendments to the justification text in the Supplementary Guidance, and aligning it more closely with the principles of the Scottish Government’s Policy on Control of Woodland Removal (PCWR).

Aberdeenshire Council acknowledges the suggestion to protect economically valued woodland, but this is not a requirement in the PCWR or SPP. Trees are a crop and it would be inappropriate to protect them unless valued for one of the reasons set out in paragraph 5 of the policy as being a public benefit. The scale of the economic woodland protection proposed by the respondents would be more appropriate at the strategic level (i.e. Strategic Development Plan or the Forestry and Woodland Strategy). Policy allows for
the future benefit of woodland to be considered in any assessment of the amenity value of commercial woodlands proposed for development, and subject to the requirement for compensatory planting. No change is required.

In relation to inserting “public economic benefits” into the policy, this is not defined in the PCWR. Page 6 in the PCWR (and in SPP paragraph 218) states “Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.” Public benefits are defined as economic, social and environmental. Therefore, the applicant must justify that there is an economic (or other) benefit to the woodland's removal. No change is required.

Comments on the proposed Aberdeenshire Forest and Woodland Strategy Supplementary Guidance are welcomed and noted.

Peat and carbon-rich soils are already considered under Proposed Local Development Plan Policy C3: Carbon Sinks and Stores, and to keep the Plan succinct, it is not considered appropriate to replicate this in Policy PR1. Important peat land habitats are also considered under Policy E1 Natural heritage. Policy C3 is also considered in Schedule 4 Issue 14: Climate Change (see section on Policy C3: Carbon sinks and stores) and no modifications on carbon rich soils are proposed. No change is required.

It is acknowledged that development proposals must take account of the mitigation measures highlighted in the SEA, but it is not agreed that this should be stated in the policy. The mitigation measures have already been taken into account in the LDP’s policies and not just Policy PR1, and development proposals will be appraised against the relevant LDP policies (see example: Table 3 in the Local Development Plan 2012 Post Adoption Statement). No change is required.

Policy PR2 Protecting Important Development Sites

Scope of Site Protection

Protecting sites “that may reasonably be needed in the future”, rather than only protecting sites on which development is expected to be in operation in the following 5 years, gives a flexible approach, and allows inclusion of developments which have extremely long time scales. The Aberdeen Western Peripheral Route is an example of this. No change is required.

Despite the respondents’ insistence that there are several sites that have been safeguarded and not been subsequently developed, this is not considered to be a problem with the policy. The policy merely ensures it is “reasonable” to safeguard sites instead of setting out ways of ensuring physical development is made. It is anticipated that the fundamental planning reasons for the safeguarding of the site are clear and that safeguarded sites are likely to be realised in due course. For sites such as the Portlethen Park and Ride site there is a clear logic to their location next to a grade separated junction. It remains good planning to identify these sites for these uses. No change is required.

“Safeguarding Resources” Map Omissions

The suggestions regarding the “Safeguarding Resources” map are acknowledged. It is considered that the whole of the Aberdeen Western Peripheral Route and the Balmedie - Tipperty route are important transport developments to safeguard. As a non-notifiable
modification the map will be amended to indicate the whole of both routes. Aberdeenshire Council would not be opposed to the Reporter making this modification or a variation thereof.

However the Inverurie North Link Road is already built and needs no protection. The Newmachar Distributor Road is a long term aspiration with no detailed design work to determine the exact route. In both cases it would be inappropriate to show them as "protected". No change is required.

Protecting Disused Railway Lines

Views on the viability on the use of railways to support traffic congestion are welcomed. The issue of safeguarding railways in anticipation of rail projects was raised at the Main Issues Report stage (see MIR 2013, Issues and Actions Paper 027: Safeguarding Resources and Areas of Search). It was concluded that areas affecting known rail projects, which are not already specified in the Regional Transport Strategy, may be considered for safeguarding.

Given that there are no serious or formal proposals for any commercial rail projects between Aberdeen and Banchory or Oldmeldrum and Inverurie, there is no reason to protect the disused tracks between these areas. The Aberdeen to Ellon route is protected as a Core Path, safeguarding it from development. No change is required.

Policy PR3 Waste Facilities

It would not be appropriate to add the reference suggested to the East Ayrshire Council Report “Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees”, as this guidance is very specific to that Council. Likewise, Aberdeenshire Council disagrees on the need to add text stating financial guarantees will be periodically monitored as this is not supported in national policy. The Proposed Aberdeenshire Local Development Plan already sets out details that will need to be agreed as part of any planning application. No change is required.

Aberdeenshire Council disagrees there is a need to replace "business" with SEPA's suggestion as both this policy and Proposed Local Development Plan Policy B1: Employment and Business Land are clear that business uses are allocated on employment land, which is defined in the Glossary as "...employment uses, normally classes 4, 5 and 6...". For this reason, no change is required.

It would be appropriate to include text on waste operational capacity need as this would provide clarity and ensure compliance with Scottish Planning Policy paragraph 181. As a non-notifiable notification the following wording should be deleted "meet a clearly established need" and a new sentence added at the end of the first paragraph, "In addition, consideration should be given to the anticipated waste operational capacity need, including the Scottish Government waste capacity tables to deliver Zero Waste Plan targets." Aberdeenshire Council would not be opposed to the Reporter making this modification, proposed by the Council, or a variation thereof.

Safeguarding Resources Plan

The entire Foudland site, which is safeguarded for minerals (slate) is within the Foudland Local Nature Conservation Site (No.45), protected for geodiversity. As a non-notifiable
modification, it would be appropriate to amend the boundary as suggested by the LNCS Panel. Aberdeenshire Council would not be opposed to the reporter making this modification, proposed by the Council, or a variation thereof.

Craigie, Ythanbank is perhaps 10% of the area of search and its current use does not negate the fact that as a long term strategic mineral reserve this area of sand and gravel should be retained, even if the landowner does not propose to undertake development themselves. Part of the adjacent site is an existing sandpit. No change is required.

It would not be appropriate to identify land at Cantlayhills as an area of search for minerals for two reasons. Firstly, this site has not been previously considered in the Main Issues Report or in the Proposed Aberdeenshire Local Development Plan (LDP), and as such it has not been subject to public consultation.

Secondly in preparation of the 2012 Aberdeenshire Local Development Plan a comprehensive review of all potential mineral resources was undertaken to indicate areas where sand and gravel deposits are located that are least constrained in terms of a range of planning policies (e.g. protected sites and proximity to houses). Based on the geological data collected, this area was not considered as containing sufficient sand and gravel deposits, and Scottish Natural Heritage Soils Carbon Data map identifies that part of the site contains carbon rich humic gleys with peat (see Scottish Natural Heritage Carbon Data Map Extract). The respondent has not provided evidence on the extent of the sand and gravel deposits, and the site's close proximity to Bridge of Muchalls (approx. 1km), Newtonhills and Chapelton (just over 2km) is also a concern.

Nonetheless, not identifying Cantlayhills as an area of search does not prohibit the extraction of minerals on this site, and there is no presumption that applications will be treated favourably in these areas. An area of search only seeks to prevent the sterilisation of mineral reserve from inappropriate development. The extraction of minerals from this site could be supported providing the planning application conforms to the LDP policies, which includes demonstrating there is a shortfall of sand and gravel reserves in Aberdeen and the surrounding area.

For the above reasons, no change is required.

**Reporter's conclusions:**

**PR1 Protecting important resources**

1. The aim of section 17 of the proposed plan and of this policy is essentially to safeguard important resources. As such it replaces a number of the SG Safeguarding policies in the current local development plan. I do not think it is appropriate to alter the title of either the section or policy PR1 to include "enhancing", as suggested by the Scottish Environment Protection Agency (SEPA), as this would go beyond the scope of what is intended.

2. The question of using the phrase “adverse effect” as against “negative effect”, as currently proposed for this policy, has been discussed in relation to a number of other policies; for example policy E1 (Issue 11) and policy EH1 (Issue 12). The council accepts that it has not been wholly consistent in the use of these terms throughout the proposed plan. However, unless there is a specific reason for the use of one rather than the other, I see no overriding reason to change the way that these terms are used in the plan. The
representation on this matter seeks a wider change, however, by the use of a further qualifying adjective “unacceptable”. In my view this introduces an element of more subjective judgement beyond whether an effect is positive, neutral or negative. Given that this policy seeks to protect important environmental resources I consider that the presumption should be against developments which result in a negative effect on them. The second sentence in the first paragraph of policy PR1 allows scope for balancing such negative effects against other considerations.

3. Scottish Natural Heritage (SNH) recommends that the important environmental resources should include peat and other carbon-rich soils, to reflect paragraph 205 of Scottish Planning Policy (SPP). The council considers that this is adequately covered by policy C3 in section 18 of the proposed plan. It also considers that important peatland habitats are covered by policy E1 in section 15. Whilst acknowledging this, I see no harm in including these resources in policy PR1, to reinforce their importance.

4. A further change to the first paragraph has been suggested by the council, to remove the qualifying “identified” from “open space”. This is in response to Sportscotland’s representation that, as it stands, the policy would not necessarily protect areas of open space that are not specifically identified in the maps within the Settlement Statements. Consequential changes are also proposed in the fourth paragraph of the policy to clarify that outdoor sports facilities would be protected. I accept that these changes should be made and consider that they go a long way to meeting the concerns raised. I see no reason to replicate the text of paragraph 226 of SPP in the policy.

5. The second paragraph of policy PR1 deals with the protection of the water environment and SEPA has suggested amendments to the text. The council has accepted many of these and has proposed modifications which I agree should be made. I also agree that a reference to “unnecessary” engineering works affecting the water environment being refused would be inappropriate. There will undoubtedly be competing demands that will need to be resolved through the development management process. Reference to Water Environment Funding from SEPA is also inappropriate as it is not a material consideration in the determination of planning applications. Although the control and prevention of the spread of invasive non-native species is an important consideration, I am not convinced that it need be referred to in the local development plan. If there are site-specific concerns in relation to development proposals, they can be addressed through the development management process. In other respects, however, the modifications proposed by the council should meet SEPA’s concerns.

6. A number of representations consider that the policy on safeguarding prime agricultural land is overly restrictive. The council has proposed a modification which may allow small-scale developments directly linked to rural businesses on such land. This is compatible with paragraph 80 of SPP, as is the provision for renewable energy generation and mineral extraction subject to restoration of the land to its original status. The restoration of mineral extraction sites to prime agricultural condition might not be immediately possible but there is no reason why, with suitable aftercare, it cannot be achieved. The timescale for such extraction operations is an important factor in this regard. I accept that mineral extraction should not necessarily be confined to the areas safeguarded or identified as areas of search in the plan, as suggested in one representation. Any proposals will need to be considered on their merits in the context of policy R3. The presence of prime agricultural land may be one factor to be considered in the overall balance, but paragraph 80 of SPP does not preclude mineral extraction on such land.
7. In addition to the proposed changes to the fourth paragraph of the policy, referred to in paragraph 4 above, the council has also proposed a minor change from “essential community facilities” to “essential community infrastructure”. This would be consistent with a proposed change to policy P5 and an expanded definition of “infrastructure” in the glossary to the plan, to include education, health and sports facilities (see Issue 10). Consequently I do not consider that there is any need to make specific reference to health facilities in this policy, as requested by NHS Grampian.

8. The fifth paragraph of the policy covers the protection of trees and woodlands of significant ecological, recreational, historical, landscape or shelter value. Representations have suggested that this protection should be extended to woodlands of economic value. However, the use of woodlands for timber extraction is an economic use that will compete with other potential land uses, and I see no particular reason to give it protection. The trees would be felled in any event. The prime purpose of the plan is to protect important trees and woodlands that might be affected by development proposals, where there is no directly attributable monetary value and which may therefore be vulnerable to loss from ostensibly higher value uses. It must also be recognised that, in most instances, commercial forestry operations are not subject to planning control. Policy PR1 makes provision for the preparation of statutory supplementary guidance relating to new planting, restocking, enhancement and management of woodlands which, once adopted, will form part of the development plan. This will provide additional assistance in considering development proposals that might affect trees and areas of woodland.

9. The aim of the Strategic Environmental Assessment (SEA) undertaken by the council is to identify the environmental impacts of the policies and proposals in the proposed local development plan and to indicate how they can be addressed through mitigation. The proposed mitigation measures are set out in Table 5.2 of the SEA (CD15). There is no specific reference to policy PR1 in that table, which is unsurprising as the policy is essentially about protecting environmental resources. SNH has suggested that reference to the mitigation measures should be made in this policy in order to provide a clearer means of implementing them. The council considers this to be unnecessary as the policies and proposals in the proposed plan have already taken them into account. I agree that, in general, the mitigation measures identified in the SEA are meant to be addressed in the terms of the plan itself, although it is clear from Table 5.2 that some will also be relevant to the implementation of the plan through the development management process. For certain developments Environmental impact Assessment and Habitat Regulations Appraisals will be needed at that time. On balance, I consider that it is not necessary to specifically refer to the SEA mitigation measures in the plan, although they will need to be taken into account by the council in appraising development proposals.

Policy PR2 Protecting important development sites

10. This policy is criticised as blighting certain sites which are shown as reserved for certain uses in the settlement statements, but where there is no sign of progress in bringing forth those developments. The only specific example cited is site R2 in Portlethen, reserved for a park-and-ride facility since 2012, but where no steps have been taken by the council to acquire the land or otherwise progress its development. It is suggested that only sites where there is a funding commitment within the five-year plan period should be protected by this policy. I do not agree with that approach. It is a legitimate purpose of a local development plan to identify land that might be needed for infrastructure needed for the community and which will also support other development. If that land is not safeguarded through the plan, the opportunity to develop it might be lost.
Its identification in the plan provides a degree of certainty. Questions of valuation of land so identified are a separate manner.

11. I agree that such sites should not be safeguarded indefinitely, but some projects will inevitably have a longer gestation period than five years. The Aberdeen Western Peripheral Route (AWPR) is a case in point. Any sites safeguarded for specific development proposals should be kept under review. There should be a reasonably realistic prospect of such development occurring. Paragraph 6 of Circular 6/2013: Development Planning states that development plans should set out ambitious but realistic long-term visions for their areas. I am satisfied that policy PR2 does not need to be modified in this regard. Any matters relating to specific sites in the settlement statements are dealt with in the relevant Issue.

12. The council accepts that the whole of the AWPR and the Balmedie -Tipperary route should be shown on the Safeguarding Resources map. It has explained that the Newmachar Distributor Road is a long-term aspiration with no exact route yet determined, and I agree that it would be inappropriate to include it on the map in those circumstances.

13. Policy PR2 refers to closed railways and their abutments, embankments and cuttings as being safeguarded, but I agree that it would be inappropriate to make reference to re-opening certain routes where there is no serious proposal.

14. Overall, therefore I find no reason to modify policy PR2.

Policy PR3 Waste facilities

15. I agree with the council that it would be inappropriate to refer to another authority’s policies on restoration of waste sites and the necessary financial guarantees required. The position in East Ayrshire is very specific to its particular circumstances. Policy PR3 refers to the submission of bonds and it will be for the council to determine its own position on these, including the need for periodic review. In so doing it will need to take account of best practice, including any advice from the Scottish Government on the question of financial guarantees for restoration.

16. I consider that SEPA’s suggestion that the possible location of waste facilities on land allocated for business use should be amended to “employment (including industrial, storage and distribution uses)” has some merit. Although both employment and business land are referred to in policy B1, there is no definition in the plan of “business”, although it can be implied that it corresponds to Class 4 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. It is arguable that waste management facilities would be less appropriate in areas of Class 4 use (which, by definition, must not be detrimental to the amenity of a residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash dust or grit) than in areas of Class 5 (general industrial) and Class 6 (storage or distribution). I consider that this part of the policy should be modified to make reference to other appropriate plan policies.

17. The council is agreeable to the second change proposed by SEPA to highlight the importance of waste operational capacity to accord with paragraph 181 of SPP. I agree that such a modification should be made.
18. In addition to the changes to this plan referred to in paragraph 12 above, a number of other representations refer to this plan. It is proposed that the boundaries of the site at Foudland safeguarded for minerals (slate) should be modified to prevent the loss of important geomorphological features and retain sufficient surrounds to facilitate future scientific study. The safeguarded site lies entirely within a Local Nature Conservation Site (no. 45 in proposed Supplementary Guidance 50) on account of its geological interest. The council is agreeable to such a modification. The Foudland safeguarded site is shown as a very small feature on the Safeguarding Resources plan in the local development plan, and it is therefore appropriate for me to recommend such a modification; but the detailed changes to the boundary will need to be made in proposed Supplementary Guidance 6: Area of Search and Safeguard for Minerals.

19. A further representation seeks the omission of the safeguarded site at Craigie, Ythanbank as part of it has been planted with trees. The site has been identified in Supplementary Guidance 6 as an area of search for sand and gravel, and part of it contains a sandpit. The planted area owned by the representee comprises only a part of the area of search. Whilst a future landowner might be interested in sand and gravel extraction, I think that the area of search should be modified to exclude the land owned by the representee. Again the detailed changes will need to be made on the plan in the Supplementary Guidance.

20. The final change sought to the plan is for the addition of a site at Cantlayhills as an area of search for sand and gravel. It is claimed that there is a shortage of local supplies of aggregates in the area between Chapelton and Stonehaven, and that the site has previously been worked. The council has pointed out that the site was not considered in the Main Issues Report and has not been subject to public consultation. It also has reservations about the extent of the reserve at this location, and its suitability as a potential extraction site. I consider that there is insufficient evidence available to allow me to determine whether this would be an appropriate area of search for minerals, or to recommend any change to the proposed plan in this respect. However, this would not preclude an application being submitted for sand and gravel extraction, to be considered against the appropriate policies of the local development plan, particularly policy R3. As the council has indicated, the identification of areas of search does not carry a presumption in favour of extraction within them but is primarily intended to prevent sterilisation of known reserves from inappropriate development.

**Reporter’s recommendations:**

1. Delete the first sentence of the first paragraph of Policy PR1: protecting important resources, and replace with:

   “We will not approve developments that have a negative effect on important environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland.”

2. Delete the second paragraph of Policy PR1 and replace with:

   “New development, including aquatic engineering works, which will generate
discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. Any such developments must contribute to the objectives set against the relevant water bodies through the river basin management process as well as the relevant freshwater objectives and targets within the North East Local Biodiversity Action Plan. Opportunities for the creation, enhancement and management of habitats should be embraced so as to contribute to the improvement of the ecological status of the water body. Any aquatic engineering works must be capable of being consented under Controlled Activities Regulations. Adequate buffer strips should be provided to allow for maintenance all year round.”

3. Add a new third paragraph to Policy PR1 to read:

“Groundwater dependent terrestrial ecosystems (GWDTE), which are types of wetland, are specifically protected under the Water Framework Directive. Phase 1 Habitat surveys should be used to identify if wetlands are present. If present, then the more detailed National Vegetation Classification survey should be completed to identify if GWDTE are present. If GWDTE are present, the developer should avoid them (with a buffer), or further assessment and appropriate mitigation will be required.”

4. Add the following sentence at the end of the current third paragraph of Policy PR1:

“In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land.”

5. Delete the current fourth paragraph of Policy PR1, and replace with:

“Development will not normally be permitted on areas of open space, including outdoor sports facilities, unless the new use is ancillary to the use as open space. Important areas of open space are identified as “protected land” within the settlement statements. Exceptionally, the development of essential community infrastructure may be allowed if it will not result in a deficit of open space of the type affected within the settlement, as evidenced by the Open Space Audit, or prejudice the continuity of a green network. Where loss of open space occurs as the result of a new development then replacement must be made of an appropriate type, quantity, accessibility and quality within the settlement.”

6. Add the following definition in the glossary to the plan:

“Buffer strips: Adequate buffer strips should be allowed for the maintenance of water bodies all year round. Buffer strips should be at least 6 metres wide and may require to be wider as a result of local factors such as local hydro-geomorphology, need for pollution control, native species habitats, active travel or recreation provision.”

7. As a consequence of the previous modification, add the following definition in the glossary to the plan:

“Active travel: An approach to travel that focuses on physical activity such as walking and cycling.”
8. Delete the first paragraph of Policy PR3: Waste facilities, and replace with:

“Where possible and appropriate, we will approve waste management facilities on land currently used as a waste management or treatment facility, sites next to existing waste management facilities, land allocated for employment (including industrial, storage and distribution uses) and mixed use development in the plan (subject to compliance with other plan policies), or sites reserved in settlement statements for this use. Waste management facilities must conform to the Zero Waste Plan, minimise the transport of waste from source, and utilise the best available techniques. In addition, consideration should be given to the anticipated waste operational capacity need, including the Scottish Government waste capacity tables, to deliver Zero Waste Plan targets.”

9. On the Strategic Resources Plan, amend (a) the boundaries of the Foudland minerals safeguarding area as proposed by the Local Nature Conservation Site Panel (65); and (b) the boundaries of the Craigie area of search to omit the land owned by James McWilliam (436).
### Issue 14: Climate Change

<table>
<thead>
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<th>Development Plan reference:</th>
<th>Proposed Plan Section 18, Page 60, Climate Change</th>
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**Policy C1 Using Resources in Buildings**
- Ian Adams (249)
- Dandara Limited (277)
- Scottish Water (287)
- Bancon Developments (387)
- Jackie Cumberbirch (435)
- Homes for Scotland (447)
- Kirkwood Homes Limited (468)
- Barratt North Scotland (512)
- CALA Homes (North) Limited (557)
- Persimmon Homes East Scotland (578)
- Aberdeen & Grampian Chamber of Commerce (584)
- The Royal Society for Protection of Birds Scotland (594)
- Stewart Milne Homes (605)
- NHS Grampian (610)
- Scottish Natural Heritage (656)
- Scottish Environment Protection Agency (658)

**Climate Change Policy C2 Renewable Energy**
- Hilary Ridge (32)
- Shell UK Limited (45)
- The Mountaineering Council of Scotland (56)
- Phil Duffield (78)
- Alvah & Forglen Community Council (240)
- B Hill (265)
- Caroline Hobbs (402)
- Bennachie Community Council (413)
- Jackie Cumberbirch (435)
- Jason Hunt (440)
- Marnoch and Deveron Valley Protection Group (485)
- RES UK Ltd (587)
- The Royal Society for Protection of Birds Scotland (594)
- Scottish Natural Heritage (656)
- Scottish Environment Protection Agency (658)
- The Greenspan Agency (686, 687, 688)
- Coriolis Energy (692)

**Policy C3 Carbon Sinks and Stores**
- Scottish Natural Heritage (656)
- Scottish Environment Protection Agency (658)
Policy C4  Flooding
Dandara Limited (277)
Sylvan Stuart Limited (299)
Bancon Developments (387)
Homes for Scotland (430)
Barratt North Scotland (512)
Cabardunn Development Company Limited and Dunecht Estates (604)
Stewart Milne Homes (605)
Scottish Government (651, 652, 653)
Scottish Environment Protection Agency (658)

Climate Change Plan
John Paul Smith (16)
The Mountaineering Council of Scotland (56)
Phil Duffield (78)
Annie Nicholson (355)
Jackie Cumberbirch (435)
Jason Hunt (440)
Julia Hunt (457)
RES UK Ltd (587)
Scottish Government (634, 635)
Scottish Natural Heritage (656)
Scottish Environment Protection Agency (658)
Coriolis Energy (692)

Provision of the Development Plan to which the issue relates:

Policies on the reduction of resource use in buildings, renewable energy, conservation of carbon stores and flooding

Planning Authority’s summary of the representation(s):

Policy C1 Using Resources in Buildings

Policy C1 “Using Resources in Buildings” is supported and welcomed by some respondents, particularly the policy wording that encourages the provision of heat networks and renewable heat (658, 594) and standards for water efficiency (287), although these should be set in a context to reinforce and improve the understanding of the need for water efficiency standards (656). Houses in Aberdeenshire should be built with a higher specification to reduce impacts on the environment (435). Provision of heat pumps should be supported (594).

The Energy Standard that should be Achieved

However, other respondents are less content with the policy and would wish significant change. Homes for Scotland suggests that the policy is misguided insofar as it is seeking standards that are in excess of the Building Regulations which are inappropriate, unnecessary, confusing and potentially costly. Through reference to the Fifth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 and the route map towards low/zero carbon emissions contained within the Sullivan Report: A Low
Carbon Building Standards Strategy for Scotland, it is argued that the policy should require conformity with the current Building Standards. Requiring a "gold" standard is well in excess of the Building Standards despite the Fifth Annual Report being clear at paragraph 5.6 that anything above Bronze is currently optional (447). This view is supported by other development interests (277, 387, 468, 512, 557, 578, 605) with claims that the Plan confuses planning and building control matters (468). Questions are raised as to who would review and consider the information provided, as Planning Officers have neither the experience nor qualifications required (557).

Low and Zero-carbon Technologies

Homes for Scotland accepts that the Plan is justified in seeking a rising proportion of reductions from low and zero carbon technologies but suggests that most builders can achieve the 2010 Building Standards in a more cost effective manner than by using micro-generation technologies (447). The requirement to install low and zero carbon generating technologies does not flow directly from Scottish Planning Policy and a "fabric first" approach should be adopted (277, 605). The policy advocates a complex multi-layered approach with the onus on developers to deliver savings through the installation of low and zero carbon generating technologies which could significantly reduce its ability to deliver the scale of new homes required (605). The technology is not wanted by customers, causes problems for funding, insurance and maintenance and does not contribute to significant energy and carbon savings (277). The Government recognises the impractical and problematic nature of low and zero carbon technologies and that power generation and distribution should be a matter for power and infrastructure companies and not property owners (468).

A 10%, rising to 15% of the carbon reduction to be achieved through low and zero carbon generating technology should be promoted (468).

Heat

The requirement to provide appropriate infrastructure for the provision of metered heat would be expensive and would impact on the viability of development. Further justification of this policy is required (557). It is a burden on the development industry, especially where there is little prospect of a district heating scheme being installed (605). The policy should be amended to encourage the co-location of heat sources and high demand "heat users", and to safeguard land for future heat infrastructure in accordance with paragraph 158 and 159 of Scottish Planning Policy. Co-location opportunities should be identified and options investigated to provide heat connections between potential heat users and existing/proposed heat sources. Policy wording should be introduced to confirm the production of a localised Aberdeenshire Heat Map and consideration of this map given when determining the location of new heat networks within the area (658).

Plans should not require the use of certain technologies such as biomass and hot rock geothermal (468). Hot rock geothermal or biomass sources are expensive and could render development unviable (584).

Other Issues

NHS Grampian struggles to deliver buildings which would meet the requirements of policy due to the level and type of care provided. An exception should be added to the policy for specialist buildings (610).
Use of energy efficient and light pollution reducing lighting should be standard in all new development (249).

**Climate Change policy C2 Renewable Energy**

A number of respondents support the approach taken in principle or, in detail (78, 240, 265, 413,485, 692).

The policy should not limit biomass opportunities to business land as this is inflexible (687). A case by case assessment should be undertaken (686) and it should be recommended that the biomass used should be from a certified sustainable source so as to ensure robust environmental protection (594).

Paragraph 2 is worded negatively and in such a way that does not demonstrate Aberdeenshire Council's support for the development of wind energy generation in the right place and, of the right design (688).

Paragraph 2 of the policy is incomplete and should contain reference to all of the criteria contained at paragraph 169 of Scottish Planning Policy (SPP) so as to comply with that document (692). Pipeline consultation zones should be explicitly referred to (45). Protection of bird populations should be specified as a key element of Aberdeenshire’s natural assets and added to the criteria (656). In addition the policy test should be for "unacceptable significant adverse effects" rather than "significant adverse effects" as this allows the degree to which such effects have been mitigated to be weighted in decision making (587). To provide clarity, definitions should be given for the height range of turbines (56).

A number of respondents express concern regarding the requirement to comply with the layout, siting and design prescriptions set out in the Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire (SLCA) 2014. The document itself identifies that it is a strategic study from which site specific conclusions should not be drawn (SLCA paragraph 1.4) and the siting advice that it gives does not consider other elements, such as natural habitats or disturbance to communities, contrary to paragraph 155 of SPP. It is based on a snapshot in time and cannot be expected to apply to all future applications (687). The SLCA relates to all turbines over 15m in height but a larger scale / height might be more appropriate and considers applications valid at the time of the Study but not yet consented. This is contrary to paragraph 169 of SPP which is specific that cumulative impacts should only be considered within the context of existing and consented energy developments (587).

In addition, because the Study identifies very limited capacity for large turbines it will result in a plethora of small turbines and hamper progress towards the target for renewable energy (587).

Reference should be made to Supplementary Guidance that includes a robust and up to date Landscape Capacity Study, and indicates areas with strategic capacity for large wind turbines and areas with the greatest potential for different scales of development (587).

Consideration of Solar panel arrays (paragraph 4 of the policy) should encourage the use of the land for the promotion of biodiversity as the land is secure with little human disturbance (594). More advice should be provided on their siting and development to provide details on what might constitute an unacceptable cumulative impact (32).
Paragraph 6 of the policy "other renewable energy developments" is very general and does not specifically address the issues that may emerge from renewable energy technologies. Supplementary Guidance should be prepared to allow for adequate consideration of location, siting and impact of low carbon energy facilities (658).

Consideration of air quality impacts should be incorporated into the policy in line with the advice in SEPA's Development Plan Guidance on Air Quality and Co-location (658).

Policy C3 Carbon Sinks And Stores

Modification is sought to the policy to specify the pre-conditions that may be appropriate before disturbance to peat is permitted and, the mitigation measures to be implemented to abate subsequent carbon emissions (658). To comply with the Scottish Government’s Policy on Control of Woodland Removal and Scottish Planning Policy (SPP) in relation to carbon rich soils etc., Policy C3 should include a reference to SPP paragraph 205 (656).

Policy C4 Flooding

One respondent advises that the policy changes proposed were not subject to proper scrutiny by Elected Members and that the assurances given by Officers to defend the policy were unfounded and have no evidential basis. No assessment was made on the impact of the revisions on existing settlements (299).

Concern is voiced from a number of respondents that the policy does not conform to the framework provided by paragraph 265 of Scottish Planning Policy (SPP) insofar that it restricts development on land at less than a 1:400 year risk of flooding (277, 299, 387, 430, 512, 604, 605, 651). This is thought to be overly restrictive (651) and a serious constraint on the amount of developable land available (604, 605). Homes for Scotland support the view that setting a 1:400 threshold is arbitrary and that SPP is clear at paragraph 263 that land at low to medium risk (annual probability of watercourse flooding is between 1:1000 and 1:200 years) is suitable for most development and that a Flood Risk Assessment may be required for development on a site close to a 1:200 year risk (430). Respondents accept that SPP advises that "water resistant materials and construction may be required. (387, 430, 512).

The Scottish Government have highlighted issues they perceive with the policy in respect to wording which they believe relaxes paragraph 264 of Scottish Planning Policy (652) and the exceptional nature of land raising proposals (653). SEPA also comment on the need to ensure that the exceptional circumstances when land raising may be permissible should be clarified. In relation to the wording of Policy C4, the Scottish Government believes that development in areas of high risk development should only be permitted under the terms of SPP and the use of the term "inappropriate to locate it elsewhere" should not be reason in itself to allow for a departure to the policy.

Concern is voiced on the additional cost that may result from requiring Flood Risk Assessments and building in flood resilience and that there is no basis for such a requirement on land of little or no flood risk (1:1000 year risk) (277, 604, 605). Such a requirement will blight whole areas of existing settlements (299).

SEPA welcome the precautionary approach adopted and highlight issues associated with its implementation and the lack of a mapped 1:400 year flood risk contour. They identify that a local approach will require to be developed and suggest that the use of the 1:1000...
flood risk contour might be an appropriate level at which to seek a flood risk assessment to inform decisions. They commend the 5m and 10m contours as being practical and the information easy to identify (658).

Climate Change Plan

The Climate Change Proposals Map

The map is confusing and difficult to understand (435). It is not clear as to what purpose it serves (56). It should be replaced with one at a more user friendly scale. A criteria based approach should be adopted to provide a robust policy framework against which to assess proposals (692). Scottish Planning Policy (SPP) para 161 sets out an approach to be used for the identification of a spatial framework. The climate change proposals map is in error as it shows additional constraints (587).

The map should be modified to distinguish between the three areas of "significant protection" identified in SPP table 1 and specifically the Cairngorms Massif Special Protection Area. The status of areas adjacent to the Local Development Plan Area should be shown (656).

The Climate Change proposals map should be amended to reflect types 1 and 2 of the SNH Carbon and Peatland Map (656, 658). Bennachie also has unaltered peat (435).

Not all settlements are afforded the 2km community separation distance. Appendix 4 lists "identified settlements under Policy R2" and these should be included (e.g. Bogton and Forglen) (78, 440). Wind turbine development around Rhynie and Kildrummy should not be allowed due to cultural heritage issues (355), or around Westhill in order to retain the countryside as it is for natural carbon sinks and agriculture (16).

The Climate Change Proposals map should show the locations of National developments for Carbon Capture and Thermal Generation at Peterhead and the High Voltage Energy Transmission Network to reflect the National Planning Framework 3 (NPF) paragraph 3.41 (634).

There is a potential legal breach of the Council’s obligations under the Lisbon Treaty and the European Union Directive on Environmental Noise (2002 /49/ EC) insofar that the 2km community separation distance is not applied to all domestic properties (457).

The Key

The key of the Climate Change Proposals Map is unclear and should be amended to clearly identify those areas covered by the spatial framework for wind turbines" (635), and particularly those areas afforded "significant protection" (56, 78). It should be modified to clearly distinguish between the 3 tiers of Table 1 SPP that it reflects (656). It should be made clear that the spatial framework relates to onshore wind turbines (635) The transparent green areas should be defined in the key (78).
**Modifications sought by those submitting representations:**

**Policy C1 Using Resources in Buildings**

Energy efficient and light pollution reducing lighting (both street and home) should be standard in all new developments (249).

Policy C1 should be deleted (557, 578).

Policy C1 should be substantially re-written to focus only on those matters which can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction achieved by installing low and zero carbon generating technologies in new developments should be removed. Reference to district heating schemes for all major development proposals should be removed and the requirement to provide "appropriate infrastructure" from the edge of the development site to a location adjacent to the rising main of each property should be applied only to areas not served by mains gas (277, 605).

Policy C1 should be amended to exclude health care facilities from the carbon neutrality policy (610).

Policy C1 paragraph 1 should read: "All developments must be designed to reduce carbon-dioxide emissions in line with the current building regulations" (387, 447, 578).

Policy C1 paragraph 4 should read "New developments should also meet the current sustainability level for water efficiency, Alterations extensions..." (387,447).

Policy C1 needs to be clearer in what it is trying to achieve and to ensure that there is no confusion between planning issues and building control issues (468).

Further clarity should be introduced to Policy C1 on how the need to support economic growth will be balanced with the need to protect the environment (584).

Additional text should be introduced within Policy C1 to encourage co-location of heat sources to high demand ‘heat users’ (658).

A further paragraph should be added to provide context: “The Strategic Development Plan has identified the level of water use in the region as unsustainable. With the significant economic growth which the North East is experiencing, and the projected population growth, pressure for this resource will only increase. At present Aberdeen’s water is extracted from the River Dee, which is a Special Area of Conservation (a European Protected Site). The Strategic Development Plan notes that this combination of population and economic growth, along with the effects of climate change, may have a long term impact on extraction rates from the River Dee. To alleviate this pressure it will be necessary to manage the use of this resource through increased water efficiency. Supplementary Guidance Resources for New Developments set outs the measures necessary to achieve this" (656).

Further text should be introduced to confirm the production of a localised Aberdeenshire Heat Map and subsequent consideration of this map when determining the location for new heat networks within the Local Authority area (656).
Climate Change Policy C2 Renewable Energy

Paragraph 1 of the policy should include reference to biomass sustainability, as heat energy from biomass is only ‘renewable’ where the biomass comes from a certified sustainable source (594). It should also include a reference to air quality impacts (658). Add the sentence "In some cases it may be demonstrated that biomass schemes are more suitable on other land types." after the sentence "We treat biomass schemes as industrial processes suitable for business land." (686), or delete the statement: "We treat biomass as industrial processes suitable for business land." (686).

The policy should include a requirement that all wind turbine applications that fall outside the guidance but are recommended for approval by the Local Area Committee, be referred to the Infrastructure Services Committee for approval (240).

In paragraph 2, define the height range of medium and large wind turbines (56).

In paragraph 2, "effects on the natural heritage, including birds" should be added as one of the criteria by which renewables energy proposals will be considered.

In paragraph 2, the policy should be reworded with "unacceptable significant adverse effects" to replace "significant effects" (587).

In paragraph 2, of the policy add specific reference to pipeline consultation zones, and advise that any wind turbine development within these zones must accord with the Health and Safety Executive's PADHI Guidelines, and include a reference to the guidance prepared by the UK Offshore Pipeline Operator's Association regarding the siting of wind turbines close to high pressure pipelines (45).

In paragraph 2, change the wording from "valid applications which have not been consented" to "existing wind turbines/farms", in reference to assessment of cumulative impact (587).

In paragraph 2, replace the existing text with: “Turbines greater than 15m hub height will be allowed in an area of 'significant protection' as shown on the proposals map if it can be demonstrated that any significant effects on the qualities for which the area is identified can be substantially overcome by siting, design or mitigation." (688).

Replace paragraph 2 with: "There will be a presumption in favour of onshore wind energy developments, which are outwith areas for significant protection, where there is no unacceptable, significant impact upon the following:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- impacts upon public access, tourism or recreation;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on aviation and defence interests, telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads; and
- effects on hydrology, the water environment and flood risk.

This policy underpins the presumption in favour of sustainable development contained within Scottish Planning Policy. Once a site has been decommissioned, restoration should be achieved via planning condition." (692).

Areas of Landscape Significance should be reintroduced [and referenced in this policy] (485).

In paragraph 3, The Strategic Landscape Capacity Assessment / Ironside Farrar Report [SLCA] should be made a mandatory requirement when assessing where there is capacity for a wind turbine in Aberdeenshire (402).

The text: "or it can be demonstrated they are located, sited and designed appropriately" should be added to the first sentence of paragraph 3 (687).

Further detail, including a detailed Landscape Capacity Study, should be provided separately within the policy, or preferably in more detailed SG, referenced in policy (587).

In paragraph 4, clearer guidelines should be provided for the required distance between large solar panel arrays (32).

In paragraph 4, policy should include a commitment to increasing biodiversity at solar farms. As panels are raised above the ground on posts, greater than 95% of a field utilised for solar farm development is potentially still accessible for wildlife enhancements (594).

Policy C3 Carbon Sinks And Stores

Policy C3 should include the following text: "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO2 to the atmosphere. Developments should aim to minimise this release"(656).

The last sentence of paragraph 1 should be amended to: "For any proposals involving the removal of woodland, the Scottish Government Control of Woodland Removal Policy will apply."(656).

Add text to as the second sentence of the policy: "Where this is not possible development should:

- be informed by an appropriate peat survey and management plan;
- demonstrate how any disturbance or excavation is minimised; and,
- provide suitable mitigation measures to be implemented to abate carbon emissions (658).
Policy C4  Flooding

Policy C4 should be amended to properly reflect the flood risk framework set out in Scottish Planning Policy (SPP) at Section 263. The first sentence of Policy C4 should be amended to read as follows: "We will not approve development on land that can be shown to be at medium to high (1 in 200 year) risk of flooding ... (277, 604, 605).

Policy C4 should be deleted in its entirety and replaced with a flooding policy fully in accordance with SPP (299, 387, 430, 512).

A table should be introduced to outline Aberdeenshire Council’s definitions of medium risk and high risk (658).

Policy C4 should be amended to accord with SPP on managing flood risk and drainage. This is required to ensure the exceptions of Policy C4 reflect para 263 of SPP. It is recommended that the wording "it would be inappropriate to locate it elsewhere" is: removed or replaced with "the location is essential for operational reasons e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure and an alternative lower risk location is not available" (652).

Paragraph 3 of policy C4 should be amended to reflect paragraph 265 of SPP on land raising. It should be amended to read: "Land raising will only be permitted in exceptional circumstances, where it is linked to the provision and maintenance of direct and indirect compensatory flood water storage to replace the lost capacity of the functional flood plain, and it will not create any inaccessible islands of development during flood events or result in the need for flood prevention measures elsewhere" (653).

Policy in relation to land raising should be modified to make it clear what the exceptional circumstances are that would make land raising permissible (658).

Climate Change Plan

Rather than indicating details on proposals map a separate spatial framework should be prepared to include only those criteria listed in Table 1 on page 39 of SPP, including the finalised carbon mapping to be issues by Scottish Natural Heritage in June 2015. No other criteria, including landscape capacity studies should be used to prepare this. Further information, including Landscape Capacity Study detail, should be provided separately within the policy, or preferably in more detailed Supplementary Guidance (SG), referenced in the policy (587).

The purpose of the climate change map should be clarified (56). The map should be amended to be clearer in reflecting the approach to onshore wind farms as set out in Paragraph 161 of Scottish Planning Policy (SPP) and its Spatial Frameworks for onshore wind (Table 1, page 39 of SPP) (635).

The proposals map should show clearly the areas of significant protection (78). The 3 groups set out in Table 1 of Scottish Planning Policy should be clearly distinguished in and adjacent to the LDP area (656). The transparent green areas should be defined (78). The section of the Cairngorms Massif SPA outwith the National Park should be shown as part of the ‘areas of significant protection’ ‘Group 2’ area.

The proposals map should show a 2km protection zone from wind energy developments to
settlements also listed in Appendix 4. (78, 440). The 2km protection zone should be extended to all households (457).

Amend Spatial mapping for carbon-rich soils, deep peat and priority peatland habitat to correspond to the SNH Carbon and Peatland Map (types 1 and 2), once approved by Scottish Ministers (634, 658).

The Spatial framework for wind energy development should recognise the areas surrounding Tap o Noth near Rhynie and surrounding area (up to and including Kildrummy to the south) as an important heritage centre with further potential as such (355). Amend spatial framework to omit area around Westhill as being potentially suitable for wind energy development (16).

The Climate Change Diagram of the Proposed Plan should be amended to reflect page 29 of National Planning Framework 3 to indicatively show the National Developments for: Carbon Capture and Storage (CCS) and thermal generation at Peterhead and the high voltage energy transmission network in Aberdeenshire (656).

The wording in the key of the Climate Change Diagram should be amended from "Spatial Framework" to read: "Spatial Framework Onshore Wind Farms - Group 2 Areas of Significant Protection" (635).

Summary of response (including reasons) by Planning Authority:

Policy C1 Using Resources In Buildings

This policy stems from the obligation on Planning Authorities to include greenhouse gas emissions policies required by section 3F of the Town and Country Planning (Scotland) Act 1997 and paragraphs 155 to 160 of Scottish Planning Policy (SPP). This requirement is acknowledged, in part, by Homes for Scotland in its representation.

"Carbon neutrality" was considered as a Main Issue in the Main Issues Report (MIR) when the proposal for a “gold” standard and the proposed proportion of the energy reduction target to be met from low and zero carbon generating technologies was presented. 46 representations were received on this issue with opinion divided on the merits of the approach promoted (see Main Issues Report 2013, Issues and Actions Paper 018: Carbon Neutrality in New Developments and SG LSD11). Several of the respondents to the Proposed Plan made comments on the main issue and repeat these in response to the Proposed Local Development Plan.

The approach proposed to Heat Networks was raised as a main issue in the Addendum to the Main Issues Report 2014. 9 Responses were received (see Main Issues Report Addendum 2014 A2: Heat Networks) where the support and lack of substantial adverse comment from the construction industry for the proposals was welcomed. Homes for Scotland did not comment on this Main Issue at the time.

The context suggested to improve the understanding of the need for water efficiency standards could be added without impacting on the policy, but would run counter to the approach taken in the plan to achieve brevity, clarity and precision. Such context would be more appropriate to a planning advice note. The Council does not propose and would not wish to publish Supplementary Guidance on Resources for New Development as it would
not comply with the preconditions for such guidance as set out in the letter from the Chief Planner dated 15 January 2015: “Development Plans – Supplementary Guidance”.

It is not necessary to specify heat pumps as one of the suite of technologies that could be employed to comply with the CO₂ reduction target.

No change is required.

The Energy Standard that should be Set

The Fifth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 (FARCC) was published on 30 March 2015, after the date of publication of the Proposed Plan. This Report and the Sullivan Report: A Low Carbon Building Standards Strategy for Scotland, do not constitute a change to section 3F, or a change to Government policy on this matter (on which FARCC gives a complete and useful summary). These should be seen for what they are - documents which may guide future policy and legislative development by Scottish Ministers. Indeed a specific recommendation of that Report is that: “The assessment does not clearly indicate that Section 3F is no longer required at this time, nor does it demonstrate that there are clear or significant benefits for meeting our climate change targets. On that basis the Scottish Government has concluded that the legislation should remain in force” (Extract from Executive Summary).

The emphasis on the policy principle of sustainability within SPP, and in particular paragraph 45, clearly articulates the complex and multi-layered nature of ensuring a resource efficient development. Use of the sustainability labelling system provided by the Building Standards system provides a clear standard to ensure resource efficient buildings. Fulfilling the elements prescribed in SPP paragraph 45 will contribute to the ease with which a development can achieve a gold sustainability label, but is not prescriptive and allows trade-offs that will still ensure that the highest standards are maintained. There is a clear link between planning measures that can be implemented and the effort required to comply with the standard.

It is inappropriate for a Plan anticipated to be in place from 2016 to 2021 to make reference to a standard that will be obsolete. The “silver” standard will be mandatory from 2015. The statement in FARCC that “anything above Bronze is currently optional”, is true today, but will not be true in 2016. FARCC identifies at paragraph 5.10 that “Further review of energy standards within building regulations is proposed, with any additional reduction in emissions programmed for 2019/21 to meet EU obligations for ‘nearly zero energy’ new buildings as well as in support of our climate change objectives”. The difference in carbon dioxide emissions (Dwelling Emission Rate) from silver standard to gold standard is from a 45% to a 60% improvement on the 2007 standards. Full descriptions of the statements of sustainability are to be found in Section 7.1 of the “Technical Handbook 2015: Domestic” and Section 7.1 of “Technical Handbook 2015: Non-Domestic”. A 25% reduction in the maximum annual demand for useful energy for space heating (from 40 kWh/m² to 30 kWh/m²) will inevitably make a significant contribution to this additional 15% improvement target.

Adoption of the “gold” standard within Aberdeenshire reflects both the principle of presumption in favour of development that contributes to sustainable development and taking a design-led approach in SPP and Aberdeenshire Council’s own environmental policy to provide a planning system that ensures all development is sustainable.
At the end of the day, it is for the developer to commit to and deliver the gold sustainability label, through a combination of land use planning measures which development management officers are very well qualified to assess, a “fabric first” approach through improvements in building standard and quality, and active energy generation. Also the active generation element will be shown on submitted drawings and can easily be noted to ensure compliance with this element of the policy. If necessary, training could be provided to Officers: this is not a reason to dismiss the policy.

No change is required.

**Low and Zero Carbon Generation Technologies**

Homes for Scotland may take the view that the improvements in the standard can be achieved by a fabric first approach, but this is a matter of legislation and the changes that the respondent seeks could only be achieved through modification of section 3F of the Town and Country Planning (Scotland) Act 1997. There is no evidence that measures such as air source heat pumps or photovoltaic panels are unwanted or provide any other issues with regards to insurance or maintenance than any other element of technology within properties. The energy savings, at a maximum 30% of the 60% CO₂ reduction from the 2007 Building Regulations equates to only 18% (30% of 60%) of the total energy saving through renewable energy technologies. Imposition of a challenging requirement will promote the significant change from the currently used design models to those that take every opportunity to contribute to the principles at paragraph 154 of SPP to address issues of energy demand and reduce emissions. There is no justification for a lower target that may not encourage this shift and no change is required.

**Heat**

At paragraph 159 SPP identifies that “Local Development Plans should support the development of heat networks in as many locations as possible even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future”. The approach of the policy is to concentrate on providing market opportunity for commercial production of heat, not solely on the use of waste heat. Aberdeenshire Council does not consider there are circumstances where a major development could not be served by a centralised heat generating facility. While a fully operational heat network may not be feasible, failing to provide, during construction, the infrastructure necessary to enable such a development allows no future market for a heat provider and will continue the status quo of district heating schemes being unfeasible due to the need to disturb the occupied development to retrofit such infrastructure. Conversely, a market opportunity is provided if that infrastructure, like water pipes and electricity cables, is already in place to the site boundary. This is particularly relevant in the context of developing new point source heat facilities such as biomass or geothermal plants. If it is a burden on the development industry then it is one that has been imposed by SPP by requiring such infrastructure “in as many locations as possible”

The Aberdeenshire Heat Map currently reflects existing heat sources and it would be improper to suggest that the Scottish Government’s objectives for heat should only be met where these exists. It is also insufficiently developed to be useable in the context of a policy criteria. It runs counter to the principles of “in as many locations as possible”. New Scottish Planning Policy on heat networks and the Aberdeenshire Heat Map emerged relatively late in the process of allocating land for new development but despite this,
opportunities for co-locating high heat demand uses was a factor considered in the review of allocations. The relatively few major heat generating uses in Aberdeenshire did not have a significant effect on the allocations strategy. No change is required.

Viability of development to be served by a new heat production facility is a significant issue that would be required to be considered in the feasibility assessment noted by the policy.

Other Issues

NHS Grampian made the request for its properties to be exempt from these policies at the time of the Main Issues Report 2013. This request was considered and dismissed, as all buildings are subject to the Sustainability Labelling Scheme.

Energy efficient lighting is one obvious way in which the emissions savings could be achieved but, it would be improper to make this a condition of this policy.

No changes are required to the policy.

Climate Change Policy C2 Renewable Energy

This policy reflects the current policies regarding renewable energy generation in the Aberdeenshire Local Development Plan. Renewable energy developments, and in particular wind energy, is a matter of widespread concern within communities and this was reflected in two main issues within the Main Issues Report (MIR) on wind energy and other renewable energy developments. Publication of SPP required re-evaluation of the spatial framework for wind energy development which formed a part of the MIR and this was republished in the MIR Addendum in 2014.

A large number of comments were received on these issues in response to the MIR and Addendum and some respondents have chosen to expand on the submissions made at this time. Questions relating to whether Aberdeenshire Council should “prefer” large turbines, the general role of rural areas in a modern Aberdeenshire, the appropriateness of the spatial framework and the use of the Strategic Landscape Capacity Assessment 2014 (SLCA) were all discussed at length within the analysis of submissions to the MIR.

The support for the policy is welcomed.

Biomass

The phraseology used in paragraph 1 is not negative. The second sentence needs to be seen in the context of the first, and merely provides clarification that biomass power plants are appropriate on business land. There is nothing in the phrasing that restricts their development only to these sites if the proposal is on an appropriate site and, of the right design. In the Rural Housing Market Area, paragraph 4 of Proposed Local Development Plan Policy R2: Housing and Business Development in the Countryside allows significant flexibility for the location of business proposals, whereas in the Aberdeen Housing Market Area the desire to co-locate heat users with generators suggests that business land locations are the most suitable location. It would be inappropriate to restrict energy generation from only certified sustainable sources as this would preclude use of re-purposed waste wood. No change is required.
Wind Energy Developments

Echoing the considerations set out in paragraph 169 of SPP is unnecessary duplication. SPP is a significant material consideration in any planning application, and comprehensive guidance is contained in the Scottish Government’s online renewable planning advice. The text of the policy identifies and provides additional context for those elements which Aberdeenshire Council see as being of particular relevance to such applications. SPP identifies a wide range of considerations, most of which have their own policy within the Plan (such as landscape protection, natural and cultural heritage protection, protection of water bodies, consideration of flood risk, and impacts on carbon stores). All policies of the Plan apply. In a similar manner, pipelines are addressed in Proposed LDP Policy P4: Hazardous Developments and Contaminated Land, and Bird Populations by Proposed LDP Policy E1: Natural heritage. No change is required.

We note the reasoning why the phrase “unacceptable significant adverse effects” should be promoted and are inclined to agree with the respondent although, we have some concerns that this will lead to dispute over what is “acceptable” or “unacceptable” and feel that if an impact is “significant” then this assumes a level of unacceptability (if it is an acceptable adverse effect, would it then have any significance as a test for the development?). We would not object if as modification were to be introduced to substitute the phrase “unacceptable significant adverse effects” should the Reporter consider this appropriate.

Compliance with findings of the Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire (SLCA) 2014

The SLCA was jointly commissioned by Aberdeenshire Council, Angus Council and Scottish Natural Heritage. A similar volume has been produced for Angus Council. A draft of the Study was published to support the MIR and the final document has subsequently been published as planning advice. While we note that landscape considerations are not considered by SPP as part of the spatial framework we are of the view that the SLCA represents a consistent and comprehensive evaluation of potential cumulative landscape impacts, married with clear professional guidance on what might be acceptable in each part of the Local Development Plan area. It meets the objectives of providing certainty and confidence to the development industry, and provides development management staff with a set of benchmarks against which development proposals can be judged. Without such prescriptive guidance neither communities nor developers can have any confidence on whether proposals are likely to be deemed acceptable.

In section 6 and Tables 6.1a - 6.1k assessment is made of the general capacity of the landscape to accommodate turbines of 5 different sizes, defined as from 15-30m to greater than 125m in height. As these size categories are only used in this document there is no merit in defining turbine sizes beyond “greater than 15m” within the Local Development Plan. The explanation of Table 6.1 on page 35 is very useful in explaining the form of these tables. In each landscape character area type the impact of consented development is discussed and statements made on the proposed limits to future development. This commentary also recognises the applications for wind turbines current at the time of writing and, passes comment on the suitability of the proposals. This is an appropriate response to “future proofing” the guidance as far as possible. However, we accept that it is a document of its time and will require to be reviewed as part of the Main Issues Report stage in future Local Development Plans. The “landscape analysis” section provides general guidance on the height, size of groups and separation distance for wind turbine
proposals for those areas where there is still landscape capacity for wind turbines. True to
the Report’s own statements, at section 1.4, it does not comment on site specific issues
but adopts a strategic overview of capacity and landscape sensitivity within each
landscape character area. Aberdeenshire Council believes that landscape impact issues
require to be addressed along with potential impacts on other considerations. All policies
of the Plan apply and issues such as natural heritage or disturbance to communities have
to be addressed in addition to demonstrating that proposals do not compromise landscape
capacity. In this way the policy is fully compliant with paragraph 155 of SPP. No change is
required.

It was confirmed, through research by the James Hutton Institute, that “Farmers with wind
turbines identify their motivations as primarily about securing a reliable income source for
the farm, as opposed to more environmental motivations. Electricity produced is primarily
sold into the grid for public use, rather than being used on-farm” (see On-Farm Wind
Energy Production in Aberdeenshire (2013)). Wind energy policy in Aberdeenshire must
acknowledge this and cannot operate a policy that discriminates against those who would
wish to supplement farm income by the erection of a wind turbine only on the basis that a
larger development could be provided on the site. Land ownership, exposure to risk and
availability of capital may all constrain what a landowner wishes to implement.
Development of a plethora of small turbines delivers legitimate economic objectives.

There is no need to publish Supplementary Guidance on this topic. The SLCA provides a
benchmark range for the development of wind turbines in any particular area. The SLCA is
an up-to-date and robust Study sanctioned by Landscape Architects working in the private
sector as well as Aberdeenshire Council and Scottish Natural Heritage. Any new Study is
likely to raise further objection due to the subjective nature of landscape science. It is
appropriate to use this planning advice as the benchmark against which siting and design
decisions are made.

Paragraph 141 of Circular 6/2013: Development Planning notes that the Authority must
consider representations and (paragraph 144) can then adopt the Supplementary
Guidance. There is no reason for Aberdeenshire Council to disagree with the professional
views of independent advisors, overseen by a team of landscape architects, and come to a
different conclusion on what is a largely subjective science to produce more “up to date”
guidance. No change is required.

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 at
section 27 (2) set out preconditions for supplementary guidance, given further
interpretation by the Letter from the Chief Planner dated 15 January 2015. This letter
emphasises that guidance can only deal with the provision of further information or detail
in respect of policies or proposals, and then only provided that those matters are expressly
identified in a statement in the plan as matters to be dealt with by supplementary
guidance. This letter also provides advice on the status of other guidance (which we would
term “planning advice”). We submit that the tests clarified by the Chief Planner’s letter
cannot be met for a whole Aberdeenshire LDP area study of this nature in so far as the
plan could not expressly provide information on all the matters considered in the SLCA
and consequently it could never meet the tests of the Regulations. We would be
extremely concerned that any proposal to adopt supplementary guidance on this topic
would be blocked by objection by the Scottish Ministers on this basis or challenged in the
Courts on the same argument.

A “scheme of delegation” determines the circumstances by which planning applications
are referred to the Infrastructure Services Committee, which is at the discretion of the Head of Planning and Building Standards based around agreed criteria. The Local Development Plan is not the place for processes associated with the determination of planning applications. No change is required.

Solar Panel Arrays

Cumulative impact from solar panel arrays would likely be in terms of landscape impact, as arrays are largely benign in other matters. Any application would require to be assessed under policy E2 Landscape. It would not be appropriate to encourage the use of the land under solar panel arrays for biodiversity as economic land uses may also be appropriate (with sheep grazing being the most common). In any case Policy P1 requires biodiversity / geodiversity enhancements from any development.

Other Renewable Energy Developments

Land-use impacts from other renewable energy developments will be addressed through the application of all other relevant policies of the Plan; we are unaware of future issues which may be unknown at this time. All developments will be subject to Policy P1 Layout Siting and Design which addresses layout, siting and design principles that should be applied.

Air quality issues have been addressed in the Strategic Environmental Assessment of the Plan. However, it is not seen as a major issue for Aberdeenshire because no Air Quality Management Areas have been identified. We are aware of issues relating to particulates (particularly the PM10 Standard) but screening assessments have been completed for biomass plants that have gone through the planning system and air quality objectives were not predicted to be exceeded (see Air Quality Progress Report for Aberdeenshire Council 2013). No change is required.

Policy C3 Carbon Sinks and Stores

A policy on Carbon Sinks and Stores was introduced to rationalise the previous Policy SG Safeguarding 3 “Protection and Conservation of Trees and Woodlands” and to embrace the emerging view from Scottish Natural Heritage that certain areas in Scotland are nationally important carbon-rich soils, deep peat and priority peatland habitats and are likely, or could be of high conservation value, and the requirement in SPP that developments should aim to minimise the release of CO₂. This issue was raised by respondents to the Main Issues Report (MIR) 2013 (see MIR 2013, Issues and Actions Paper 004: Sustainable Development and Climate Change) and the need for this policy was identified. The Policy C2 goes significantly further than SPP by providing an absolute protection for peat from minor developments and requiring the application of the “carbon calculator” principle to major developments where disturbance may occur.

It would be inappropriate to apply preconditions to this policy, as the test should be whether or not the site sits on an identified carbon rich soil (for minor developments) and what that impact might be (for major developments). The use of the carbon calculator encourages minimisation of disturbance to peat in order to reduce the compensatory measures that may be required. Providing pre-conditions that suggest that development of minor proposals on carbon rich soils or peat may be acceptable, under certain circumstances, provides no certainty for the developer or the community. No change is necessary.
SNH would seek to repeat wording already found in SPP. This would be inappropriate as national policy applies to all developments regardless of the content of the Local Development Plan. Likewise, there is no need for the inclusion of reference to the Scottish Government’s Policy on Control of Woodland Removal. There is no requirement from this document for a reference to be provided in the Local Development Plan. The Scottish Government’s policy is applied by Aberdeenshire Council before land use allocations are made to minimise woodland removal and, in line with its “Guiding Principles” (page 6), development on woodland is only promoted where there are clearly defined public benefits and with a requirement for compensatory planting. Only two allocations within the Local Development Plan promote woodland removal, sites OP1 in Turriff and OP2 in Banchory, both of which deliver public benefit to the Towns.

However, if the Examination takes a precautionary approach in anticipation of development being approved as departures to the Plan, then the inclusion of a reference to the Scottish Government’s Policy on Control of Woodland Removal would not affect the strategy being promoted. Aberdeenshire Council would not object to such a change should the Reporter consider it necessary.

Policy C4  Flooding

Issues relating to the process associated with the development of policy are not a matter for the Local Development Plan Examination. In the course of discussions, the difference in extent of the medium to high flood risk area (1:200 year risk) to the low to medium (1:1000) was clearly demonstrated. Within all settlements in Aberdeenshire only 0.7% of all land is in an area identified as only low to medium risk.

Flood risk was a “main issue” within the Main Issues Report 2013. Supported by a position paper (Position Paper 7: Flooding and Erosion). The proposal to increase the threshold from 1:200 years to 1:400 years was promoted as a preferred option to reflect a more long term precautionary approach. The response to this issue is detailed in Main Issues Report 2013, Issues and Actions Paper 017: Flooding and Erosion. Substantial responses were received, where the majority of respondents supported the preferred approach. Issues relating to the need to comply with national policy and not set arbitrary standards was raised by Bancon Developments, Stewart Milne Homes and Homes for Scotland. SEPA supported the preferred policy approach. This paper concluded that “Given the significant support for a more precautionary approach to flood risk, the preferred approach is recommended. In the context of Aberdeenshire, flood risk of less than 1:400 is considered to be medium to high flood risk recognising that this will be a contentious step which is likely to be robustly challenged at the LDP Examination”.

Scottish Planning Policy

Scottish Planning Policy (SPP) sets out a framework at paragraph 263 that Local Development Plans should use. In this framework it sets out three classes of risk, phrasing each as a range (e.g. Low to medium risk (1:1000 to 1:200 years)). At Paragraph 264 SPP identifies that it is not possible to plan for development solely on the basis of calculated probability of flooding and introduces additional factors such as the effects of climate change, including an allowance for freeboard. Consistency is maintained with national policy by incorporating these elements within the threshold set within the Plan. The text of SPP is misleading as the 1:200 year threshold is one that is considered before these factors are applied. The thresholds in SPP are a base on which climate change and freeboard allowances are added. If this were not the case, there would have been no need...
to highlight climate change and freeboard in SPP paragraph 264.

It is already practice in Aberdeenshire that allowances for freeboard and climate change are required to be applied to flood risk predictions which, when added, move the ceiling standard significantly above the SPP 1:200 years threshold. Policy C4 provides clarity and certainty for developers and communities that if proposals are within the 1:200 to 1:400 years risk band then planning permission is unlikely to be granted, but a general exception is provided where a detailed flood risk assessment, taking account of climate change and freeboard can be used to demonstrate that risk remains “low” and development can proceed. This is a clear demonstration where the challenges of climate change outlined in the Vision of the Plan are presented and the implications of sustainable behaviour is made clear. It is not in conflict with SPP, but is clear as to the implications of flood risk on development opportunity. Aberdeenshire Council Flood Protection Unit have advised that a standard of 1:400 years risk may actually underestimate the impacts of climate change and freeboard on a base 1:200 year risk. No change is required to the 1:400 years threshold.

SPP is not clear at paragraph 263 that development in areas of low to medium risk are suitable for most development as suggested by Homes for Scotland, as that statement is immediately followed by a statement that a flood risk assessment may be required at the upper end of the probability range. Such an assessment may preclude development. No change is required.

SPP gives support for the use of flood resilience in developments in areas under 1:1000 years risk (Paragraph 263 bullet 2.2 “Water resistant materials and construction may be required”). No qualification of the word “may” is provided in SPP. The approach adopted in the Proposed Plan is supported by SEPA. Flood resilience is a matter of small design changes which do not necessarily add significantly to costs (such as horizontal erection of plasterboard and installing a ground floor ring main at roof rather than floor height). No change is required.

Aberdeenshire Council considers that the text on the general exception provided to the LDP policy C3 appropriately seeks a flood risk assessment where there may be dispute whether the site does or does not lie within the 1:400 years flood risk contour. As noted above, the additional area which is covered by areas of high to medium flood risk (i.e. up to 1:1000 years) is relatively small. Graphic demonstration of this is provided by the submission “Flood Risk in Inverurie”. Land allocations have been made to avoid any risk of flooding, or on larger sites where open space requirements can be planned and designed to avoid such areas. We agree with SEPA that it may be practical to use the 1:1000 years contour as the standard below which a Flood Risk Assessment is required. SEPA are already asking for Flood Risk Assessments for allocated sites crossed by watercourses and which are not predicted to flood. No change is required.

Aberdeenshire Council does not agree that the policy will blight previously developed areas, but that it will make them more resilient to predicted impacts of climate change. If blight was to be introduced this would be achieved by the translation of SPP to the Plan as suggested by the Scottish Government. Their proposed modification to remove the phrase “inappropriate to locate it elsewhere” would preclude change of use, conversions and extensions of properties already in 1:200 years flood risk areas (such as seen at Port Elphinstone on the submission “Flood risk in Inverurie”). Such uses are inappropriate to locate elsewhere other than on the development site. Undeveloped and sparsely developed coastal areas are protected by a separate policy which significantly restricts
development in these areas and Policy C4 complements these. No change is required.

Policy C4 permits land raising only for flood alleviation measures. This is significantly stronger than SPP paragraph 265 which has a very weak test of exceptionality (where it is shown to have a neutral or better impact on flood risk outside the raised area). By this definition land re-profiling could be undertaken in areas of high flood risk to allow development to take place (creating additional storage capacity by digging material out to provide a platform for the development). This would be inconsistent with other parts of Policy C4 which emphasises the flood storage function of a floodplain. Land raising cannot contribute to the Outcome 3: A natural, resilient place (paragraph 20) or the policy principle associated with valuing the natural environment at paragraph 194 of SPP. Unlike the modification proposed by the Scottish Government and, in support of SEPA’s proposed modification, Policy C4 provides absolute clarity as to the exceptional circumstances when land raising proposal would be permitted. No change is required.

Climate Change Plan

The Climate Change Proposals map was produced as a reflection of the Scottish Minister’s expectation that the Local Development Plan (LDP) should employ a range of graphical techniques to convey the strategy and individual policies and proposals in an accessible way (Circular 6/2013: Development Planning, paragraph 79). The proposals maps illustrates a number of spatial climate change policies, including existing sources of low carbon heat energy, hot rocks that may be suitable for geothermal heat production, the “Areas of significant protection for wind farms” defined by Scottish Planning Policy (SPP) and those areas where landscape and cumulative capacity does not limit wind turbine development. It relates directly to the text of the “Climate change” section and its constituent policies, particularly Policy C1 “Using resources in buildings” and Policy C2 “Renewable energy”. It is based on information published in more detail in other locations, with the exception of the areas identified under the category “Community separation for consideration of visual impact” and as this information is available as planning advice at high resolution there is no need to provide a higher resolution map in the Plan.

Display of the Spatial Framework for onshore wind turbines and the results on the Strategic Landscape Capacity Assessment for wind energy in Aberdeenshire

The map does not show additional elements contributing to the Spatial Framework for onshore wind farms, but instead shows additional information of relevance to other aspects of the policies. The element of the proposals map relating to the Spatial Framework for wind farms was prepared in line with Table 1 of SPP.

The “Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire” (SLCA) was published in 2014 as planning advice and, as argued in the commentary on representations received to Climate change policy C2, publishing this as Supplementary Guidance would result in objection due to the subjective nature of landscape science. It is appropriate to use this planning advice as the benchmark against which siting and design decisions are made and for its general conclusions to be illustrated on the Climate Change Proposals Map. It should be noted that no specific representation has been lodged challenging the areas identified as having strategic capacity for small, medium and large wind turbines. No change is required.

“Settlements” without a settlement boundary are not included in the areas identified for “Community Separation for Consideration of Visual Impact”. This includes Bogton and
Forglen and many of the other smallest settlements included in Appendix 4 “Identified Settlements” under Policy R2 (Berefold, Fisherford, Street of Monteach, Kirkton of Rayne, Glendaveny, Bridge of Alford) as they do not have settlement boundaries. The area around Westhill already has suitable protection. No change is required.

While cultural heritage impacts are specifically listed in SPP as one of the criteria against which energy infrastructure developments should be assessed, and specific policies under the section of the Plan “the Historic Environment” apply, each case would have to be considered on its merits as cultural impacts, other than those on sites identified in the Inventory of Gardens and Designed Landscapes or on the Inventory of Historic Battlefields, do not form part of the “Areas of significant protection” identified in Table 1 of SPP.

Questions regarding the legality of providing a 2km buffer around individual houses is not a matter for the Local Development Plan and is, in any case, a challenge to SPP rather than the LDP.

Non-notifiable modifications

It is accepted that the key is not particularly clear and a revised key will be proposed as a non-notifiable modification including reference to the Spatial Framework relating to onshore wind farm (see “Revised Climate Change Proposals Map”). Non-notifiable modifications to the proposals map also address issues raised to us in relation to not showing the National Developments for Carbon Capture and Storage and Thermal Generation at Peterhead, and the high voltage energy transmission network in Aberdeenshire to reflect the National Planning Framework 3 (paragraph 3.41). Routes of transmission lines are still at an options evaluation stage and so have not been included. The omission of the Cairngorms Massif Special Protection Area has also been added, as it was omitted in error. Mapping anomalies at Haddo House designed landscape, Lambhill (east of New Pitsligo) and Lochlundie Moss (Southwest of Cruden Bay) have also been resolved. The revised map also shows Classes 1 and 2 from the Scottish Natural Heritage Consultation document: Carbon-rich soil, deep peat and priority peatland habitats map (2014), with the understanding that the most up-to-date version of this information will be used at the point of publication. This is in accord with the statement in that document at paragraph 2.17 that “Carbon and Peatland classes 1 and 2 correspond to the ‘carbon-rich soils, deep peat and priority peatland habitat’ identified in Table 1 of Scottish Planning Policy”. It is noted that this includes areas of Class 1 peatland on Bennachie.

The difference between “National and international designations” and “Other nationally important mapped environmental interests” are not distinguished as there is no difference in the approach promoted by SPP for these sites in consideration of wind farms. By merging these two categories we are placing no greater weight being placed on one or other, or is emphasising where they may overlap. It remains important to distinguish areas identified under the category “Community separation for consideration of visual impact”.

Reporter's conclusions:

Policy C1

1. In assessing the issues raised above further information was requested on a number of matters relating to the detail of this policy and how it is to be implemented.
2. Supplementary Guidance LSD11 currently requires new developments to demonstrate that they will meet a Bronze Active rating under Section 7 of the Building Standards. From the council's response, to further information request 7, I understand that an energy statement is required through condition to state how the development will comply with this standard. This guidance forms part of the current Aberdeenshire Local Development Plan but the policy requirements are contained in Supplementary Guidance rather than as part of the plan subject to examination.

3. Enforcement of this would only occur where matters were brought to the attention of the planning authority. The condition is discharged through the building warrant process.

4. As stated elsewhere in this report the local development plan need not rehearse matters covered by other legislation. However, this is an area where there is some cross over between the responsibilities of the planning authority and the council’s responsibilities for building standards. This arises as a consequence of Section 3F of the Town and Country Planning (Scotland) Act 1997. This requires a planning authority in any local development plan to require developments to be designed so that new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use. This is calculated on the approved design and plans through the installation and operation of low carbon generating technologies.

5. Policy C1 would in effect require buildings to meet the Gold level when submitted for planning permission. However, currently the same building need only meet the Silver level when submitted for a building warrant although this may change in the future. The building warrant standard is a minimum standard to allow compliance with national legislation. However, the council consider that a gold standard, with a move to a platinum by 2019, is required to secure the objective of the Strategic Development Plan. This states that all new buildings should be carbon neutral by 2020 with a gradual move towards this target. Consequently the development plan would effectively overwrite the minimum standard set through the building regulations. I understand the administration of this would be carried out by building control officers. They would assess the application against the gold standard and then advise if a breach of planning control has occurred. A similar approach would also apply for water efficiency.

6. From the council’s submissions I understand that the 20% reduction figure is based on assumptions about the contribution of domestic renewables systems such as solar or biomass. The council explain that there is no specific monitoring information. The approach was instigated in 2012 and has not yet applied to most of the development in the effective land supply.

7. The need to support the development of heat networks is an obligation from SPP in “as many locations as possible, even if they are initially reliant on carbon based fuels” (SPP paragraph 159). The council has clarified that the requirement for heat network infrastructure is only a requirement for major developments, which will also require a Masterplan. The developer in these circumstances would be expected to take expert advice on the specification of the network. Such provision would be reliant on a private sector obligation to provide a functioning design.

8. I can appreciate the difficulties involved in applying this policy to development proposals especially if these are significantly advanced in the planning process. However the council’s submissions point to progress in implementing this approach in Banchory. Planned development here is to be served by a Biomass Energy Centre and Heat
Network. Work is also progressing on a feasibility study for a deep geothermal energy project. Smaller local schemes operate in Aboyne, the Haddo Estate, Inverurie, Tarves and Aberchirder.

9. I consider the objective of the policy is sufficiently clear and progress towards higher standards is not only desirable but required in accordance with the relevant legislation and with Scottish Planning Policy. However, I have concerns about the application of a policy when there appears to be insufficient certainty about its implementation, consequences and enforcement. It is unclear to me from the submissions what the actual implications and effects of applying the gold standard are or how onerous this requirement is. In the absence of any assessment of the financial implications of such requirements I have reservations about imposing unreasonable development costs with a possible consequent implication for project viability. I consider it would be clearer to all if both the planning and building requirements were consistent. Balancing these concerns it appears that the current supplementary guidance has been in place for some time and the council has to date recorded little difficulty in its operation.

10. Drawing all of this together, I consider that much of the policy can be retained but that some greater flexibility is required. This would acknowledge the potential for exceptions where implementation was shown to be unfeasible or to unreasonably impact on the financial viability of a proposal. I note that Scottish Natural Heritage welcome the application of a BREEAM level 5 standard for water efficiency given the extraction from the River Dee which is a Special Area of Conservation. This approach is also welcomed by Scottish Water given its environmental and energy saving benefits. I agree that a reference to these benefits could be included. However, similar conclusions to those above would apply to imposing a higher requirement through the planning system alone. In this context, my recommendation reflects this objective whilst applying a degree of flexibility.

11. Reliance on associated guidance whether statutory or otherwise would enable the policy to react to changes over time. This would also enable further detail on the application of the standards and the scope for exceptions to be established in consultation with others. In this respect, I understand that the council is reluctant to rely on guidance for this matter. It refers to the Chief Planner’s letter dated 15 January 2015 which advises of a more limited role for supplementary guidance. However, I consider that the policy could be simplified and that it would be inappropriate to impose a rigid standard in excess of the building regulations without being clear about the flexibility that should be applied and providing further detail to support the policy and its implementation. My recommendation reflects this.

Climate Change Policy C2 Renewable Energy

12. I note that little change is proposed from the policies included in the current Aberdeenshire Local Development Plan. However Scottish Planning Policy 2014 has changed the context for the consideration for the assessment of wind energy and there is now a requirement to include spatial framework mapping. I address these matters below.

Biomass

13. I consider the support for biomass is clearly expressed and that the reference to business land provides clarification as to where these might appropriately be located. This reflects the desire to co-locate heat users with generators. This does not imply that other
sites might not prove suitable. Such sites could be assessed in terms of the other relevant policies of the plan including Policy R2: Housing and Business Development in the Countryside. I do not consider that it would be appropriate for the planning system to specify the materials or the source of the materials to be used.

Wind Energy Developments

14. I agree that it is not necessary to repeat all the considerations set out in Scottish Planning Policy. The policy can legitimately focus on those matters which are most relevant in the context of Aberdeenshire. However the policy must be sufficient and should not conflict with the objectives of Scottish Planning Policy.

15. As the plan should be read as a whole proposals would fall to be assessed against the full range of relevant policies. This includes policies on landscape protection, natural and cultural heritage protection, protection of water bodies, consideration of flood risk, and impacts on carbon stores. I consider that pipelines are sufficiently addressed through Policy P4: Hazardous Developments and Contaminated Land. Bird Populations are addressed by Policy E1: Natural Heritage. To cover the relevant matters in the round I have included a reference to the acceptability of the assessed environmental effects. This can then be considered taking into account all the relevant subject specific policies.

16. I understand concerns that use of acceptable could be seen as ambiguous. However, by their scale and nature such proposals rarely avoid any significant impacts. Consequently, the assessment of such proposals requires a balance by the decision maker where the benefits of the proposal are assessed against the scale and nature of its associated impacts. Consideration in the round inevitably involves a reasoned conclusion as to the acceptability or otherwise. It is not unusual for proposals to be approved where an environmental assessment has identified one or more significant adverse effects. Consequently, I consider that it would be appropriate to include wording which better reflects this. A similar approach is suggested in amended wording provided by the council and my recommended changes to Policy C2 reflect this.

Compliance with findings of the Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire (SLCA) 2014

17. Scottish Planning Policy (SPP) does not reference landscape considerations or capacity as part of the spatial framework. This does not mean that it is not a relevant consideration in the decision making process only that it should not be included in the spatial framework mapping.

18. Paragraph 161 of Scottish Planning Policy states that a spatial framework for wind farms should be included in local development plans. However, SPP is clear that the approach to spatial frameworks should follow that set out in Table 1 on page 39. Paragraph 163 places emphasis on following this approach in order to deliver consistency nationally. It also states that additional constraints should not be applied at this stage. It falls to the policy to set out the criteria that will be considered in deciding all applications for wind farms of different scales.

19. Table 1 of Scottish Planning Policy sets out the following 3 groups in the context of the spatial framework:

- Group 1: Areas where wind farms will not be acceptable - National Parks and
National Scenic Areas.

- Group 2: Areas of significant protection – areas with national or international designations, other nationally important mapped environmental interests (wild land and carbon rich soils) and areas not exceeding 2km around settlement envelopes or edges.
- Group 3: Other areas where wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.

20. Comparison of this approach with that in the Aberdeenshire Local Development Plan indicates that whilst the council has included spatial framework mapping this includes a finer grain of analysis and introduces consideration of landscape capacity.

21. The council explains that areas of strategic capacity for wind farm development have been identified by amalgamating the strategic landscape assessment information with the spatial framework.

22. The key of the map shows areas of strategic capacity for small, medium and large windfarms and then in dark green shows areas labelled as spatial framework. The council accepts the mapping is less than clear and I agree that this is the case. In addition, there is no clear follow through from the policy wording and there is a lack of apparent consistency with Scottish Planning Policy. To address this the council has submitted revised mapping referenced as the revised climate change proposals map. The revised map also shows Classes 1 and 2 from the Scottish Natural Heritage Consultation document: Carbon-rich soil, deep peat and priority peatland habitats map (2014), with the understanding that the most up-to-date version of this information will be used at the point of publication.

23. I have taken into account the views of relevant parties regarding this revised mapping including Scottish Natural Heritage (SNH). It considers the map should clearly identify areas where wind farms will not be acceptable. The grey areas would then represent group 2 and the orange areas group 3. The green areas would extend beyond any categorisation established by Scottish Planning Policy. SNH advise that whilst landscape is a relevant detailed consideration it should not form part of the spatial framework itself. Consequently, it recommends that this should be addressed separately or in supplementary guidance.

24. Taking all this into account I consider further revisions to the mapping and the associated policy are required. Under the heading Spatial Framework for Wind Energy I consider three colours should be shown in the key and associated mapping to show only:

Group 1 areas- no potential for windfarms with the corresponding mapping only being applied to national parks and national scenic areas.
Group 2 - The second colour should be used to include the remaining grey areas and should only apply to those areas with nationally important mapped environmental interests including wild land and carbon rich soils and those areas not exceeding 2km around settlement envelopes or edges.
Group 3- the remaining area should all be shaded in the same colour and referenced as remaining areas of potential subject to detailed consideration.

25. I note the council’s view as to the limited value in differentiating groups one and two. However it is not for me or the council to question the terms of national policy where a clear distinction is made between group one and group two areas. In my view there is a
clear distinction between the level of protection that would be applied between the two areas. The revised map seeks to address the omission of mapping to show carbon rich soils, deep peat and priority peatland habitat and I agree with the council’s approach in this respect. The council see merit in differentiating between other areas of significant protection and the areas defined around settlements. It is possible this could be done with slightly different shading but the mapping would still have to make it clear that this was a subset of group 2. The remaining area would then be identified as group 3 and could be labelled as Areas with Potential subject to detailed consideration.

26. I consider there is scope to add another layer of guidance but that this should only apply if it is clearly distinguished as guidance and not as part of the spatial framework as defined in Scottish Planning Policy. Consequently, I consider a fourth heading could be added to reference Local Landscape Guidance. This would allow for an additional layer of detail but would clarify this is for guidance only and is not part of the spatial framework. I consider this would avoid any potential conflict with Scottish Planning Policy. This would give guidance on local landscape capacity and relate to the areas currently shown in orange on the revised mapping.

27. With these changes my conclusion is that the mapping can achieve consistency with Scottish Planning Policy. However this would then need to be appropriately referenced in the policy and also include the changes referenced above regarding the assessment of impact. My recommendation reflects this.

Solar Panel Arrays

28. I am satisfied that the issues raised are sufficiently addressed under Policy E2 Landscape. It would not be appropriate to restrict consideration of the use of land under solar panel arrays to biodiversity uses. However, Policy P1 requires biodiversity / geodiversity enhancements from any development. My conclusion is that no change is required.

Other Renewable Energy Developments

29. It is not possible for the plan to cover every eventuality and it is sufficient for the plan to address those matters most relevant in an Aberdeenshire context. The plan should be read as a whole and I am satisfied that the plan provides an adequate policy framework to consider other forms of renewable energy. Policy P1 Layout Siting and Design which addresses layout, siting and design principles is particularly relevant in this respect.

30. I consider that it is sufficient that air quality matters were considered as part of the strategic environmental assessment of the plan. Given the particular context of Aberdeenshire no Air Quality Management Areas have been identified. On the matter of biomass plants air quality would still be a relevant consideration in any planning application. I note the council states that for those plants that have gone through the planning system air quality objectives were not predicted to be exceeded (see Air Quality Progress Report for Aberdeenshire Council 2013). Issue 1 of this report includes a recommended addition to Policy P4 to state that “Any proposed development which could have a significant detrimental impact on air quality, including the exacerbation of existing air quality issues, must provide appropriate mitigation measures.”. Consequently, I do not consider any further change is required to address air quality matters.
Policy C3 Carbon Sinks and Stores

31. I understand that this policy replaces that previously included in Supplementary Guidance on the Protection and Conservation of Trees and Woodlands but is now expanded to cover peat rich soils.

32. I accept the importance of woodland, peatland and carbon rich soils in terms of their biodiversity value as well as in acting as a carbon store or sink. Scottish Natural Heritage reference some areas as being nationally important in this respect and Scottish Planning Policy states that developments should aim to minimise the release of CO2.

33. Policy C3 provides for some exceptions if it can be shown that the development within its lifetime would have no net effect on CO2 or in the case of woodland compensatory provision can be made. However it could be read that this applies to only major development. In the context of the council’s response it remains unclear to me why this distinction is made. I understand that it would not be helpful to state that development of minor proposals on carbon rich soils or peat may be acceptable, under certain circumstances. However, I consider there is justification to remove any reference to the scale of development. This would enable these matters to be assessed on their merits in relation to the assessed impact as this may prove significant even for a relatively small scale of development.

34. Consequently, I consider the reference to major development should be removed and my recommendation reflects this. Otherwise I agree with the council there is no need to repeat the wording in Scottish Planning Policy particularly as woodland is specifically referenced in this policy. The use of the carbon calculator encourages minimisation of disturbance to peat in order to reduce the compensatory measures that may be required.

Policy C4 Flooding

35. The examination is only concerned with the sufficiency of the proposed plan not with matters relating to the council’s internal procedures. In relation to specific settlements a number of changes are recommended through Issue 16 Settlement Statements to respond to matters raised regarding flood risk on specific sites so that it is clear where flood risk assessment is likely to be required.

36. Scottish Planning Policy principles apply a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change. They also reference flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas.

37. Paragraph 263 of Scottish Planning Policy sets out more specific instructions to local development plans by establishing the following three categories of flood risk:

- **Little or No Risk** – annual probability of coastal or watercourse flooding is less than 0.1% (1:1000 years). No constraints due to coastal or watercourse flooding.
- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years). These areas are considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential
infrastructure and the most vulnerable uses. Water resistant materials and construction may be required.

- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years). These areas may be suitable for residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan. May also be suitable for essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow. Some recreational, sport, amenity and nature conservation uses may be appropriate provided appropriate evacuation procedures are in place.

38. In relation to the development management process Scottish Planning Policy states that Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA’s flood maps.

39. Against this policy context the proposed plan defines medium or high risk in the context of a 1:400 year risk of flooding and states that development will only be approved where a flood risk assessment demonstrates that the risk is neither medium nor high, where the development is not below the 5 metre contour and not on a functional floodplain. Certain exceptions are applied where the development would prevent flooding or erosion, would accord with the flood storage function of a floodplain, would be unaffected by flooding, is essential infrastructure or is in a built up area with appropriate flood defences.

40. Whilst I do not consider it is necessarily inappropriate to apply a locally tailored approach, particularly in areas which have recent first-hand experience of the consequences of flooding, I must consider whether the policy is sufficiently clear and in accordance with the objectives of Scottish Planning Policy.

41. I note the matters raised by the Scottish Environmental Protection Agency (SEPA) in this respect specifically the application of risk factors in excess of those advocated through SPP and the lack of any published 1:400 flood map. SEPA clarifies that it would continue to take its reference from national policy advice. I presume this would apply in reference to any consultation responses they might provide on planning applications.

42. In addition, I consider it may prove difficult to ascertain how flood resilience and evacuation measures at 1:1000 year risk levels would be demonstrated and applied unless this is specified as part of a flood risk assessment. However, I note that SEPA publish indicative low probability (1 in 1000 year) flood events and that it welcomes the general approach to ensure that future development is more resilient to risk. It states that reference to contour levels in relation to coastal flooding provide a practical solution.

43. From a developers viewpoint, particularly as many house-builders operate nationally, I can understand that the proposed approach could be viewed as an onerous and significant departure from Scottish Policy. This could have considerable implications for the extent of developable land in the area, add to the costs of preparing flood risk assessments in circumstances where these would not normally be required as well as increasing build costs to incorporate flood resistant design.
Taking all of this into account I consider that, whilst enabling some local discretion, the policy must retain general consistency with the objectives of Scottish Planning Policy. Use of different definitions should be avoided and the same references to levels of risk should apply.

However, I do not consider this rules out recognition of potential risks which may apply in areas mapped as at less than of a 1:200 year risk particularly when freeboard and climate change is taken into account. This is accepted in paragraphs 264 and 265 of Scottish Planning Policy which references other considerations and other factors which may signal a potentially heightened risk. Set in this context I consider that the policy could still reference the circumstances where a lower risk might trigger the need for assessment including where below the 5 metre contour and on a functional flood plain or where there are other risk factors. This should clarify a precautionary approach and allow for some flexibility at an initial scoping stage as to whether the level of risk requires further assessment. This approach would retain the nationally applied terminology but also clarify the application of a more precautionary local approach in terms of the potential requirement for assessment.

Whilst this does not address all concerns raised about the additional cost of carrying out assessments, which might not be required elsewhere in Scotland, it does enable some discretion through an initial scoping process. This would determine the need or otherwise for such assessment subject to discussion with the planning authority.

I also note concerns raised about the additional costs of building in flood resilience and that there is no basis for such a requirement on land of little or no flood risk (1:1000 year risk) or coastal areas below the 10 metre contour. Paragraph 263 bullet 2.2 of Scottish Planning Policy states that “Water resistant materials and construction may be required” in areas of low to medium risk. No qualification of the word “may” is provided in SPP. I note the approach adopted in the proposed plan has some support from SEPA. The council refer to small design changes which do not necessarily add significantly to costs (such as horizontal erection of plasterboard and installing a ground floor ring main at roof rather than floor height).

However in the context of my conclusions above the council’s proposed thresholds significantly exceed those in Scottish Planning Policy and would go beyond its anticipated precautionary approach. On the basis of the information I have before me I consider this would be an unreasonable requirement. I consider this section of the policy also requires adjustment to reflect the terms of Scottish Planning Policy but also to provide some local discretion to reflect my conclusions above on the appropriate consideration of local risk factors. My recommendations reflect this.

I note the comments of SEPA in relation to land raising but consider these matters are sufficiently addressed in the text. Each point is clearly stated without the need to re-express these as separate sentences.

Climate Change Plan

The matters raised on wind farms and the spatial framework including in relation to carbon rich soils, deep peat and priority peatland habitat are addressed in my conclusions above and in my recommendations below to include a revised map and spatial framework to replace that in the proposed plan. An issue is raised about the scale and readability of the plan. However, I consider the plan as included is sufficient for its purpose but that this
is perhaps a matter that could be addressed through the online version of the plan. My
remit is to consider the content of the plan in relation to the matters raised in
representation. This does not extend to the consideration of the merits or otherwise of
specific proposals.

Reporter’s recommendations:

1. Amend Policy C1 as follows:

All development must be designed to reduce carbon-dioxide emissions. Proposals should
aim wherever feasible to achieve a Gold sustainability label under section 7 of the building
standards technical handbook and by 2019 a platinum label. Appropriate standards for
water efficiency to achieve both environmental protection (particularly to avoid any adverse
effect on the interest of the River Dee Special Area of Conservation) and to reduce energy
costs should also be applied. For water efficiency a Gold Sustainability level would apply
and a BREAM level 5 standard for non-domestic buildings. Limited exceptions may apply
but all proposals must at least meet the standards established through the current building
regulations.*

A target increasing over time in the range 15-30% of the CO2 reduction should be achieved
through installing low or zero carbon generating technologies in new development will be
applied.

The master-planning process for major new development should assess the feasibility of
meeting the standard in part through a district heating scheme. This should include the
appropriate infrastructure in at least so far as from the edge of the development site to a
location adjacent to the rising main of each property for the future installation of metered
heat. In areas not served by gas consideration should be given to alternative technologies
such as hot rock geothermal or biomass sources.

Retain third paragraph, delete fourth paragraph and retain fifth paragraph.

Insert note:

* The council will prepare guidance on the detail of this policy specifically the standards
that would apply and where exceptions might be made including to take account of
financial viability. The guidance would also set out the circumstances and timescales in
applying an increase in the target for low or zero carbon generating technologies and the
parameters for assessing the feasibility of district heating schemes in major developments.

2. Delete the climate change map on page 63 and replace with a revised version of the
council’s submitted map referenced as Revised Climate Change Proposals Map to include
the following further changes to the key and associated mapping:

Under the heading Spatial Framework for Wind Energy delete all the existing key and
replace with:

Three solid colours to be reflected in the associated mapping and labelled as:

Group 1 areas- no potential for windfarms. The corresponding mapping should only apply
to the National Park Area and National Scenic Area.
Group 2 - The second colour should be used to include the remaining grey areas and should only apply to those areas with national or international designations, other nationally important mapped environmental interests (wild land and carbon rich soils-using the most up to date published mapping). Areas not exceeding 2km around settlement envelopes or edges should also be included in this group although they may be differentiated by the use of hatching or other appropriate shading.

Group 3 - all the remaining areas should all be shaded in one colour to be referenced in the key as Areas with Potential subject to Detailed Consideration.

Add a new separate heading distinct from the Spatial Framework referenced as **Local Landscape Guidance**. Under this heading include the orange hatched area as shown on the mapping. This should be labelled as Areas with strategic landscape capacity for wind turbine development.

3. Delete paragraphs 2 and 3 of Policy C2 and replace with:

We will approve wind energy developments in appropriate locations taking into account the spatial framework mapping on page 63. The more detailed guidance set out in the Strategic Landscape Capacity Assessment for wind turbines and the associated mapping on page 63 under the heading Additional Locational Guidance is also a relevant consideration. The areas shown in orange hatching have been assessed as having strategic capacity for turbines over 15 metres when local landscape considerations are taken into account.

All windfarms must be appropriately sited and designed and avoid unacceptable environmental effects taking into account the cumulative effects of existing and consented wind turbines. Turbines must not compromise health and safety or adversely affect aircraft or airfields (including radar and air traffic control systems, flight paths and ministry of defence low flying areas) and/or telecommunications. Unacceptable significant adverse effects on the amenity of dwelling houses or tourism and recreation interests including core paths and other established routes used for public walking, riding or cycling should also be avoided.

4. Amend Policy C3 to remove reference to “major” at the start of the second sentence.

5. Amend Policy C4 on Flood Risk to replace the first and second paragraphs as follows:

Flood risk assessments will be required for development in the medium to high category of flood risk of 0.5%-10% annual probability (1 in 200 years to 1:10 years). Assessment may also be required in areas of lower annual probability (0.25-0.5%) in circumstances where other factors indicate a potentially heightened risk. Assessment should include an allowance for climate change and freeboard. Development should avoid areas of medium to high risk, functional floodplain or other areas where the risks are otherwise assessed as heightened or unacceptable except where:

- It is a development to effect flooding or erosion
- It is consistent with the flood storage function of a floodplain
- It would otherwise be unaffected by flooding (such as a play area or car park)
It is essential infrastructure

The location is essential for operational reasons for example for water based navigation, agriculture, transport or utilities infrastructure and an alternative lower risk location is not available.

If development is to be permitted on land assessed as at a medium to high risk of flooding it should be designed to be flood resilient and use construction methods to assist in the evacuation of people and minimise damage. It must not result in increased severity of flood risk elsewhere through altering flood storage capacity or the pattern and flow of flood waters. Maintenance buffer strips must also be provided for any water body. These measures may also be required in areas of potentially lower risk of flooding (annual probability of more than 1:1000 years) or in coastal areas below the 10 metre contour should local evidence demonstrate a heightened risk.
### Issue 15

**Responsibilities of Developers – Introduction, RD1 and RD2**

**Development Plan reference:** Proposed Plan Section 19, Page 65-68, Responsibilities of Developers  
**Reporter:** Allison Coard

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Hilary Ridge (33)
- Meldrum Bourtie & Daviot Community Council (174)
- Newtonhill, Muchalls & Cammachmore Community Council (177)
- Dandara Limited (277)
- Scottish Water (287)
- Bancon Developments (387)
- Homes for Scotland (448, 449, 452, 453)
- Meldrum, Bourtie and Daviot Community Council (487)
- CALA Homes (North) Limited (556)
- Nestrans (566)
- Persimmon Homes East Scotland (576, 579)
- Aberdeen & Grampian Chamber of Commerce (584)
- The Royal Society for Protection of Birds Scotland (594)
- Burness Paull LLP (597)
- Cabardunn Development Company Limited and Dunecht Estates (604)
- Stewart Milne Homes (605)
- NHS Grampian (610)
- Scottish Government (644)
- Scottish Environment Protection Agency (658)
- Sport Scotland (676)

**Provision of the Development Plan to which the issue relates:**

Policies that set out developers obligations.

**Planning Authority’s summary of the representation(s):**

**Introduction**

One respondent stated that the second paragraph of this section is unclear and seeks further clarification to be provided in the published Local Development Plan (LDP) (448). Another respondent wishes this paragraph deleted entirely (556) whereas another provided additional wording to provide clarity (644).

Homes for Scotland note that Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements sets out 5 clear tests of when a planning obligation is justified. They believe, that it is clearly understood in practice that a Planning Authority cannot seek developer contributions when there is no deficiency in infrastructure or facilities created by developers.
development. Nor can it seek contributions to addressing deficiencies which pre-date the impact of development. If infrastructure is already in place when a development comes forward, and if that infrastructure has the capacity to absorb the impacts of development, then there is no justification for seeking a contribution. The one possible interpretation of the sentence from paragraph 2 is that it relates to the Strategic Transport Fund (STF) approach which is being developed by the Aberdeen City and Shire Strategic Development Planning Authority. It is conceivable under this approach that a piece of transport infrastructure could be built in advance of all the development which has been assessed as cumulatively creating the need for it. If this is the intended meaning, then a fuller explanation should be given. If the Council is trying to introduce a more general provision allowing them to seek contributions to any infrastructure at any time, then this would clearly be contrary to Planning Circular 3/2012, as there is nothing in the Development Plan or Supplementary Guidance to explain how such a blanket provision would be justified or applied (448).

Similar arguments were provided to support the deletion of the expectation of developer obligations to infrastructure that has already been delivered. It is questioned how this would be monitored and a fair and appropriate level of contribution could be calculated on historical infrastructure works. It would be difficult to calculate what impact a new development would have on infrastructure already delivered and this would cause uncertainty for developers. Such a policy would fail all five of the tests set out in Planning Circular 3/2012 (556).

Another respondent seeks to modify the wording of the first paragraph to include reference that the tests of Planning Circular 3/2012 will apply when a planning obligation (Section 75) is used. The sentence, in its current form, does not elaborate how such contributions will be secured (644).

One respondent felt that the approach to providing clarity and certainty on expected contributions is inadequate and, excessively complicated. To establish what might be expected, the developer has to consider:

- This section of the Proposed LDP 2015 containing the policy;
- Appendix 7 Supplementary Guidance;
- Appendix 4 Settlement Statements – the listed requirements in the statements are largely generic with little site-specific detail;
- Appendix 4 then refers on to possible further detail in a Community Plan and/or a relevant Community Action Plan;
- The Proposed Action Plan 2015;
- There is also reference in the Supplementary Guidance to calculations in “Appendix 1” and to a “Schedule 3” – it is not clear what either of these is; and
- There are no indications of possible cost burdens on development in any of the above.

This is a wholly-unacceptable approach to providing clarity. Developers are entitled to expect a reasonable degree of clarity in the Local Development Plan about what may be expected of them. While detailed design/cost information is impractical at Local Development Plan level, developers should be able to identify site or location-specific requirements from the Plan, not a generic list of possible contributions (449).
RD1 Providing Suitable Services

Access to New Development

A respondent wishes the Proposed LDP 2015 to provide more detail on the percentage of houses in a development required to include provision for wheelchair users. It is argued that there is already a requirement through building regulations to provide homes which can be easily modified for different users. The respondent objects to a specific requirement for these additional needs in the Proposed LDP 2015 as they are already fully addressed elsewhere in planning policy and building regulations (576).

Water and Waste Water

Water and waste water are the responsibility of Scottish Water and this policy places the burden for these onto the developer, it goes beyond what can be expected of a developer (277, 387, 605).

The opening paragraph to Policy RD1 Providing Suitable Services places the requirement for infrastructure provision firmly on the developer when responsibility for the provision of water and waste water services also rests with Scottish Water. Under current funding rules, the cost and programming of any work associated with upgrading part 4 infrastructure is the responsibility of Scottish Water (277, 387, 605).

While Scottish Water and the Scottish Environment Protection Agency (SEPA) are key consultees regarding water and waste water infrastructure, it is also incumbent upon the Planning Authorities to consult these bodies during the preparation of their Local Development Plans. As such, if a site is allocated in the Plan, there should be a presumption that adequate water and drainage infrastructure will be available, or can be made available, to service that development (277, 387, 605).

The requirement for a Development Impact Assessment or other form of investigation or modelling work to identify the impacts of development on current infrastructure should not be included in the LDP as this is an issue to be addressed between the developer and Scottish Water. Scottish Water has a monopoly on undertaking such assessments and the development industry has serious concerns in that regard. The LDP should not add credibility to that monopoly (277, 387, 605).

Scottish Water is largely supportive of the policy which, they believe sets out very clear guidelines for developers in relation to water and waste water provision, particularly in relation to the need for early engagement with SEPA and Scottish Water. Development Impact Assessments have now been superseded by Pre-Development Enquiry (PDE) forms. Scottish Water recommend that all planned development relating to more than a single house connection submits a PDE to Scottish Water as early as possible to enable Scottish Water to provide an assessment of available capacity at the Water Treatment Works and Waste Water Treatment Works in question, as well as indicating whether further investigations will be required to provide a full assessment on whether local infrastructure upgrades may be necessary (287).

SEPA is also supportive of the Water and Waste Water section of this policy as it ensures that development will comply with SEPA’s policy and supporting guidance on the provision of Waste Water Drainage in Settlements. However, they would welcome reference to SEPA’s policy and supporting guidance on the provision of Waste Water Drainage in
Settlements within the policy wording. In addition, and in order to promote the development of the public waste water network, they seek a sequential approach to waste water treatment whereby additional public capacity provision is sought before seeking permission for private drainage. They also seek reference to contemporary Construction Industry Research and Information Association (CIRIA) Guidance and Sewers for Scotland Guidelines as a test of the adoptability of public systems and the Controlled Activities Regulations in relation to groundwater abstraction (658).

Waste Management Requirements

Support for waste minimisation of all waste is encouraged in line with objectives of the Zero Waste Plan. It is, however, recommended that the waste hierarchy is specifically advocated within this policy (658).

Television Reception

A few years ago television signals were switched from analogue to line-of-sight digital transmission. There is now potential for new development to block the signal from reaching existing receivers; resulting in a loss of amenity to local residents. In Chapter 19 of the Proposed LDP 2015, The Responsibilities of Developers, there should be a policy that places a condition on developers to make good any loss of television reception with all costs being borne by the developer (177).

Car Parking Standards

Nestrans advise that the Proposed LDP 2015 should also make reference to Car Parking standards as maximums in line with national guidance and the agreed NESTRANS Regional Car Parking Strategy developed jointly by Nestrans and both Local Authorities (566).

RD2 Developers’ Obligations

General Policy Comments

A Community Council has suggested that developer obligations money should be spread over all age groups to accommodate incomers and not to be used for Aberdeenshire Council maintenance on their properties (174).

Clarity is required in the policy when obligations will, and will not, be used regarding infrastructure provision to ensure that they would be in accordance with Planning Circular 3/2012 paragraph 21. Simply referring to the policy tests contained in Planning Circular 3/2012 does not sufficiently cover this point. Contributions must relate fairly and reasonably in scale, and kind, to the proposed development as well as being necessary to make the proposed development acceptable in planning terms. This modification was made at the Examination of the Aberdeenshire LDP 2012. Clarity is required in the policy when obligations will and will not be used regarding infrastructure provision. The policy must not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for a particular development. Simply referring to the policy tests contained in Planning Circular 3/2012 does not sufficiently cover this point and the policy must be clearer on this issue (597).
It is necessary to clarify that contributions will not be required from all developments towards all the items listed in Policy RD2 Developers’ Obligations. The respondent is concerned that when read in conjunction with Policy RD2, this will provide statutory support for requests towards all items. This was a concern that the Reporter highlighted at the Examination of the Aberdeenshire LDP 2012 (597).

Other respondents support this position suggesting that planning obligations are being sought on nearly every development and, often even where there is pre-existing capacity, particularly in relation to education and health care. The respondent contends that if capacity exists in any facility or infrastructure, the development should be allowed to utilise that spare capacity without having to make contributions. The formulaic approach currently used by Aberdeenshire Council and set out in the Supplementary Guidance to calculate the scale of contributions should be reviewed. It takes no account of individual sites and local circumstances. If the Council are to persist in such an approach, there should be scope for the return of any unspent funds. Supplementary Guidance relative to the items required should be reviewed and a more robust justification provided in accordance with Planning Circular 3/2012. The Settlement Statements should also be amended to make it clear whether certain infrastructure contributions will be required and provide an indication of the magnitude of those contributions (277, 604, 605).

Non-compliance with Circular 3/2012

Two respondents raised concerns that the developer obligations being imposed by Aberdeenshire Council are simply becoming a "roof tax" on development. Objection is taken to the ever expanding list of services and infrastructure which developers are expected to contribute to, particularly where those services are the statutory responsibility of other bodies who receive central government funding through taxation for their functions (277, 604, 605).

They argue that the policy and Supplementary Guidance fail to have proper regard to Planning Circular 3/2012. Planning Circular 3/2012, paragraph 2 advises that it sets out the circumstances in which planning obligations can be used and how they can be concluded efficiently. It emphasises that Planning Authorities should promote obligations in strict compliance with the tests set out in the Planning Circular 3/2012. Those tests are reiterated in the Supplementary Guidance but the preamble fails to note that planning obligations should only be sought where they meet all of the tests. Planning Circular 3/2012 further advises that planning obligations have a limited, but useful, role to play in the development management process where they can be used to overcome obstacles to the grant of planning permission. Increasingly however, developers are being left with no alternative but to enter into a planning obligation. The formulaic approach adopted by this policy and conveyed through the Supplementary Guidance presents developers with a "fait accompli" leaving little scope for flexibility or negotiation (277, 604, 605).

The opening sentence to the policy advises that the Council will support development if the developer makes a reasonable contribution in cash or in kind. It reiterates this in the following sentence that contributions must fairly and reasonably relate in scale to the proposed development. However, "fairly and reasonably" are not terms used in Planning Circular 3/2012. Planning Circular 3/2012 requires that contributions "...must always be related and proportionate in scale and kind to the development in question". This needs to be accurately reflected in the policy wording (277, 604, 605). Another respondent supported the amendment of this sentence (597).
The policy advises that further guidance on developer obligations is provided in the Settlement Statements. However, many of the Settlement Statements contained ambiguous references as to the requirements for certain types of obligations. It would appear to be a case of "if in doubt ask for it". This approach hardly provides the development industry with the certainty required or expected by Scottish Planning Policy (SPP) and makes negotiation with land owners extremely difficult. Planning Circular 3/2012 is perfectly clear that the Local Development Plan should be the point at which consideration of the potential need for, and use of, planning obligations begins. Paragraph 32 advises that in drafting Local Development Plans, Planning Authorities should work with infrastructure providers, other Local Authority departments and consultees to undertake a robust assessment of infrastructure requirements, the funding implications and the timescales involved. On this basis, it is perfectly reasonable to expect that the Proposed LDP 2015, and Settlement Statements in particular, should provide clarity on the range and scale of contributions expected. Accordingly, the introductory paragraph to Policy RD2 should be amended to properly reflect the requirements of Circular 3/2012 (277, 604, 605).

A respondent states that the methodologies and practices adopted by Aberdeenshire Council are not suitable as they do not conform to Planning Circular 3/2012. The wording explaining each of the listed items requires amendments to comply with Planning Circular 3/2012. For example, under “Local transportation infrastructure” the Proposed LDP 2015 indicates that “All new development within a settlement will contribute to any identified need”. A similar approach is adopted in relation to primary education. The requirements also need to be justified on a case by case basis against the tests in Planning Circular 3/2012 and the need for, and extent of, contributions should relate to the impact that specific development would have on a particular item of infrastructure (597).

Transport

Five respondents objected to the STF contributions (277, 452, 597, 604, 605).

There are no grounds for contributions to the STF, which primarily relates to Aberdeen. The Supplementary Guidance seeks a defined contribution from every house falling within a Strategic Growth Area and exceptionally within the Local Growth and Diversification Areas, regardless of the impact in scale and kind. The Reporter at the Examination of the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 concluded contributions could only be sought where there was a direct impact arising from the development. The respondent argues this was effectively to comply with Planning Circular 3/2012, but the proposed Policy RD2 Developer Obligations and Supplementary Guidance fails to recognise this (277, 452, 604, 605). If the Council are minded to retain the requirement for contributions to the STF, where there is significant other infrastructure costs including local road improvements, the STF contribution should be reduced or removed completely (277).

It is argued there has been no opportunity to examine the revised Strategic Development Planning Authority's Supplementary Guidance on STF contributions, which is currently adopted as non-statutory Supplementary Guidance. The respondent considers it concerning that the Proposed LDP 2015 appears to be trying to give non-statutory guidance on the STF, a statutory status through a cross reference in the Proposed LDP 2015 without putting forward the guidance for Examination as part of the Local Development Plan process. This lacks the transparency which the Chief Planner requires of the Development Planning process and reference to the STF Supplementary Guidance should be removed, or it should be provided for Examination along with the Proposed LDP 2015. The Reporter noted at the Examination for the Aberdeenshire LDP 2012 that
contributions towards regional items require to be justified on a case by case basis against the tests in Planning Circular 3/2012 (597). Homes for Scotland share similar concerns about adopting Supplementary Guidance that has not been approved by the Scottish Ministers and also believes that contributions should not be sought retrospectively for projects that have already begun (452).

Another respondent does not object but considers the Proposed LDP 2015 lacks specific guidance on the STF and needs to include further detail (566).

Aberdeen & Grampian Chamber of Commerce would like to see provision made in the Proposed LDP 2015 for the recommended solution for improving transport connections between Aberdeen and Buchan. A Study is currently being conducted to assess the options for improving strategic transport connections between Fraserburgh, Peterhead and Aberdeen, incorporating the Energetica corridor. It is essential that the recommended solutions for this corridor are taken forward if the northern parts of Aberdeenshire are to be opened up to new opportunities (584).

Sports and Recreation Facilities

Sportscotland highlight that it appears, from the relevant Supplementary Guidance for the Proposed LDP 2015 (SG7 Developer Obligations), that sports facilities are considered separate from community facilities, but no reference is made to sports facilities in Policy RD2. Sportscotland would highlight, that new development is likely to result in the requirement for new facilities or an upgrade to existing facilities in order to enable them to accommodate additional users, The Proposed LDP 2015 should make provision for this (676).

Waste and Recycling

SEPA seeks the modification of Policy RD2 Waste and Recycling item wording as follows: "We will need contributions for facilities in line with waste-management thresholds for types and sizes of development, as shown in Appendix 7, the Settlement Statements and the Zero Waste Plan objectives. In some cases this will involve the developer fully accommodating waste facilities on their site" (658).

Health Facilities

Health care is funded through national taxation, and is not delivered by Councils. It is inappropriate for developers to be replacing/supplementing national taxation. There is no immediate relationship between new development and the provision of new facilities. Decisions for new services are made by the National Health Service (NHS) or by individual Practices and it is unclear what evidence the Council has of service deficiencies created by new development. Without that evidence, it is impossible to demonstrate that healthcare contributions meet Planning Circular 3/2012. Contributions are normally paid to the Council and held in clearly-differentiated accounts with provision for repayment if unused within a set timescale. No such arrangements are in place with the NHS and accountability and control of funds will be an issue (453, 579).

A planning appeal decision in England addressed the issue of health care contributions, and the principles in that case are relevant here too (Planning Inspectorate reference number 2157515: Moat House Farm, Elmdon Road). The Inspector noted that the planning system is only responsible for providing sufficient quantities of housing. In turn,
the NHS has a statutory duty to provide access to health care. The planning system cannot be held responsible for the expansion of health care infrastructure; that is a matter for the NHS. The Inspector also concluded that a contribution would be inappropriate if the use of the money is unknown. In Aberdeenshire, the Proposed LDP 2015 gives no indication of where and when Health Service infrastructure might be needed. The proposed Supplementary Guidance would have to contain clear and firm proposals from the NHS as to what it will provide. The Inspector identified that it is only necessary to ensure land is available for new facilities to make a proposal acceptable in land-use planning terms (453).

The developer/landowner should not be required to provide land free of charge to a Medical Practice that owns existing premises within the settlement. The majority of Medical Practices are owned by individuals, or as part of their Pension Plan, and the NHS pays them rent. These Practices are being gifted land within developments to enable them to move to new facilities, also funded by development contributions, leaving them free to either sell their existing premises or rent them to other businesses. This contravenes the underlying principles of Planning Circular 3/2012 (597).

Aberdeenshire Council’s use of a formula based on floor space does not reflect a proper assessment of whether a development creates a need for additional facilities. This conflicts with Planning Circular 3/2012 (597).

It is not accepted that contributions to health facilities are legitimate, particularly medical centres, dental facilities and community pharmacies which primarily operate as commercial ventures. Health care is funded by central government through taxation. It is inappropriate for the development industry to be expected to provide subsidy to the NHS (604, 605). The only legitimate obligation to health care is to issue land (277).

Through the Main Issues Report (MIR) 2013, representation from NHS Grampian, it was advised that the cumulative impact of rural development must be considered to ensure there is no adverse impact on health care services which may be oversubscribed. Contributions should be sought to mitigate the impacts directly arising as a consequence of that development in accordance with Planning Circular 3/2012. It is welcomed that the settlement statements make specific reference to contributions to health care facilities where required (610).

The levels of development proposed in the Proposed LDP 2015 will require considerable investment in health care facilities to maintain high levels of service for an increasing, and ageing, population. Although it is welcomed that the health care requirements of each location is listed within the Settlement Statements, suitable sites should also be identified on the proposals map where appropriate. It is acknowledged that some existing facilities will be expanded, however, the location of these should also be identified on the map (610).

Renewables Contributions to Community Funds

With regard to contributions of wind farm developers to community funds, one respondent suggests that Aberdeenshire Council adopts the approach taken by Highland Council and set a standardised, proportionate and regulated payment to community funds. This would mean setting a standard £5,000 payment per installed Megawatt per year into the local community fund. This should be the installed capacity and not the actual amount of electricity generated. This would help to compensate local communities for the disruption
they suffer from wind farms and discourage developer exaggeration of the potential of their wind farms, as happens at present. The same system of community contributions used for wind farms should apply to solar panel arrays also (33).

**Modifications sought by those submitting representations:**

**Introduction**

Clarification of the meaning of paragraph 2 and the scope of its application (448). More detailed guidance in Appendices 4 and 7 on specific requirements for settlements/sites (449).

Paragraph 2 should be amended to include the following sentence: "In the circumstances where Planning Obligation (Section 75) is used, the tests of Circular 3/2012 will apply" (644).

**RD1 Providing Suitable Services**

**Access to New Development**

Delete the reference to access for special needs groups and replace with commentary relative to meeting building regulations for special needs groups (576).

**Water and Waste Water**

To recognise the responsibilities of Scottish Water and specifically highlight their criteria for connection to services, the opening paragraph to Policy RD1 should be amended to read "We will only allow development where adequate road, waste management, water or waste water treatment facilities, connections and treatment are available or can be provided" (277, 387, 605).

Amend references to Development Impact Assessments, which have been superseded by a Pre-Development Enquiry (PDE) process. Scottish Water recommend all planned development, relating to more than a single house connection, submits a PDE to Scottish Water, as early as possible (287).

SEPA would welcome reference to SEPA’s policy and supporting guidance on the provision of Waste Water Drainage in Settlements within the policy wording (658).

In addition, to promote the development of the public waste water network, SEPA welcome the following amendment to the wording: "Development must connect to existing public drainage infrastructure or plan to connect to a committed future public drainage infrastructure, where there is sufficient capacity to allow that development to happen. Where there is not currently sufficient capacity, developers should first explore the option of triggering additional capacity provision before seeking permission for private drainage" (658).

SEPA suggests the following amendment: "Surface water drainage must be dealt with in a sustainable manner and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System and conform to contemporary CIRIA guidance and Sewers for Scotland guidelines in order to be adoptable" (658).
SEPA would also welcome the following amendment: "Groundwater abstractions must comply with Scottish Environment Protection Agency policies and guidelines, and be consentable under the Controlled Activities Regulations where required" (658).

**Waste management requirements**

To ensure a full reference is made to the objectives of the Zero Waste Plan, the following amendment should be made: "We will support new development if the application has agreed a Site Waste Management Plan with Aberdeenshire Council which contributes to the Zero Waste Plan through the waste hierarchy and waste minimisation, re-use, recycling and composting of all wastes during construction and operational phases of the development" (658).

**Television Reception**

Add television signal reception to developer obligations (177).

**Car Parking Standards**

The Plan should also make reference to Car Parking standards as maximums in line with national guidance and the agreed Regional Car Parking Strategy (566).

**RD2 Developers’ Obligations**

**General Policy Comments**

Developer obligations money should be spread over all age groups to accommodate newcomers, and not be used for Aberdeenshire Council maintenance on their properties (174).

Policy RD2 should more clearly reflect that contributions will not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not necessary to allow permission to be granted for a particular development (597).

Policy RD2 must be qualified by clarification that contributions will not be required for all development towards all of the items listed and will be considered on a site by site basis, having regards to the tests in Circular 3/2012 (597).

It must be made clear that the contributions sought under each heading will relate directly to the impact which the particular development has, in scale or kind, and not just to a general need (597).

Evidence should be brought forward to demonstrate how the impact of developer contributions on the viability of a development will be assessed and what this means both to a developer and to a landowner (597).

There should be scope for the return of any unspent funds (277, 604, 605).

The Settlement Statements should also be amended to make it clear whether certain infrastructure contributions will be required and provide an indication of the magnitude of those contributions (277, 604, 605).
Non-compliance with Circular 3/2012

The introductory paragraph to Policy RD2 should be amended to properly reflect the requirements of Planning Circular 3/2012. In particular, the terms "fairly and reasonably relate" are not recognised in Planning Circular 3/2012 (277, 604, 605).

The wording of Policy RD2 requires to be amended to make it clear that the contributions must relate fairly, and reasonably, in scale and kind to the proposed development as well as being necessary to make the proposed development acceptable in planning terms (597).

The wording explaining each of the listed items requires amendments to comply with Planning Circular 3/2012. The requirements also need to be justified on a case by case basis against the tests in Planning Circular 3/2012 and the need for, and extent of, contributions should relate to the impact of that specific development would have on a particular item of infrastructure (597).

Transport

The Proposed LDP 2015 must remove reference to contributions being required under unratiﬁed STF Supplementary Guidance, or the Guidance should be made available for Examination by Scottish Ministers as part of the Local Development Plan process (597).

The requirement for contributions to the Strategic Transport Fund should be removed from the Plan (277, 604, 605).

The Proposed LDP 2015 should provide speciﬁc guidance on the STF (566).

The Proposed LDP 2015 should make provision to include the results of a Transport Study that is currently being conducted, assessing the transport options between Fraserburgh, Peterhead and Aberdeen (584).

Sports and Recreation Facilities

Make reference to sports facilities in Policy RD2 (676).

Waste and Recycling

Modify the policy wording as follows: "We will need contributions for facilities in line with waste-management thresholds for types and sizes of development, as shown in Appendix 7, the Settlement Statements and the Zero Waste Plan objectives. In some cases this will involve the developer fully accommodating waste facilities on their site" (658).

Health Facilities

Remove all references in the Proposed LDP 2015, Appendices and Supplementary Guidance to developers making ﬁnancial contributions to health care facilities (453).

The entire policy wording set out under health care facilities should be removed in its entirety from the Proposed LDP 2015 and, any additional references made elsewhere within the Proposed LDP 2015 also removed (579).
The Proposed LDP 2015 should only seek contributions towards the expansion of existing health care facilities for which the development generates a need or provision of land where there is no Medical Centre serving the development (597).

The use of a formula based on floor space to establish the requirements for health care and community facilities should be deleted and the need assessed in accordance with the test in Planning Circular 3/2012 (597).

Delete the requirement for contributions to health care facilities (277, 604, 605).

Sites for expansion and new of health care facilities should also be shown on the proposals maps (610).

Renewables Contributions to Community Funds

New rules should be applied to wind farm and solar array developments that link community contributions to the installed capacity of their turbines or solar panels (33).

Summary of response (including reasons) by Planning Authority:

Introduction

The principle of cumulative and retrospective contributions to infrastructure is established in Planning Circular 3/2012 Developer Obligations and Good Neighbour Agreements, paragraphs 17, 20, and 22-23. This principle has been translated into paragraphs 1 and 2 on page 65 of the Proposed LDP 2015. This policy, therefore, meets the policy tests of Planning Circular 3/2012, and ensures that all developments that contribute towards creating a problem in terms of infrastructure capacity also contribute towards creating the solution. This is fair as otherwise the burden could fall entirely on the first site to develop beyond the capability of existing infrastructure which, would be a significant disincentive to deliver development. It is fair and reasonable to proportionately spread the cost of necessary infrastructure delivery across developments when it serves a planning purpose and is related to the proposed development.

In some cases infrastructure improvement may have to be delivered at an early stage to allow development to occur. It may also be the case that the costs of delivering necessary infrastructure may be borne by the Council up-front to prevent large up-front costs inhibiting development. In such cases, it is entirely reasonable for the Council to seek to recoup these costs from the development(s) which necessitated the infrastructure provision. This circumstance is recognised in Planning Circular 3/2012, paragraphs 22 and 23. It is considered that the principles in paragraph 2 of Policy RD2 are in line with national guidance and meet the policy tests of Planning Circular 3/2012. It is, therefore, not appropriate to delete the paragraph. No change is required.

The respondent’s comments (respondent 449) about the clarity of paragraph 2 are also noted. The paragraph is in line with the approach to Local Development Plan content as outlined in paragraph 138 and 139 of Planning Circular 6/2013 Development Planning. The paragraph does not provide information on specific items for which contributions will be sought but rather establishes the policy principle of cumulative and retrospective contributions to infrastructure. The principle is also supported by paragraph 1 of Policy RD2. The paragraph, therefore, provides an appropriate policy “hook” which is explained...

Draft Supplementary Guidance 7 Developer Obligations sets out the methodologies for developer obligations and this includes information regarding when it may be appropriate to seek contributions towards infrastructure that has been delivered. Page 2 of the Supplementary Guidance 7 Developers Obligations states that:

“Council expenditure to support development requires to be recouped at a later date. This is in line with [Circular] 3/2012, which sets out the requirement for the Council to request proportional payments from subsequent developments which benefit from that investment until the costs have been recovered in line with the agreed planning obligation/ legal agreement.”

This could apply to a range of different local and regional infrastructure and so to give examples of specific examples in the Proposed LDP 2015 may be misleading. It is not agreed that there is a need to expand on this further, as the information provided in the Supplementary Guidance gives a full explanation. It is also not agreed that it is necessary to elaborate the use of the tests in Planning Circular 3/2012 in this paragraph. The tests are referenced in both the Supplementary Guidance 7 Developer Obligations and in Policy RD2. Another reference in the introduction would be unnecessary repetition.

Regarding clarity and certainty of the policy, there seems to be confusion in what is stated in the Supplementary Guidance and what is stated in the Proposed LDP 2015. Comments regarding Supplementary Guidance are not a matter for this Examination. The respondent’s comments regarding clarity are not wholly accurate. Policy RD2 lists the infrastructure that may need to be considered in each settlement, the Settlement Statements in Appendix 8 lists the specific individual items for each location, and the Supplementary Guidance provides information on the methodologies for calculating costs, which the developer can easily apply to their own development to estimate the costs, based on the items listed in the Settlement Statements. To provide the certainty that Homes for Scotland seek, then allocations in the Local Development Plan would have to be certain and inflexible, and provide no opportunities for the development industry to modify their proposals to meet market conditions at the time of the application.

The Proposed Action Programme 2015 provides additional information based on a retrospective assessment of the needs of the development. Community facilities will require further consultation of another document, where the community planning aspirations are expressed. If there is a specific infrastructure need identified in these documents that is necessitated by the new development, a contribution will be expected. Contributions towards the STF are explained in separate Supplementary Guidance produced by the Strategic Development Planning Authority, and referenced in the Proposed LDP 2015. Specific guidance on where information is provided is clearly written at the top of page 67 to aid clarity of understanding. If this is still not adequate, the Proposed LDP 2015 also urges early discussion with the relevant Authorities.

The approach taken in the Proposed LDP 2015 meets national guidance. Planning Circular 6/2013 states that the items for which financial or other contributions will be sought should be listed in the Local Development Plan. In this case, Policy RD2 and the Settlement Statements fulfil that function. Planning Circular 6/2013 also states that exact levels of developer contributions or methodologies for their calculation should be included in Supplementary Guidance, provided that there is an appropriate context provided in the Local Development Plan. In the Proposed LDP 2015, this context is provided by Policy RD2 and Settlement Statements. The Guidance suggests that specific costs are not
required to be provided for each development if a methodology is provided. Therefore, the Plan provides clear and legible information in line with national guidance. No change is required.

RD1 Providing Suitable Services

Access to New Development

This part of the policy refers to the need for the layout of new developments and settlements more generally to be accessible for wheelchair users etc., as opposed to just individual houses. It is not agreed that the policy should be deleted or amended to make specific reference to building regulations. Building regulations and standards are set elsewhere and are administered separately to the planning process and so, therefore, should not be included in the Proposed LDP 2015. The policy meets with requirements set in Scottish Planning Policy, paragraph 40-46, regarding supporting development in line with the six qualities of a successful place. This includes enhancing accessibility as part of the “easy to move around and beyond” quality. As such, the policy is supported by national policy and is an appropriate topic for the LDP. No change is required.

Water and Waste Water

The comments in support of the policy position are welcome. Minor changes to the documents requiring submission of PDE Forms to Scottish Water are relevant, and a non-notifiable modification should be made to change the reference to Development Impact Assessments to Pre-Development Enquiry Forms. As a non-notifiable modification the wording in the first sentence of paragraph 7 on page 66 should be amended to read: “A Pre-Development Enquiry or other forms of investigation may be necessary to identify the impacts of development on current infrastructure.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof. It is not appropriate for the Local Development Plan to make any comment on the development industry’s concerns about Scottish Water and so the Proposed LDP 2015 will reflect the current legislative context.

It is not agreed that the Water and Waste Water policy imposes a burden of responsibility onto the developer. As explained clearly in the policy, the role of the developer is to ensure that the proposed development is served satisfactorily by a mains water supply or a private supply if that can be demonstrated as adequate. It is not possible in all sites to immediately connect to Scottish Water infrastructure and this policy will allow provision to do so temporarily or permanently, as is considered appropriate. Similarly, development should connect to existing public drainage infrastructure when possible. However, in some cases it is not possible to connect to this infrastructure immediately, or at all, and again the policy gives flexibility to use private infrastructure where it meets certain requirements. This can prevent unnecessary delays in delivery of sites. Instead of burdening developers, this policy allows flexibility and choice to the developer and, therefore, it is not required to change the policy. The respondents may also be assured that Scottish Water and SEPA have been consulted throughout the Local Development Plan preparation process and this is reflected in the information provided in the Settlement Statements. No change is required.

The changes suggested by SEPA regarding policy and supporting guidance on the provision of Waste Water Drainage in Settlements are reasonable and a non-notifiable amendment can be made to the paragraph detailing waste water drainage. As a non-
It is not agreed that it is necessary to amend the policy to include reference to the adoption of a sequential approach for private drainage systems. This is a matter for discussion between SEPA and the applicant when negotiating a new discharge licence. No change is required.

The suggested modification to include reference to CIRIA guidance and Sewers for Scotland Guidelines in order to be adoptable is reasonable. As a non-notifiable modification the following wording should be added to the end of the last sentence of paragraph 6 of page 66: “and conform to contemporary Construction Industry Research and Information Association (CIRIA) guidance and Sewers for Scotland guidelines in order to be adoptable.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Similarly the request to modify the groundwater abstraction paragraph to include reference to the Controlled Activities Regulations is reasonable. As a non-notifiable modification the following wording should be added to the end of the last sentence in paragraph 2 of page 66: “and be consentable under the Controlled Activities Regulations where required.” Aberdeenshire Council would not be opposed to the reporter making the above modification, or a variation thereof.

Waste Management Requirements

The need to follow the waste hierarchy is implied by the need to follow the Zero Waste Plan, which heavily promotes it throughout. Further reference in the LDP is unnecessary. No change is required.

Television Reception

The impact of energy infrastructure on telecommunications and broadcasting transmission links is noted in SPP paragraph 169. In the development management stages of new energy projects (such as wind farms), an objection regarding television signal could have materiality if it can be demonstrated that there are, or will be, negative effects as a consequence of the development. In such instances this could be adequately considered in existing development management processes, and amendments could be made to the layout, siting and design of a development to prevent loss of signal.

Other types of development would rarely cause a loss of signal at the source. However, the loss of signal at the destination is not a material consideration. With different methods of accessing television, such as satellite, cable and internet streaming, the partial or complete loss of one type of signal would not, therefore, preclude access to television. It is not considered justified to add a new policy regarding television reception. No change is required.

Car Parking Standards

Car parking standards are a national policy and covered in Annex B – Parking Policies and Standards of SPP. It is not necessary to repeat these in Policy RD1 as developers may
easily refer to SPP for the same information. No change is required.

RD2 Developers’ Obligations

General Policy Comments

Developer obligations are paid by developers and contribute towards specific infrastructure projects that are necessary to make the development acceptable in planning terms for all users. There is no discretion to target specific age groups or other communities of interest when making these decisions. Developer obligations cannot and are not used to cover maintenance on Council properties. No change is required.

Obligations will be used when development meets the circumstances as listed for each infrastructure item and meets the policy tests set out in Circular 3/2012, as detailed in the Proposed Plan and Supplementary Guidance. Elements where development is anticipated to exceed the existing capacity of infrastructure have been identified in the Settlement Statements in Appendix 8 and in the Action Programme. The Supplementary Guidance gives further information regarding the process which is followed to identify the exact contribution required. Therefore, the Proposed LDP 2015 gives clear instruction as to the circumstances when developer obligations will be sought, the items for which it may be sought and the methodology for their calculation.

It is not the case that all items listed in Policy RD2 will be required from all developments. Paragraph 5 of Policy RD2 is clear that the "need for" contributions will depend on an assessment of the circumstances at the time of the application. Only if there is a need will obligations be sought. Where there is existing capacity to accommodate all development in an area, that capacity will be used up before any developer obligations are required. It is reasonable to require all development contributing to the problem to provide contributions following the tests in Planning Circular 3/2012. There is not a need to provide further indication of the magnitude of these contributions in the Settlement Statement as this will depend on the circumstances and timing of the planning application. The information provided in the Developer Obligations Supplementary Guidance provides information that allows a developer to estimate the costs. This approach is in line with the approach to Local Development Plan content as outlined in paragraph 138 and 139 of Planning Circular 6/2013. Further information is not necessary and will not give greater clarity to the developers. Flexibility is required to accommodate the case by case assessment of proposals and requests for absolute certainty in the developer obligations to be paid are flawed in this context. No change is required.

Non-compliance with Circular 3/2012

The list of items requested under the Policy RD2 adhere to the policy tests of Planning Circular 3/2012 in that they are required to make development acceptable in planning terms. Many of the services on the list of items gain the majority of their funding, particularly revenue funding, from local taxation in addition to developer obligations. The developer obligations are not being sought to cover running costs or as an alternative revenue stream to Government taxation. In all cases, developer obligations are only sought to deal with the infrastructure required as a spatial consequence of new development and, only when strictly necessary to allow development to proceed.

It is made completely clear in paragraph 1 of Policy RD2 that developer obligations will only be expected when they are in accordance with the five tests of Planning Circular
It is agreed that Planning Circular 3/2012 (paragraph 30) is perfectly clear that the Local Development Plan should be the point at which consideration of the potential need for, and use of, planning obligations begins. The Proposed LDP 2015 does exactly that. Policy RD2 sets out the list of items and the circumstances in which they will be sought and the Settlement Statements indicate what will be required in each settlement. Policy RD2 also provides a "hook" to the Supplementary Guidance where the methodologies are provided. As stated above, this approach is supported in Planning Circular 6/2013 in paragraph 138 and 139. Therefore, the Proposed LDP 2015 adheres to the principles set out in Planning Circular 3/2012 and Planning Circular 6/2013. No change is required.

With regard to the listed items, as part of Policy RD2, it is considered that they also comply with Planning Circular 3/2012. The listed items indicate what may be asked for and the Settlement Statements show what is currently forecast to be required from development. These estimates have been generated in partnership with other agencies and Council Services, and reflect the best information at the time of publication. Therefore, on a case by case basis, the Settlement Statements provide detail for specific developments. Policy RD2 also states that these requirements will be reviewed at the time a planning application is submitted which will allow for further case by case review of the contributions sought. As stated in Circular 3/2012 and in paragraph 7 of Policy RD2, early discussions between parties is strongly encouraged and should provide greater certainty to developers about what developer obligations may be sought. Again, flexibility is required to accommodate the case by case assessment of proposals and requests for absolute certainty in the developer obligations to be paid are flawed in this context. No change is required.

Transport

The Strategic Transport Fund Supplementary Guidance (STF) has undergone Examination by the Scottish Government and was approved by the Strategic Development Planning Authority on the 28 August 2015. The STF does not only apply to Aberdeen City, as the commuting patterns in the city-region impacts on all parts of strategic transport infrastructure in the North-east, part of which is also found in the Aberdeenshire Council area. Some proposed projects that the STF will cover are within Aberdeenshire Council area. It is, therefore, reasonable for development in Aberdeenshire to contribute to the fund. Adjustments were made to the Supplementary Guidance to ensure compliance with Planning Circular 3/2012. This includes seeking contributions only when the development is shown to have a direct impact on the strategic transport infrastructure. This process has been transparent and public. It is, therefore, appropriate to retain reference to the adopted, Statutory Guidance in the Proposed LDP 2015.

As an adequate reference has been made in the Proposed LDP 2015 and proposed Supplementary Guidance 7 Developer Obligations, it is also not necessary to republish information in the Proposed LDP 2015 that supported the Strategic Development Planning Authority’s information base for the development of their policy. Exact levels of contributions expected will be calculated on a case by case basis. It is, therefore, not
appropriate for the Proposed LDP 2015 to outline when contributions will be unnecessary or reduced, as the level of detail of a proposed development is not available as part of the development planning process to enable such a consideration. No change is required.

The Fraserburgh and Peterhead to Aberdeen Strategic Transport Study is still in preparation and the results are yet to be published. It would be inappropriate for the LDP to second-guess the outcomes of the Study, or to agree to make changes to the Plan without knowing what the outcomes of the study are. The SDP 2014 already has proposals to ensure "better links between Aberdeen and the communities on the north coast of Aberdeenshire". Due to the strategic nature of the Study, it may be more appropriate to retain the proposal as part of the SDP 2014 until specific infrastructure projects are identified. No change is required.

Sports and Recreation Facilities

Sports facilities are a community facility and are included in the policy under this item. As many different types of facility can be considered as a “community facility”, a distinction is made in the Settlement Statements between sports facilities and community facilities such as halls and libraries. For clarity, as a non-notifiable modification sentence 3 of paragraph 14 of Policy RD2 should be amended to read: "Community facilities are generally public assets such as halls, libraries, or sports facilities, and for larger development providing the land for building these facilities is commonly needed as well as a proportionate contribution to the construction costs." Aberdeenshire Council would not be opposed to the Reporter making the above modification, or variation thereof.

Waste and Recycling

The need to follow the Zero Waste Plan concerning waste management requirements is set out in Policy RD1 Providing Suitable Services. Policy RD2 builds on this to suggest that land may be required on a development site for the infrastructure set out in Appendix 7. As Policy RD1 clearly makes reference to the Zero Waste Plan, further repetition in Policy RD2 is not considered necessary. No change is required.

Health Facilities

Evidence for the needs of new health care facilities is provided directly from NHS Grampian. Where a new development will affect service delivery and a spatial solution is required to mitigate the effects, then a contribution is necessary to make the development acceptable in land use planning terms. Such investments are unlikely to be necessary often and it is, therefore, not a replacement of national taxation as it is not used on day to day running costs of health care facilities. It is necessary to ensure that the Proposed LDP 2015 actively helps facilitate the efficient delivery of services across Aberdeenshire, rather than creating new issues for services to respond to. The contributions sought will be used to mitigate the adverse effects of the new development in land use planning terms, with contributions being used towards the spatial requirements of health facilities, whether through new land or money towards extensions and reconfiguration. This still meets with the Department for Communities and Local Government Inspector’s approach outlined in Planning Inspectorate reference number 2157515: Moat House Farm, Elmdon Road, as was raised above by respondent 453. It also allows for the more cost-effective options of extending or reconfiguring space to mitigate the extra demand placed on the service. No change is required.
The methodologies for calculating exact contributions are contained in Supplementary Guidance and are not subject to Examination. Exact levels of contributions required will be calculated according to the circumstances of each development, on a case by case basis and in line with the tests of Planning Circular 3/2012. It is not the case that health care contributions will be expected if there is no relation to the proposed development. No change is required.

Support for the policy from the NHS is welcomed. Allocations in the Proposed LDP 2015 respond to many needs and cannot be tailored around NHS requirements alone. The developer obligations policy will seek to mitigate disruption to NHS services through new allocations. No change is required.

The Settlement Statements in Appendix 8 of the Proposed LDP 2015 specifically identify the settlements where developer obligations will be required towards health care.

Where appropriate, sites have also been specifically identified on the Settlement Statement maps for the provision of new and extended health care facilities. For example, sites for improved health care facilities are specifically reserved within settlements including Balmedie, Banchory, Insch, Kemnay, and Westhill. However, there are a number of other settlements where there is an identified need for additional health care capacity, but where specific sites for new provision have not yet been identified. In these cases it has not been possible to specifically reserve sites within the settlement statement proposals maps. To reserve a site for new health care facilities in these circumstances, where there are currently no firm proposals and, therefore, no certainty of delivery, would be likely to result in the unnecessary and unreasonable blight of land. However, Policy P5 (Community Facilities) would provide specific policy support for any future healthcare proposals that emerge during the lifetime of the Plan. For these reasons, no change is required.

Renewables Contributions to Community Funds

Planning guidelines require a strict separation between the planning process through which a renewable energy development must pass to gain consent, and any negotiations regarding community benefit. The presence, or absence of, a community benefit fund is not part of the planning application process and is distinct from a developer obligation. No change is required.

Reporter's conclusions:

Introduction

1. The scope for Developer contributions is as set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements and further guidance on the context for this is set out in Circular 6/2013 on development planning.

2. Circular 3/2012 explains the circumstances where developer contributions can reasonably be sought under the headings of necessity, planning purpose, relationship to the proposed development, scale and kind and reasonableness. Essentially this sets parameters whereby contributions should only be sought where these serve a planning purpose and are necessary to allow the development to go ahead. Any contribution should be proportionate and related to the development and should fall within the
boundaries of what could reasonably be expected. The 2012 Circular makes clear in paragraph 30 that “the development plan should be the point at which consideration of potential need for and use of planning obligations begins.”

3. Circular 6/2013 on development planning (“the 2013 Circular”) in paragraph 139 distinguishes between the role of the development plan and that of Supplementary Guidance. Here it clearly states that Supplementary Guidance should not include “items for which financial or other contributions, including affordable housing, will be sought and the circumstances, locations and types of development where they will be sought.” These matters should rather be addressed in the plan itself, which is subject to examination.

4. The point at issue here is the statement in the initial paragraph that “We may ask that a development contributes to infrastructure which has already been delivered when it is directly related to the overall effect of the development”. My view is that there is a degree of ambiguity in this statement. It might be seen to imply that development must contribute to existing schools or other facilities where additional capacity is available for historical reasons unrelated to the development plan strategy. Such provision would already have been funded without any stated reliance on funding from future planned development. In these circumstances I do not consider that the developer contribution could be considered as necessary. I would also be concerned that such an approach lacks transparency.

5. However, I agree that retrospective contributions may be necessary in circumstances where the necessary infrastructure has clearly been provided through forward funding by the planning authority or others to include capacity to serve subsequent planned development. This is one of the reasons why circular 6/2013 places emphasis on the development plan is setting out the infrastructure requirements necessary to deliver the strategy. Consequently, my recommendation below includes revised text to provide further clarity on this matter.

6. Whilst comments on supplementary guidance fall out with the scope of this examination the inclusion of the relevant details within the plan to establish the principles of the council’s approach is a relevant consideration.

RD1 Providing Suitable Services

Access to New Development

7. I do not consider this land use plan need rehearse matters covered through another regulatory process such as the building regulations. This policy addresses the planning objective of accessibility not only to specific buildings but in the context of wider consideration of layout and design for developments as a whole. This would be an important consideration in any master-planning process for some of the larger sites identified through this proposed plan. Consequently I consider the policy is sufficient and that no change is required.

Water and Waste Water

8. I understand that the former requirement for Development Impact Assessments has been replaced by the need to submit a Pre-Development Enquiry Forms. In order to keep the plan up to date and relevant I agree that a corresponding change would be appropriate. Comments on the approach of Scottish Water fall out with the scope of this examination.
9. Given the nature of the area I can understand that issues of connection to a public supply could be a delaying factor. The objective of the policy is to secure the appropriate water and waste water infrastructure for new development. I understand it is not always possible for sites to connect to Scottish Water infrastructure. I consider this policy enables flexibility in this respect so that development is not delayed by enabling private provision temporarily or permanently, as appropriate whilst promoting connection to the public network when possible. A number of references are recommended through Issue 16 to add detail to the settlement statements in relation to Scottish Water’s intentions for either a Capital Maintenance project or to initiate a growth project, should demand from committed development exceed available capacity. I consider the wording of the policy is sufficient and reflects a legitimate planning objective.

10. I consider the changes suggested by SEPA regarding policy and supporting guidance on the provision of Waste Water Drainage in Settlements are reasonable in order to provide clarity for developers and others. My conclusion is that there should be a consequent change to the paragraph detailing waste water drainage in order to reference SEPA’s policy and supporting guidance.

11. In the context of my conclusion above, that it is not necessary for the development plan to cover matters addressed though other regulatory authorities, I do not consider the other detailed inclusions suggested by SEPA are necessary.

Waste Management Requirements

12. The plan references the zero waste plan and I am content that this is sufficient in that the plan should not need to repeat matters covered by other regulatory regimes.

Television Reception

13. This mater is addressed in paragraph 169 of Scottish Planning Policy but is of most relevance in the context of development such as wind farms. The development plan cannot cover every eventuality and I consider the plan is sufficient in this respect.

Car Parking Standards

14. In a similar vein I do not consider there is any need to rehearse the requirements of Scottish Planning Policy on car parking standards.

RD2 Developers’ Obligations

General Policy Comments and compliance with Circular 3/2012.

15. As stated above there is clear national guidance and an associated legal context within which developer contributions may be sought. This is restricted to matters which fall within the remit of the planning system.

16. The introductory sections of the policy clarify that contributions would only be sought in respect of the policy tests set out in Circular 3/2012 and I do not consider that it is necessary to rehearse the detail of these tests. The policy refers to contributions relating to the proposed development and being necessary to make the proposal acceptable in planning terms. I consider the policy is sufficient in this respect.
17. I understand that the Supplementary Guidance on the Strategic Transport Fund has been the subject of a legal challenge. To address uncertainty in this respect I consider that a slight change to the reference to this approach is required. My recommendation reflects this.

18. I note concern about a lack of transparency of approach given the need to refer to settlement statements, supplementary guidance, the proposed action plan and possibly the community plan. There is also concern about the lack of regard to the cost burden on development. However I consider that the policy is clear in establishing the scope of potential contributions that are refined in greater detail on a locational basis through the settlement statements. The relative costs and details of contributions are then left to supplementary guidance and the monitoring and specific associated actions are left to the action plan. I consider that this approach is consistent with that set out in Circular 6/2013. The content of the supplementary guidance is subject to due consultation and a separate process of adoption. However the scale and nature of the contributions along with the mechanisms for delivery are set in the context of Policy RD2. This states that contributions must fairly and reasonably relate in scale to the proposed development as needed to make the development acceptable in planning terms. Given this wording I do not consider that the policy as set out in the proposed plan could be interpreted to apply a “roof tax”.

19. Detailed matters regarding the ring fencing of funding and the mechanisms for securing obligations are matters which fall to the associated supplementary guidance. Impact on project viability is a relevant consideration as referenced in the Circular. It would fall to be assessed in the context of the reasonableness of the contribution. This is an important matter if the cumulative effect of contributions is to avoid any consequent impact on delivery. I consider that this is also a matter that could appropriately be addressed in more detail through the proposed Supplementary Guidance.

20. Whilst I am generally content that Policy RD2 reflects the terms of the circular I share some of the concerns about the detail of the wording. In this respect, I consider the introductory sentence in the policy and the final sentence in the first paragraph could be read to suggest that all developers must meet financial obligations. To address this my recommendations include an alternate wording to avoid any ambiguity in this respect. I consider it is legitimate to consider the cumulative impacts of development and the infrastructure necessary to deliver the development plan strategy. In this respect the first and subsequent developer would be required to contribute proportionately to the necessary infrastructure. I consider the policy could be amended to give clarity in this respect and my recommendation reflects this.

Transport

21. Ideally some greater context for regional transport interventions could have been established in this section of the policy with specific reference to individual projects. However the strategic development plan sets the context for this. The process of defining any necessary improvements to enable the development plan strategy in terms of road capacity and safety is ongoing. The outcome of the Fraserburgh and Peterhead to Aberdeen Strategic Transport Study is still awaited.

22. The situation with the proposed Strategic Transport Fund is also evolving given a recent successful court challenge in relation to the relevant strategic Supplementary Guidance. Whilst legal challenge has questioned the detailed approach I do not consider
this justifies the removal of a reference to the principle of contributions to the wider network where cumulative and cross boundary impacts are identified. My conclusion is that the general approach is not necessarily inconsistent with the Circular provided it is appropriately evidenced, proportionately applied in the context of individual circumstances and clearly required in the context of enabling the development strategy. For all of these reasons, subject to a small change to reference the Supplementary Guidance in a future tense, I consider the text in this section is sufficient.

Sports and Recreation Facilities

23. I agree that it is not entirely clear that the section on community facilities would also apply to sports provision and that it is important for new development to address any consequent need for new facilities or where necessary an upgrade to those existing. My recommendation addresses this omission using the wording suggested by the council.

Waste and Recycling

24. When read in combination with Policy RD1 I consider the text is sufficiently clear and generally reflects the matters raised in SEPA’s response without the need for further change.

Health Facilities

25. There is nothing to indicate that health facilities are not a necessary component of infrastructure to enable the development strategy. However, this would clearly need to be related to the development in scale and kind. Transparency is also an important issue. Any requirement should be based on clear assumptions about the likely scale and location of any requirements. The Settlement Statements in Appendix 8 of the Proposed LDP 2015 specifically identify the settlements where developer obligations will be required towards health care.

26. Where appropriate, sites have also been specifically identified on the Settlement Statement maps for the provision of new and extended health care facilities. For example, sites for improved health care facilities are specifically reserved within settlements including Balmedie, Banchory, Insch, Kemnay, and Westhill. However, there are a number of other settlements where there is an identified need for additional health care capacity, but where specific sites for new provision have not yet been identified. Policy P5 (Community Facilities) would provide specific policy support for any future healthcare proposals that emerge during the lifetime of the Plan.

27. However, it is not clear to me from the submissions what the scale of the likely health requirements is or exactly how this would be addressed given that health is normally financed through tax payments. New development could only be expected to partly finance facilities that were likely to serve a wider existing population. Whilst this is not dissimilar to the situation with schools there is a clearly established context for seeking contributions to education capacity. Whilst it may be appropriate to seek contributions for health provision I consider that any requirement would need to be considered on a case by case basis where a clear justification can be provided in the context of Circular 3/2012. These matters are reflected in my recommended changes to the text included in the plan under the heading of health facilities.
Renewables Contributions to Community Funds

28. As stated by the council there is a clear separation between the planning system and any contributions made in respect of a community fund. Consequently I consider the wording of the proposed plan is sufficient and that no change is required.

**Reporter’s recommendations:**

1. The text in the first paragraph under the bullet points on page 65 should be deleted and replaced with:

   In some cases advance provision of the necessary infrastructure may be required to facilitate planned development. Subsequent developments which would also rely on this provision would then be expected to contribute on a proportionate basis. This approach will be further detailed through Supplementary Guidance and the Action Programme.

2. The following wording should be added to paragraph 5 of page 66: “Development should comply with SEPA’s policy and supporting guidance on the provision of Waste Water Drainage in Settlements.”

3. In Paragraph 7 on page 66 the text should be amended to read: “A Pre-Development Enquiry or other forms of investigation may be necessary to identify the impacts of development on current infrastructure.”

4. In policy RD2 delete the first sentence and replace with:

   Contributions will be sought towards the provision of the necessary infrastructure.

5. In policy RD2 delete the last sentence of the first paragraph and the first sentence of the second paragraph and replace with:

   Proportionate contributions are required to address any identified individual or cumulative impacts on local facilities as well as any wider impacts of the development (for instance on the regional transport network or in the high school catchment area) as detailed below and in the settlement statements.

6. Under the heading Transport on Page 67 in the penultimate sentence include a full stop after Aberdeen City and replace the remaining text with the sentence below:

   The approach to delivering identified projects and to establishing a strategic transport fund is to be detailed in the Aberdeen City and Shire Strategic Development Plan Supplementary Guidance.

7. In Policy RD2 replace sentence 3 of paragraph 14 to read:

   Community facilities are generally public assets such as halls, libraries, or sports facilities. For larger developments providing the land for building these facilities is commonly needed as well as a proportionate contribution to the construction costs.
8. Under the heading Health Facilities on page 67 replace the text with:

The council recognises that the scale of proposed development may also impact on other infrastructure including health facilities. The settlement statements provide information on where such provision may be required. Whilst it may be appropriate to seek contributions for such provision any requirement would need to be considered on a case by case basis.
<table>
<thead>
<tr>
<th>Issue 16</th>
<th>The Settlement Statements</th>
</tr>
</thead>
</table>

**Development Plan reference:** Proposed Plan Appendix 8  
**Reporter:** Allison Coard

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Scottish Water (287)
- North East Scotland College (624)
- Scottish Enterprise (632)
- Scottish Environment Protection Agency (658)
- Sports Scotland (679)

**Provision of the Development Plan to which the issue relates:**

The format and layout of the Settlement Statements

**Planning Authority's summary of the representation(s):**

SEPA have provided an update to the information on flood risk provided to the Main Issues Report and the Aberdeenshire Local Development Plan 2012. In some cases they have requested changes to the text, and in others they have identified that they will object unless the Plan is modified to take into account their comments. They have also highlighted a few spelling corrections (287).

It should be made clear in the Settlement Statements that protected sites are protected under policy P5 (624).

A different referencing structure for sites in each settlement should be used (632).

Scottish Water have provided a detailed response which updates the information previously supplied and recorded in the section “Services and Infrastructure”. They have presented updates to 42 Settlement Statements (658).

The Settlement Statement maps should have a key (679).

**Modifications sought by those submitting representations:**

**Flood Risk**

SEPA have submitted a spreadsheet with their representation that catalogues the changes they would wish to see in 70 of the Settlement Statements. In most cases this is a request that the need for a Flood Risk Assessment is placed within the section “allocated sites” in the individual site briefs. Comments are also made regarding some of the P and BUS sites in the settlement features section.
Community Facilities

The key within the Settlement Statements should cross refer to policy P5 so that the reader knows which policy governs the protected areas.

Site Naming

Use a different referencing structure for sites in each settlement.

Strategic Drainage and Water supply

Scottish Water have submitted a table with their representation that catalogues the changes they would recommend should be used to replace the text in the Settlement Statements. Changes are proposed to the settlements in:

Balmedie, Belhelvie, Blackburn, Chapel of Garioch, Clatt, Cluny and Sauchen, Drumblade, Dunecht, Edzell Woods, Ellon, Foveran, Garmond, Gartly, Gourdon, Inverurie, Keithhall, Kennethmont, Kintore, Kirkton of Auchterless, Logie Coldstone, Lumphanan, Longhaven, Longside, Maud, Methlick, New Aberdour, New Byth, New Deer, Newburgh, Oldmeldrum, Oyne, Pitmedden, Potterton, Rashierieve Foveran, Rathen, Rosehearty, Rothienorman, St Cyrus, St Katherines, Turriff, Tyrie and Memsie

Summary of response (including reasons) by Planning Authority:

Flood Risk

Aberdeenshire Council would be pleased to accept most of SEPA’s comments as non-notifiable modifications to the Plan and, where relevant, the Proposed Action Programme. They are statements of fact and do not impact on the Strategy of the Plan. Issues arise with SEPA’s suggestion that flood risk issues are highlighted for each individual site, rather than being in a catch all within a section “flood risk” and we believe that the best way to resolve this is to have the need for a Flood Risk Assessment (FRA) highlighted in both a “Flood risk” section and in the “Allocated sites” briefs, where appropriate.

Aberdeenshire Council does not accept the arguments given for the sites in Cruden Bay (OP3), Strichen (OP1), Cluny and Sauchen (OP1), Whitehouse (BUS), Crathes (OP1) and Finzean (OP2).

For site OP3 in Cruden Bay, SEPA draw attention to the presence of ponds on the site and a previous FRA. There are no ponds on the site and no adjacent watercourses to the brownfield site now proposed for development. No changes required.

For site OP1 in Strichen reference is made to the long term constraint associated with flooding of part of the site and ask for the boundary to be redrawn. We are of the view that including this part of the land in the development site gives it value as part of the open space requirement. Having no designation on it leaves it as white land within the settlement without significant public value despite its proximity to homes. Policy C4 Flooding precludes development that is inconsistent with its function as a flood plain and allows uses that are not vulnerable flooding (such as a play area or car park). No change is required.
For site OP1 in Cluny and Sauchen the supporting text for the allocation already states that “A Flood Risk Assessment will be required to accompany any future development proposals”.

For site BUS1 in Whitehouse the site is considerably higher than the watercourse identified by SEPA as posing a risk. A FRA unnecessary given the sites position above the watercourse.

For sites OP1 in Crathes and OP2 in Finzean, Aberdeenshire Council would have accepted SEPA’s comments. However, these sites are to be deleted as they are under construction and a technical change is proposed to remove these sites as future proposals from the Plan.

Aberdeenshire Council would not be opposed to the Reporter making the following modifications, proposed by the Council, or a variation thereof:

**Shaping Banff and Buchan – Cairnbulg and Inverallochy**

Amend first sentence in Flood Risk text to "There is a risk of flooding from fields adjacent to sites OP1, OP2 and OP3. These are located adjacent to…"
Add text "A Flood Risk Assessment may be required" to the development briefs for sites OP1, OP2 and OP3.

**Shaping Banff and Buchan – Cornhill**

Amend first sentence in Flood Risk section to "There is a risk of flooding from fields adjacent to OP1, which are located within the Scottish…” Amend last sentence to “A Flood Risk Assessment will be required.”
Add text "A Flood Risk Assessment will be required" to the development brief for site OP1.

**Shaping Banff and Buchan – Fraserburgh**

Delete site “OP1” in Flood Risk text.
Add text “A Flood Risk Assessment will be required" to the development briefs for sites OP2, OP3 and CC1.

**Shaping Banff and Buchan – Macduff**

Amend the last sentence in the Flood Risk Text to “A Flood Risk Assessment will be required”.
Add text to the development brief for site CC1 “A Flood Risk Assessment will be required.

**Shaping Banff and Buchan – Memsie**

Add new Flood Risk section with text “A small watercourse runs along the south boundary of the P3 site and it is adjacent to an area identified as at risk from flooding. A Flood Risk Assessment may be required.”

**Shaping Banff and Buchan – New Aberdour**

A minor technical change will be made to clarify that a buffer strip will be required on the “eastern” rather than “western” boundary of site OP1.
Shaping Banff and Buchan – Portsoy

Add text “A Flood Risk Assessment may be required.” to the development briefs for sites OP3 and OP4.

Shaping Banff and Buchan – Rathen

Add text “A Flood Risk Assessment may be required.” to the development brief for site OP1.

Shaping Banff and Buchan – Rosehearty

Add a new bullet point in the Flood Risk section with text "A small watercourse with a culverted section crosses site OP1. A Flood Risk Assessment may be required." Add the following text to the development briefs for sites OP1 and OP2: "A Flood Risk Assessment for this site may be required."

Shaping Banff and Buchan – Sandend

Add text “A Flood Risk Assessment may be required.” to the development brief for site OP1.

Shaping Buchan – Cruden Bay

Add text to the last paragraph of the site Brief for OP1: "There is a small water course adjacent to the site."

Shaping Buchan – Longhaven

Delete text "as recommended by SEPA" from site brief for OP1. Remove text “are located adjacent to the Scottish Environment Protection Agency’s indicative 1 in 200 flood risk area, or” from Flood Risk section.

Shaping Buchan – Longside

Add new Flood Risk section with text “Part of site OP2 may be vulnerable to surface water flooding and a Flood Risk Assessment may be required.”

Shaping Buchan – Mintlaw

Add text “R2” after “R1” in Flood Risk section. Add text "A Flood Risk Assessment may be required." to site brief for OP2. Delete reference to Flood Risk Assessment from the development brief for site OP3.

Shaping Buchan – Peterhead

Add references to “OP3”, “R2” and “P7” to Flood Risk section. Add text “A Flood Risk Assessment may be required.” to the development briefs for sites OP4, OP5 and OP6.
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

Shaping Buchan – St Combs

Add new Flood Risk section with text: "A small watercourse is adjacent to site OP2 and properties downstream may be at risk from fluvial and coastal flooding issues. A Flood Risk Assessment may be required".
Add text "A Flood Risk Assessment may be required" to the development brief for site OP2.

Shaping Buchan – Strichen

Add second bullet point to Flood Risk section to read “Part of site OP4 is located adjacent to the Scottish Environment Protection Agency’s indicative 1 in 200 year flood risk area. A Flood Risk Assessment may be required.”
Add text “A Flood Risk Assessment may be required” to site development brief for OP4.

Shaping Formartine – Balmedie

Modify Flood Risk section to read “Sites R1 and OP1 have a small watercourse running through the site. Site OP3 has historical records of flooding from storm surge. Flood Risk Assessment may be required to assess bridges and culverts as a possible source of flood risk.
Amend last sentence in the development brief text for site OP1 to "A Flood Risk Assessment will be required for site OP1."
Delete “A Flood Risk Assessment will be required on sites OP1 and OP2.” In the development brief text for site OP2.
Add text to the development brief for site OP3 "A Flood Risk Assessment may be required".

Shaping Formartine – Blackdog

Add text "A Flood Risk Assessment will be required." to the development brief for site OP1.

Shaping Formartine – Ellon

Modify Flood Risk text by deleting the last bullet point, adding “BUS” site to second bullet-point, and adding a new bullet point with text “There are records of flooding on site R2. A Flood Risk Assessment may be required depending on the use proposed.”
Add text “A Flood Risk Assessment may be required.” to the development briefs for sites OP1, OP3 and CC1.

Shaping Formartine – Foveran

Replace text “OP4” to “OP3” in Flood Risk section.
Add text "A Flood Risk Assessment will be required." to the development brief for site OP1.

Shaping Formartine – Fyvie

Add new Flood Risk section with text “Part of the R1 site is within the fluvial extent of the SEPA flood maps. A Flood Risk Assessment may be required".
Shaping Formartine – Newburgh

Replace text in Flood Risk section from “BUS 1” to “BUS”.
Add text "A Flood Risk Assessment may be required" to the development brief for site OP1.

Shaping Formartine – Oldmeldrum

Substitute text to Flood Risk section with “Part of sites OP2 and P3…" and in the second bullet-point correct typo to amend “BUS 1” to “BUS”.
Add text "A Flood Risk Assessment may be required." to the development brief for site OP2.
Add text "A Flood Risk Assessment will be required." to site development brief for OP3.

Shaping Formartine – Pitmedden and Milldale

Add text "A Flood Risk Assessment may be required" to the development brief for site OP1.

Shaping Formartine – Rashierieve Foveran

Add text "A Flood Risk Assessment may be required." to site development brief for OP1.

Shaping Formartine – Rothienorman

Replace text in Flood Risk section from “BUS 1” to “BUS”.

Shaping Formartine – St Katherines

Add text "A Flood Risk Assessment may be required" to the development brief for site OP2.

Shaping Formartine – Tipperty

Add a new settlement flood section “A small watercourse and the Tarty Burn increase risk of flooding to site BUS. A Flood Risk Assessment may be required “.

Shaping Garioch – Blackburn

Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

Shaping – Garioch Echt

Add text "A Flood Risk Assessment may be required" to Flood Risk section and the development brief for site OP1.

Shaping Garioch – Insch

Substitute text in the first bullet point in the Flood Risk section to “Parts of sites OP1, OP5, P3, R4 and BUS are identified by the Scottish Environment Protection Agency (SEPA) as being potentially vulnerable to flooding. A Flood Risk Assessment may be required to
accompany future development proposals on these sites.” Add a new bullet point, “SEPA has indicated that site R4 is at medium risk of flooding and any civil infrastructure, such as a hospital, must be designed to be capable of remaining operational and accessible during extreme flood events.”

Shaping Garioch – Inverurie and Port Elphinstone

Add text "P14 and OP16" to first bullet of Flood risk section.
Add the following text to the development brief for site OP8 “SEPA surface water flood maps highlight that the site has a natural depression running through it which could act as a flow path during wet periods, and there are records of flooding from overland flows from the site. The drainage arrangements for the site should take these factors into consideration”.

Add text to the development brief for site OP16 “A Flood Risk Assessment (FRA) has previously been carried out for this site. Development should accord with this FRA or any further study which supersedes it.”

Shaping Garioch – Keithhall

Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

Shaping Garioch – Kemnay

Add a new bullet point to Flood Risk section with text "Site R1 is on the River Don Floodplain and can only be used be used for facilities that can withstand flooding. Site BUS1 is also adjacent to the River Don and any redevelopment would require a detailed Flood Risk Assessment."

Shaping Garioch – Kintore

Add "OP2" and "BUS1" and "BUS3" to the Flood Risk section and replace “R3” with “R2”. In the development brief for site OP2 add the following text in the second paragraph “Parts of OP2, OP3 and OP4 lie…” and replace “Flood Risk Assessments will be required” to “Flood Risk Assessments may be required…”

Shaping Garioch – Millbank

Add new section "Flood Risk" with text “Part of site OP1 lies adjacent to Scottish Environment Protection agency’s indicative 1 in 200 year flood risk area. A Flood Risk Assessment may be required to accompany any future development proposals for the site.”

Shaping Garioch – Westhill

Add "BUS" to the second bullet point of the flood risk section

Shaping Kincardine and Mearns – Drumlithie

Add text "… and a Flood Risk Assessment may be required." to Flood Risk section.
Shaping Kincardine and Mearns – Drumoak

Add text "A Drainage Impact Assessment may be required." to the development brief for site OP1.

Shaping Kincardine and Mearns – Gourdon

Add new "Flood Risk" section with text “There is a record of flooding close to the BUS site. A Flood Risk Assessment may be required.”

Shaping Kincardine and Mearns – Luthermuir

Remove reference to SEPA in site text for OP1.

Shaping Kincardine and Mearns – Marykirk

Remove reference to SEPA in site text for OP1.

Shaping Kincardine and Mearns – Marywell

Add new Flood Risk section with text “The BUS site is a large site and the potential for run off to adjacent areas should be considered. A Drainage Impact Assessment will be required. Food risk from small watercourses should be assessed and a Flood Risk Assessment may be required.”

Shaping Kincardine and Mearns – Mill of Uras

Remove reference to SEPA in the text for site OP1.

Shaping Kincardine and Mearns – Newtonhill

Add new "Flood Risk" section with text “There is a record of flooding close to the BUS site. A Flood Risk Assessment may be required.”

Shaping Kincardine and Mearns – Portlethen

Add new bullet point to Flood Risk section with text “Sites BUS1 and BUS2 have small watercourses within their boundaries which may be a source of flood risk. A Flood Risk Assessment may be required.”

Shaping Kincardine and Mearns – St Cyrus

Add new “Flood Risk” section with text “Small watercourses run through and on the boundary of site OP2. There may also be culverted watercourses through the site. A Flood Risk Assessment may be required.”

Add text “A Flood Risk Assessment may be required.” to the development brief for site OP2.

Shaping Kincardine and Mearns – Stonehaven

Add a new bullet point to Flood Risk section with text “Site P9 is steep and slopes towards existing properties. Surface run-off should not increase as a result of development. A
Flood Risk Assessment may be required.

Remove reference to SEPA in the text for sites OP1, OP2 and OP3.

**Shaping Marr – Aboyne**

Delete text “SEPA has requested that” from the site brief for OP1.
Add text "A Flood Risk Assessment may be required." to the development

**Shaping Marr – Alford**

Add text "and Flood Risk Assessments may be required." to the last bullet point in the Flood Risk section.
Add text "A Flood Risk Assessment may be required." to the development brief for site OP4.

**Shaping Marr – Banchory**

In the Flood Risk section, delete “OP4” and add “A Flood Risk Assessment may be required in the second bullet point and amend the last bullet point text with “Small watercourses run through or adjacent to sites OP1, BUS1 and BUS2, which may pose a flood risk. A Flood Risk Assessment may be required.”
Add a new bullet point in Flood Risk section to read “There is a large amount of surface water flooding across site OP4. A Flood Risk Assessment has been done for this site, but further information is required to address the problem of pluvial flooding at the site.”
Amend fifth sentence in first paragraph in the development brief text for site OP1 to “A Flood Risk Assessment may be required to support…”
Add text “A Flood Risk Assessment may be required” to the development briefs for sites OP2, OP3 and OP4.

**Shaping Marr – Drumblade**

Add text “and a Flood Risk Assessment may be required.” in “Flood Risk” section.
Add text OP1 "A Flood Risk Assessment may be required." to the development brief for site OP1.

**Shaping Marr – Drumdelgie**

Add new “Flood Risk” section with text “Site OP1 is at risk from pluvial flooding and a Flood Risk Assessment may be required.”
Add text "A Flood Risk Assessment and Drainage Impact Assessment may be required." to the development brief for site OP1

**Shaping Marr – Gartly**

Add text “A Flood Risk Assessment may be required." to Flood Risk section. Amend third sentence in paragraph one in the development brief for site OP1 to "A Flood Risk Assessment may be required in order to…”

**Shaping Marr – Huntly**

Amend second bullet point in "Flood Risk" section to “Part of site OP1 is within the indicative flood plain and a detailed Flood Risk Assessment will be required to establish..."
A Flood Risk Assessment will be required. Add text to third bullet point "Part of sites OP5, OP6...". Add a fourth bullet point "There are water courses close to the BUS1 and BUS4 sites, which may result in some part of these sites being at risk from flooding." Add a fifth Bullet point "All of these sites may require a Flood Risk Assessment". Add a new first sentence "A Flood Risk Assessment will be required." in the fourth paragraph to the development brief text for site OP1. Also add a new second sentence in the fifth paragraph "Site OP1 is a steeply sloping site with a number of drainage channels and springs. These will need to be considered as part of the site drainage." Amend third sentence in paragraph one in the development brief for site OP3 to "A Flood Risk Assessment may be required in order to..." 

Shaping Marr – Inchmarlo

Add text "A Flood Risk Assessment may be required." to the second bullet point in the "Flood Risk" section. Amend text in the development brief for site OP1 to "A Flood Risk Assessment may be required if low lying areas are to be developed."

Shaping Marr – Kincardine O’Neil

Conjoin bullet points in the Flood Risk section, include “OP3” and add "A Flood Risk Assessment may be required for these sites.” Delete “SEPA has indicated that” from the development brief text for sites OP1, OP2 and OP3.

Shaping Marr – Lumphanan

Add text "A Flood Risk Assessment may be required." to "Flood Risk" section.

Shaping Marr – Lumsden

Add new “Flood Risk” section to read “A small water course runs adjacent to the BUS site and a Flood Risk Assessment may be required.”

Shaping Marr – Muir of Fowlis

Add new "Flood Risk" section with text “Sites OP1 and BUS are adjacent to the indicative extent of the Leochel Burn. A Flood Risk Assessment may be required”. Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

Shaping Marr – Strachan

Add text “A Flood Risk Assessment may be required." to Flood Risk section. Delete “SEPA has indicated that” from the development brief for site OP1.

Shaping Marr – Tarland

Add text “Parts of site OP1 - and OP3…. “ to the second bullet point in the Flood Risk section and also add a new sentence, "A Flood Risk Assessment may be required for these sites". Add text "A Flood Risk Assessment may also be required." to the development briefs for
site OP1. Add text "A Flood Risk Assessment may be required." to the development brief for sites OP3.

Shaping Marr – Torphins

Add new third bullet point to Flood Risk section with text “Site R1 lies on the edge of the Beltie Burn flood plain and no development must be within the floodplain, which may constrain site. Any development will need to be supported by a Flood Risk Assessment. Add text “A Flood Risk Assessment may be required.” to site development brief for OP1.

Shaping Marr – Towie

Add text “A Flood Risk Assessment may be required.” to Flood Risk section. In the second sentence in the first paragraph of site OP1 delete “SEPA has indicated that” and replace “will” with “may”.

Aberdeenshire Council would not be opposed to the Reporter making these modifications, or a variation thereof. Consequential changes will be made to the Action Programme, where appropriate.

Community facilities

Settlement features (including “P” protected sites and “R” reserved sites, BUS sites, and development in TC and CA areas) are given their protection through the application of a number of policies in the Plan, but not all sites which benefit from policy protection are identified. As a non–notifiable modification, the following sentence could be inserted after the heading “Settlement Features”: “The following sites and areas are subject to protection through a range of policies in the Plan. Not all sites protected by these policies are included in this table.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof. The relevant policies include Policy D1 Employment and business land, Policy B2 “Town Centres and Office Development”, Policy H5 “Gypsies and Travellers” Policy P1 “Layout, Siting and Design”, Policy P2 “Open Space and Access in New Developments”, Policy P5 “Community Facilities”, Policy E1 “Natural Heritage”, Policy HE2 “Protecting Historic and Cultural Areas”, Policy PR1 “Protecting Important Resources”, and Policy PR2 “Protecting Important Development Sites”.

Site Naming

All new development sites in the Proposed Local Development Plan are referenced by an OP code and a localised name. This convention is not extended to P sites, R sites or BUS sites. For these sites it is common sense to refer to them by their settlement in addition to their designation (e.g. Balmedie P4). No change is required.

Strategic Drainage and Water Supply

In relation to Scottish Water’s comments we would not be opposed to the Reporter making the following modifications, or a variation thereof, to reflect the updated information provided to the Council in April 2015. However, Aberdeenshire Council does not agree that the Plan should be modified to reflect the “5 growth criteria” that Scottish Water refer to as this would require reference to the Ministerial Direction 2009, and explanation of what the 5 criteria are. This test reflects Scottish Water’s current policy and standard approach and
is not necessary for the granting of planning permission. No change in this aspect is warranted or necessary. For this reason we do not accept Scottish Water’s comments on New Aberdour, New Byth, and Tyrie.

The Council also disagrees with Scottish Water’s suggested modification related to the Settlement Statement for Longhaven. The Scottish Environmental Protection Agency (SEPA) document ‘Advice for Planning Authorities on How and When to Consult SEPA’ sets out the types and thresholds of development proposals on which SEPA should be consulted at the planning application stage. A proposal for private waste water treatment in Longhaven would not fall into any of the listed categories and it is unlikely that SEPA would wish to be consulted on such a proposal. Instead, SEPA’s standing advice for small scale development would be relevant. The modification suggested by Scottish Water is, therefore, inappropriate but the Council would have no concern if the text in the Strategic Drainage and Water Supply paragraph in the Services and Infrastructure section of the Settlement Statement is replaced with: "No public wastewater treatment available. Advice from SEPA should be obtained on any proposal for private waste water treatment, including in relation to authorisation requirements."

Non-notifiable modifications are proposed as follows:

**Shaping Banff and Buchan – Memsie**

The additional information relating to Memsie Septic Tank is useful to include in the Plan and a non-notifiable modification is proposed to add a new sentence at the end of the Strategic Drainage and Water Supply section “Scottish Water will initiate a growth project at Memsie Cairn Stone ST, if demand exceeds available capacity.” Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

**Shaping Banff and Buchan – New Aberdour**

In order to reflect updated information a number of non-notifiable modifications are required. The second paragraph of the Vision should be reworded to "There are currently infrastructure constraints affecting the village which may require a scale of development....". The Strategic Drainage and Water Supply section should be replaced with "There is limited capacity at New Aberdour Waste Water Treatment Works. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity." Text relating to the 5 growth criteria is Scottish Water's current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

**Shaping Banff and Buchan – New Byth**

The Strategic Drainage and Water Supply section should be replaced with "There is limited capacity at New Byth Waste Water Treatment Works. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity." Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach is not necessary for the granting of planning permission. No change in this aspect is necessary.
Shaping Banff and Buchan – Rathen

To provide further clarity, a non-notifiable modification should be made to amend the second sentence in paragraph two in the Vision statement to read “…onto the A90 and that there are no Waste Water Treatment Works serving Rathen.” In order to reflect updated information a non-notifiable modification should be made to introduce a heading “Strategic drainage and water supply” and delete the last sentence of the development brief site text for OP1 and reproduce it here. A further non-notifiable modification should be made to amend the last paragraph of the development brief site text to, “A mini Water Impact Assessment will be required and a Flood Risk Assessment may be required. As there is no public sewer in Rathen a Drainage Impact Assessment will be required”.

Shaping Banff and Buchan – Rosehearty

In order to reflect updated information a non-notifiable modification should be introduced to remove the "Strategic Drainage and Water Supply" section.

Shaping Banff and Buchan – Tyrie

Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Buchan – Longside

In order to reflect updated information a non-notifiable modification should be made to delete the section on strategic drainage and waste water.

Shaping Buchan – Maud

In order to reflect updated information, and as a non-notifiable modification, the Strategic Drainage and Water Supply section should be replaced with: "There is capacity at Maud Waste Water Treatment Works, however it is insufficient to treat all sites allocated for both Maud and New Deer. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Buchan – New Deer

In order to reflect updated information, and as a non-notifiable modification, the Strategic Drainage and Water Supply section should be replaced with: "There is capacity at Maud Waste Water Treatment Works, however it is insufficient to treat all sites allocated for both Maud and New Deer. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Balmedie

In order to reflect updated information, and as a non-notifiable modification, replace the current text under Strategic Drainage and Water Supply as follows: "An upgrade to the
water supply infrastructure may be required and a water impact assessment may be requested. There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Belhelvie

In order to reflect updated information, and as a non-notifiable modification, replace the current text under Strategic Drainage and Water Supply as follows: "24 hour water storage will be required on site OP1. There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Ellon

In order to reflect updated information and as a non-notifiable modification replace the Strategic Drainage and Water Supply section as follows: “Scottish Water has initiated a growth project at Ellon WWTW. Completion is currently programmed for 2017/18, but this could be subject to change as the project progresses. Developers are encouraged to engage with Scottish Water as early as possible to discuss the needs of their development.”

Shaping Formartine – Foveran

In order to reflect updated information a non-notifiable modification should be made to change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Garmond

In order to reflect updated information a non-notifiable modification should be made to change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Kirkton of Auchterless

Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Methlick

In order to reflect updated information a non-notifiable modification should be made to change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Newburgh

In order to reflect updated information a non-notifiable modification should be made to
replace the current text under Strategic Drainage and Water Supply as follows: “There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Oldmeldrum

In order to reflect updated information a non-notifiable modification should be made to change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Pitmedden

In order to reflect updated information a non-notifiable modification should be made to remove the last sentence of the Strategic Drainage and Water Supply section.

Shaping Formartine – Potterton

In order to reflect updated information a non-notifiable modification should be made to replace the current text under Strategic Drainage and Water Supply as follows: “There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Network investigations may be required by new developments in Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Formartine – Rashierieve Foveran

In order to reflect updated information, a non-notifiable modification should be made to replace the current text under Strategic Drainage and Water Supply as follows: “There is no public Waste Water Treatment Works (WWTW) in Rashierieve. The nearest public treatment is in Foveran (1.5km away), where a growth project has been initiated. If any new development wishes to use private treatment, SEPA will need to be consulted and full authorisation and relevant licensing sought.”

Shaping Formartine – Rothienorman

In order to reflect updated information a non-notifiable modification should be made to delete the Strategic Drainage and Water Supply section.

Shaping Formartine – St. Katherines

In order to reflect updated information a non-notifiable modification should be made to delete the reference to "connection to public waste water treatment is required" in the current text under Strategic Drainage and Water Supply.

Shaping Formartine – Turriff

In order to reflect updated information a non-notifiable modification should be made to
replace the current text under Strategic Drainage and Water Supply as follows: "There is currently insufficient capacity available at Turriff Waste Water Treatment Works to meet the demands of all development allocated in the LDP. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". Text relating to the 5 growth criteria is Scottish Water's current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Shaping Garioch – Blackburn

In order to reflect updated information a non-notifiable modification should be made to replace the current text under Strategic Drainage and Water Supply as follows: "There is currently available capacity at Inverurie Waste Water Treatment Works, however it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth."

Shaping Garioch – Chapel of Garioch

In order to reflect updated information a non-notifiable modification should be made to the Strategic Drainage and Water Supply section to add the sentence "The Scottish Environment Protection Agency would need to be consulted and full authorisation sought for relevant licensing of private treatment."

Shaping Garioch – Cluny and Sauchen

In order to reflect updated information a non-notifiable modification should be made to replace the current text under Strategic Drainage and Water Supply as follows: "There is capacity at Sauchen Waste Water Treatment Works, however it is insufficient to treat all development allocated at Cluny and Sauchen. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity. Site OP2 may wish to consider private treatment; SEPA would need to be consulted in full.

Shaping Garioch – Dunecht

In order to reflect updated information a non-notifiable modification should be made to delete the section Strategic Drainage and Water.

Shaping Garioch – Inverurie

In order to reflect updated information a non-notifiable modification should be made to replace the last two sentences of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie Waste Water Treatment Works, however it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth."

Shaping Garioch – Keithhall

In order to reflect updated information, a non-notifiable modification should be made to replace the text of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie Waste Water Treatment Works, however, it is
insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth.

**Shaping Garioch – Kintore**

In order to reflect updated information a non-notifiable modification should be made to replace the text of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie WWTW, however, it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth".

**Shaping Garioch – Oyne**

In order to reflect updated information a non-notifiable modification should be made to introduce text "Strategic Drainage and Water Supply: There is currently limited capacity at Oyne Housing Septic Tank. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

**Shaping Kincardine and Mearns – Edzell Woods**

In order to reflect updated information a non-notifiable modification should be made to augment the Strategic Drainage and Water Supply text with "The nearest public waste water treatment works (WWTW) is 2km away in Edzell. If the developer wishes to connect to the public Edzell WWTW they would need to lay all necessary infrastructure and a growth project would be required from Scottish Water to meet the demand of the full allocation. Alternatively permission could be sought to connect to the existing private sewerage works at Edzell unless an alternative private waste water solution is provided, which would require agreement from SEPA."

**Shaping Kincardine and Mearns – Gourdon**

In order to reflect updated information, a non-notifiable modification should be made to remove the reference to the growth project at Nether Knox Waste Water Treatment Works and substitute "There is currently limited capacity at Gourdon Housing Septic Tank. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". This text reflects their current policy. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

**Shaping Kincardine and Mearns – St Cyrus**

In order to reflect updated information a non-notifiable modification should be made to remove the reference to the growth project at Nether Knox WWTW and substitute "There is currently limited capacity at St Cyrus Housing Septic Tank. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity". This text reflects their current policy. Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.
In order to reflect updated information a non-notifiable modification should be made to replace the current text under Strategic Drainage and Water Supply as follows: “There is currently insufficient capacity available at Clatt Septic Tank to meet the demands of all development allocated in the LDP. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”. Remove the second sentence of the settlement statement (“Although currently constrained...”).

In order to reflect updated information a non-notifiable modification should be made to replace the text on Strategic Drainage and Water Supply with: "No public wastewater treatment is available in Drumblade. SEPA would need to be consulted and full authorisation sought for relevant licensing of private treatment."

In order to reflect updated information a non-notifiable modification should be made to remove the first sentence of the statement on Strategic Drainage and Water Supply.

In order to reflect updated information a non-notifiable modification should be made to remove the first two sentences of the Strategic Drainage and Water Supply statement.

In order to reflect updated information a non-notifiable modification should be made to remove the last sentence of the Strategic Drainage and Water Supply statement.

In order to reflect updated information, a non-notifiable modification should be made to replace the existing Strategic Drainage and Water Supply text with: "There is currently capacity available at Lumphanan Waste Water Treatment Works, however should demand from committed development exceed available capacity Scottish Water will initiate a growth project.” Text relating to the 5 growth criteria is Scottish Water’s current policy and standard approach and is not necessary for the granting of planning permission. No change in this aspect is necessary.

Aberdeenshire Council would not be opposed to the Reporter making these modifications, or a variation thereof. Consequential changes will be made to the Action Programme where appropriate.

A key has been produced and added and has been added to the online PDF versions of the Proposed Plan. A key should be added to the front-piece of each of the Settlement statement sections as a non-notifiable modification. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.
**Reporter's conclusions:**

**Introduction**

1. It is important that the plan should provide clarity to developers and others as to the main issues that require to be addressed in progressing development in settlements throughout Aberdeenshire. This includes reference to any likely significant infrastructure requirements as well as the need for further assessment of flood risk.

**Flood Risk**

2. Specific issues are raised by the Scottish Environment Protection Agency (SEPA) in relation to 70 of the settlement statements and associated sites. There are also comments relating to protected land and other designations.

3. Issue 14 includes my conclusions on Policy C4 on flooding. This policy would apply to all sites and sets an appropriate context to address flood risk assessment, avoidance and mitigation. However, I consider that it is also important to highlight areas where there are known risks and where there is likely to be a requirement for further assessment within individual settlements and for specific sites.

4. In relation to site OP3 at Cruden Bay I understand from the council’s submissions that there is no ponding or adjacent watercourses. For OP1 in Strichen a larger site area is included given a recognised role as part of the settlement even although development would have to avoid the area of flood plain. For OP1 in Cluny and Sauchen there is already a reference to the need for flood risk assessment. In addition, I have no reason to dispute the council’s view that the height above the watercourse addresses flood risk on site BUS1 in Whitehouse. With these few limited exceptions my recommendations below address all the other matters raised by SEPA in relation to this issue.

**Site Naming**

5. I consider the current naming is sufficiently clear without the need for further modification.

**Settlement Features**

6. Policy P5 relates to community facilities. The land identified in this section of the settlement statement includes land reserved for a number of purposes. This includes community facilities but also open space and landscaping, defined town centres and conservation areas amongst other things. Not all of these would fall to be assessed against Policy P5. In addition, there are remaining areas within settlements where relevant policies might apply even although these are not all identified in the settlement statement. This would apply for instance to smaller areas of open space, areas of woodland, listed buildings and other features.

7. The council refers to a range of relevant policies and I agree that these could all apply. However the plan should be read as a whole and I consider the approach is sufficient as it stands without cross reference to this full range of polices. Consequently, I have not recommended any change in this respect.
Strategic Drainage and Water Supply

8. In a similar vein to the comments received from SEPA, Scottish Water submitted a table requesting changes to reference the up to date position regarding water and drainage provision. In general these responses explain the current capacity and highlight any constraints. They also explain that in circumstances where there is insufficient capacity Scottish Water may address this in relation to its current policy approach by initiating a growth project. I consider this information is appropriately included in the settlement statements and my recommendations reflect this. As suggested by the council I consider some reduction in the proposed text is warranted in order to focus on matters relevant to planning rather on rehearsing Scottish Water’s policies and procedures.

Key for the Settlement Statements

9. I agree that a key to the settlement statement maps is important so that the relevant allocations and designations are clear to the reader. My recommendation reflects this.

Reporter’s recommendations:

Shaping Banff and Buchan – Cairnbulg and Inverallochy

1. Amend the first sentence in the Flood Risk text to “There is a risk of flooding from fields adjacent to sites OP1, OP2 and OP3. These are located adjacent to…”

2. Add text “A Flood Risk Assessment may be required” to the development briefs for sites OP1, OP2 and OP3.

Shaping Banff and Buchan – Cornhill

3. Amend first sentence in the Flood Risk section to “There is a risk of flooding from fields adjacent to OP1, which are located within the Scottish…” Amend the last sentence to “A Flood Risk Assessment will be required.”

4. Add text “A Flood Risk Assessment will be required” to the development brief for site OP1.

Shaping Banff and Buchan – Fraserburgh

5. Delete site “OP1” from the Flood Risk text.

6. Add text “A Flood Risk Assessment will be required” to the development briefs for sites OP2, OP3 and CC1.

Shaping Banff and Buchan – Macduff

7. Amend the last sentence in the Flood Risk Text to “A Flood Risk Assessment will be required.”

8. Add text to the development brief for site CC1 “A Flood Risk Assessment will be required.”
Shaping Banff and Buchan – Memsie

9. Add new Flood Risk section with text “A small watercourse runs along the south boundary of the P3 site and it is adjacent to an area identified as at risk from flooding. A Flood Risk Assessment may be required.”

10. Add a new sentence at the end of the Strategic Drainage and Water Supply section “Scottish Water will initiate a growth project at Memsie Cairn Stone ST, if demand exceeds available capacity.”

Shaping Banff and Buchan – Portsoy

11. Add text "A Flood Risk Assessment may be required." to the development briefs for sites OP3 and OP4.

12. Amend the second paragraph of the Vision to read "There are currently infrastructure constraints affecting the village which may require a scale of development....".

13. The Strategic Drainage and Water Supply section should be replaced with "There is limited capacity at New Aberdour Waste Water Treatment Works. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity."

Shaping Banff and Buchan – Rathen

14. Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

15. Amend the second sentence in paragraph two in the Vision statement to read “…onto the A90 and that there are no Waste Water Treatment Works serving Rathen.”

16. Introduce a heading “Strategic drainage and water supply” and delete the last sentence of the development brief site text for OP1 and reproduce it here.

17. Amend the last paragraph of the development brief site text to, "A mini Water Impact Assessment will be required and a Flood Risk Assessment may be required. As there is no public sewer in Rathen a Drainage Impact Assessment will be required”.

Shaping Banff and Buchan – Rosehearty

18. Add a new bullet point in the Flood Risk section with text "A small watercourse with a culverted section crosses site OP1. A Flood Risk Assessment may be required.”

19. Add the following text to the development briefs for sites OP1 and OP2 "A Flood Risk Assessment for this site may be required."

20. Remove the “Strategic Drainage and Water Supply” section.

Shaping Banff and Buchan – Sandend

21. Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.
<table>
<thead>
<tr>
<th>Shaping Buchan – Cruden Bay</th>
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<tbody>
<tr>
<td>22. Add text to the last paragraph of the site Brief for OP1 &quot;There is a small water course adjacent to the site.&quot;</td>
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<tr>
<th>Shaping Buchan – Longhaven</th>
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<tr>
<td>23. Delete text &quot;as recommended by SEPA&quot; from the site brief for OP1. Remove text &quot;are located adjacent to the Scottish Environment Protection Agency's indicative 1 in 200 flood risk area, or&quot; from the Flood Risk section.</td>
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<tr>
<th>Shaping Buchan – Longside</th>
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<tbody>
<tr>
<td>24. Add a new Flood Risk section with text “Part of site OP2 may be vulnerable to surface water flooding and a Flood Risk Assessment may be required.”</td>
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<tr>
<td>25. Delete the section on strategic drainage and waste water.</td>
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<th>Shaping Buchan – Mintlaw</th>
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<tr>
<td>26. Add text “R2” after “R1” in the Flood Risk section. Add text &quot;A Flood Risk Assessment may be required.&quot; to site brief for OP2. Delete reference to Flood Risk Assessment from the development brief for site OP3.</td>
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<tr>
<th>Shaping Buchan – Peterhead</th>
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<tr>
<td>27. Add references to “OP3”, “R2” and “P7” to the Flood Risk section.</td>
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<td>28. Add text “A Flood Risk Assessment may be required.” to the development briefs for sites for OP4, OP5 and OP6.</td>
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<th>Shaping Buchan – St Combs</th>
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<tr>
<td>29. Add new Flood Risk section with text: &quot;A small watercourse is adjacent to site OP2 and properties downstream may be at risk from fluvial and coastal flooding issues. A Flood Risk Assessment may be required.&quot;</td>
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<tr>
<td>30. Add text &quot;A Flood Risk Assessment may be required&quot; to the development brief for site OP2.</td>
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<th>Shaping Buchan – Strichen</th>
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<tbody>
<tr>
<td>31. Add second bullet point to the Flood Risk section to read “Part of site OP4 is located adjacent to the Scottish Environment Protection Agency's indicative 1 in 200 year flood risk area. A Flood Risk Assessment may be required.”</td>
</tr>
<tr>
<td>32. Add text “A Flood Risk Assessment may be required” to the site development brief for OP4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Shaping Formartine – Balmedie</th>
</tr>
</thead>
<tbody>
<tr>
<td>33. Modify Flood Risk section to read:</td>
</tr>
</tbody>
</table>
Sites R1 and OP1 have a small watercourse running through the site. Site OP3 has historical records of flooding from storm surge. Flood Risk Assessment may be required to assess bridges and culverts as a possible source of flood risk.

34. Amend last sentence in the development brief text for site OP1 to "A Flood Risk Assessment will be required for site OP1."

35. Delete “A Flood Risk Assessment will be required on sites OP1 and OP2.” in the development brief text for site OP2.

36. Add text to the development brief for site OP3 "A Flood Risk Assessment may be required."

37. Replace the current text under Strategic Drainage and Water Supply as follows: An upgrade to the water supply infrastructure may be required and a water impact assessment may be requested. There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity.

Shaping Formartine – Blackdog

38. Add text "A Flood Risk Assessment will be required." to the development brief for site OP1.

Shaping Formartine – Ellon

39. Modify the Flood Risk text by deleting the last bullet point, adding “BUS” site to second bullet-point, and adding a new bullet point with text “There are records of flooding on site R2. A Flood Risk Assessment may be required depending on the use proposed.”

40. Add text "A Flood Risk Assessment may be required." to the development briefs for sites OP1, OP3 and CC1.

41. Replace the Strategic Drainage and Water Supply section as follows: Scottish Water has initiated a growth project at Ellon WWTW. Completion is currently programmed for 2017/18, but this could be subject to change as the project progresses. Developers are encouraged to engage with Scottish Water as early as possible to discuss the needs of their development.

Shaping Formartine – Foveran

42. Replace text “OP4” to “OP3” in Flood Risk section.

43. Add text "A Flood Risk Assessment will be required." to the development brief for site OP1.

44. Change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Fyvie

45. Add new Flood Risk section with text “Part of the R1 site is within the fluvial extent of
the SEPA flood maps. A Flood Risk Assessment may be required.”

Shaping Formartine– Methlick

46. Change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Newburgh

47. Replace text in Flood Risk section from “BUS 1” to “BUS”.

48. Add text "A Flood Risk Assessment may be required" to the development brief for site OP1.

49. Replace the current text under Strategic Drainage and Water Supply as follows:
There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity.

Shaping Formartine – Oldmeldrum

50. Substitute text in the Flood Risk section with “Part of sites OP2 and P3…” and in the second bullet-point correct typo to amend “BUS 1” to “BUS”.

51. Add text "A Flood Risk Assessment may be required." to the development brief for site OP2.

52. Add text "A Flood Risk Assessment will be required." to the site development brief for OP3.

53. Change the Strategic Drainage and Water Supply text from "will" to "may".

Shaping Formartine – Pitmedden and Milldale

54. Add text "A Flood Risk Assessment may be required" to the development brief for site OP1.

55. Remove the last sentence of the Strategic Drainage and Water Supply section

Shaping Formartine – Potterton

56. Replace the current text under Strategic Drainage and Water Supply as follows:
There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Network investigations may be required by new developments in Potterton. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity.

Shaping Formartine – Rashierieve Foveran

57. Add text "A Flood Risk Assessment may be required." to site development brief for OP1.

58. Replace the current text under Strategic Drainage and Water Supply as follows:
There is no public Waste Water Treatment Works (WWTW) in Rashierieve. The nearest public treatment is in Foveran (1.5km away), where a growth project has been initiated. If any new development wishes to use private treatment, SEPA will need to be consulted and full authorisation and relevant licensing sought.

Shaping Formartine – Rothienorman

59. Replace text in the Flood Risk section from “BUS 1” to “BUS”.

60. Delete the Strategic Drainage and Water Supply section.

Shaping Formartine – St Katherines

61. Add text "A Flood Risk Assessment may be required" to the development brief for site OP2.

Shaping Formartine – Tipperty

62. Add a new settlement flood section “A small watercourse and the Tarty Burn increase risk of flooding to site BUS. A Flood Risk Assessment may be required “.

Shaping Formartine – Turriff

63. Replace the current text under Strategic Drainage and Water Supply as follows: “There is currently insufficient capacity available at Turriff Waste Water Treatment Works to meet the demands of all development allocated in the LDP. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity”.

Shaping Garioch – Blackburn

64. Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

65. Replace the current text under Strategic Drainage and Water Supply as follows: “There is currently available capacity at Inverurie Waste Water Treatment Works, however it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth.”

Shaping Garioch – Chapel of Garioch

66. Add the following sentence to the Strategic Drainage and Water Supply section "The Scottish Environment Protection Agency would need to be consulted and full authorisation sought for relevant licensing of private treatment.”

Shaping Garioch – Cluny and Sauchen

67. Replace the current text under Strategic Drainage and Water Supply as follows: “There is capacity at Sauchen Waste Water Treatment Works, however it is insufficient to treat all development allocated at Cluny and Sauchen. Scottish Water will initiate a growth project, should demand from committed development exceed available capacity. Site OP2 may wish to consider private treatment; SEPA would need to be consulted in full.
Shaping Garioch – Dunecht

68. Delete the section Strategic Drainage and Water.

Shaping – Garioch Echt

69. Add text "A Flood Risk Assessment may be required" to the Flood Risk section and the development brief for site OP1.

Shaping Garioch – Insch

70. Substitute text in the first bullet point in the Flood Risk section to "Parts of sites OP1, OP5, P3, R4 and BUS are identified by the Scottish Environment Protection Agency (SEPA) as being potentially vulnerable to flooding. A Flood Risk Assessment may be required to accompany future development proposals on these sites." Add a new bullet point, "SEPA has indicated that site R4 is at medium risk of flooding and any civil infrastructure, such as a hospital, must be designed to be capable of remaining operational and accessible during extreme flood events."

Shaping Garioch – Inverurie and Port Elphinstone

71. Add text "P14 and OP16" to the first bullet of the Flood risk section.

72. Add the following text to the development brief for site OP8 “SEPA surface water flood maps highlight that the site has a natural depression running through it which could act as a flow path during wet periods, and there are records of flooding from overland flows from the site. The drainage arrangements for the site should take these factors into consideration”.

73. Add text to the development brief for site OP16 “A Flood Risk Assessment (FRA) has previously been carried out for this site. Development should accord with this FRA or any further study which supersedes it.”

74. Replace the last two sentences of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie Waste Water Treatment Works, however it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth".

Shaping Garioch – Keithhall

75. Add text "A Flood Risk Assessment may be required." to the development brief for site OP1.

76. Replace the text of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie Waste Water Treatment Works, however, it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth".
Shaping Garioch – Kemnay

77. Add a new bullet point to Flood Risk section with text "Site R1 is on the River Don Floodplain and can only be used for facilities that can withstand flooding. Site BUS1 is also adjacent to the River Don and any redevelopment would require a detailed Flood Risk Assessment."

Shaping Garioch – Kintore

78. Add "OP2" and "BUS1" and "BUS3" to the Flood Risk section and replace “R3” with “R2”.

79. In the development brief for site OP2 add the following text in the second paragraph “Parts of OP2, OP3 and OP4 lie…” and replace “Flood Risk Assessments will be required” to "Flood Risk Assessments may be required..."

80. Replace the text of the Strategic Drainage and Water Supply section as follows: "There is currently available capacity at Inverurie WWTW, however, it is insufficient to treat all development allocated at Blackburn, Inverurie, Keithhall and Kintore. A Capital Maintenance project has been triggered at Inverurie Waste Water Treatment Works which will deliver growth."

Shaping Garioch – Millbank

81. Add new section on "Flood Risk" with text “Part of site OP1 lies adjacent to Scottish Environment Protection agency’s indicative 1 in 200 year flood risk area. A Flood Risk Assessment may be required to accompany any future development proposals for the site.”

Shaping Garioch – Westhill

82. Add "BUS" to the second bullet point of the flood risk section

Shaping Kincardine and Mearns – Drumlithie

83. Add text "and a Flood Risk Assessment may be required.” to the Flood Risk section.

Shaping Kincardine and Mearns – Drumoak

84. Add text "A Drainage Impact Assessment may be required." to the development brief for site OP1.

Shaping Kincardine and Mearns – Gourdon

85. Add new "Flood Risk" section with text “There is a record of flooding close to the BUS site. A Flood Risk Assessment may be required.”

Shaping Kincardine and Mearns – Luthermuir

86. Remove reference to SEPA in the site text for OP1.
87. Remove reference to SEPA in the site text for OP1.

88. Add a new Flood Risk section with text “The BUS site is a large site and the potential for run off to adjacent areas should be considered. A Drainage Impact Assessment will be required. Food risk from small watercourses should be assessed and a Flood Risk Assessment may be required.”

89. Remove reference to SEPA in the text for site OP1.

90. Add a new "Flood Risk" section with text “There is a record of flooding close to the BUS site. A Flood Risk Assessment may be required.”

91. Add a new bullet point to Flood Risk section with text “Sites BUS1 and BUS2 have small watercourses within their boundaries which may be a source of flood risk. A Flood Risk Assessment may be required.”

92. Add a new “Flood Risk” section with text “Small watercourses run through and on the boundary of site OP2. There may also be culverted watercourses through the site. A Flood Risk Assessment may be required.”

93. Add text “A Flood Risk Assessment may be required.” to the development brief for site OP2

94. Add a new bullet point to the Flood Risk section with text “Site P9 is steep and slopes towards existing properties. Surface run-off should not increase as a result of development. A Flood Risk Assessment may be required.” Remove reference to SEPA in the text for sites OP1, OP2 and OP3.

95. Delete text “SEPA has requested that” from the site brief for OP1.

96. Add text "A Flood Risk Assessment may be required" to the development brief.

97. Add text "and Flood Risk Assessments may be required." to the last bullet point in the Flood Risk section.
98. Add text "A Flood Risk Assessment may be required." to the development brief for site OP4.

Shaping Marr – Banchory

99. In the Flood Risk section, delete “OP4” and add “A Flood Risk Assessment may be required in the second bullet point and amend the last bullet point text with “Small watercourses run through or adjacent to sites OP1, BUS1 and BUS2, which may pose a flood risk. A Flood Risk Assessment may be required."

100. Add a new bullet point in the Flood Risk section to read “There is a large amount of surface water flooding across site OP4. A Flood Risk Assessment has been done for this site, but further information is required to address the problem of pluvial flooding at the site.” Amend fifth sentence in first paragraph in the development brief text for site OP1 to “A Flood Risk Assessment may be required to support…”

101. Add text "A Flood Risk Assessment may be required" to the development briefs for sites OP2, OP3 and OP4.

Shaping Marr – Drumblade

102. Add text “and a Flood Risk Assessment may be required.” in the “Flood Risk” section.

103. Add text OP1 "A Flood Risk Assessment may be required." to the development brief for site OP1.

Shaping Marr – Drumdelgie

104. Add a new “Flood Risk” section with text “Site OP1 is at risk from pluvial flooding and a Flood Risk Assessment may be required.”

105. Add text "A Flood Risk Assessment and Drainage Impact Assessment may be required." to the development brief for site OP1.

Shaping Marr – Gartly

106. Add text “A Flood Risk Assessment may be required.” to the Flood Risk section. Amend third sentence in paragraph one in the development brief for site OP1 to "A Flood Risk Assessment may be required in order to…”

Shaping Marr – Huntly

107. Amend second bullet point in the "Flood Risk" section to “Part of site OP1 is within the indicative flood plain and a detailed Flood Risk Assessment will be required to establish the parts of the site that are suitable for development.” Add text to the third bullet point "Part of sites OP5, OP6…". Add a fourth bullet point "There are water courses close to the BUS1 and BUS4 sites, which may result in some part of these sites being at risk from flooding." Add a fifth Bullet point “All of these sites may require a Flood Risk Assessment”.

108. Add a new first sentence “A Flood Risk Assessment will be required.” in the fourth
paragraph to the development brief text for site OP1. Also add a new second sentence in the fifth paragraph "Site OP1 is a steeply sloping site with a number of drainage channels and springs. These will need to be considered as part of the site drainage."

109. Amend third sentence in paragraph one in the development brief for site OP3 to "A Flood Risk Assessment may be required in order to…"

Shaping Marr – Inchmarlo

110. Add text "A Flood Risk Assessment may be required." to the second bullet point in the "Flood Risk" section.

111. Amend text in the development brief for site OP1 to "A Flood Risk Assessment may be required if low lying areas are to be developed."

Shaping Marr – Kincardine O'Neil

112. Conjoin bullet points in the Flood Risk section, include “OP3” and add "A Flood Risk Assessment may be required for these sites."

113. Delete “SEPA has indicated that” from the development brief text for sites OP1, OP2 and OP3.

Shaping Marr – Lumphanan

114. Add text "A Flood Risk Assessment may be required." to the "Flood Risk" section.

Shaping Marr – Lumsden

115. Add new "Flood Risk" section to read “A small water course runs adjacent to the BUS site and a Flood Risk Assessment may be required.”

116. Replace the existing Strategic Drainage and Water Supply text with: "There is currently capacity available at Lumphanan Waste Water Treatment Works, however should demand from committed development exceed available capacity Scottish Water will initiate a growth project."

Shaping Marr – Muir of Fowlis

117. Add new "Flood Risk" section with text “Sites OP1 and BUS are adjacent to the indicative extent of the Leochel Burn. A Flood Risk Assessment may be required”.

118. Add text "A Flood Risk Assessment may be required" to the development brief for site OP1.

Shaping Marr – Strachan

119. Add text “A Flood Risk Assessment may be required." to the Flood Risk section. Delete “SEPA has indicated that” from the development brief for site OP1.
Shaping Marr – Tarland

120. Add text “Parts of site OP1 and OP3.” to the second bullet point in the Flood Risk section and also add a new sentence "A Flood Risk Assessment may be required for these sites".

121. Add text "A Flood Risk Assessment may also be required." to the development briefs for site OP1.

122. Add text "A Flood Risk Assessment may be required." to the development brief for sites OP3.

Shaping Marr – Torphins

123. Add new third bullet point to Flood Risk section with text “Site R1 lies on the edge of the Beltie Burn flood plain and no development must be within the floodplain, which may constrain the site. Any development will need to be supported by a Flood Risk Assessment. Add text “A Flood Risk Assessment may be required.” to the site development brief for OP1.

Shaping Marr – Towie

124. Add text "A Flood Risk Assessment may be required." to the Flood Risk section.

125. In the second sentence in the first paragraph of site OP1 delete "SEPA has indicated that" and replace “will” with “may”.

Key

126. Add a key to all the settlement statement maps as shown in the online version of the proposed plan.
Issue 17  
**Shaping Banff and Buchan - Banff**

**Development Plan reference:** Appendix 8, Page Banff and Buchan 4  
**Reporter:** Rob Huntley

**Body or person(s) submitting a representation raising the issue (including reference number):**

Keith Newton (6)  
Banff Town Team (35)  
Banff Castle Community Association (59)  
Mary Law (67)  
Pamela MacLennan-Brown (93)  
Susannah Almeida (144)  
Jennifer Watt & Alan MacDonald (182)  
Barrie & Nicola Robertson (230)  
Grampian Highlands & Islands Farm Supplies (236)  
Neville & Angela Morrison (268)  
Aileen Dawson (352)  
Banff and Macduff Community Council (396)  
Nestrans (566)  
NHS Grampian (610)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Banff

**Planning Authority’s summary of the representation(s):**

**Settlement Features**

It is queried why site P4, which protects land for playing fields, sports and educational activities, does not include the Banff Academy buildings like the similar P site in Macduff (6).

The indicative route of the Banff bypass (site R1) is not shown on the proposals maps (6, 396, and 566).

Query whether a relief road, as annotated by site R1, is necessary (6, 396). Respondent 396 considers land within OP2 and OP4 would be a strange route, as local experience would suggest that there is not much traffic between a road going west from Banff to a road going south west from Banff. Would prefer to see a reserved route for a bypass from the A947 to the A98 - a heavily used route. While such a bypass would mean another bridge across the River Deveron, it is not believed that the cost should represent a reason for not including it in the LDP.

Supports a Banff bypass (site R1) as it is the only way to deliver a roundabout at the main Banff-Portsoy road (at the Banff Links junction) (236).
Propose the expansion of the Banff Town Centre to include site P2 (Banff Castle) (35, 59, 396). The castle currently abuts the town centre to the west side (Castle Street) and many people view Banff Castle as part of the town centre (396). The castle includes different facilities including open space, community rooms, the Kelpie Café, offices and a retail outlet (35, 396). It will enable the castle to apply for grant funds applicable to town centre areas and improve the amenity of the town centre as a whole (35). There are future plans to develop a venue for flexible arts/performance events, which is outlined on the Four Town Report (35). Including the castle with all these facilities in the town centre will improve Banff’s retail ranking (35, 396), and would be of benefit when data collection and health check information is being collated for Town Centre and other reports (e.g. Scotland's Top Cities and Towns Report) (35).

Services and Infrastructure

Under “Health facilities”, this sentence should also make reference to the need for additional land to deliver a replacement health centre in Macduff (610).

Allocated sites

OP2 Land at Colleonard road

Site OP2 Wrack Woodland (or Duff House woods) has been mislabelled as Montcoffer Woods (6).

Houses at Colleonard have no discernible design merit and Respondent 6 believes the Council should be expecting something much better for the new site, rather than their design just to be sympathetic to them (6).

OP3 Land at A953 Quayside to Scotstown

Objections raised on the scale and location of the allocation (67, 93, 144, 268, 352). The site description of OP3 does not mention that planning permission has been granted on part of the site (APP/2009/3876) (268). There should be no further houses added to the development previously approved on this land. This proposal is already too big a development for the small piece of land and infrastructure will be struggling to cope (67, 93). Additional development will affect the setting and character of the settlement, impacting on tourism (268). Concerned about subsidence if building beneath the braes (144). Further work will disturb residents and increase traffic volumes for Scotstown residents (268, 352). The Sea Braes add beauty and habitat to the Scotstown Conservation Area and should not be further disturbed (67). Further development will be even more intrusive, reduce the appeal of this unique part of Aberdeenshire coastline (352), and erode the greenfield areas (268). There are sufficient brownfield opportunities in Banff town centre (144, 268), which will remove vermin, improve health and safety, and the attractiveness of Banff for tourism (144). Planning should concentrate on bringing back to life the centre of the town (352).

Objects to developing on the upper section of the undeveloped OP3 site due to fear of subsidence; part of the land is made up of landfill; and public throughways would be taken away (230).

Any further development should provide an access route to any further developments at the back of those currently being built (93).
The proposed flats may affect the character of Scotstown (144).

The plan in the LDP shows the old gully immediately to the west of the Battery Green buildings to be at shore level, but this has not been the case for several decades. Accordingly the shape of OP3 is wrong and does not tally with approved planning permission (396).

Additional sites

Bid site BaB008

Proposes development on part of site R2 (reversed for a cemetery extension). The requirement for a cemetery extension at Gallowhill is recognised, but argues the extent of land reserved for the cemetery extension is excessive. No approach has been made by the Council to acquire the land for cemetery use, and the owners are concerned that the R2 designation effectively blights their land. The land on the lower slopes (site BaB008) is capable of accommodating residential development and that has been accepted by Aberdeenshire Council. Developing this site would help facilitate the provision of the cemetery extension and utilise spare education capacity; thereby helping to sustain Banff Academy and Banff Primary Schools (182).

Modifications sought by those submitting representations:

Settlement Features

Extend P4 designation to include the Banff Academy site (6).

Show the R1 designation of the proposed Banff bypass on the proposals maps (6, 396, 566).

Extend the proposed bypass (site R1) to link the A947 and A98 (396).

The proposed bypass includes a path for pedestrians and horse riders (236).

Extend the town centre boundary to include Banff Castle (site P2) (35, 59, 396).

Services and Infrastructure

Under ‘Health facilities’, add reference to the need for additional land to deliver a new health centre in Macduff (610).

Allocated sites

OP2 Land at Colleonard road

Rename Montcoffer Woods to Wrack Woods (6).

Introduce text within the development brief for site OP2 to reflect a higher design standards than that found at Colleonard (6).
OP3 Land at A953 Quayside to Scotstown


In the site description of OP3 state that planning permission has been granted on part of the site (APP/2009/3876) (268).

The design of homes in OP3 should reflect the character of existing properties in Scotstown Conservation Area adjacent (i.e. no flats) (144).

Additional sites

Bid site BaB008

The area of land reserved for cemetery extension (R2) should be reduced to exclude site BaB008. Site BaB008 should be allocated for residential development comprising around 50 houses. The Settlement Statement and proposals maps for Banff should be modified accordingly. A consequential addition should also be made to Appendix 5 to include site BaB008 (182).

Summary of response (including reasons) by Planning Authority:

Banff is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, spatial strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Banff. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 5 and the subsequent MIR 2013, Issues and Actions Paper 031: Banff).

Settlement Features

Site P4 was identified to conserve playing fields and land used for sports and educational activities as they are used as amenities for the town. Site P3 in Macduff and other similar sites are designated to protect education and recreation uses and include the school within the designation. While there is no need to amend site P4, as shown in the Keymap and Map1, there is merit to including the entire Banff Academy to provide continuity. Aberdeenshire Council would not be opposed to the reporter making this modification, proposed by the Council, or a variation thereof.

It is a graphical error that the indicative route of the proposed Banff link road/bypass (site R1), is not shown on the Banff proposals maps. It is shown on the Inverboyndie map. Neighbour notification letters showing the indicative route were sent out to those occupying properties adjacent to site R1. Supporting text for sites OP1, OP2 and OP4 also make reference to the link road. As a non-notifiable modification the indicative route of R1 should be added to the settlement statement Keymap and Map 1. Aberdeenshire Council would not be opposed to the Reporter making this modification, proposed by the Council, or a variation thereof.
The need for a link road between the A97 and A98 was introduced following discussion at the Area Committee (see MIR 2013, Issues and Actions Paper 031: Banff - Section 4) to reduce through traffic in the town centre and improve its attractiveness for those visiting. This is a long term aspiration which is supported by an ongoing transport appraisal using the Scottish Transport Appraisal Guidance. As such, no road orders or funding have yet been identified, but it is important to provide confidence for the community that this proposal is actively being considered and to avoid any development from prejudicing the route. The support for this link road is welcomed.

A route running from the A947 to the A97 would most likely result in cutting through the Duff House Designed Landscape and Banff Conservation Area. No assessment has been undertaken to assess whether a bypass would bring social and economic benefits that would outweigh the historical and economic value of Banff Conservation Area, and Duff House and its designed landscape. No change to the proposed route of the Banff bypass is required.

To qualify as a town centre, Scottish Planning Policy paragraph 62 states that the area is expected to include a diverse mix of uses, including shopping, be very accessible, create a sense of place, include day and evening uses, and integrate with residential areas. The majority of site P2 (to conserve the area of open space at Banff Castle) does not abut Banff Town Centre, with much of it surrounded by a high stone wall. The site is on a hill, with a steep slope along the eastern side. There is only one notable access from the north of the town centre, off the A98, which leads into the grounds. However, it is noted that Banff Castle (a Georgian house with mediaeval castle walls around part of it) and the grounds host a fortnightly cinema, car boot sales, open space, community and art classes, café, a single office room for hire, conference space and wedding venue (see www.banffcastle.org.uk, Home, History and Future Projects, and Room Hire pages). It has connectivity and is not separate from the town centre. The uses undertaken undoubtedly make a contribution to the vitality of area. While Aberdeenshire Council does not propose a notifiable modification to expand the Banff Town Centre to include Banff Castle, it’s inclusion within the town centre would not impact on the overall strategy of the Aberdeenshire Local Development Plan for this area.

Services and Infrastructure

Land for a new health centre has already been identified within site CC1 in Macduff. For this reason, it would not be necessary to amend the existing text under sub-section 'Health facilities', which requires developments in Banff to contribute to a new health centre in Macduff. No change is required.

Allocated sites

OP2 Land at Colleonard Road

When identifying the name of the wood south of OP2, Aberdeenshire Council could only find the name Montcoffer Woods on our digital maps. However, further research has shown Wrack Woods to the south of the site. Montcoffer Woods is on the other side of the River Deveron. As a non-notifiable modification replace “Montcoffer Woods” with “Wrack Wood”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Aberdeenshire Council included a statement that the design of the new houses should be
sympathetic in style to those at Colleonard Crescent and Colleonard Drive as it is most likely that site OP2 will be linked to this road via two existing purpose built sections on Colleonard Drive. It should be noted that style refers to house types as well as architectural design. Whist Aberdeenshire Council insists on good design, the difference in the house design should be gradual rather than abrupt in light of the potential road linkages from Colleonard Drive. Nonetheless, a development that meets the relevant policies in the Aberdeenshire Local Development Plan would be supported. No change is required.

OP3 Land at A953 Quayside to Scotstown

The majority of this site's allocation has been 'taken up' by approved application APP/2009/3876 for 26 units (see APP/2009/3876, Decision Notice, Approved Site Layout and Location Plan) and development has commenced. For this reason, the development plan has no further control over its design. The issues raised regarding this site were considered and addressed at the planning application stage. However, the text box does make reference to Scotstown Conservation Area. There is merit in reducing the size of the allocation to exclude the area with planning permission as development has commenced, or deleting the allocation in its entirety as an implemented proposal. Development within the settlement boundary can be regarded as infill development, which does not restrict the number of houses that could be built on the remainder of the site. Nevertheless, to avoid further confusion, as a non-notifiable modification, the following wording should be added after the first sentence in the development brief for OP3: “A planning application on part of this site has been granted planning permission for 26 homes.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

In relation to comments on developing brownfield sites in the town centre, the Council is committed to rejuvenating this area and over the years has secured hundreds of thousands of pounds to renovate town centre buildings to “bring back life” to Banff Town Centre.

Additional sites

Bid site BaB008

There is a long standing need to secure land for a cemetery extension adjacent to the existing cemetery. While there is currently not the need to extend the existing cemetery, the Proposed Aberdeenshire Local Development Plan 2015 acknowledges the principle of developing a cemetery in this location. The preparation of development plans allows the Council to review the scale of the cemetery extension against developer aspirations. The Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Banff, pages 6-9 reduced the scale of the cemetery extension to a more realistic and reasonable scale, which is carried forward unchanged in the Proposed Plan at site R2.

Site R2 was reviewed again in light of bid BaB008, along with the proposed allocations at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan Page 7). It noted that developing site BaB008 would not have a detrimental impact on the provision of a cemetery and that it would provide the opportunity for a footpath link from Banff to the reserved site. However, in light of existing housing allocations, which are capable of becoming effective, there is no requirement to provide additional housing land allocations (see MIR 2013, Issues and Actions Paper: 031 Banff). This is further demonstrated in Schedule 4 Issues 7 and 8: Housing land supply and Housing land spatial strategy, which
show there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area.

A minor technical change will be made to delete “CA2”, which is annotated outwith the settlement boundary on Map 2 to the southeast of Duff House/Banff Conservation Area.

**Reporter's conclusions:**

**Site P4**

1. The reference to site P4 in the “Protected Land” schedule identifies recreational and educational activities as the purpose of the designation. Consistent with the treatment of similar settlement features at McDuff and elsewhere, I agree with the representation and the council that the site of the school buildings and swimming pool should be included within the defined site P4. I therefore recommend, as invited by the council, that the boundary of the P4 site be extended to encompass the buildings at the Banff Academy, including the swimming pool.

**Site R1 - Banff link road/bypass**

2. The council explains the omission of reference to site R1 from the Banff Keymap and Banff Map 1 as a “graphical error”, and comments that this does appear on the map within the Inverboyndie Settlement Statement. I note that reference to a road link between the A97 and A98 is included in the text relating to sites OP1, OP2 and OP4. Such a link is referred to as a long term aspiration, with the text commenting that consideration should be given to a route for a “potential bypass”, through sites OP1 and OP2. The route represented by site R1, which the council suggests should be added to the maps, is not based on any detailed studies. The OP1 text makes clear that no transport appraisal has yet been completed of a potential bypass, and the council describes the R1 route as indicative. It also confirms that no road orders have been promoted or funding identified. Several representations question the need for, or appropriateness of, a link between the A97 and A98.

3. I accept, as the council comments, that it is appropriate for the plan to flag up the council’s long term aspiration to promote a road link between the A97 and A98 to the southeast of the town. I also accept that, subject to detailed assessment, the opportunity to create any such road link may affect the detail of development on sites OP1, OP2 and OP4. However, the particular alignment represented by R1 does not derive from any detailed assessments or studies. Nor is there any clarity of how this item of infrastructure would be delivered or phased, which Scottish Planning Policy paragraph 275 indicates that plans should set out. There is, in any event, an inconsistency in the treatment of the R1 proposal in the plan. The text refers to the consideration of a route through site OP1 (as well as sites OP2 and OP4), but the R1 route as shown would not pass through, or even close to, site OP1. The references to the potential link in the text relating to the 3 opportunity sites is sufficient to make the council's aspiration clear, and for this to be taken into account in the consideration of applications for planning permission for the development of those sites in due course. For the reasons above, I do not consider that there is, at this stage, sufficient clarity to justify defining a specific route on the settlement statement maps. I therefore do not consider it appropriate that the plan should be modified to add the route represented by site R1, as the council suggests.
4. For consistency and to avoid potential confusion, it would be preferable to delete the representation of the route of the R1 link road which does appear on the Inverboynie settlement statement map. This is not a matter arising directly from a representation, but as the R1 route shown on that map lies outside the area to which the Inverboynie settlement statement relates, the council can make a consequential change in this regard. It is not necessary for me to make a formal recommendation on this matter.

5. No studies have been concluded which address the appropriateness, detailed alignment, deliverability or phasing of a potential road linking the A97 to the A947, as suggested in representations. For similar reasons to those above relating to the potential R1 link, I agree with the council that no change should be made to indicate the alignment of a potential road linking the A97 to the A947.

Site P2 (Banff Castle)

6. The range of community, leisure, recreational and other activities that take place at the Castle include those that SPP encourages within town centres. I have no doubt that these activities at the castle make a positive contribution to the vitality of the area, complementary to the town centre. However, the castle and its grounds exhibit a character that derives essentially from the historic building and open grounds and is not characteristic of a town centre. Nor am I persuaded that objectives of potentially accessing sources of grant funding or bolstering statistical ranking, referred to in representations, provide any justification for including the Castle and its grounds within the town centre. I therefore make no recommendation for modification of the plan in this regard.

Services and Infrastructure

7. The provision of land to enable delivery of health facilities to serve Banff is reflected in site CC1 in the Macduff Settlement Statement. The text already refers to the need for development in Banff to contribute towards the provision of health facilities there. There is therefore no need for any change to address this matter.

Site OP2 – Land at Colleenard Road

8. A factual correction to the name of the woodland to the south of the site would be appropriate, as the council suggests in response to a representation, and I make such a recommendation accordingly.

9. Consideration of an application for planning permission would be the mechanism for assessing the acceptability of specific development proposals at the site. Application of the provisions of policy P1 of the proposed plan, governing aspects of layout, siting and design, would ensure an appropriate design reflecting the 6 qualities of successful places that it refers to. The reference in the text to development at the OP2 site being “sympathetic to the style of existing housing along Colleenard Crescent and Colleenard Drive” would not override this. No change is required in this respect.

Bid site BaB008

10. I note the council’s acceptance that that residential development at site BaB008 would not prevent the provision of a cemetery as proposed at site R2 (which would be reduced in extent as a consequence), and that such development could provide the
opportunity for a footpath link from Banff. However, the site occupies the crest of the hill such that development here would be prominent in views up Whinhill Road from the town. In the opposite direction, in views along Whinhill Road towards Banff, development would result in built forms extending beyond the crest of the hill from where, at present, the built up area of Banff is not readily seen. This would extend the urban influence of the town into the open countryside to the southwest, an effect that would not be justified unless such development were necessary to ensure delivery of an adequate housing supply. Bearing in mind the significant scale of provision made in the plan for housing in Banff (including at sites OP1 and OP2), there is no need for the site to be allocated for housing development. I therefore recommend no change in respect of this matter.

**OP3 Land at A953 Quayside to Scotstown**

11. Planning permission was granted for 13 dwelling houses and 12 flats at this site on 02/08/2011 (application reference BB/APP/2009/3876), construction of which was well underway at the time of my site visit. In view of this, the council comments that reference to site OP3 could be deleted as an allocation in the plan. However, from comparison of the OP3 allocation for “up to 29 homes”, with the planning permission previously granted for 25 homes, it is clear that there may be capacity for additional homes to be delivered at the site. Proposals for any such additional development would be the subject of consideration through the submission of an application for planning permission. This would enable appropriate consideration to be given to matters of detail. These would include any effect on local character or the setting of the Scotstown Conservation Area, the scale and nature of the development and access arrangements. Questions of ground stability could also be addressed at that stage and through Building Control. Deletion of the site from the plan would, therefore, not prevent further development in the locality if, following an application for planning permission, that were found to be appropriate. I do not therefore recommend that the OP3 site be deleted. In any event, the site and adjoining land lies within the defined settlement boundary where policy P4 of the plan is supportive of principle small scale infill development. The inclusion of a reference to the planning permission previously granted would, however be appropriate as the council suggests. This would add clarity to the plan and I make a recommendation accordingly.

**Reporter’s recommendations:**

1. On the Banff Keymap and Banff Map 1, extend the boundary of site P4 to encompass the area occupied by the buildings of the Banff Academy and swimming pool, up to the frontages with Bellevue Road and Whinhill Road, with the hatched annotation adjusted accordingly.

2. In the 3rd sentence of the 1st paragraph of the OP2 text, delete “Moncoffer” and replace with “Wrack”.

3. In the text box headed “OP3: A953 Quayside to Scotstown” add, after the first sentence, a new sentence as follows:

“Planning permission has been granted for the development of 13 houses and 12 flats on part of the site (application reference BB/APP/2009/3876 dated 02/08/2011).”
<table>
<thead>
<tr>
<th>Issue 18</th>
<th>Shaping Banff and Buchan – Cairnbulg and Inverallochy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Plan reference:</strong></td>
<td>Appendix 8, Page Banff and Buchan 11</td>
</tr>
</tbody>
</table>

**Body or person(s) submitting a representation raising the issue (including reference number):**

<table>
<thead>
<tr>
<th>Name and Reference Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brenda Jappy (165)</td>
</tr>
<tr>
<td>Invercairn Community Council (170)</td>
</tr>
<tr>
<td>Mrs I Fisher and Mrs E Ross (474)</td>
</tr>
<tr>
<td>Representing parents in Shore Street and William Street and Main Street (701)</td>
</tr>
</tbody>
</table>
880 to 899 Petition from residents of Cairnbulg and Inverallochy. Some names were illegible and have been noted down as "Sir/Madam":

- Alan Bennett (746)
- Myra Ritchie (747)
- Joyce Ritchie (748)
- Gary Gibb (749)
- John Gibb (750)
- Isobel Gibb (751)
- Ruth Allan (752)
- Ben Stephen (753)
- Paula Grant (754)
- D J Buchan (755)
- M Cruickshank (756)
- Ethel Buchan (757)
- Carole Reid (758)
- A Duthie (759)
- Sir/Madam (760)
- Sir/Madam (761)
- R McQueen (762)
- L Buchan (763)
- M D Buchan (764)
- J Whyte (765)
- E Buchan (766)
- S Buchan (767)
- K Buchan (768)
- M Morrice (769)
- W Morrice (770)
- C Whyte (771)
- E MacLellan (772)
- C Noble (773)
- J McNab (774)
- M Duthie (775)
- W Pirie (776)
- Allan Thomson (777)
- J Buchan (778)
- C Young (779)
- Sir/Madam (780)
- D Whyte (781)

C Reid (858)
L West (859)
G Ritchie (860)
Sir/Madam (861)
M Ritchie (862)
C Scott (863)
Susan Tait (864)
I Tait (865)
W Watt (866)
G Eddie (867)
S Ritchie (868)
J Gough (869)
Anne Gray (870)
C Stephen (871)
K A Ritchie (872)
S Whyte (873)
Mary Stephen (874)
S McLean (875)
E Strachan (876)
K Jappy (877)
I P Summers (878)
E Ritchie (880)
E Richie (881)
J Strachan (882)
Colin Strachan (883)
A Strachan (884)
J Watt (885)
Andrew Watt (886)
Stuart Watt (887)
J Smith (888)
R Strachan (890)
B Tait (891)
Kelly Tait (892)
L Tait (893)
S Tait (894)
J Ritchie (895)
Billy Stephen (896)
J McLean (897)
M McLean (898)
S Jappy (899)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities in Cairnbulg and Inverallochy.

Planning Authority’s summary of the representation(s):

Settlement Features

Object to a new cemetery on site R1 (165, 170, 474, 701, 718-786, 821-878 and 880-899).
An extension of the existing cemetery is the better choice (165, 170, 718-786, 821-857 and 859-878) and it is inappropriate for a cemetery to be in the village, next to a park, regularly used by children (718-786, 821-857 and 859-878). Respondents 165, 746-786, 821-878 and 880-899 thought the existing graveyard was going to be extended.

A cemetery on site R1 would inconvenience residents and there are drainage problems in this area (165).

Respondent 474 claims the Council’s Property Service has indicated that there may not be a requirement for a cemetery in Cairnbulg and Inverallochy. Therefore, rather than reserve land at area R1 as shown in the Proposed Plan, which would inhibit the delivery of a second point of access for site OP1, it would be logical to move the cemetery to a later phase (as shown as Area D in their supporting information of submission 474), if required.

The proposed cemetery on site R1 will increase traffic along existing roads (701). The traffic on Station Road is already bad without a large funeral going ahead; parking would be very difficult; and the visibility at the corner of Westhaven Crescent would be dangerous (746-786, 821-878 and 880-899).

Objection is raised to the need for a link road to site OP1 as confirmation has already been sought from the Council’s Road Service that access to the site can be taken from William Street (474). The respondent argues that a link from Rathen Road to site OP1 will not be deliverable as the land required is within 3rd party ownership, and such a long stretch of road will likely render the OP1 development unviable for up to 30 houses.

The link road could cause more traffic, and pose a danger to school children as it is not far from the school and the adjacent park (701, 718-786, 821-878 and 880-899).

Additional sites

New Site Land west of site OP1 Land at William Street

Greater consideration needs to be given to how the land allocations to the west of Cairnbulg will be delivered. Proposes extending site OP1, which can provide a further 60 houses and will fund a link road to site OP1 from Station Road. This will also provide compensatory land for any loss of the existing play park to provide the new access. Also proposes an additional site for 50 houses to be brought forward through the next LDP review (474).

Modifications sought by those submitting representations:

Settlement Features

Delete site R1 for a new cemetery (165, 170, 474, 701, 718-786, 821-878 and 880-899). Delete link road from site OP1 to Rathen Road (474, 701, 718-786, 821-878 and 880-899).

Allocated Sites

OP1 Land at William Street

Delete reference to “limited access opportunities” and “a potential link from Rathen Road”
for site OP1 and replace with text confirming that William Street is an acceptable access point for this development (474).

Additional sites

New Site Land west of site OP1 Land at William Street

Re-configure land allocations to the west of OP1. Provide a second point of access to site OP1 from Station Road, with compensatory land (area E) for any loss of the existing play park to provide the new access. Identify Area B, as shown on their plan for up to 60 houses, which will fund the long stretch of road required to take access to OP1 from Station Road. Identify Area C for future housing land for up to 50 houses (474).

Summary of response (including reasons) by Planning Authority:

Cairnbulg and Inverallochy is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeenshire City and Shire Strategic Development Plan 2014, Spatial Strategy identifies, in Paragraph 3.43, that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Cairnbulg and Inverallochy Settlement Statement, which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Cairnbulg and Inverallochy. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 8 and the subsequent MIR 2013, Issues and Actions Paper 032: Cairnbulg and Inverallochy).

Site R1 - New Cemetery and link road

The Council's Landscape Service is currently considering options to extend the cemetery at Tershinity (2km to the west of the village) or to provide a new cemetery with the knowledge that there is space reserved for use if necessary on site R1. Relevant environmental, drainage and traffic impact assessments would require to be undertaken prior to the submission of a planning application to appraise the appropriateness of the site for a cemetery. It is accepted that there may be access issues with this site for a cemetery in advance of a link road. It is not considered appropriate to defer the potential development of a cemetery to a phase in the development on an extended OP1 site, which may be many years into the future, when a more immediate need is anticipated.

The route of the link road, as proposed within site R1, has not been set out in the Settlement Statement to allow flexibility in its location. However, its proposed access/egress was changed from Station road to Rathen Road to minimise road safety issues (see Banff and Buchan Area Committee Minutes Appendix B, 27 January 2015). A link road would reduce impacts on the existing road network, and the need for a link road to serve site OP1 is highlighted in a planning appeal PPA-110-2261 (see planning appeal decision notice). The Reporter refused Planning Permission in Principle on grounds of inadequate access and road safety, noting the inadequacy of William Street for a modern development of 20 houses.

No changes are required.
Allocated Sites

OP1 Land at William Street

As discussed above, Aberdeenshire Council would not support a change to the text in relation to road access into this site, or removal of the reference of the link road at site R1. William Street is not an acceptable access point for this development. However, site OP1 remains an opportunity site, although there are serious concerns regarding its deliverability in its present form. It is not part of the effective Housing Land Supply. No change is required.

Additional Sites

New Site Land west of site OP1

As demonstrated in Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. While Aberdeenshire Council recognise that the submission presented in response to the Proposed Aberdeenshire Local Development Plan (LDP), 2015 presents a vision which could ensure long term development in this part of the village it has not been supported by any transport appraisal or assessment of potential environmental impacts. No opportunity has been presented for public debate of these new proposals, and as there is no need for further development, it may be better to await a further revision of the Proposed LDP to fully assess the proposals. No change is required.

Reporters conclusions:

Preliminary comments

1. The ability to provide adequate access is fundamental to the achievement of potential residential development at Cairnbulg and Inverallochy, at site OP1 or elsewhere, and of a potential new cemetery at site R1. The provision of a link road connecting to Rathen Road, referred to in the text relating to site R1, is relied upon in this context. However, no alignment for such a link road is identified on the Settlement Statement map. Nor have any studies been carried out to inform any such alignment, or to address aspects of deliverability and timing. It is clear that the route of any such link to Rathen Road would need to include land outside the defined settlement boundary. In view of the absence of clarity over matters such as siting, alignment and funding, there can be no certainty that the provision of a suitable link road would be achievable within the period of the plan, thereby casting doubt over the deliverability of residential, cemetery or other forms of development to the west of Cairnbulg.

2. For the reasons I expand on below, there is significant doubt that these proposals of the plan can be satisfactorily delivered in the absence or in advance of a suitable means of access not reliant on use of the narrow village streets, including William Street, Church Street and Station Road. The change from the previously advocated route (where the 2012 plan indicates that this would connect to Station Road), to a connection to Rathen Road is consistent with this. However, with such an alignment, there would seem to be no reason why any land would need to be taken from the play area at P2. The reference in the text to a need for provision to be made to compensate for the partial loss of land at P2,
is therefore unnecessary and potentially misleading.

**OP1 Land at William Street**

3. In the Major Issues Report 2013, the council suggested that access issues in relation to the site (then referred to as H1), had been resolved and that an application for planning permission was anticipated in 2014. However, the adequacy of access from William Street to serve development of part of the site was subsequently considered in detail by a reporter who dismissed an appeal concerning residential development on part of this site in May 2016 (appeal reference PPA-110-2261). The reporter acknowledged the comment by the council’s Infrastructure Services Roads Development Department, that a primary access from William Street would be acceptable, but expressly found to the contrary. He commented that the proposed access could not “in any way be considered to be appropriate to accommodate the likely increase in traffic”, and found that serious road safety issues would be raised for pedestrians, with potentially hazardous situations for drivers manoeuvring in the narrow streets. Having visited the locality, I agree with the previous reporter’s assessment that access from William Street would not be acceptable to serve significant development at the site. I also note that the council now shares the view that William Street is not an acceptable access point for residential development at site OP1.

4. I note that the site is not regarded as contributing to the effective housing land supply, and in view of the unresolved access constraints I agree with the council’s comment that there is significant doubt that development at the site is capable of being satisfactorily delivered within the period of the plan. The access constraint is unlikely to be able to be satisfactorily addressed without a specific and deliverable proposal for the provision of a link to Rathen Road, as the council now envisages. This is a matter that would be best addressed in detail in the context of a further review of the plan.

5. For these reasons, I consider that site OP1 should not be retained as a proposal for residential development in the plan, and I make a recommendation to that effect accordingly. The site is included within the settlement boundary. Removal of the OP1 designation, but leaving the settlement boundary unchanged, would leave the site with no specific land use designation, but within the settlement. In such circumstances, policy P3 of the proposed plan would support small to medium scale development for housing or employment purposes. To avoid this consequence, it would be appropriate to amend the settlement boundary to reflect the deletion of the OP1 allocation. I recommend that consequential modification accordingly.

**Reserved Land R1 – Cemetery**

6. The nature and pattern of traffic associated with a cemetery would clearly be substantially different from that arising from residential development. This would be likely to be concentrated into short periods with, for much of the time, there being little traffic. However, as a number of representations suggest, funeral corteges, potentially comprising substantial numbers of vehicles, would be an expected feature of cemetery use. With provision of a link direct from Rathen Road, as the text implies, there would be no need for such traffic to use the narrow village streets, including Station Road or Westhaven Crescent. However, in the absence of any firm proposals for the delivery of such a link road, as noted above, there must be significant doubt that the cemetery proposal could be satisfactorily accessed.
7. A large number of those making representations question the need for a new cemetery and suggest that, if needed, an extension to the existing cemetery some 2 kilometres to the west would be preferable. Many also draw attention to access constraints. I note that the council comments that the R1 cemetery proposal, and other proposed land allocations, are carried forward essentially unchanged from the Supplementary Guidance prepared in the context of the 2012 local development plan. Since then, however, the inappropriateness of relying on the narrow village streets to provide access has become clear, leading the council to recognise that a direct vehicular connection to Rathen Road is required. I share the council’s recognition of the access difficulties, and I note that the council’s landscape service is considering options for the provision of cemetery capacity, including locations elsewhere. Together, these factors may mean that a cemetery may not come forward on the R1 land. Nevertheless, until those matters are resolved I agree with the council that the reservation of the site for potential use for cemetery purposes should be retained. However, with a direct access from Rathen Road, rather than from Westhaven Crescent/Station Road, there would be no need for any land to be taken from the play area P2. The text should therefore be modified so as to avoid any potential confusion on this aspect arising from the wording as submitted.

New site west of OP1 and R1

8. The access constraints I have referred to above would apply equally to any further residential development to the northwest of Cairnbulg, as suggested in representations. Indeed, an increased scale of development there would have a correspondingly greater adverse effect than would arise from development of the OP1 site. Without a deliverable resolution to the access issue, residential development in this vicinity would not be acceptable. In any event, no comprehensive appraisal of transport impacts or assessment of other environmental effects has been undertaken in respect of the site. Nor is there evidence of public consultation having been undertaken. With the contribution to local housing provision from development of sites OP3 (where development has commenced) and OP2, there is no need for the suggested new site to be allocated for housing development. I therefore recommend no change in respect of this matter.

Other matters

9. The representations made by SEPA in relation to flood risk, which relate to sites OP2 and OP3, are addressed under Issue 16.

Reporter's recommendations:

1. In the Settlement Features table, amend the text relating to Reserved Land R1 to read: “For a new cemetery and a link road from Rathen Road.” with the remaining text being deleted.

2. Under the Allocated Sites heading, delete the whole of the text box headed “OP1: William Street” and all of its contents.

3. On the Cairnbulg and Inverallochy settlement statement map:

delete the OP1 allocation and its associated pink shading; and
redraw the settlement boundary to exclude the OP1 site from the settlement as defined.
**Issue 19**

<table>
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<th>Shaping Banff and Buchan – Fraserburgh</th>
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</table>

**Development Plan reference:** Appendix 8, Page Banff and Buchan 22  
**Reporter:** Rob Huntley

**Body or person(s) submitting a representation raising the issue (including reference number):**

- William & Sheila West (18)
- Albert Davis & Susan Joyce (123)
- John Pirie (202)
- Scottish Government (646)
- Sport Scotland (674)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Fraserburgh

**Planning Authority's summary of the representation(s):**

**Settlement Features**

The synthetic surface pitch between P1 and BUS4 should be protected as this is an outdoor sports facility and the proposals maps should reflect this and apply the appropriate policy protection (674).

Site R1 currently includes an area of land that is privately owned and should be removed (18).

Development of site BUS3 will lessen the amenity of the respondent's property, which is over 100 years old, and any further ground movement would not be desirable (202).

**Allocated sites**

**OP1 Land at Kirkton Development**

The third sentence in paragraph 2 of the supporting text suggests access to the site will be from a new 5th arm off the existing A90 roundabout and that it will be included in the Transport Assessment. However, the DPMTAG appraisal reflects, more closely, the current Transport Scotland position that a case will require to be made to justify the proposed strategy (see DPMTAG section 4.3.7) (646).

Further consideration needs to be given to the design of the site. A property sits within the site and is accessed via a track. The respondents are concerned that they will not have sufficient visibility to access the Strichen Road (A981) from their track; houses built either side of the track will exacerbate the flooding as the track is lower; none of their existing utilities have been addressed, which run through the centre of the site; the agreed Masterplan does not show the access track and proposes houses over it; and the
proposed SUDS area adjacent to the corner of their property floods. Development should start at the Tesco/A90 roundabout, as this would allow the community to have the benefit of affordable housing, school, medical centre and industrial land (123).

**Modifications sought by those submitting representations:**

**Settlement Features**

Extend site P1 to protect the existing synthetic surfaced pitch between P1 and BUS4 (674).

Remove the bottom square of land owned by the respondents from site R1 in the maps and Merryhillock Masterplan map (18).

Delete site BUS3 (202).

**Allocated sites**

**OP1 Land at Kirkton Development**

Review the layout and phasing of the site (123).

Amended supporting text to reflect the DPMTAG appraisal outcome, which notes that the local road access option for site OP1 should be assumed unless or until further evidence is developed to support the alternative access from a fifth arm of the A90 trunk road roundabout junction (646).

**Summary of response (including reasons) by Planning Authority:**

Fraserburgh is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeenshire City and Shire Strategic Development Plan 2014, spatial strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Fraserburgh Settlement Statement which was published Aberdeenshire Local Development Plan (LDP) 2012, Supplementary Guidance Volume D: Fraserburgh. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 14 and the subsequent MIR 2013, Issues and Actions Paper 037: Fraserburgh).

**Settlement Features**

It would be appropriate to include the synthetic surface pitch and associated facilities within site P1, which was upgraded by Aberdeenshire Council in recent years. The site was excluded from site P1 in error, which is designated to protect other sports and recreation uses. As a non-notifiable modification the Keymap and Map 2 will be amended to include the synthetic sports pitch and associated facilities within the boundary of P1. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Site R1 was included as bid BaB004 without the knowledge of the respondent (see Bid
BaB004: Phingask Development) and reviewed at the Main Issues (MIR) stage (see MIR 2013, Appendix Banff and Buchan, pages 14-18). It is currently identified as site R4 in the 2012 LDP as part of an earlier bid. In light of the respondent's objection, it would be appropriate to remove the area of land owned by the respondent as their objection would imply they have no intention of developing this site for sport and recreation facilities. As a non-notifiable modification the boundary of R1 will be amended to remove the bottom square of land in the Keymap, Map 3 and Merryhillock Masterplan map. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

In relation to site BUS3, Aberdeenshire Council appreciates the concerns raised by the respondent and, given the length of time they have lived at their property and the changes to Fraserburgh they will have witnessed in recent years. However, Fraserburgh is the second largest settlement in Aberdeenshire and you would expect it to continually change. BUS3 was first allocated in the 2006 Aberdeenshire Local Plan (ALP) (see ALP 2006, Main Settlements, Fraserburgh). It is a logical location for employment uses, as it is adjacent to existing employment and retail uses, which run along the north of Watermill Road and it is accessed from the A98, which leads to Banff and the A90 trunk road to Aberdeen. Furthermore, there have been buildings adjacent to the respondents house: Watermill Farm was located to the northeast before it was demolished for a supermarket, and to the south there used to be a public house (and before that a brewery) before it was demolished for modern houses (see Map Extract of Fraserburgh_Northwest 1945 Series I6). Any impacts on the amenity of neighbouring properties will be addressed at a planning application stage. No change is required.

Minor technical changes will be made to correct the table under “Settlement Features”, which currently reads “BUS2 Safeguarded for employment uses with a link road to OP3.” to “BUS1-2 Safeguarded for employment uses.”, “BUS3 Safeguarded for employment uses with a link road to site OP3.”, and “BUS4-5 Safeguarded for employment uses.”

Allocated sites

OP1 Land at Kirkton Development

It is not accepted that access into this site from the A90 roundabout is 'established'. As stated in the supporting text this is Aberdeenshire Council’s preferred option, but another may come forward. For a number of opportunity sites Aberdeenshire Council has stated where the Council would prefer road access to be taken from, and where necessary, a Transport Impact Assessment will review any options put forward. In relation to the DPMTAG, this is used to highlight the likely transport effects of the LDP's allocations. It does not prevent a particular transport solution from coming forward. No changes to the supporting text are required.

The concerns raised on the impact of site OP1 on respondent’s 123 access track and property are noted, but these are design issues that need to be resolved with the developer, and through any future planning application. Development is likely to start on the western side of OP1 due to the difficulties securing a new road junction off the A90 trunk road. This is also a logical approach as it is largely houses that will be built on the west side, as shown in the approved masterplan, which will have direct access onto the A981 and to existing services. No changes are required.
### Reporter's conclusions:

#### Settlement Features

1. The P1 designation envisages that the extensive swathe of recreational and leisure land to the south of the town centre should be protected by reserving it for such uses. Sport Scotland’s representation seeks to extend that designation to encompass the area of existing synthetic sports pitches to the northwest of the junction between Kessock Road and South Harbour Road. The council explains that this area was omitted from site P1 in error, and invites a recommendation that modifications be made to the settlement statement maps to correct this.

2. Inclusion of the area of synthetic pitches within the P1 area would be consistent with policy PR1 of the plan, and with Scottish Planning Policy paragraph 226, both of which indicate that outdoor sports facilities should generally be safeguarded from development unrelated to such use. I therefore recommend that the settlement statement maps be modified to extend the P1 site to include this area of synthetic recreational pitches.

3. The R1 designation seeks the reservation of land to the west of Fraserburgh for park, sport and recreation facilities, as part of the Merryhillock development. Representation 18 seeks the removal of a small area of land from the R1 designation, at its southern end. The representation points out that the land associated with the existing dwelling, Whinburn, Greenbank of Phingask, does not form part of the Merryhillock development and that the owners have no intention of making it available for use as envisaged by the R1 designation. The council accepts that this area of land was included in the R1 site without the knowledge of the landowner and invites a recommendation that it be removed. The removal of this small area of land would not undermine the provision of appropriate open space in connection with the Merryhillock development and I therefore recommend that the land be excluded from the R1 site, as sought in the representation and invited by the council. For consistency, as the outer boundary of the R1 designation coincides with the Settlement Boundary, this should also be adjusted accordingly. This representation has drawn attention to a related matter concerning the relationship between the R1 and OP2 elements of the Merryhillock development, which I address below.

#### Site OP1: Kirkton

4. The Scottish Government (representation 646) comments that the text implies that access to the employment element of the major development at Kirkton, should be by means of a new 5th arm to the existing A90 roundabout. This, it suggests, conflicts with the findings of the DPMTAG appraisal, which indicates that access from the local road network should be the starting point. The council’s aim in this regard appears to be to minimise potential conflict between commercial and residential traffic. Although I accept that accessing the proposed employment element of the development from the roundabout could help to achieve this objective, other options could also do so, subject to detailed design and appraisal. Amended wording, as recommended below, would better accommodate the objective of minimising residential/commercial traffic conflicts while acknowledging the findings of the DPMTAG appraisal.

5. The comments made in representation 123 largely concern matters of detailed design and layout. Aspects including the location of access points and visibility, the relationship between proposed buildings and the existing track, levels and potential flooding, and the
availability of utility services, are all matters to be assessed through consideration of an application for planning permission. There is no need for the plan to set out these matters in detail. To the extent that the proposed development, or its implementation, may raise land ownership considerations, these are matters to be resolved between the respective parties and do not give rise to a need for modifications to the plan. The text relating to the OP1 site does not prescribe the order or phasing of development at the site, and details of such matters are more properly issues for consideration in the context of applications for planning permission. For these reasons, I make no recommendations for modifications arising from representation 123.

Site BUS 3

6. This site has been safeguarded for employment uses since adoption of the 2006 Aberdeenshire Local Plan and forms part of an extensive area to the north of the A98 Watermill Road to accommodate the future needs of the town for employment development. The environs of the property referred to in representation 202 has undergone significant change in recent years, with the development of houses at Heddle Court opposite on the south side of Watermill Road, and the retail stores including Asda and its petrol filling station, a short distance to the east. The development of the BUS3 land to the west, as envisaged in the plan and its 2 predecessor plans, would inevitably give rise to further change. However, there is nothing to indicate that amenity considerations could not be satisfactorily addressed at detailed planning stage, in the context of the policies of the plan. Accordingly, I recommend no modifications in response to this representation.

Other matters

7. Sites OP2 and R1 together comprise a major development to the west of Fraserburgh, comprising some 590 homes, together with recreational and associated facilities. The Merryhillock Masterplan, approved by the council in August 2014, guides development of this area, together with employment elements to the north of Watermill Road at sites BUS3 and OP3. A diagram of the Merryhillock Masterplan is included in the Fraserburgh Settlement Statement. However, as highlighted by the council and confirmed through my observations on site, that diagram is inconsistent with the Fraserburgh Keymap and Fraserburgh maps 1 and 2. As this matter was not raised representations, it falls outwith the scope of this examination. However it raises matters for the council to address in order to resolve any confusion on this point.

8. The representations made by SEPA in relation to flood risk are addressed under Issue 16.

Reporter's recommendations:

1. On the Fraserburgh Keymap and Fraserburgh Map 2, extend the green edging and cross-hatching of the P1 protected land designation to encompass the synthetic pitches and associated land bounded to the south by Kessock Road and to the east by South Harbour Road.

2. On the Fraserburgh Keymap and Fraserburgh Map 3 amend the Settlement Boundary and the boundary of the R1 designation to exclude the land at Whinburn, Greenbank of Phingask, referred to in representation 18.
3. In the text box headed “OP1: Kirkton Development”, delete the third sentence within the second paragraph (beginning “It is preferred…”), and replace with the following 2 sentences:

“It is preferred that the employment land is located in the eastern part of the site, close to the A90, with vehicular access arranged to separate, as far as possible, commercial and freight movements from residential traffic. An access direct to the A90 gateway roundabout may offer potential in this regard, subject to detailed design and assessment.”
<table>
<thead>
<tr>
<th>Issue 20</th>
<th>Shaping Banff and Buchan – Memsie</th>
</tr>
</thead>
</table>

**Development Plan reference:** Appendix 8, Page Banff and Buchan 40

**Reporter:** Rob Huntley

**Body or person(s) submitting a representation raising the issue (including reference number):**

- JNF Developments (69)
- David Bellany (169)
- John Halkett (192)
- Ian Campbell (206)
- Rathen & Memsie Community Council (209)
- Mr Smith (257)
- Gavin Maitland (617)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Memsie

**Planning Authority’s summary of the representation(s):**

**Settlement Features**

It is not clear which policy the designation P3 falls under - policy P3 Infill and Householder Developments Within Settlements or Policy P5 Community Facilities. The Council has not said whether it intends to build a new primary school on this site, which is prejudicing the owner's ability to market the site for alternative uses (617).

**Allocated sites**

**OP1 Land at Berry Hill**

Objection is raised to further developing on this site (169, 206, 209). There is no further need for more houses in Memsie as 1100 houses have been approved in Fraserburgh (206, 209) and the sewage network is at capacity (169, 206). No landscaping has been provided on the developed part of the site, the proposed children's play area has been built on (206, 209) and delayed (169).

**OP2 Land at Crossroads**

Reduce the number of houses allocated on the site due to lack of sewage facilities (206, 209) or until the sewage capacity issue is resolved (169).
Additional Sites

Bid Site BaB003

Identify additional land at BaB003 for up to 30 houses as site OP2 has not progressed and there is no developer interest according to the Housing Land Audit 2015. The site is in a logical location as it would round off the village and includes a village green. Planning gain contributions could also help fund the building of the new primary school (257).

Bid Site BaB005

Identify additional land at BaB005 for 30 houses and 0.4 hectares of business land. Site OP1 is nearing completion and should be removed from the Aberdeenshire Local Development Plan leaving a deficit of 30 houses in Memsie. The site lies within a regeneration priority area, it is a popular commuter village to Fraserburgh and there is demand in this area as shown by the progress of site OP1. The sewage capacity issue can be resolved. The site is a logical location next to site OP1 and is accessible from the B9032. Fraserburgh Academy school roll is falling, contributions could also help fund the building of the new primary school; and Memsie is on the local bus route to several large settlements (192).

As Memsie is heavily reliant on Fraserburgh for employment, 0.4 ha is proposed for employment use to support local jobs. This approach is supported in the Strategic Development Plan (192).

Bid Site BaB013

Respondent 69 seeks the extension of site OP1, which was previously considered in the Main Issues Report (MIR). Landscape impact raised in the MIR is not an issue as the site would be screened by existing development or viewed in the context of site OP1. Its scale of 45 houses would be in keeping of the scale of development proposed in the 2012 Local Development Plan. The site would not elongate the settlement as suggested in the MIR as the Council accepts that the settlement has developed around the main transport routes and preventing further development in this pattern is irrational. Developing on this site would make efficient use of infrastructure already in place for site OP1, as supported in Scottish Planning Policy (SPP) paragraph 40. Fraserburgh Academy School roll is falling and Rathen primary school's roll is forecast to fall in the future.

There is a not a sufficient and effective supply of housing land in in Memsie, as claimed in the MIR, which is contrary to SPP. Site OP1 has full planning permission and is under construction. The Action Programme states there is uncertainty for the P3 school site, which hinders the marketability of site OP2, and the Housing Land Audit 2015, confirms no development is proposed between 2007 and 2022. The constrained OP2 site should be removed and a new site identified to meet the shortfall.

Modifications sought by those submitting representations:

Settlement Features

Include text in the Aberdeenshire Local Development Plan that states site P3 will be considered under policy P3 or P5. If it applies to Policy P5 its text needs to be amended to
state it applies to education facilities as well as community facilities (617).

Allocated sites

OP1 Land at Berry Hill

Delete site OP1 (69).
No further development until landscaping and the children's play area has been provided (206) and the sewage issue has been resolved (169 and 206).

OP2 Land at Crossroads

Delete site OP2 (69)
Reduce the number of houses to no more than 5 or 6 (206, 209).
Delete site until the sewage issue has been resolved (169).

Additional Sites

Bid Site BaB003
Allocate site for up to 30 houses and include a village green (257).

Bid Site BaB005
Allocate site for up to 30 houses and 0.4 hectares of employment land (192).

Bid Site BaB013
Allocate site for 45 houses (69).

Summary of response (including reasons) by Planning Authority:

Memsie is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, spatial strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Memsie Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 25 and the subsequent MIR 2013, Issues and Actions Paper 041: Memsie).

Settlement Features

Development of a school on protected site P3 would be considered under Policy P5 Community Facilities and Policy PR2 Protecting Important Development Sites, which safeguards protected and reserved sites from alternative developments. Policy P3 Infill and Householder Developments Within Settlements only applies to proposals within settlements that have no specific land use designation. It is not considered necessary to
highlight which specific policies apply to each site listed in the table. However, a generic statement is proposed after the heading “Settlement Features”, “The following sites and areas are subject to protection through a range of policies in the plan. Not all sites protected by these policies are included in this table.” (see Schedule 4 Issue 16: The Settlement Statements).

Aberdeenshire Council disagrees that there is a need to specifically refer to education facilities in Policy P5 as they serve a wider community benefit, and there is flexibility in the development management process to allow for balance and judgement on what a community facility is. This issue is discussed further in Schedule 4 Issue 10: Shaping places.

The Council's Education Service has confirmed, in an Education Service email, 3 March 2015 that they are currently looking at options for the Fraserburgh Cluster, although there are no firm plans at the moment. In a later Education Service email, 27 July 2015, they confirmed “If we were to consider an additional school to the south of Fraserburgh we would prefer a location within the Kessockbank development rather than Memsie.” In a follow up Education Service email, 28 July 2015, they confirmed that they “are happy for the site [P3] to be removed, following a constructive workshop on options for the Fraserburgh network earlier this week.” However, as no alternative school site has been confirmed south of Fraserburgh and no proposals for alternative development on this site have been made now or at the call for sites stage of the MIR, it is considered prudent at this time to maintain the protection of this site and to not support its removal. Furthermore, the Council's Education Service did not object to the identification of the primary school site in the 2012 Aberdeenshire Local Development Plan. Until there is certainty on the location of the new primary school, no change is required.

Allocated sites

**OP1 Land at Berry Hill**

In terms of sewage capacity, a private sewage treatment works has been built for this site, which has additional capacity and could be adopted by Scottish Water. Alternatively, Scottish Water can initiate a growth project if their 5 growth criteria are met, which includes the site having planning permission (see Scottish Water Growth Criteria). For this reason a sewage works with limited capacity should not be viewed as a constraint to development as Scottish Water will make funding available for a growth project. No change is required.

Issues associated with landscaping and open space provision are matters considered during the planning application process. However, in light of the progress made on developing this site and that it has its own private waste water treatment works, site OP1 could be removed from the plan as a non-notifiable modification. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

**OP2 Land at Crossroads**

The development of OP2 is not tied to the development of the new primary school and in relation to the sewage capacity issue, which is discussed above, this should not preclude this site from development. The Proposed Action Programme 2015, on page 32 indicates further technical assessments will begin in the last quarter of 2015. As development could commence any time to 2021 no change is supported.
Additional Sites

Bid Site BaB003, Bid Site BaB005, Bid Site BaB013

There are several requests for more land to be allocated in Memsie, but as demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. While Aberdeenshire Council recognises that the submissions presented in response to the Proposed Aberdeenshire Local Development Plan (ALDP) presents a vision that could ensure long term development in these areas of the village none have been supported by any Transport Statement or Assessment of potential environmental impacts. As there is no need for further development it is considered better to await a further revision of the ALDP to fully assess the proposals. There is nothing to suggest that the lack of immediate demand for the OP2 site would not also affect these sites. The OP2 site in Memsie is also identified as effective within the agreed 2015 Housing Land Audit (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire RHMA, page 9).

The limited facilities and employment within Memsie also make it an unsustainable settlement for significant growth. The developer contributions to the new primary school are acknowledged.

The MIR 2013, and the MIR 2013, Issues and Actions Paper 041 already discuss these sites and why they were not supported. The scale of site BaB003 and issues integrating the proposed green into the centre of the village due to the line of houses on the B0932 make this site inappropriate site for development. Site BaB005 would extend the ribbon development further from the middle of the development and it would contribute to over development. The scale of BaB013 is significant in relation to Memsie and it will exceed the demand for development in the area. Site BaB013 would have a significant impact on the landscape, as it would elongate the settlement along the A981, and the B0932 is already characterised by ribbon development, which adversely impacts upon the area.

Finally, the falling school roll at Fraserburgh Academy is noted, but the potential landscape and townscape impact of each bid site does not outweigh the marginal benefits of they will offer.

Therefore, no additional sites are required.

Reporter's conclusions:

Allocated Sites

OP1: Berryhill

1. During my site visit, I observed that construction of the residential development at this site at Westcroft Close and Cairn Close was complete. In view of this, I agree with the council that there is now no need for the OP1 allocation to be retained. I therefore recommend, consistent with the council’s suggestion, that reference to site OP1 be removed from the Memsie settlement statement text and map. Several representations raised objections to site OP1, expressing opposition to additional development at the site. It appears that these comments may have been prompted by a difference between the
number of dwellings indicated for the site in the settlement statement (stated as “Up to 30 homes”), and the lesser number actually constructed pursuant to the planning permissions granted. However, it does not appear that the intention of the allocation was to encourage any greater number of dwellings to be constructed at the site. Deletion of the OP1 allocation would nevertheless address those objections. In any event, as the site lies within the defined settlement boundary, any proposals for development that may come forward through application for planning permission would be assessed in the light of policy P3 of the LDP, which is generally supportive of infill and householder developments within settlements.

**Site OP2: Crossroads**

2. The fact that development has not yet progressed at the OP2 Crossroads site, notwithstanding its inclusion in the previous 2012 plan does not, of itself, support a conclusion that development there is not deliverable within the plan period. Development at the OP1 Westcroft Close and Cairn Close site has accounted for a relatively sizeable increase in the number of dwellings at Memsie, given the small size of the settlement. Now that the housing on that site has been delivered, demand may materialise to enable development at the OP2 site to progress, within the timescale of the proposed plan. The 2015 Housing Land Audit records the 15 dwellings attributed to the site as contributing to effective supply, with completions forecast from 2017 to 2019 and I have no reason to disagree with that assessment. I conclude that deletion of the site and its replacement by an alternative site is not justified or appropriate.

3. The absence of mains drainage at Memsie is not a bar to future development to meet local requirements. Development at the OP1 Westcroft Close and Cairn Close site is served by a private sewage treatment facility, and there is no reason to suggest that such provision could not, subject to satisfactory design, be equally appropriate at the OP2 site. In any event, Scottish Water has indicated that it can initiate a growth project to ensure the provision of adequate treatment capacity, if the relevant growth criteria are met. For these reasons I recommend no change in respect of site OP2.

**Site P3**

4. The purpose of the P3 Protected Land designation is to safeguard the site for the provision of a new school. However, the comments of the council's Education Service make clear that there is no express proposal for a new primary school in Memsie, and that its preference for any new school provision that may be needed in the locality would be in connection with new development at south Fraserburgh. The service comments that it is “happy for the site [P3] to be removed”. In the light of this, I have considered whether it would be appropriate to recommend deletion of the P3 designation from the LDP.

5. The site is included within the Memsie settlement boundary. Removal of the P3 designation would leave the site with no specific land use designation, but within the settlement. In such circumstances, policy P3 of the LDP would support small to medium scale development for housing or employment purposes. Because of this, removal of the P3 designation, while retaining the site within the settlement, would be tantamount to the allocation of additional land for development at Memsie. No current requirement has been identified for additional housing provision at Memsie, beyond that provided for in the LDP. In those circumstances it would not be appropriate for me to make a recommendation that could be seen as effectively promoting such development on the land.
6. The site is open to, and prominent in, views from Muir Road and from the A981. Although the provision of a school on the site would introduce built development into the largely open quadrant to the southeast of the Memsie crossroads, this would be likely to have a lesser effect on the form and character of the settlement than would arise from a housing development. As mentioned below, any substantial residential development beyond that provided for in the plan should be part of a planned strategy for the settlement. For these reasons, and notwithstanding that there may be no current likelihood of the site being needed for its identified education purpose, I have concluded that deletion of the P3 designation is not appropriate at this stage. It would be preferable to continue to safeguard this centrally located site in case a school or other community facility may be required in the context of the next review of the LDP. Until that time, the present designation should remain.

Additional sites

7. The conclusions in relation to housing land supply (issue 7), is that the proposed plan identifies a sufficient supply of appropriately located and deliverable sites to meet the relevant requirements, albeit that the rate of delivery has been lower than previously anticipated. In view of the small size of the existing settlement, and the limited availability of local facilities, it is unsurprising that there has been a relatively slow rate of housing development at Memsie. Now that the houses at the OP1 Berryhill site have been completed, it seems likely that demand may materialise to enable delivery of new homes at the OP2 site to progress, so as to allow a continued modest rate of development commensurate with the scale of the settlement.

8. Development of any of the 3 sites put forward in representations would, individually and all the more so collectively, bring about a major change to the scale and character of the settlement. In view of the absence of significant supporting facilities in Memsie, any substantial growth should be part of a planned strategy including for the provision of necessary social infrastructure. Whether, and to what extent, such further planned growth may be appropriate is a matter that would be best addressed in the context of a future review of the plan. I therefore conclude that there is no need for additional land to be identified for housing development at Memsie, within the timescale of the LDP. Against that background, I address below each of the sites promoted in representations.

Bid Site BaB003

9. Development at site BaB003 would involve the intrusion of built form onto the substantially open land fronting the A981. By consolidating in depth the existing ribbon of development along the north side of Muir Road, development at site BaB003 would substantially alter the character of the settlement to a significant degree.

Bid Site BaB005

10. Development at site BaB005 would extend and consolidate the ribbon of development along the B9032 further to the northwest. This would amount to an inappropriate sprawl of roadside development, unacceptably intruding into the relatively flat and open landscape surrounding Memsie.

Bid Site BaB013

11. The size of site BaB013 is such that development of it would give rise to a significant
change to the character of Memsie and to the scale of the settlement. The extension of the built up area northwards, to encompass the whole of the site identified in representation 69, would be prominent in views across the relatively open and flat surrounding landscape. In this regard, the drainage ditch bounding the northern edge (referred to in the representation as Doolie Burn), is not such a significant physical or visual feature that it would serve to define or contain development at the site. I do however recognise that, in view of its relationship with recent development at Westcroft Close and Cairn Close, from which potential access could be obtained, development of the southern part of the site could have potential to contribute to meeting local housing requirements, if a need for this were identified in future.

### Conclusion on Additional sites

12. In the absence of an identified need for additional housing development locally, the scale of the development suggested for each of these sites (30, 30 and 45 dwellings respectively) would individually, and even more so collectively, represent a degree of expansion of the settlement greater than necessary to meet local requirements within the timescale of the proposed plan. Such a scale of development would substantially alter the character of the settlement. Promoting such development, without commensurate provision being made for appropriate supporting facilities, would not contribute to sustainable development, a prime objective of Scottish Planning Policy. Any potential requirement for future development at Memsie should more appropriately be assessed in the context of a future review of the plan. I therefore recommend no change in respect of these suggested additional sites.

### Other matters

13. The representations made by Scottish Water in relation to water and wastewater infrastructure, and by SEPA in relation to flood risk, are addressed under Issue 16.

### Reporter's recommendations:

1. Under the “Allocated Sites” heading, delete the text box relating to OP1: Berryhill, and all the text within it.

2. On the Memsie settlement statement map, remove the OP1 allocation, including its boundary delineation, the pink shading within it and the annotation OP1, but retaining the settlement boundary.
<table>
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<th>Issue 21</th>
<th>Shaping Banff and Buchan – Aberchirder, Macduff, Portsoy, Sandend, Whitehills and Other Settlements</th>
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</table>

**Development Plan reference:** Appendix 8, Pages Banff and Buchan 1, 37, 50, 59, 65

**Reporter:** Rob Huntley

**Body or person(s) submitting a representation raising the issue (including reference number):**

**Aberchirder**
- William Robertson (34)
- NHS Grampian (610)

**Macduff**
- Keith Newton (6)
- William McIntosh (318)
- Macduff Community Council (396)
- NHS Grampian (610)

**Portsoy**
- Mr & Mrs G Wilson (498)

**Sandend**
- Elizabeth Haw (42)

**Whitehills**
- Whitehills & District Community Council (215)
- Scottish Natural Heritage (656)

**Other Settlements**
- Marnoch and Deveron Valley Protection Group (485)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Aberchirder, Macduff, Portsoy, Sandend, Whitehills and Other Settlements

**Planning Authority’s summary of the representation(s):**

**Aberchirder - Services and Infrastructure**

Contributions under sub-section “Health facilities” should be changed from requiring contributions to extend the existing medical practice to providing a new health centre (610).

**Additional Sites - Bid Site BaB015**

Proposes the inclusion of Main Issues Report 2013 (MIR) bid site BaB015 in whole or in part. It was supported by the Planning Service in the MIR as a logical expansion that
would not adversely affect Aberchirder Conservation Area. It is not constrained like other sites (see Strategic Environmental Assessment 2013, Appendix 1.2 Assessment of sites and Strategic Flood Risk Assessment 2013, Table 4), and Scottish Natural Heritage’s (SNH) representation is inaccurate as, according to the James Hutton Institute soil maps (see Land Capability for Agriculture map extract and SNH Soils Carbon Data Map Pre 2015 - Aberchirder), the bid site lies between the village and the peat moss and only a small part of the bid site is affected (34).

Macduff - Vision

Minor amendments are suggested in the “Vision” on fishing vessels, tourism activities and strengthening the local economy (396).

Settlement Features

In the supporting text for site P2, note that Macduff is not a village (6).

Services and Infrastructure

Although a replacement health centre is required at Macduff, reference should also be made to the need for additional land to deliver this (610).

Additional Sites

BUS site

Change part of the BUS site at Dey Hill from industrial to housing land as it has easy access to the school and A98, good links to local amenities, and planning permission was granted for 40 houses in 2000 (318).

Portsoy - Allocated sites

OP3 Land at Bridge Street

Concern that site OP3 is not suitable for the development of homes due to flood risk, which could affect other properties in Portsoy (498).

Sandend

Allocated sites

OP1 Land at Rear of Seaview

Objection is made to the proposal for 8 houses on site OP1 on grounds of impact on privacy (as the site will overlook their home and garden), shading (as it will block sunlight to part of their garden and they plan to be self-sufficient), and noise (from construction and from the new occupants). The location of drainage from the new development will affect the foundations of existing houses and the existing road infrastructure will be unable to support 8 additional houses. Air quality will be adversely affected by smoke blowing down wind and sinking from new chimneys. They are also concerned about the proposed density of the site and occupancy – do not want empty holiday homes (42).
Whitehills

Natural and Historic Environment

For clarity, refer to the Cullen to Stake Ness Coast Site of Special Scientific Interest (SSSI) under “Natural and Historic Environment” (656).

Allocated sites

OP1 Land at Knock Street

The Community Council has concerns that the vehicular access to site OP1 would have to join on to the road from the B9038 to the Red Well picnic area. This is an un-adopted road which would need to be brought to an adoptable standard due to increased traffic (215).

Other Settlements

Bogton and Forglen should be classified as a settlement as it has expanded by 80% with the inclusion of 15 new houses approved under enabling permission [development in the countryside policy] (485).

Modifications sought by those submitting representations:

Aberchirder

Services and Infrastructure

Amend health care contributions under “Health facilities” to “All residential development must contribute to a new 3 General Practitioner Health Centre.” (610).

Additional Sites

Bid Site BaB015

Allocate MIR bid site BaB015 in whole (for 44 houses) or in part (28 houses) (34).

Macduff

Vision

Respondent 396 suggests the following amendments:

First paragraph: Situated on Banff Bay across the estuary from Banff and located within the Regeneration Priority Area, Macduff was first developed as a fishing harbour, around which the settlement has expanded. A few fishing vessels still use the harbour but the principal use is now shipbuilding, ship repair and tourism. Existing buildings reflect the fishing, shipbuilding and tourism activities, past and present. Its town centre stands alongside the working Port and maintaining the adjacent business and industrial potential is a high priority.

Third paragraph: The wider area is popular with tourists, for example the neighbouring
settlements of Banff, Pennan and Gardenstown. During the plan period, a key settlement objective should be to promote the regeneration of the waterfront, focussing on marine and tourism industries, such as projects that strengthen the local economy.

**Settlement Features**

Under P2, re-label Macduff as a town (6).

**Services and Infrastructure**

In “Health facilities” include a reference on the need for additional land to deliver a new health centre (610).

**Additional Sites**

**BUS site**

Change BUS allocation at Deyhill from industrial to housing for 40-50 houses (318).

**Portsoy**

**Allocated sites**

**OP3 Land at Bridge Street**

Delete site OP3 (498).

**Sandend - Allocated sites**

**OP1 Land at Rear of Seaview**

Delete site OP1 (42).

**Whitehills**

**Natural and Historic Environment**

Text should refer to Cullen to Stake Ness Coast Site of Special Scientific Interest (SSSI) (656).

**Allocated sites**

**OP1 Land at Knock Street**

Amend paragraph one of the development brief text to state that as development of site OP1 expands, an additional vehicle access point is provided "along the southern boundary into the adjacent field."

**Other Settlements**

Classify Bogton and Forglen as a settlement in Appendix 8 and afford a 2km protection zone [in relation to wind farms developments under Proposed Local Development Plan

Summary of response (including reasons) by Planning Authority:

Aberchirder

Aberchirder is located in the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, spatial strategy identifies, in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Aberchirder Settlement Statement which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Aberchirder. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 3 and the subsequent MIR 2013, Issues and Actions Paper 030: Aberchirder).

Services and Infrastructure

With respect to health services the respondent’s MIR 2013, response (Response 610 Ryden on behalf of NHS Grampian) appended to the representation only states that settlement specific requirements should be identified via Future Infrastructure Requirements Group meetings. Information provided by NHS at, and after these meetings, only ever stated "Development in Aberchirder will need to contribute towards an extension of Aberchirder Medical Practice." (See NHS Stakeholder Workshop Meeting Note 11 September 2014 and NHS contributions – Settlement Statements, Minute of Meeting, 7 January 2015). The requirement to provide a new health centre was not requested before the publication of the Proposed Aberdeenshire Local Development Plan, and neither has the respondent stated that they do not wish to extend the existing practice. Furthermore, it would be unfair to amend the Settlement Statement without further public scrutiny as the location of a new health centre has not been identified/agreed. No change is required.

Additional Sites

Bid Site BaB015

While site BaB015 would have some potential for development, there are two existing phase 2 (post 2016) allocations (OP1 and OP2) that provide a sufficient supply of housing land, which can be made effective. This position has not changed since the publication of the Proposed Plan, as demonstrated in Schedule 4 Issues 7 and 8: and Housing land supply and Housing land spatial strategy, which show there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. Therefore, there is no reason to suggest that an allocation of additional land will overcome the marketability constraint that affects site OP2 at this time. No additional allocation is required.

With regards to whether the bid site is within an area of peat, SNH objected to the site in response to the MIR (See MIR 2013, Issues and Actions Paper 030: Aberchirder, page 2 and SEA 2013, Table 5.7 Analysis of Comments from Consultation Authorities on the Scoping Report, page 76 and Appendix 1.2b page 135). Since publishing the MIR, SNH had revised their Soils Carbon Data map, taken from their consultation draft map, which shows much of the bid site is now within an area of peat (see SNH Soils Carbon Data Comparison Map - Aberchirder). In light of this and given that existing allocations satisfy
the local housing need, no additional allocations are required.

Macduff

Macduff is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, spatial strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Macduff Settlement Statement which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Macduff. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013 Appendix Banff and Buchan, page 23 and the subsequent MIR 2013, Issues and Actions Paper 040: Macduff).

Vision

The suggested amendments to the first paragraph clarify the key uses of the harbour, which all are already mentioned (tourism industries are mentioned in the third paragraph), as well as clarifying what "this area" is in the last sentence. As a non-notifiable modification the wording of the second and third sentences in the first paragraph to read “Fishing vessels still use the harbour but the principal use is now shipbuilding, ship repair and tourism. Existing buildings reflect the fishing, shipbuilding and tourism activities, past and present. Its town centre stands alongside the working Port and maintaining the adjacent business and industrial potential is a high priority". Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

The suggested change in the last sentence of the third paragraph from "as a means of strengthening the local economy." to "such as projects that strengthen the local economy" confuses the message of this sentence. Its focus is on marine and tourism activities to improve the local economy, not these ‘projects’, as suggested by the respondent. For this reason, no change is required.

Settlement Features

It is agreed that, as a non-notifiable modification, the wording for site P2 should be amended to read “...as amenities for the town.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Services and Infrastructure

Land for a new health centre has already been identified within site CC1 in Macduff. For this reason, Aberdeenshire Council does not see it necessary to amend the existing text under sub-section 'Health facilities', which requires developments to contribute to a new health centre in Macduff. No change is required.

Additional Sites

BUS site

As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. While this proposal could ensure long term
development in the settlement, it has not been supported by any Transport Statement or Assessment of potential environmental impacts, and no opportunity has been presented for public debate to build houses on part of this site. Macduff also provides land for new business opportunities for both Banff and Macduff, and it is important to provide sufficient opportunities for business uses in an area that is accessible to the main road network and markets to the south. With the clear relationship between Macduff and Banff, and the scale of housing growth proposed in Macduff, no changes are required.

Portsoy

Allocated Sites

OP3 Land at Bridge Street

The Council is aware that developing on this site carries a risk to flood properties elsewhere in Portsoy and, to date, no successful flood prevention solution has yet been agreed. The Scottish Environment Protection Agency (SEPA) does not object to the allocation of this site providing the Settlement Statement states a Flood Risk Assessment is required (see Schedule 4 Issue 16: The Settlement Statements). The Proposed Action Programme 2015, for Portsoy, on page 36, states the land owner is marketing this site. Delivery of the site will require to be proven through the planning application process and in consultation with SEPA to ensure it will not have a flood impact on downstream properties. For these reasons, no change to delete this site is required.

A technical change is proposed to correct the name of this site to “OP3 Land at Durn Road”.

Sandend

Sandend is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, Spatial Strategy identifies, in Paragraph 3.43, that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Sandend Settlement Statement which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Sandend. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 33 and the subsequent MIR 2013, Issues and Actions Paper 048: Sandend).

Allocated sites

OP1 Land at Rear of Seaview

Issues associated with privacy, shading, noise and drainage are matters that would be considered as part of the planning application process. Likewise, matters of air quality can be addressed at a point where detailed designs are submitted. This issue of occupancy is not a matter that can be controlled through the Local Development Plan.

The Council's Roads Service has not advised of any concerns in relation to either access or impact on the road network (see Local Roads Stakeholder Workshop Meeting Note, 24 September 2014).
The density of this site is lower than the average for this settlement given the steep topography on part of this site.

No change is required.

Whitehills

Natural and Historic Environment

The inclusion of the Cullen to Stake Ness Coast Site of Special Scientific Interest (SSSI) is not supported as it is located just under 300 metres west of the settlement. New development in Whitehills is unlikely to affect this designation and this settlement is also not listed in Appendix 4, “Identified settlement under Policy R2”, which permits rural development 200m from the settlement. For these reasons we do not support the inclusion of this designation. No change is required.

Allocated sites

OP1 Land at Knock Street

This site is located to the north of the field and any expansion south will be appraised during the next local development plan review. Aberdeenshire Council’s Roads Service has been consulted on this site and raise no access issues, which is proposed off Knock Street (see Local Roads Stakeholder Workshop Meeting Note, 24 September 2014). Furthermore, they would be consulted at the planning application stage and any issues of road access would also be raised then. No further changes are required.

Other Settlements

The respondent's desire to afford Bogton and Foreglen a 2km protection zone to protect it from wind energy developments is acknowledged, but these settlements do not meet the requirements to be included within Appendix 8 “Settlement Statements”. Bogton/Foreglen is listed as an identified settlement in Appendix 4 “Identified Settlements under Policy R2” of the Proposed Aberdeenshire Local Development Plan, which allows for small-scale growth where a particular need has been identified. However, for a settlement to be included in Appendix 8 it must either have a protected site, conservation area designation, reserved site or an allocated site. As Bogton and Foreglen do not include any of these, there is no justification to include it within Appendix 8.

No change is required.

Reporter's conclusions:

Aberchirder

Services and Infrastructure

1. Representation 610, made on behalf of NHS Grampian, suggests that contributions from development should be required for “a new 3 GP Health Centre”, rather than “towards an extension of Aberchirder Medical Practice”, as stated in the proposed plan. This altered emphasis apparently arose late in the plan preparation process. As there are, at
this stage, no details of the new health centre which the representation implies is to be provided, it would be inappropriate for the proposed plan to make such an explicit reference. The proposed plan should rightly seek to ensure the provision of health facilities appropriate to meet the requirements of the locality, and making clear that development may be expected to contribute to the achievement of this, as the proposed plan does, is wholly appropriate. The proposed plan, however, is not the appropriate vehicle to prescribe whether such contributions should be to particular practices. Furthermore, consistent with the conclusions under issue 15, whether such contributions should be sought would need to be considered on a case-by-case basis. For these reasons, I conclude that the reference to contributions towards health facilities should be stated more neutrally, and I make a recommendation accordingly.

Bid Site BaB015

2. In view of the location of the site close to the centre of Aberchirder, in proximity to the school, retail, recreational and other facilities, I accept that it is potentially well placed to be able to make a positive contribution to meeting local development requirements. Additional information on the extent to which the site may be underlain by peat or other carbon-rich soils has become available since the council’s initial assessment of the potential of the site to accommodate residential development. The most recent information, set out on the Scottish Natural Heritage consultation draft carbon and peatland map (2014), is that the majority of the site lies within an area of peat.

3. Although, as the respondent points out, peat or other carbon-rich soils may not underlie the whole of the site, such that the southern part may be unaffected, there is no detailed site-specific assessment that would enable some reduced area to be identified in the proposed plan. Adopting a precautionary approach to the disturbance of peatland is appropriate to minimise adverse effects, including the release of carbon dioxide, consistent with the provisions of Scottish Planning Policy paragraph 205.

4. The OP1 and OP2 allocations make provision for the development of some 110 new homes over the plan period. This scale of development would amount to a significant level of growth at Aberchirder relative to the size of the settlement. There is nothing to suggest that adding the site of the representation as an allocation for development in the proposed plan would bring about an increase in the rate of housing delivery locally. So including the site as an allocation would not be likely to contribute positively to alleviating the shortfall in the rate of housing delivery identified under issue 7.

5. I therefore conclude that, notwithstanding the locational advantages of the site, there is no sufficient need, in the absence of evidence that development would not cause unacceptable disturbance to carbon soils, to warrant modifying the proposed plan to allocate the site for residential development. By the time of the next review of the local development plan, the delivery of new homes from the existing allocations, and the position in terms of any effect on peatland, may enable the potential contribution of the site to be reassessed. In the meantime, no modification of the proposed plan is appropriate in response to representation 34.

Macduff - Vision

6. The rewording of the first paragraph of the text outlining the vision for Macduff, sought by the Community Council (respondent 396), would better reflect the current character and function of the harbour, acknowledge the positive contribution of tourism and emphasise
the priority to be given to maintaining business and industrial potential. I therefore recommend rewording of the text as sought in the representation and invited by the council. I agree with the council’s comment that the minor change sought in the representation to the third paragraph would not be appropriate. Retaining the wording as published better describes the objective of strengthening the local economy, consistent with the purpose of the “Vision” section.

Settlement Features

7. Referring to Macduff as a town rather than a village, as sought in representation 6, would better reflect the character and function of the settlement. I therefore recommend accordingly, as invited by the council.

Services and Infrastructure

8. As the council explains, the proposed plan already provides for land to be reserved for a new health centre in Macduff within site CC1. The reference in the 4th bullet point under this heading, to contributions from residential development towards provision of a health centre, is complementary to the CC1 allocation and no modification is required in this respect.

Additional Sites

BUS site

9. Parts of this land, on the eastern edge of Macduff, are already developed for industrial and related commercial purposes. A substantial area of land remains undeveloped and reference is made in the proposed plan to about 1 ha of land being required to provide a replacement waste management facility. Respondent 318 makes reference to a previous proposal for 40 houses within the overall area, apparently dating from 2000. I have been provided with no details of that development, but in view of the lapse of time any planning permission that may have been granted would have expired. I acknowledge that at least some part the site BUS land could have potential for residential development in view of its locational characteristics and inclusion within the defined settlement boundary. However, no assessment of transport or environmental impacts has been undertaken and no public consultation has been undertaken in relation to any proposal for housing development.

10. Notwithstanding the desirability of seeking to address the shortfall in the rate of housing delivery identified under issue 7, I have no sufficient basis to be able me safely to conclude that any part of the BUS land should be allocated for housing development at this stage. By the time of the next review of the local development plan, the balance to be struck between the housing and employment needs of the town can be reassessed. That might enable the potential contribution that the site, or part of it, could make to meeting future development requirements, to be revisited at that stage. In the meantime, however, the BUS site should remain safeguarded for employment uses. No modification to the proposed plan is appropriate in response to representation 318.

Portsoy - OP3 Land at Durn Road

11. I note that the council proposes to refer to the OP3 site as “Durn Road” rather than “Bridge Street” as published and I have therefore used that term in the heading above. The text acknowledges the need for development at the site to address surface water
flooding from the Soy Burn. This would include appropriate attenuation measures, consideration of the design of which would be the means to ensure that existing properties nearby would not be put at greater risk of flooding. In view of these points, and the absence of objection in flooding terms from the Scottish Environment Protection Agency (SEPA), I conclude that there is no flooding-related reason to exclude the site from the proposed plan. No modification is therefore required in response to representation 498.

Sandend

OP1 Land at Rear of Seaview

12. Satisfactorily addressing the steeply sloping nature of the site, which rises above the linear alignment of existing houses fronting Seaview Road, will require careful attention to detailed design. The effect of development in terms of massing, privacy, sunlight and daylight, drainage, access and other aspects of design are all matters that would be considered at detailed planning stage. In view of the absence of any objection from the council’s roads service in terms of access, or from SEPA in terms of flooding, I have no reason to consider that a satisfactory design solution would not be achievable. This, and the fact that the proposal is carried forward from the previous local development plan, leads me to conclude that the proposed plan should not be modified to delete the OP1 site, as sought by respondent 42.

Whitehills

Natural and Historic Environment

13. The text draws attention to the existence of sites nearby, which are designated for their nature conservation or other interest. This is appropriate in terms of setting the context within which the settlement is situated, although the reference does not of itself apply any policy requirements. The fact that these designations lie outside, albeit close to, the defined settlement boundary is not a reason for the list of designated sites to be partial. A more comprehensive listing of these, as sought in the representation by Scottish Natural Heritage (656) would add clarity and would be consistent with the approach adopted in the proposed plan at other settlements. I therefore recommend an addition to the text accordingly.

OP1 Knock Street

14. The site identified in the proposed plan is confined to the northern part of the field lying to the west of Knock Street. The text acknowledges that development could extend to the south in future, but that is not a specific feature of the proposed plan. I take the reference to one or more vehicular access points being provided along the southern boundary, to be to the creation of potential connections from the OP1 land to possible future development of adjoining land to the south. The mention in the representation of additional vehicular access from Loch Street, appears to be in the context of that possible future development to the south rather than to the OP1 site as defined in the proposed plan. Any potential southward extension of the OP1 site would be a matter to be considered during the next LDP review. The detail of access provision for development of the OP1 site, including the appropriateness of including provision to enable connections to possible future development to the south, would be matters to be considered at the detailed planning stage. So too would be any need for improvement or adoption of roads in the vicinity. For these reasons there is no requirement for any modification to the plan in
response to representation 215.

Other Settlements

15. Representation 485 could be interpreted as expressing a desire that Bogton and Forglen should be identified as settlements in the proposed plan and thereby warrant the inclusion of settlement statements in their own right. However, I consider that the focus of the representation is the way in which the proposed plan deals with the acceptability of proposals for wind energy development in their vicinity. That is a matter dealt with in detail in the context of the consideration of policy C2 under issue 14. Those recommendations address the approach that should be applied to such proposals. Bogton and Forglen do not meet the criteria used within the proposed plan to identify localities for which settlement statements are prepared. For these reasons, no modification to this part of the proposed plan is required in response to the representation.

Reporter's recommendations:

Aberchirder

1. Under the Services and Infrastructure heading, amend the 4th bullet point to read: “Health facilities: Residential development may be required to contribute towards enhanced medical facilities serving the locality.”

Macduff

Vision

2. Amend the wording of the second and third sentences in the first paragraph under the Vision heading to read:

“Fishing vessels still use the harbour but the principal use is now shipbuilding, ship repair and tourism. Existing buildings reflect the fishing, shipbuilding and tourism activities, past and present. Its town centre stands alongside the working port and maintaining the adjacent business and industrial potential is a high priority”.

Settlement Features

3. In the Protected Land table, alter the last word of the text relating to P2 from “village” to “town”.

Whitehills

4. Delete the text under the Natural and Historic Environment heading and replace with: “Whitehills to Melrose Coast and Cullen to Stake Ness Coast Sites of Special Scientific Interest (SSSI), and the Cullen to Whitehills Local Nature Conservation Site (LNCS) are located in proximity to the settlement.”
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<td>Appendix 8, Page Banff and Buchan 16, 32,</td>
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<td>Reporter:</td>
<td>Rob Huntley</td>
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<td><strong>Body or person(s) submitting a representation raising the issue (including reference number):</strong></td>
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<td><strong>Provision of the Development Plan to which the issue relates:</strong></td>
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<td>Settlement vision, infrastructure and opportunities in Crovie, Gardenstown, Rathen and Rosehearty</td>
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<td><strong>Planning Authority’s summary of the representation(s):</strong></td>
<td></td>
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<tr>
<td>Crovie</td>
<td>Natural and Historic Environment</td>
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<tr>
<td>For clarity the designations (Troup, Pennan and Lion’s Heads Special Protected Area (SPA), Gamrie and Pennan Coast Site of Special Scientific Interest (SSSI), and Gardenstown to Strangles Point Local Natural Conservation Site (LNCS) should state they are to the west rather than east of Crovie (656).</td>
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</tbody>
</table>
Gardenstown

Allocated sites

OP1 Land at Troup View

Objection is raised to site OP1 (138 and 237). Respondent 237 is concerned about increased vehicle traffic, child safety, that there is the low demand for new houses in this area, and whether they have to remove their garage next to the entrance into OP1 on Morven View Road. Respondent 138 is concerned that Bracoden Terrace is too narrow for cars, and if the site is developed, the houses should be 1 or 2 storeys high. Both raise sewage connection concerns as there is limited capacity.

Rathen

Settlement Features

The strategic landscaping proposed for site OP1 noted as P1 is unnecessary, particularly along the southern and eastern boundaries. The need for strategic landscaping is a matter for Development Management to consider during the detailed planning application process (462).

Services and Infrastructure

Health facilities

The reference to the Crimond Practice should be removed from the section on Health Facilities (610).

Allocated sites

OP1 Land at Bridge of Rathen

Objections are raised regarding the size of the site (207, 210, 212, 216, 217, 437, 700). It is considered to be too large for 6 dwellings (210, 700) or its proposed allocation of 10 homes (207, 217, 437). Reducing the size of the site will alleviate any fears of future development on the undeveloped part of the site [planning permission is pending for application APP/2014/3903 on half of the site see below] (210, 212, 217).

Concerns are raised over road safety in light of the site’s close proximity to the A90/Rathen junction (212, 216, 437). Rathen Primary School will be at capacity and cannot expand. The area has low water pressure, which has created a problem for fire appliances in the past. There are no pavements in Rathen creating a safety issue for school children. Flooding and drainage are issues as water often lies on the site. There is no sewage connection in Rathen, and additional development could pollute water courses (216, 437).

Concern is raised regarding the access road into the site, as it leads onto a country lane used by heavy machinery (212).

Respondent 216 raises concerns that: valuable arable land will be lost; the existing road infrastructure is not suitable for the increase volume in traffic; it will increase demand for already limited community and recreational facilities in the village; there is no great
demand for houses in Rathen given the adequate housing allocations already in Aberdeenshire; and the site will overlook the cemetery. They also do not see any apparent commercial or regeneration benefit this site would bring. Finally, as the site is visible from a distance, the view of Rathen Church should be protected.

Respondent 437 suggests there will be an increase in pollution caused by parents needing to transport pupils to school by car.

Respondent 462 supports the allocation as is well connected to the existing village.

The site’s text relating to the requirement for strategic landscaping is unduly prescriptive and should be removed (462).

Rosehearty

Allocated sites

OP2 Land at Murison Drive

Objection is raised against the proposed access route into site OP2 from Murison Drive (128, 129, 130, 441). The concerns raised include issues of road safety as the street is not very wide (441), it is close to the school (128, 129, 130), the site floods (128, 129, 441), Murison Drive floods (130) and the strain additional houses will have on the local drainage system which currently struggles to cope during some incidences of flooding (441).

<table>
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<th>Modifications sought by those submitting representations:</th>
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<td>Crovie</td>
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<tr>
<td>Natural and Historic Environment</td>
</tr>
<tr>
<td>Text should be corrected and refer to the designations being west rather than east of Crovie (656).</td>
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<td>Gardenstown</td>
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<td>Allocated sites</td>
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<tr>
<td>OP1 Land at Troup View</td>
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<tr>
<td>Delete site OP1 (138 and 237).</td>
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<td>Rathen</td>
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<tr>
<td>Settlement Features</td>
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<tr>
<td>Remove site P1 along the southern and eastern edge of OP1 (462).</td>
</tr>
<tr>
<td>Services and Infrastructure</td>
</tr>
<tr>
<td>Remove the reference to Crimond Practice from the section on Health Facilities (610).</td>
</tr>
</tbody>
</table>
Allocated sites

OP1 Land at Bridge of Rathen

Delete the site (207).

Reduce the size of the site (207, 210, 212, 216, 217, 437, 700).

Amend site brief text to state a Flood Risk Assessment is required, and the view of Rathen church is protected and preserved (216).

Include contributions towards community, sport, recreation and health facilities, and proportional developer obligations towards pavements from the site to Rathen Primary School (216).

Remove reference to the strategic landscaping in the site's text, particularly along the southern and eastern boundaries of the site (462).

Rosehearty

Allocated sites

OP2 Land at Murison Drive

Revise wording to omit Murison Drive as an access point into the site (441).

Delete site (128, 129, 130).

Summary of response (including reasons) by Planning Authority:

Crovie

Natural and Historic Environment

The respondent is correct and as a non-notifiable modification the following wording should be amended to read “… are located to the west of the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Gardenstown

Allocated sites

OP1 Land at Troup View

Gardenstown is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeenshire City and Shire Strategic Development Plan 2014, Spatial Strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Gardenstown Settlement Statement, which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D.
Gardenstown. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 20 and the subsequent MIR 2013, Issues and Actions Paper 038: Gardenstown).

Planning Permission in Principle is pending for this site for 22 houses (see Site layout plan for APP/2014/2686) and the Council's Roads Service does not object to the site (see Roads Development comments). For this reason, it is not agreed there would be a traffic issue, especially as there are at least two road access routes into this site from Morven View Road and Braegowan Road. As highlighted in the development brief for this site, it is noted that the width of Bracoden Terrace decreases where it joins the site and would be more appropriate as pedestrian access.

Gardenstown Waste Water Treatment works has capacity for less than 10 houses. Scottish Water advise that waste water capacity should not be taken as a constraint to the development of land as they are committed to resolve such issues under the Ministerial Direction 2009. Once the developer has satisfied Scottish Water's five growth criteria, which includes having planning permission on the development site, Scottish Water would upgrade the capacity of the local treatment works.

Respondent 237's garage is outwith site OP1 and the pending planning application, and does not prevent access into this site. Development of the site does not require the removal of the garage.

In relation to the design of the development, the adjacent houses vary from single to two storeys and the development brief text for this site already acknowledges the sensitivity of this site.

No change is required.

Rathen

Rathen is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014, Spatial Strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Rathen Settlement Statement which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Rathen. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 30 and the subsequent MIR 2013, Issues and Actions Paper 46: Rathen).

Settlement Features

The removal of any part of P1 is not supported. It is a visually prominent site on the corner of the A90/Rathen junction and will have an impact on the setting of the listed Rathen Church. This is further discussed under “OP1 Land at Bridge of Rathen” below. No change is required.

Services and Infrastructure

As a non-notifiable modification we would accept NHS Grampian’s request to delete "or the practice in Crimond" in this sub-section. Aberdeenshire Council would not be opposed
to the Reporter making the above modification, or a variation thereof.

Allocated sites

OP1 Land at Bridge of Rathen

Planning Permission in Principle was agreed for 6 houses on part of this site by the Banff and Buchan Area Committee on 17 February 2015 subject to the satisfactorily conclusion of a Section 75 Legal Agreement (see Banff and Buchan Area Committee Report, Item 12D, for planning application APP/2014/3903). At the time of writing this has still to be concluded. Site OP1 is a ‘phase 2 site in the 2012 Local Development Plan and one of the pending conditions prohibits development starting before 1 January 2017 (see extract of Banff and Buchan Area Committee Minutes 17 February 2015, Item 12D). An earlier planning application was refused for being premature (see decision notice for APP/2014/1145).

In relation to the specific comments raised by respondents, these were discussed by consultees responding to application APP/2014/3903 and are summarised below.

SEPA does not object to the individual waste water treatment plants for each house, but expressed their preference for a single treatment system to be shared by the six properties (see SEPA’s response and Committee Report). The possible need for a Flood Risk Assessment is referred to under ‘Flood Risk’ and will be added as a non-notifiable notification in the site’s development brief text (see Schedule 4 Issue 16: The Settlement statements).

The Council’s Roads Service does not object to the site providing a cycle/footway is constructed linking the northern end of the new access road directly with the nearby children’s play park (see Roads Development response). Transport Scotland removed their initial objection to this proposal (see Transport Scotland’s response and Committee Report). The Council’s DPMTAG raised concerns about road safety at the A90/Rathen junction in light of increasing the number of houses allocated in the settlement. However, as site EH1 in the 2012 Plan is not being carried forward, it was accepted that this allocation could be transferred to site OP1. The allocation was changed to 6 houses and its size reduced to match the pending planning application (see Banff and Buchan Area Committee Report, 27 January 2015, Item 12, page 54). However, this was not supported by the Banff and Buchan Area Committee and they agreed to increase the scale and number of houses (10) to that of site H1 in the 2012 Plan (see Banff and Buchan Area Committee Minute, 27 January 2015, Appendix B). No change is required.

The Developer Obligations Team has confirmed contributions have been agreed towards affordable housing and the primary school (see response). No other contributions have been sought.

The view and setting of Rathen Church is already considered in the site’s development brief text in the Proposed Plan. No further additions are required.

The removal of site P1 and the site’s text referring to strategic landscaping in the Plan is not supported. The site is visually prominent from the north and west, and the setting of Rathen Church must not be adversely affected by the development when entering Rathen from the A90 junction. The local landscape of the area around the church is an important part of the place context of the village. These are legitimate planning concerns and merit
noting in the Plan. Furthermore, as detailed planning permission has not been applied for and application APP/2014/3903 is still pending until the Section 75 Legal Agreement is signed off on developer contributions, the strategic landscape requirement does not impact on the principle of development of the site. No change is required.

Rosehearty

Rosehearty is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen city and Shire Strategic Development Plan 2014, Spatial Strategy identifies, in Paragraph 3.43, that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Rosehearty Settlement Statement which was published in the Aberdeenshire Local Development Plan 2012, Supplementary Guidance Volume D: Rosehearty. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Banff and Buchan, page 32 and the subsequent MIR 2013, Issues and Actions Paper 047: Rosehearty).

Allocated sites

OP2 Land at Murison Drive

SEPA has provided comments on local flooding issues, which are discussed in Schedule 4 16: The Settlement Statements. They are aware of the potential flooding issues of this site, which has a drain running along its boundary and do not object to the site subject to the settlement statement stating that a Flood Risk Assessment may be required.

In relation to concerns raised about the site's close proximity to the school, a high wire fence encloses the school, preventing vehicular access from the site or Murison Drive.

It is not agreed that vehicular access should not be taken from Murison Drive. This road is no different to existing roads in the area and most properties in this street have a driveway. The development brief for site OP2 states vehicle access off Mid Street is the preferred option. However, if there is ownership issues access the site from Mid Street, access could be taken from Murison Drive.

No change is required.

Reporter's conclusions:

Crovie

1. The correction to the typographical error in the reference to the location of the nearby designated natural heritage sites, referred to in the representation by Scottish Natural Heritage, is appropriate as invited by the council. I make such a recommendation accordingly.

Gardenstown – site OP1

2. The OP1 site was identified for residential development in the 2012 Local Development Plan and in the previous Local Plan, albeit with a somewhat lower capacity. Although, at the time of the Major Issues Report, no developer interest had apparently
been forthcoming at the site, an application for planning permission has since been submitted seeking planning permission in principle, for 22 dwellings at the site. That application apparently remains under consideration by the council, but there appear to be no fundamental objections raised to its development from any technical point of view. Representations 138 and 237 make reference to the restricted width of local roads, including Bracoden Terrace and Morven View Road, and suggest that development at the site would cause congestion and safety problems as a consequence. I acknowledge that on-street parking occurs on these streets, and on Braegowan Road, but I do not consider the carriageways to be so narrow as to give rise to any undue obstruction to the passage of vehicles. I also note that the council’s roads service expresses no objection to development at the site in this regard. The ability for the site to be accessed from Morven View Road and Braegowan Road, and potentially from Bracoden Terrace, as indicated in the pending application, would enable traffic to be split, thereby avoiding any undue over-concentration of impact. I therefore conclude that, subject to detailed design, there need to no impediment to the achievement of a satisfactory development in these terms.

3. There is limited local sewage treatment capacity currently available, but Scottish Water has confirmed that it is able to promote a growth project to ensure adequate provision to meet development requirements. I therefore find that there is no insuperable impediment to the provision of adequate drainage to serve the proposed development.

4. The site is prominently situated at the edge of the settlement and development there would be visible in views from the coastal strip and its footpaths to the northwest. However, subject to detailed attention to design and landscaping, development at the site need not be inconsistent with the character of Gardenstown. The upper part of the village “hangs” above the lower harbourside area from which it is separated by steep braes. This relationship contributes to the village’s dramatic setting and development of the OP1 site would be consistent with this. Design, peripheral landscaping and boundary treatment are amongst the matters appropriate to be considered in the context of applications for planning permission. I have no reason to conclude that development of the site could not appropriately address these considerations, and I find no reason to question the retention of the OP1 allocation for residential development at Gardenstown. No modification is therefore required in response to representations 138 and 237.

Rathen - site OP1

5. The main thrust of representations about this site focus on the size of the site and the scale of development, rather than any issue of principle. The reference to “up to 10 homes” in the OP1 allocation is contrasted in several representations to the 6 houses proposed in an application for planning permission in principle submitted to the council (application reference APP/2014/3903). The council has resolved to approve that application subject to appropriate developer contributions being secured. In this regard the council advises that contributions towards affordable housing and school provision have been agreed with the developer. SEPA has confirmed that it has no objection in terms of waste water drainage, as has Transport Scotland in terms of any effect on the A90, from which the development would be indirectly accessed.

6. In view of the allocation of the site for development to provide 10 homes in the existing 2012 plan, and the subsequent consideration and approval of a specific proposal for 6 homes at the site, I conclude that retaining the site as an allocation for development in the plan is appropriate. The 6 house application is in respect of only part of the site. Although that application is for planning permission in principle, the illustrative layout
indicates that the remainder of the site would be capable of realisation as an extension of that development. The detail of such a proposal would be the subject of consideration through an application for planning permission. That, and further applications in respect of the details of the 6 house development, would provide the appropriate mechanism for consideration to be given to the details of the development, including in terms of access, design, drainage and other matters referred to in representations. I do not find any reason to suggest that retention of the site in the plan, for the provision of 10 homes, is inappropriate.

7. Appropriate peripheral landscape planting along the north and west edges of the site would help to soften the relatively open views from the A90, especially from the north-west, contributing positively to the setting of the settlement. Planting along the southern and eastern edges of the site would, together with the intervening play park (site P2) and proposed cemetery extension (site R1), assist in maintaining the setting of the visually prominent and historic church, which is a significant contributor to the character of the settlement. The detail of such planting would be for consideration in the context of applications for planning permission. For these reasons the P1 protected land designation, representing the provision of strategic landscaping associated with the residential development of the OP1 site, should be retained to all boundaries of the site as proposed. No change is therefore appropriate in response to representation 462.

8. NHS Grampian requests that reference to the medical practice in Crimond should be deleted. In the plan as submitted, this reference is in the context of health facilities to which development should make contributions towards. The representation does not explain the reasoning for the suggested deletion, while the references to other identified facilities should be retained, and the council does not elaborate on this. Consistent with the conclusions under issue 15 whether, and to what extent, it may be appropriate to seek contributions towards such facilities from particular developments would be a matter to be considered on a case by case basis. I therefore recommend a modification, consistent with the alteration sought in the representation and suggested by the council, but expressed more neutrally.

Rosehearty – Site OP2

9. The representations made in connection with site OP2 suggest that potential flood risk and proximity to Rathen School mean that the site should not be identified for development. They also suggest that, if development is to take place, it should be accessed from Mid Street and not involve access from Murison Drive.

10. The proposal for development at the site, to provide up to 10 homes, has been rolled forward from the supplementary guidance of the 2012 ALDP, in which it was identified for development in the first phase of that plan. The site is well located adjacent to the existing built up area, in close proximity to the range of facilities available in Rosehearty within walking distance. It is well placed to be able to make a modest contribution to meeting local requirements for new homes in an accessible location, consistent with the objectives set out in the Aberdeen City and Shire Development Plan and Scottish Planning Policy.

11. The text indicates a preference for vehicular access from Mid Street, from which the site is separated by an existing yard. The yard does not form part of the OP2 site, but lies within the defined settlement boundary, so there would be no locational policy impediment to the development of that area, consistent with policy P3. Subject to consideration of its detail, I agree that Mid Street would provide a suitable vehicular access point to the site. I
note that the cul-de-sac part of Murison Drive, beyond its junction with Dingwall Street, serves some 20 houses. Its carriageway width, and the existence of footways on both sides of the road, is comparable to many similar roads in the locality and elsewhere which serve substantially greater numbers of homes. I do not therefore consider that the potential addition of vehicular movements associated with a further 10 homes at site OP2 would cause undue congestion or have an adverse effect on safety. I accept that pedestrian flows along part of Murison Drive are increased on account of the secondary, non-vehicular, access to the school but the availability of footways serve to minimise potential conflicts. For these reasons, although I endorse the council’s stated preference for development to be accessed from Mid Street, I do not consider that Murison Drive should be discounted in access terms.

12. The need for flood risk to be considered in the context of any development proposals is acknowledged in the plan and I note that SEPA raises no objection to the development of the site in that regard. The fact that the site lies adjacent to the school, from which it is separated by a substantial fence, is not a reason to find that development would be unacceptable in principle, particularly as existing dwellings in Murison Drive and Pitsligo Street already abut the school grounds without any obvious detrimental effect. I find that the acceptability of specific proposals for the development of site OP2 would rest fundamentally on aspects of detail rather than principle. The text contains appropriate references to the relevant matters of detail that would be taken into account during consideration of an application for planning permission. I therefore conclude that no modification is required in response to representations 128, 129, 130 and 441.

Other Matters

13. The representations made by Scottish Water and SEPA in relation to waste water treatment and flood risk, are addressed under Issue 16.

Reporter’s recommendations:

Crovie

1. In the last line of the text under the heading “Natural and Historic Heritage”, delete “east” and substitute “west”.

Rathen

2. In the final bullet point under the heading “Services and Infrastructure”, delete all the text and replace with the following: “Health facilities: Residential development may be required to contribute towards enhanced medical facilities serving the locality.”
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

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Body or person(s) submitting a representation raising the issue (including reference number):

Mr & Mrs Buchan (31)
Shell UK Limited (45)
Susan Baxter & Buchan Properties (151)
Score Group Plc (189, 190)
Sam Cameron (195)
Elaine Campbell (383)
NHS Grampian (610)
First Bond Property Investments Limited (615, 616)
Scottish Enterprise (632)
Peterhead Projects Limited (664)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities in Peterhead

Planning Authority’s summary of the representation(s):

Vision

Scottish Enterprise generally supports the approach taken towards employment and in particular the employment and business allocations, including the growth suggested for Peterhead with particular reference to its importance to the energy sector and the recognition of NPF3 status (632).

Settlement Features

R2

Scottish Enterprise welcomes the policies and land allocations at South Peterhead in particular R2 for development related to Peterhead Power Station major energy developments, as set out in NPF3 (632).

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines (unreferenced) should be made in relation to Site R2.

The current wording of R2 could result in ancillary development serving the energy sector not being supported. The respondent develops aeroderivative gas turbines and ancillary systems for industrial and marine applications, and owns much of the land within Site R2.
Given the nature of the work of the respondent, and the location of its land relative to the Power Station, Harbour and St Fergus Gas Terminal, it is logical for developments related to this type of ancillary service company to be included in the R2 designation (190). Not all of the R2 land will be required for the expansion of Peterhead Power Station or the North Connect development, but the wording of R2 suggests that only development related to these projects will be permitted. Land at Upperton is adjacent to CC1 and BUS3 and could be developed as part of the Energy Hub. It should be clarified that the overall R2 area is to be developed for business/commercial/industrial purposes. Restricting R2 to only developments associated with the Power Station and North Connect is contrary to the aims of the SDP, LDP and Energetica (unreferenced) to encourage investment in Peterhead (615).

**P2 and Adjacent Green Network Land**

Objection is made in relation to designation of the P2 Protected Area. An area of ground owned by the respondent’s client (to the south and south-east of Dales Cottage) is delineated as Green Network adjacent to the P2 Protected Area. There has been lack of consultation on the designation and the 2013 Main Issues Report (MIR) (see MIR 2013, Appendix Buchan, pages 31-37) did not show any change to the use of the ground. In the extant LDP, the land has no formal designation and the infill development policy SG LSD4 would apply. The status quo should be maintained and the land should not be designated as protected land. The ground will never be available for community use or public access; it remains in private ownership and forms no part of the wider Dales Park to the south (195).

**BUS3**

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to Site BUS3 (45).

**Allocated Sites**

**OP1 Inverugie Meadows**

There is concern that the requirements for pedestrian and cycle access from the Inverugie site across the A90 trunk road are unduly onerous in terms of cost effectiveness, unjustified on safety grounds and unlikely to be effective in terms of usage. These requirements have changed from those in the 2012 Local Development Plan Supplementary Guidance (unreferenced) and what is included in the approved South Ugie Development Framework. It is possible to provide a safe and effective pedestrian and cycle bridge in the centre of the site and an at-grade crossing at Waterside, north end, where the A90(T) joins the A982 compliant with standards to the satisfaction of Transport Scotland. Given the high costs, the Council and other government bodies should contribute towards this infrastructure. The cost of providing this additional infrastructure must be considered within the overall cost viability/deliverability of the site (151).

Land in Peterhead is required for a new health centre and the requirement that all development must contribute towards a new health centre in Peterhead is welcomed. The development brief for site OP1 states that provision of land for a health centre “may be required”. Given the pressure for such a facility, this should be amended to “is required” (610).
OP2 Wester Clerkhill

Objection to the OP2 allocation is raised specifically in relation to land in the use of Peterhead Projects, a social enterprise. Previous attempts to relocate the use have been unsuccessful due to the nature of the use and lack of alternative accommodation. The respondent has no issue with the principle of a housing allocation in this location but seeks the removal of this area of land from which they operate, to assure the long term future of the enterprise. Altering the OP2 boundary to include a community business such as this would ensure the future of the enterprise, and the remainder of the agreed masterplan for housing and a care home can be successfully delivered with this minor amendment (664).

A respondent advises that the property at Middleton of Clerkhill is owned by his father and not the Council. The property has a legal right of access through the Council depot which is within Site OP2. The boundary of Site OP2 should be amended to exclude this property and the land over which the owner of the property has right of access (31).

OP3 Land at West Road

With the increase in family homes, planning should not be given unless the provision of a new school in this area is agreed upon (383).

OP6 Land at West Road and R2

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to Site OP6 (45).

A respondent proposes significant development extending into land covered by R2. An exchange of areas of sites R2 and OP6 is sought, as explained and justified in the submission, including for reasons related to constraints caused by overhead power lines and pylons (189).

Additional Sites

Bid Site Bcn015

Despite the objectives of the SDP and Energetica (unreferenced), the focus on growing Peterhead has been entirely on business and residential development. Retail/tourism is apparently not part of the strategy. A garden centre in Peterhead is needed and the bid site at Damhead (MIR Site Bcn015) is a suitable location. It would be a shopping destination for tourists/visitors, a valuable retail asset for Peterhead, and potentially a gateway feature. The reasons in the Main Issues Report for justifying the continued employment zoning of the site do not stand up to scrutiny. The HSE consultation zone that affects the site would not sterilise the site from development, as evidenced by the employment designation. Potential flooding issues can be designed out in any development proposal. The LDP review is the opportunity to assess retail provision in Peterhead and kick start development where it is required and most appropriately located. Site CC1 is tucked away and unattractive to occupiers who require visibility from the main thoroughfare. The site at Damhead is a better retail site than CC1, which should be designated for employment uses. The Peterhead Gateway Framework is being prepared and the Plan should examine appropriate uses in the settlement and the Framework can consider detailed delivery of the allocations (616).
Bid Site Bcn016

Land to the immediate east of site BUS3 and south of site CCI (Bid Site Bcn016) should be allocated as BUS3 land and not R2 land. It is inhibited by its size, shape and proximity to the A90 and so its allocation should be as flexible as possible to ensure favourable conditions to encourage the expansion of or future access to BUS3 (employment) or CCI (commercial) use. The land is difficult to market and anything which restricts future improved access or frontage will be detrimental to these employment or commercial schemes (632).

Modifications sought by those submitting representations:

Settlement Features

R2

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the development brief for Site R2 (45).

Modify wording of R2 to make it clear that the R2 area will be developed for various business/energy related developments (615).

Amend wording of R2 definition to state “For development related to Peterhead Power Station and major energy developments, as set out in National Planning Framework 3 and associated ancillary developments servicing the energy sector.” Or similar to include development related to ancillary energy service companies (190).

P2 and Adjacent Green Network Land

Amend boundary of Green Network adjacent to P2 Protected Area to omit land owned by respondent (modification inferred from representation 195).

BUS3

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the development brief for BUS3 (45).

Allocated Sites

OP1 Inverugie Meadows

Amend fourth and fifth sentences of the development brief to read “At least two pedestrian crossings over or across the trunk road (A90) which connect the site with the wider settlement to the east require to be provided as part of the development. It is recommended that one of which links up with the Buchan and Formartine Way.” (151)

Amend development brief to read “…land for a health centre is required”, replacing “…land for a health centre may be required.” (610).
OP2 Wester Clerkhill

Amendment to land west of Dales Park School, Peterhead – amendment of boundary of OP2 to remove land used by Peterhead Projects (664).

Amendment of boundary of OP2 to remove property at Middleton of Clerkhill and land over which the owner of that property has a right of access (31).

OP6 Land at West Road and R2

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the development brief for OP6 (45).

Exchange an area of proposed R2 designated land for a comparable area of OP6 designated land (designated E1 under current 2012 Local Development Plan) (189).

Additional Sites

Bid Site Bcn015

The identified area of land (MIR Site Bcn015) should be allocated for retail use and specifically identified as suitable for a garden centre development (616).

Bid Site Bcn016

Land allocated to the immediate east of BUS3 and south of CCI sitting as a relatively narrow strip of land between Upperton Estate and the A90 (Bid Site Bcn016) should be allocated as BUS3 land and not R2 land – major energy developments (632).

Summary of response (including reasons) by Planning Authority:

Peterhead is located in the Peterhead-Hatton Strategic Growth Area within the Rural Housing Market Area, which the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies as having significant potential for development (see SDP 2014, Spatial Strategy, paragraphs 3.25 - 3.30). With the exception of the new reserved site R2, the proposed allocations in Peterhead are largely unchanged from the Peterhead Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Peterhead). They were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, pages 31-37 and the subsequent MIR 2013, Issues and Actions Paper 068: Peterhead). It was concluded that the existing allocations and existing housing sites should be retained within the LDP. As no additional needs were identified within Peterhead, there was no reason to allocate additional development land at this stage. It was also concluded that, in order to help deliver the National Planning Framework, a protective designation should be placed on areas required for the long term development of nationally important energy uses.

Vision

The support of Scottish Enterprise for the approach taken towards employment and the growth of Peterhead is welcomed.
Settlement Features

R2

The general support of Scottish Enterprise for the R2 designation is welcomed.

It is acknowledged that part of Site R2 lies within a pipeline consultation zone. A non-notifiable modification is therefore proposed to add a reference to this to the site text. Please see the Schedule 4 Issue 10: Shaping Places, Policy P4 Hazardous Development and Contaminated Land for more information and details of the proposed non-notifiable modification.

The land covered by the R2 designation is specifically reserved for development related to Peterhead Power Station and major energy developments, as set out in National Planning Framework 3. It is not intended to accommodate other types of employment development, for which the proposed LDP already allocates sufficient land elsewhere in the vicinity. The amount of allocated employment land (which does not include R2 land) in the Peterhead-Hatton Strategic Growth Area exceeds the allowance set in the Strategic Development Plan as demonstrated in the Schedule 4 Issue 5: Shaping Business Development, so is sufficient.

The land covered by R2 reflects the need for an area of co-ordinated action as shown in Figure 7 of the Strategic Development Plan (SDP 2014, Objectives, page 29) and in accordance with National Planning Framework 3 (NPF3). NPF3 emphasises the national significance of Peterhead as a focus for a number of important projects that would benefit from co-ordinated action and masterplanning (NPF3, paragraph 3.41). Figure 7 in the SDP shows that the area of co-ordinated action is much larger than the employment allocations and details appropriate uses. This infrastructure could require extensive land in the proximity of the power station. It is therefore important to reserve the R2 land for this purpose and it is not appropriate to modify the wording of the R2 designation. No change is required.

P2 and Adjacent Green Network Land

Contrary to a respondent’s assertion (195), the area covered by Site P2 is carried forward unchanged from the existing LDP in which it is designated P6, protected to conserve Dales Park. The identification of adjacent land as part of the Green Network does not confer any protected status to, or presumption against development on, that land. Policy PR1 provides protection to protected land such as Site P2, but does not provide any protection against development on land identified only as part of the Green Network. No change in this respect is required. However, the Council would have no concern if the Reporter considers it appropriate to recommend the removal of this land from the Green Network designation.

Whilst not arising from any representations, technical changes will be made to delete land in the domestic curtilage of Dales Lodge from site P2, and to change the description of P2 in the Settlement Features section to “To conserve Dales Park and its setting”.

P6

A technical change will be made to correct a drafting error in the Peterhead Keymap and Maps 2 and 3 in the settlement statement. The site marked P6 on these maps in the
Proposed Plan and covering Peterhead Academy and Swimming Pool, is to be relabelled P10, to refer to the correct entry in the Settlement Features table in the Settlement Statement (‘For education and community uses’).

BUS3

Respondent 45 has now confirmed that contrary to their earlier representation, BUS3 does not lie within any pipeline consultation zone (see Email correspondence with respondent 45). No change is therefore required.

Allocated Sites

OP1 Inverugie Meadows

The wording in the development brief regarding the provision of pedestrian and cycle access from site OP1 across the A90 trunk road is appropriate. The wording in the development brief does not contradict the requirements set out in the agreed South Ugie Development Framework (September 2013) (see pages 4 and 17). The preferred solution will come forward through subsequent masterplans.

The Development Planning and Management Transport Appraisal Assessment 2015 (‘DPMTAG’) identifies a requirement to facilitate safe, grade separated crossings for pedestrians and cyclists across the A90 between the site and the rest of Peterhead (DPMTAG paragraphs 4.6.6 - 4.6.7). It concludes that the safe and efficient operation of the strategic transport network in the vicinity is dependent upon the provision of these grade separated crossings (DPMTAG Table 4.13). The DPMTAG also concludes that implementing the access arrangements for development on the site including safe, grade separated crossings would be affordable and technically and operationally feasible (DPMTAG Table 4.13).

The Council’s Transportation Section does not consider an at-grade crossing of the A90 trunk road (as promoted by respondent 151) is appropriate for the scale of development on Site OP1. The Council has requested a detailed assessment of options for A90 crossings at the north end of the site, comparing the options of a bridge, underpass and at-grade crossing, but has not received this to date.

The Council therefore remains of the opinion that the wording in the development brief in relation to the required A90 crossings is appropriate. No change in this respect is required.

Whilst a health centre may be required in Site OP1, it has not been demonstrated to date that options for locating the health centre in the Town Centre or on the edge of the Town Centre have been fully explored and are not suitable. This is a requirement of Scottish Planning Policy (paragraph 68), so the modification sought by respondent 610 is not appropriate. No change is required.

OP2 Wester Clerkhill

This site is carried forward from the existing LDP so the acceptability in principle of residential development on the site is established. The site is the subject of a masterplan that has been agreed by the Council (Wester Clerkhill, Peterhead Masterplan, January 2013). The Masterplan indicatively shows the land currently occupied by Peterhead Projects being developed for housing. This provides the owner of that land with a
reasonable expectation that the land can be developed in this way.

The storage facility used by the enterprise is not considered to be a community facility requiring specific protection in the Plan. The loss of this small area of employment land would have a negligible impact on the employment land supply in the Peterhead-Hatton Strategic Growth Area. There is ample allocated and existing employment land in Peterhead to which the storage use could relocate.

It is therefore not appropriate to remove the land occupied by Peterhead Projects from Site OP2, and no change to the Plan in this respect is required.

A non-notifiable modification would be appropriate to delete the land in private ownership at Middleton of Clerkhill from Site OP2 as shown on the Key Map and Maps 4 and 5, in the light of the information provided by respondent 31. The Council would not be opposed to the Reporter making this modification or a variation thereof. However, any right of access is a legal matter which may influence the nature and layout of development proposed, but is not itself a reason to exclude land from the allocation. The inclusion of land within the allocated site would not affect or ‘extinguish’ any legal rights of access over that land.

OP3 Land at West Road

Site OP3 benefits from an extant planning permission in principle for the erection of 225 dwellings, granted on 10 March 2015 (see decision notice and approved plan for APP/2009/2512). This permission is subject to the terms of a Section 75 Agreement which requires contributions towards education provision in Peterhead. The Council is obliged to make education provision to meet demand, and no change to the Plan is required.

OP6 Land at West Road and R2

Respondent 45 has now confirmed that contrary to their earlier representation, OP6 does not lie within any pipeline consultation zone (see Email correspondence with respondent 45). No change in this respect is therefore required.

In view of the points raised in representation 189, the Council would have no concern about the exchange of small parts of sites R2 and OP6, as described in the representation, if the Reporter deems this appropriate.

A minor technical change will be made to correct the name of OP6 from “Land at West Road” to “Land at Wellbank”.

Additional Sites

Bid Site Bcn015

This site was assessed at the MIR stage (see MIR 2013, Appendix Buchan, page 37). This assessment concluded that the site is undevelopable for retail use as it is preferable for the site to remain for employment uses given the neighbouring uses and as it is within the consultation zone for a chemical hazard site. Retail use would not comply with the “Town Centres First” approach required by Scottish Planning Policy. The assessment also noted that Transport Scotland is unlikely to agree a new access point off the A90 trunk road unless it is a development of national importance, so access must be from an existing point. The north-western boundary of the site is at risk from flooding. Site CC1 has not
been fully developed and is an established retail centre so development on that site will be promoted first before another site is identified.

Over 80% of the area of bid site Bcn15 is covered by the Health and Safety Executive (HSE) Inner Consultation Zone for a major chemical hazard site (Baker Hughes at Damhead Way). The remainder of the site lies within the Middle Consultation Zone. HSE Guidance on Planning Advice for Developments near Hazardous Installations (PADHI) indicates that HSE would advise against the grant of planning permission for retail developments in such an area. Across most of the bid site, large scale retail development of any type would be unacceptable on safety grounds. This is in contrast to employment development on the site, which would generally be acceptable to HSE subject to certain limits.

The land should therefore remain part of Site BUS3, and no change is required.

**Bid site Bcn016**

This site was assessed at the MIR stage (see MIR 2013, Appendix Buchan, page 35). The assessment acknowledged that the site has development potential and would provide an opportunity to improve the gateway into Peterhead. The MIR 2013 Appendix noted that Transport Scotland would need to agree to allowing new access off the A90(T) which tends to only be if a site is developed for a project of significant economic benefit. The MIR 2013 Appendix identified it as a preferred site for industrial/commercial land should further allocations be required. However, following the approval of the Strategic Development Plan 2014 it was concluded that the existing allocations (in the existing LDP) should be retained and as no additional needs within Peterhead had been identified, there was no reason to allocate additional land at this stage.

In light of the above, it is appropriate to retain the land covered by Bid Site Bcn016 (the subject of representations 632 and 615) as part of R2 reserved land, and not part of Site BUS3. No change is required.

**Reporter's conclusions:**

**Settlement Features**

**R2**

1. In response to representation 45, the council acknowledges that part of Site R2 lies within a pipeline consultation zone, and proposes a modification to add a reference to this in the text. The overall approach to the reference in the proposed plan to pipeline consultation zones, in the context of policy P4 is addressed under issue 10. However, I agree that in view of the extent of such consultation zones in the Peterhead area, the clarity and usability of the proposed plan would be enhanced by inclusion of text drawing attention to this. However, as the extent of the consultation zones appear not to be confined to the R2 land, a general reference is appropriate rather than focusing on that designation. I therefore make a recommendation accordingly.

2. The text of the proposed plan indicates that the R2 land is to be reserved for development related to Peterhead Power Station and major energy developments. However, the range of important projects which National Planning Framework 3 identifies
as being focussed on Peterhead is wider and more explicit. In particular, NPF3 mentions Carbon Capture and Storage, a possible landfall for a potential international North Sea interconnector, and onshore connections to support offshore renewable energy. Although these could all be interpreted as being encompassed by the text as drafted, I consider that greater clarity would be achieved by making express reference to these nationally significant developments. I therefore recommend that the range of developments referred to in the text relating to R2 be amended accordingly.

3. Whether any particular development that may come forward would be encompassed by the extended scope of the wording I recommend, would be a matter to be judged in the light of its details and the circumstances applying at the time. Although I acknowledge that the scope could be quite wide in this respect, it would not be appropriate for the safeguarding inherent in the R2 designation to be diluted unduly, such as to erode the distinction between the BUS and R2 designations. That could potentially limit the extent to which the R2 land could contribute to meeting the nationally important objectives of the NPF. In any event, as the extent of the land identified for employment purposes (including in the BUS and OP designations) exceeds that required by the Strategic Development Plan in the Peterhead-Hatton Strategic Growth Area, there is no need for additional land to be identified for general employment purposes. For these reasons I conclude that widening the scope of development for which the R2 land is reserved beyond my recommendation, so as to encompass more general business, commercial and industrial development as sought in representations 190 and 615, is not appropriate.

P2 and Adjacent Green Network Land

4. The area encompassed by Site P2 is defined by the drab green edging and cross-hatching on map 5, and does not extend to the whole of the adjacent area shown tinted bright green. As the council points out, this is unchanged from the existing LDP (in which it is referred to as P6). However, the extension of the bright green tint which applies to the P2 area also to encompass the land to which representation 195 relates, appears to have given rise to some confusion and uncertainty, at least in the mind of the objector. I note that is not the council’s intention that the protection inherent in the P2 designation should apply to the land to the south and southeast of Dales Cottage, and that the council suggests that the bright green tint should be removed from this land. I agree that removal of the tint would make the intention and effect of the proposed plan clearer in terms of this land and I therefore make a recommendation accordingly.

BUS3

5. I note that as a result of exchanges between the council and respondent 45 as to the precise extent of pipeline consultation zones in the vicinity of BUS3, there is agreement that no modification needs to be made in this regard.

Allocated Sites

OP1 Inverugie Meadows

6. The need for safe and convenient pedestrian and cycle routes to be provided, to enable the sizeable Inverugie Meadows development to the west of the A90 to integrate acceptably with the town to the east of this busy road, is accepted by all. Whether this necessarily requires that crossings of the A90 should be separated vertically from vehicular traffic (grade separated), is the focus of representation 151. The encouragement
of the use of non-motorised and other sustainable modes of transport as far as possible, achieving physical and social integration. and enabling connections with the wider core path network, are objectives that would be fostered by satisfactory solutions in this regard. The agreed South Ugie Development Framework (2013) acknowledges the need for such safe crossing facilities to be provided, but is not explicit in terms of a detailed solution, which would more appropriately be a matter for the detailed planning application stage.

7. The DPMTAG Assessment Report (March 2015) concludes that pedestrian and cycle linkages across the A90 should be grade separated, implying that the appropriate solutions would involve either over or under-passes thereby minimising potential conflict with traffic movements. The text of the proposed plan refers to at least 2 pedestrian crossings being provided, which should be over or under the A90, thereby also implying grade separation, at least for pedestrians.

8. Respondent 151 suggests that, although ground levels at the centre of the site may be conducive to a convenient overbridge solution, that is not the case towards the northern end of the site. Although I acknowledge that cost considerations would be a relevant factor to be taken into account in the design of safe and attractive crossing facilities, I have been provided with nothing to enable me to conclude that any particular solution should be excluded for that reason. Nor have I been provided with any detailed comparative explanation that would lead me to conclude that only grade separated solutions (overbridge or underpass) would be satisfactory in safety and other terms. I acknowledge that any crossing solution, in addition to being safe, would need to be attractive to users. Depending on design, topography and other factors, I accept that solutions perceived as dark, secluded, convoluted or unattractive for other reasons, would not be likely to be extensively used, even if they avoided potential pedestrian/vehicle conflicts. If that were the case, there would be danger that theoretical safety benefits could be negated in practice.

9. Overall, I consider that the essential attributes of any successful crossing design are safety, convenience and attractiveness to users. Whether and to what extent any particular solution would achieve these objectives can only be judged in the light of its specific design. This may not inevitably require or exclude a grade-separated approach. For these reasons, I conclude that the proposed plan should specify that the necessary crossings of the A90 must meet the above criteria. I therefore recommend a modification to the text of the proposed plan to achieve this. This would provide sufficient flexibility to ensure a safe solution, the acceptability of which would be the subject of consideration at the detailed design stage.

10. The need for a new health centre in Peterhead is acknowledged in the 5th bullet point under the Services and Infrastructure heading. This makes clear that contributions towards such provision are expected from development, which would include development at site OP1. In terms of maximising accessibility, especially by sustainable transport modes, a location within or close to the town centre may be preferable. I understand that the evolution of specific proposals for a new health centre have not yet progressed sufficiently to enable a decision to be made as to its appropriate location or other attributes including site size. The text acknowledges that land for a health centre may be required within site OP1, but it would not be appropriate for the proposed plan to prejudge the outcome of those studies by requiring that the new health centre envisaged should be provided only within the Inverugie Meadows site. For that reason, no modification is appropriate in response to representation 610.
OP2 Wester Clerkhill

11. The storage shed building and surrounding land referred to in representation 664 is part of the wider OP2 site, proposed for residential development in the existing LDP. The agreed Wester Clerkhill, Peterhead Masterplan (January 2013) shows the land being developed for housing. Although the recycling use currently occupying the building no doubt performs a useful waste management function of benefit to the community, there is no clear reason why it would be essential for it to remain in its present location, as the operation could move to an alternative location in the town. Subject to detailed design, it may be possible for the existing storage building to be retained in conjunction with residential development to the west, but the appropriateness and practicality of that would be a matter to be considered at the detailed planning stage. I note that the Wester Clerkhill Masterplan indicatively shows a “possible recycling centre” in relatively close proximity of the existing building, so future redevelopment of the site for housing would not inevitably result in the loss of a recycling facility in the locality. I therefore conclude that no modification to the extent of the OP2 site, beyond that relating to the adjacent Middleton of Clerkhill property which I refer to below, is appropriate in response to representation 664.

12. Respondent 31 seeks amendment to the boundary of site OP2 to exclude land adjacent to Dales Park School, associated with Middleton of Clerkhill which is in individual private ownership and occupation. The minor adjustment to the extent of the site would not unduly constrain the development of the remainder of the OP2 site to provide some 250 homes as envisaged in the allocation. Removal of the small part of the overall site, which the council also supports, would meet the terms of the representation and I recommend accordingly. The exclusion of the land from the OP2 allocation would not, however, prevent it from coming forward for development consistent with the provisions of Policy P3, if circumstances were to change in the future.

OP3 Land at West Road

13. Policy RD2 identifies the need for development to contribute to the provision of physical and social infrastructure made necessary by it, including education provision. Planning permission has previously been granted for development at site OP3 and a related Section 75 Agreement secures contributions towards education provision in Peterhead. Whether such contributions are applied to a new school, or expansion of existing facilities, and at what locations, are matters to be assessed in a comprehensive way by the council. There is insufficient basis to make specific provision on the OP3 site within the proposed plan at this time.

OP6 Land at Wellbank and R2

14. Notwithstanding my conclusion above, that widening the scope of development for which the R2 land is reserved so as to encompass more general business, commercial and industrial development would be inappropriate overall, I consider that the modification sought in representation 189 is warranted. The specific proposal promoted by Score Group, for a significant extension to the industrial building referred to as “shed 4” at Wellbank, would be partly within the OP6 site but would extend towards the northwest onto land to which the R2 designation applies. The particular configuration of the proposed building, which makes this encroachment necessary, arises from the constraint imposed by the alignment of overhead electricity transmission lines. The representation seeks an exchange of land between the OP6 and R2 designations to accord with the alignment and extent of the shed 4 extension proposed. The result of the swap proposed would be a
marginal increase in the overall extent of land reserved under the R2 designation. There would therefore be no diminution of the extent to which the R2 land could accommodate the nationally significant projects for which it is reserved. The council indicates that it would be content for the proposed plan to be modified as sought in the representation and I make a recommendation to that effect.

Additional Sites

Bid Site Bcn015

15. The land to which representation 616 relates is included within the BUS3 designation in the proposed plan, safeguarded for employment uses. Scottish Planning Policy provides that a “Town Centres First” approach should be applied to the consideration of uses attracting significant numbers of people, including retail facilities. It accepts that, below the town centre level, a network of centres may exist and provides that a sequential approach is to be applied to the location of retail and other uses. Site CC1 at the Peterhead southern gateway is designated as a commercial centre where large format retail provision may be accommodated, as an alternative to the town centre. In sequential terms this equates to the third tier of potential locations specified in SPP paragraph 68 (below town centre and edge of town centre locations). That site is partially developed, with access roads in place and a large DIY store and fast food outlet in operation. Significant land remains within the CC1 site to enable further retail facilities to be accommodated.

16. The land to which the representation relates is sequentially lower in the locational hierarchy, and SPP paragraph 73 indicates that such out-of-centre locations should be considered only where all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable. I acknowledge that the respondent suggests that the CC1 site is unsuitable for the type of retail development that it contemplates, but I have been provided with no clear evidence to persuade me that this is the case. Nor has any cogent analysis been provided to demonstrate the existence of an unmet need that cannot be satisfied on sequentially preferable sites.

17. I note that the representation site lies within the consultation zone for a chemical hazard site, and that the north-western part of the site may be at risk from flooding. I also acknowledge that the provision of a new access to the A90 Trunk road may prove problematic in terms of principle as well as design. It may be that such constraints could be satisfactorily addressed through detailed assessment and design, but I have been provided with no details to convince me that this would necessarily be so.

18. Overall, I conclude that in view of the existence of a substantial area of land specifically designated for retail development, at site CC1 close-by, and in the absence of compelling evidence that this land is unsuitable or unavailable to accommodate retail development for which there may be a requirement in Peterhead, the proposed plan should not be modified as sought in the representation.

Bid site Bcn016

19. The land the subject of representations 632 and 615 comprises a triangle lying between the A90 and the BUS3 and CC1 designations to the west. The council acknowledges that the land may have potential to enhance the southern gateway into
Peterhead and in principle I agree. However, the notable change in level along its western edge where it abuts the BUS3 and CC1 sites suggests that extending these designations to the site of the representations would not necessarily facilitate its beneficial development. It seems unlikely, consistent with Transport Scotland’s approach to access from trunk roads, that development of the land could appropriately be served direct from the A90. At the least, any such potential solution would require specific assessment, no detail which has been provided. In any event, there is nothing before me to suggest that there is a deficiency in the scale of provision made for employment or retail development in Peterhead that would justify altering the designation of the site in those terms. The extent to which the extensive swathe of R2 land around the southern edge of Peterhead may be needed for the nationally significant purposes for which it is reserved in the proposed plan is at present unclear. So too is the precise nature and location of any such requirement. However, in view of the potential importance of such projects in a national context, I consider that a precautionary approach is appropriate, leading me to conclude that no modification should be made to the R2 designation of the land in this vicinity. It may be that at the time of the next review of the Local Development Plan matters will be clearer in these respects, when the appropriate designation of the land can be revisited.

**Reporter’s recommendations:**

1. In the Settlement Features table, delete the text relating to R2 and replace with:
   
   “For development related to Peterhead Power Station, Carbon Capture and Storage, a possible landfall for a potential international North Sea interconnector, onshore connections to support offshore renewable energy, and major energy developments as set out in National Planning Framework 3.”

2. After the text under the Flood Risk heading, add a new section addressing oil and gas pipelines, as follows:

   “Oil and Gas Pipelines
   
   - Part of the settlement is within the Health and Safety Executive (HSE) consultation distance associated with one or more oil or gas pipelines in the vicinity. Development within this distance must accord with policy P4 and the HSE Planning Advice for Developments near Hazardous Installations (PADHI).”

3. On the Peterhead Keymap and Map 5, remove the bright green tint from that part of the land to the south and southeast of Dales Cottage (to the south of Heath Drive) which lies outside the dull green cross-hatched area annotated P2.

4. Delete the fourth sentence of the text of the development brief relating to OP1 (commencing “At least …”), and replace with the following:

   “At least two pedestrian/cycle crossings of the trunk road (A90) are required to connect the site with the wider settlement to the east. The detailed design of these will need to demonstrate that they will provide safe and convenient routes that will be attractive to users.”

5. On the Peterhead Keymap and Map 8, amend the boundary between the OP6 and R2 designations to the northwest of shed 4 at Wellbank, in the vicinity of the parallel overhead electricity transmission lines, as indicated on drawing SGBD-LDPBID-03 submitted with representation 189.
### Issue 24

**Shaping Buchan – Mintlaw**

<table>
<thead>
<tr>
<th>Development Plan reference:</th>
<th>Appendix 8, Page Buchan 26</th>
<th>Reporter: Rob Huntley</th>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

S, A & I Davidson (44, 360)
Elspet Pirie (234)
Irvine Christie (307)
Murray Smith (345)
Northwoods Business Park (475)
NHS Grampian (610)
Neil Lamb (655)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Mintlaw

**Planning Authority’s summary of the representation(s):**

**Vision**

There are enough Council yards in Mintlaw and in particular Station Road which could accommodate more facilities and would save the Council money. There is a perfectly good recycling centre in Peterhead, 9 miles from Mintlaw. The Balring/Dunshillock Road is not suitable for more traffic including HGVs – there is no room for cars and lorries to pass each other. Trees should not be removed (234).

**Settlement Features**

**P3 Aden Country Park**

The triangular piece of land in the northwest corner of Site P3 belongs to the dwellinghouse ‘Cartlehaugh’ opposite and not by Aden Country Park. It is separated from Aden Country Park by the old railway line. It should be removed from P3 as the designation would potentially restrict its use and prevent future development on the land (655).

**P8 Health centre**

The existing Healthcare Practice in Mintlaw requires to be extended to cope with additional patients expected from significant development. However, it is surrounded by built development and protected land (610).
Additional sites

Bid Site Bcn006

Additional housing land (Bid Site Bcn006) should be allocated adjacent to Site OP3. The omission of Sites EH1 and H2 from the 2012 Local Development Plan (LDP) creates a shortfall of 65 new houses in Mintlaw. Allocating additional housing land adjacent to OP3 would help to address this shortfall. No proposals have been submitted for development on sites OP4 or OP1, indicating a lack of desire to develop in other areas of the village (44). The Main Issues Report (MIR 2013, Appendix Buchan, pages 21-25) states that the Bid Site Bcn006 is very prominent on the edge of Mintlaw, but OP3 has the same situation. Proposed natural boundary treatments on the edge of the extended site (OP3 extended by Bid Site Bcn006) would create a pleasant gateway to Mintlaw. Capacity issues at Mintlaw Primary School could be appropriately addressed by rezoning children to Pitfour Primary School in the settlement (360).

Dunshillock

The masterplan boundaries of OP2 should be extended to the Fetterangus Crossroads as identified in the submitted map, to square off the boundary, reduce the speed limit along the Balring Road at Dunshillock, and include land in Phase 3 of the development of OP2 (345).

The existing northern boundary of the settlement and the western boundary of the OP2 site are arbitrarily located and exclude established residential development at Dunshillock. The northern boundary of the settlement should be continued along the existing access road as this would be far more logical and would allow Dunshillock to be better integrated with the existing settlement and the OP2 site. The adjustment of the settlement boundary would support the case for the relocation of the 30mph limit sign to the East Lodge crossroads (307)

New site - Land to north of Balring Road

Land to the north of Balring Road should be allocated as employment land. The site is promoted as Northwoods Business Park, to include uses such as offices, industrial units and storage. The promoter has discussed with the Council the possibility of a new Council depot within the proposed development. Part of the site is safeguarded for a combined heat and power plant in the adopted LDP – this element would be retained to provide energy for end-users. The development would create inward investment and employment within walking distance of Northwoods and the Town Centre. It could use proposed public transport routes nearby. There is considerable local support for the proposal. The development has only become a firm proposal in the last 6 months because specific end-users have come to light recently, and they indicate that land to the north of Balring Road is the only viable option to meet their needs. The existing employment land allocation on site OP1 has not yet come forward, calling into question its deliverability (475).
Modifications sought by those submitting representations:

<table>
<thead>
<tr>
<th>Settlement Features</th>
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<tbody>
<tr>
<td>P3 Aden Country Park</td>
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<tr>
<td>Remove the triangular piece of land opposite ‘Cartlehaugh’ from Site P3 (655).</td>
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<td>Extend site OP3 to include MIR Bid Site Bcn006 (44).</td>
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<th>Dunshillock</th>
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<tbody>
<tr>
<td>Extend the masterplan boundaries of OP2 to the Fetterangus crossroads, as identified on the submitted map (345).</td>
</tr>
<tr>
<td>Adjust the location of the northern settlement boundary of Mintlaw to include the area marked on the submitted map (307).</td>
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<tr>
<th>New site – Land to north of Balring Road</th>
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<tbody>
<tr>
<td>Allocate land to the north of Balring Road as employment land to accommodate the Northwoods Business Park proposal (475).</td>
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</table>

Summary of response (including reasons) by Planning Authority:

Mintlaw is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The proposed allocations in Mintlaw were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, pages 21-25 and the subsequent MIR 2013, Issues and Actions Paper 063: Mintlaw).

As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. The allocations for Mintlaw are appropriate for the purposes of delivering the strategy and aims of the SDP.

Vision

It is unclear to which provision(s) of the Plan respondent 234 refers. However, if they are referring to the suggestion that a new Council depot could be included in the Northwoods Business Park promoted in representation 475, this bid site is not included in the proposed plan. The settlement statement includes (within the Services and Infrastructure section) a requirement for development to contribute towards a household waste and recycling centre in Mintlaw, but does not specify where this centre is to be located. This would be a matter to be addressed at a planning application stage, where issues including impact on
the road network and trees would be assessed with reference to relevant policies.

Allocated Sites

OP3 Former Artlaw Crescent/Nether Aden Road

A minor technical change will be made to delete “It is expected that at least 2 affordable homes be provided by the developer, integrated into the design of the development” to avoid duplication within the development brief.

Settlement Features

P3 Aden Country Park

The parcel of land which is the subject of representation 655 has been identified as being protected land since 1998 (see Consolidated Aberdeenshire Local Plans 1998: Proposals North: pages 159-163, Aberdeenshire Local Plan 2006 pages 19 and 143-145, and Local Development Plan 2012, Supplementary Guidance Volume E: Mintlaw). The land is part of a wider protected area encompassing and extending beyond Aden Country Park itself. The aim of the protected area is to prevent development that would have an adverse impact on the park and its character and setting. As open countryside the opportunities for development would be limited. Any potential removal of the protected status would be best considered as part of the assessment of a specific development proposal rather than a speculative aspiration for development. No change is required.

P8 Health Centre

Currently the development of land for essential community infrastructure (such as a health centre) is permitted on protected land by Policy PR2 (Protecting important development sites). No change is required.

Additional sites

OP3 and Bid Site Bcn006

The MIR bid site Bcn006 was considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, pages 21-25 and the subsequent MIR 2013 Issues and Actions Paper 063: Mintlaw). As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. Further allocations are not required in Mintlaw at this stage. No change is required.

Dunshillock

The proposed extension to OP2 was not put forward as a development bid so was not considered as such at the MIR stage, nor subject to site assessment and public consultation. The representation does not include supporting information such as an environmental assessment to allow a detailed evaluation of the suitability of the proposal. The land in question encompasses approximately 5 hectares of greenfield land that could accommodate 110 additional homes (assuming a net density of 22 dwellings per hectare). As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is already an appropriate and sufficient supply of deliverable
housing sites within the Rural Housing Market Area.

Dunshillock is a cluster of dwellings geographically separated from the built-up area of Mintlaw and not considered as part of the settlement. In considering the allocation of additional land to the west of site OP2 the Reporter for the examination of the Aberdeen Local Development Plan 2012 concluded that development of this area would cross an existing track which provides a suitable and well defined boundary to the development site H1, and that development of the proposed extension would create potential for coalescence between housing on site H1 and existing housing at Dunshillock (see Examination Report - Aberdeenshire Local Development Plan 2012, pages 722-723). Those conclusions remain valid. Increasing the land within the settlement boundary would open up a large swathe of land to the possibility of piecemeal infill development resulting in the same outcome. New residential development should instead be focused on allocated and previously developed land, and there is ample such land in Mintlaw. As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is already an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area.

At present the Balring Road is very rural in character and is lacking the features associated with a 30mph limit which include a built up area, footways and generally street lighting. However, as the OP2 site is developed access to the new housing will be taken from the Balring Road. This will require new junctions and at this time a revised speed limit could be considered. This issue would be dealt with by the Roads Service when considering the Roads Construction Consent issues relating to the development. No change is required.

Land to north of Balring Road

The proposed Northwoods Business Park was not put forward as a development bid so was not considered as such at the MIR stage, nor subject to site assessment and public consultation. The representation does not include supporting information such as an environmental assessment to allow a detailed evaluation of the suitability of the proposal.

As demonstrated in the Schedule 4 Issue 5: Shaping Business Development, there is already an appropriate and sufficient supply of employment land within the Rural Housing Market Area. No change is required.

**Reporter's conclusions:**

1. As the council comments, it does not appear that representation 234 seeks any particular modification to the proposed plan. To the extent that any of the points mentioned are intended to refer to land at Dunshillock and at Balring Road, these are addressed below in response to other representations raised and in the context of the substantial contribution already made at Mintlaw towards the requirements of the Local Growth and Diversification Area within the Rural Housing Market Area.
Settlement Features

P3 Arden Country Park

2. The Arden Country Park occupies much of the land bounded by the A950, the B9030, Nether Arden Road and the western edge of the built-up area at Newlands Road. The purpose of the P3 designation is to conserve the country park and I consider that this includes its setting. The triangle of land in the northwest corner of this larger area, to which representation 655 relates, is not part of the country park, but is an integral part of its setting. It also lies within the conservation area centred on Old Deer. As a result, consideration of any development of this land that may be proposed in future would need to pay special attention to the desirability of preserving or enhancing the character of the conservation area. As a result, significant development on this land would be unlikely to be favourably considered irrespective of the P3 designation. Equivalent protective designations have applied to the land since at least 1998, and there is no compelling reason to change its treatment in the proposed plan.

P8 Health Centre

3. Policy PR1 sets out the proposed plan’s approach to the protection of important resources, including land identified as protected within the settlement statements. This is considered under Issue 13, which includes recommendations for detailed modifications to the policy, including changes to the categories of necessary community infrastructure that could justify setting aside the presumption against development that could potentially conflict with the purpose of the protection. In any event, the P8 designation protects the land for a range of purposes, including community uses, which would encompass expansion of health facilities. In view of these points, the P8 designation would not unduly constrain proposals for the expansion of the Health Centre that may come forward. No modification is therefore required to the proposed plan in that respect.

Additional Sites

OP3 and Bid Site Bcn006

4. The eastern boundary of the allocated OP3 site cuts, somewhat arbitrarily, diagonally across the open field to the south of the A950 Longside Road, beyond the edge of the built-up area of Mintlaw. The potential visual prominence of development on the OP3 site could be mitigated through the incorporation of appropriate landscaping secured at the detailed planning stage. An extension of development further to the east, as envisaged in representations 44 and 360, could potentially be equally prominent but, with appropriate landscaping, there is no reason why such development need be any less acceptable in visual terms than if it were confined to the OP3 site.

5. Under the Services and Infrastructure heading within the settlement statement, and in policy RD2, the proposed plan provides that development should make appropriate contributions towards facilities and infrastructure made necessary by it. In Mintlaw this includes reservation of sites for new schools within the OP1 and OP2 sites and potentially the redrawing of catchment areas. The number of additional dwellings that would be capable of being accommodated on the bid site, estimated by the council at around 30, would not impact to any significant degree on education capacity or provision in the settlement, bearing in mind that the allocations in the proposed plan make provision for over 1200 new homes. In this context, the removal of sites EH1 and H2, allocated for
residential development in the previous local development plan, is not such as to have any significant effect on housing delivery. Nor is there anything to suggest that including the bid site as an allocation in the proposed plan would serve to increase the rate of delivery of new homes locally. In view of the substantial scale of the land already identified for residential development at Mintlaw, there is no clear case for further releases at this time.

6. Although, subject to considerations of design which are capable of being addressed at detailed planning stage, a modest easterly extension of site OP3 to encompass Bid site Bcn006 could make a limited contribution to housing requirements in the future, I conclude that it is preferable for consideration of any such potential, and the parameters that should guide development, to be the subject of consideration during the next review of the local development plan. No modification is therefore required to the proposed plan in response to representations 44 and 360.

OP2 – Westerly extension at Dunshillock

7. Representations 307 and 345 suggest a westward extension of the OP2 allocated site to encompass the fragmented frontage development along Balring Road and the open fields to the south, which the council estimates to extend to some 5 ha. No assessment of potential environmental or transport impacts has been undertaken of this proposal, either during the plan preparation process or in support of the representation on the proposed plan. Nor has there been any opportunity for the proposal to be subject to consultation with the public or other interested parties. I also note the findings of the examination of the existing (2012) plan, that the westward extension of the OP2 site (then referred to as site H1) would give rise to unacceptable coalescence with Dunshillock. I have no reason to disagree with that assessment and the circumstances have not materially altered such that a different conclusion would be appropriate now. The representation also makes reference to the desirability of reducing the speed limit on Balring Road, but that is not a matter of direct relevance to the provisions of the local development plan. I conclude that no modification to the proposed plan is required in response to representations 307 or 345.

Land North of Balring Road

8. Representation 475 seeks the identification of land lying to the north of Balring Road for development for employment purposes. The representation suggests that there is a need and demand locally for such employment development, making reference to potential for a council depot and the relocation of an unnamed local business. However, I have been provided with no information to persuade me that the scale and nature of any such requirement would justify additional land being identified for employment development in the proposed plan. In any event, no assessment of potential environmental, transport or other impacts has been undertaken, either during the plan preparation process or in support of the representation on the proposed plan. Nor has there been any opportunity for the proposal to be subject to consultation with the public or other interested parties. I therefore conclude that no modification is required in response to representation 475.

Reporter's recommendations:

None.
### Issue 25

**Shaping Buchan – Cruden Bay**

<table>
<thead>
<tr>
<th>Development Plan reference:</th>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

Gavin and Katherine Brice (458)  
Scottish Natural Heritage (656)  
Aggregate Industries (879)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities in Cruden Bay

**Planning Authority’s summary of the representation(s):**

**Natural and Historic Environment**

To properly identify the natural assets in/adjacent to each settlement, Buchan Ness to Collieston SAC and Bullers of Buchan Coast SSSI should be added to the Natural and Historic Environment section (656).

**Allocated Sites**

**OP1 Land at Aulton Road and P2**

Development or screening planting should not be permitted on the northwest part of site OP1 or on Site P2. It would cause loss of light, overshadowing and overlooking to the dwellinghouse ‘Burnhowe’ which is in an old railway line cutting with a steep face rising to the roof level. Screening planting could constitute a ‘High Hedge’ (458).

The local roads are unsuitable for the traffic generated by development on Site OP1. The A975 between Cruden Bay and Collieston is narrow with unlit junctions and hazards (458).

Sites P2 and OP1 provide habitat for skylarks (on the RSPB Red Alert list) which would be destroyed by development (458).

Development on Site OP1 would lead to light pollution, and sensitive lighting should be used to minimise this (458).

**OP3 Brick and Tile Works and OP1 Land at Aulton Road**

Objection is made to the proposed reduction in site capacity on Site OP3 to 20 homes and the enlarged allocation OP1 (M1), which was made very late in the Local Development Plan (LDP) process and at odds with planning permission APP/2011/0360 granted on 30 January 2015. The Main Issues Report (MIR 2013, Appendix Buchan, pages 10-11)
wrongly stated that no masterplan, development framework or planning application for the site had been received, whereas application APP/2011/0360 for 216 dwellinghouses was submitted on 10 March 2011 (879).

The Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG assessment) post-dates the planning permission APP/2011/0360 and is not determinative as to which of the sites M1 or EH1 is most optimal in road safety terms, appearing to favour M1 simply as land required for the visibility splay for EH1 may be outwith the applicant’s control. The now extant permission does not appear to form the basis on which Site EH1 was assessed. The application was accompanied by a Transport Assessment and was not the subject of outstanding objections from the roads authorities (879).

The approved application APP/2011/0360 and associated transport improvements should have been considered in the DPMTAG Assessment. The Assessment should have recognised the difference in status of the two sites - proposed allocation M1 (OP1) and the consented scheme on EH1. Any reduction in housing allocation numbers or additional trunk road improvement requirements should have been placed on site M1 (OP1). The proposed scale of development on site OP3 (20 units including 5 affordable units) is very unlikely to provide sufficient development value to facilitate the remediation of the overall site as sought by the approved application (879).

**Modifications sought by those submitting representations:**

**Natural and Historic Environment**

Cruden Bay Settlement Statement: Text should be added under Natural and Historic Environment to refer to Buchan Ness to Collieston SAC and Bullers of Buchan Coast SSSI to the south and east (656).

**Allocated Sites**

OP1 Land at Aulton Road and P2

No development or screening planting should be permitted within the northwest part of Site OP1 or on Site P2 (458).

OP3 Brick and Tile Works

Amend the Proposed Plan to reflect the terms of planning permission APP/2011/0360 (879).

**Summary of response (including reasons) by Planning Authority:**

Cruden Bay is located in the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The allocations for Cruden Bay are appropriate for the purposes of delivering the strategy and aims of the Strategic Development Plan.
Natural and Historic Environment

Aberdeenshire Council suggests a non-notifiable modification to the Natural and Historic Environment section in terms of the addition of the following text: “Buchan Ness to Collieston Special Area of Conservation (SAC) and Bullers of Buchan Coast Site of Special Scientific Interest (SSSI) lie to the south east and east of the settlement.” The Council would not be opposed to the Reporter making this modification, or a variation thereof.

Allocated Sites

OP1 Land at Aulton Road and P2

The proposed allocation of site OP1 is essentially unchanged from the Cruden Bay Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Cruden Bay). It was considered in full at the Main Issues Report (MIR) stage (see MIR Appendix Buchan, pages 10-11 and the subsequent MIR, 2013 Issues and Actions Paper 057: Cruden Bay).

Site P2 marks the strategic landscaping required for sites OP1 and OP2. It represents a 16 metre wide buffer to the immediate south of the dwellinghouse ‘Burnhowe’ in which new housing would not be permitted. The nature of strategic landscaping and the layout of development on sites OP1 and OP2 would be assessed and determined at the planning application stage to ensure that there is not an unacceptable impact on the amenity of any existing homes.

The Roads Service has not raised any concerns about the allocation. Any requirement for road improvement work would be a matter for the planning application stage.

No concerns have been received from any consultee in relation to potential impact of development on the site on skylarks or other biodiversity. The lighting of the development would be assessed and controlled at the planning application stage.

No change is required in relation to any of the matters raised above.

OP2 South of Aulton Road

Although not arising from any representations, a technical change is proposed to correct a drafting error in the site statement for OP2: the second sentence of the second paragraph should read “A new roundabout on the A975 providing access to the OP1 and OP2 sites on the western approach to Cruden Bay will be required.”

OP3 Brick and Tile Works

Site OP3 has been in the Local Plan/Local Development Plan in one form or another for the past 15 years with a full application in 2007 for 199 homes by Taylor Wimpey (see documentation for APP/2007/4365) being withdrawn following a review of the financial viability of the proposals. The clay-pits on the site make it a difficult and expensive site to develop. The current consent (see decision notice and documentation for APP/2011/0360) took four years to conclude and the developer now has until 30 January 2018 to commence the development so that the permission does not lapse. As demonstrated in
the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, the Proposed LDP provides an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. The site remains constrained in the Housing Land Audit 2015 as there are physical constraints to the development and there is no known developer supporting the site, only the site owner. As the site currently makes no contribution to the effective land supply it is not a case of balancing development on this site against another. Site OP1 Land at Aulton Road is immaterial to the decision to remove this long term constrained site and if application APP/2011/0360 came forward it would be an additional windfall site. OP1 (which is an allocation carried forward unchanged from the current LDP) and OP2 South of Aulton Road represent realistic and deliverable allocations to meet the needs of the community for the life of the plan even in the event that delivery of the existing consent proves too difficult. Continued uncertainty as to whether the Brick and Tile Works site will be developed may discourage development on the allocated sites OP1 and OP2.

The Development Planning and Management Transport Appraisal Assessment 2015 (‘the DPMTAG’) was largely undertaken between September 2014 and February 2015, with extensive input from Transport Scotland. This was in response to the publication in June 2014 of Scottish Planning Policy (SPP) which requires development plans to be informed by DPMTAG, after the consultation on the Main Issues Report (see SPP, paragraph 274). The site was included in the test case of the DPMTAG as the history of this site indicates that there is risk that the development may not progress due to deliverability challenges but it could have a significant impact on the strategic transport network (paragraph 1.5.3). The development proposals and road mitigation measures set out in application APP/2011/0360 were taken into account in the DPMTAG. As highlighted in the DPMTAG report (paragraph 4.7.3 and Table 4.16) the junction of the Auchiries Road with the A90(T) is sub-standard. There are safety issues associated with limited visibility at the junction, and the Auchiries Road has substandard alignment. The Auchiries Road and Junction are most likely to be used by traffic generated by development on Site EH1 (which covers proposed Site OP3) to access the A90(T). The junction is of a poorer standard than the other access from Cruden Bay to the A90(T) to the west (the A90(T) Hatton Bends Junction) which has recently been upgraded and is more likely to be used by development on Site OP1 (formerly M1). Use of the Auchiries Road Junction to access the A90(T) from Site OP1 would require diversion through the settlement.

Table 4.16 of the DPMTAG report considers the reference case and concludes that development on sites M1 and EH1 (now OP1 and, at a reduced scale, OP3), even with associated local access improvements, has the potential for major negative impact on the safe operation of the strategic transport network. This arises from the substandard A90 Trunk Road junction close to site EH1/proposed site OP3 and the substandard alignment of the Auchiries Road. The significant upgrading of Auchiries Road and its junctions with the A90(T) and A975 (to an extent greater than that required under permission APP/2011/0360) would have a minor beneficial impact on safety. However this may be difficult to implement due to land ownership and cost constraints - the required land is unlikely to be in the control of the developer or roads authority. Encouraging increased use of the recently improved A90(T) Hatton Bends junction represents more efficient use of resources (DPMTAG Table 4.16 and paragraphs 4.7.6. and 4.7.7) in accordance with the fourth principle set out in paragraph 29 of SPP. Transport Scotland officials discussed and reviewed the contents of the DPMTAG Report, and did not raise any concerns with the emerging findings of the DPMTAG Assessment for Cruden Bay.

The brick and tile works use of the site ceased in 1990 and since then the site has become
naturalised and become of (at least local) biodiversity importance. A National Vegetation Classification Survey Report (2009) for application APP/2011/0360 found that the fine-leaved grassland on the site was a relatively species-rich, neutral grassland. The main interest of the site is provided by the diversity of habitats, and the site represents a significant local nature conservation resource. An Odonata (dragonflies and damselflies) Survey Report prepared in 2010 for the application concluded that the site was of considerable nature conservation value being known to support six species of Odonata with the potential to support two more. In Scotland a site with nine such species would be eligible for SSSI status. It is likely that the biodiversity value of the site has increased further since those surveys were carried out.

As noted above, permission has been granted for residential development on the existing LDP site EH1 and the developer has until 30 January 2018 to commence the development. However, in view of the above points relating to deliverability, road safety, resource use and biodiversity, it is inappropriate and unnecessary to modify the proposed allocations on sites OP3 and OP1. No change is required.

A technical change will be made to correct an error in Table 3 “New Housing Land – Buchan” in Appendix 5 “New Housing Land Allocations”: the entry “(20)**” for site OP3 (EH1) will be moved from the “Existing to 2016” column under the “Peterhead-Hatton SGA (RHMA)” heading, to the “Existing to 2016” column under the “Local Growth (RHMA)” heading. This reflects the fact that Cruden Bay is in the Local Growth and Diversification Area.

**Reporter’s conclusions:**

1. The council comments that Cruden Bay lies within the Local Growth and Diversification Area within the Rural Housing Market Area. However, it is within the Energetica area which the Strategic Plan describes as forming part of the Aberdeen to Peterhead Strategic Growth Area. In any event, Cruden Bay is well located to contribute to meeting housing requirements in the locality, including those arising from the Peterhead to Aberdeen Strategic Growth Area, Peterhead, the St Fergus gas terminal and the wider Aberdeen City area. It is against that background that I consider the housing development aspects, below.

**Natural and Historic Environment**

2. Listing, more comprehensively, nearby sites designated for their nature conservation interest or potential is appropriate, as sought in the representation by Scottish Natural Heritage. Drawing attention to these features would better help to define the local environmental context, within which development proposals are to be considered. I therefore recommend the addition of wording to this end, amended in detail from that suggested by the council in the interests of clarity.

**OP1 Land at Aulton Road**

3. The allocation of Site OP1 to provide up to 200 homes is essentially unchanged from the Cruden Bay Settlement Statement, published as Supplementary Guidance in support of the 2012 Local Development Plan. Although the property, Burnhowe, lies at a lower level than the adjacent part of site OP1, the topography is not such that, in my judgement, development there would inevitably cause overshadowing of Burnhowe to the north. The
intervening swathe of strategic landscaping proposed at P2 would ensure that built forms would not closely approach the mutual boundary, thereby further reducing any potential for overshadowing to occur. Nor would planting within the P2 area inevitably comprise tall trees. The detail of such landscaping, and the form, design and location of residential development, would be matters to be addressed in connection with an application for planning permission for the development of the site. So too would be any measures to ensure satisfactory access and connections to the wider highway network in the locality, as well as any necessary provision to safeguard nature conservation interests and to avoid undue light pollution. I am satisfied that site OP1 should be retained as an allocation to provide around 200 homes and that no changes are required in response to representation 458.

OP3 Brick and Tile Works

4. Site OP3 is a small part of a larger area of land allocated in the 2012 ALDP to provide up to 120 homes. The 2013 Major Issues Report and its 2014 Addendum indicated the intention that the site, then referred to as EH1, be retained as a residential allocation to provide up to 120 homes. At that time, the MIR commented that no planning application had been received. However, that did not correctly describe the position at the time, as an application for planning permission had indeed been previously submitted. That application (reference APP/2011/0360) was subsequently approved by the council and, following the execution of a section 75 agreement, full planning permission was granted in January 2015. That permission is for the construction of 216 dwellings on the wider former EH1 Brick and Tile Works site, together with the provision of significant areas of open space. Conditions of the planning permission, and associated planning obligations secured in the section 75 agreement, provide for off-site highway improvements, nature conservation enhancements and other associated measures to be undertaken in connection with the permitted development.

5. The council accepts that development of the wider site to provide 216 homes can be undertaken, in accordance with planning permission APP/2011/0360, provided that the permitted development is begun before 30 January 2018 (3 years from the date of the permission). Notwithstanding the extant permission, and the long-standing allocation of the wider site to provide a substantial number of homes in Cruden Bay, the council’s position now is that development in this locality should be significantly reduced from both that of the previous allocation (120 homes), and from that of the extant permission (216 homes). In this regard, the council points to highway concerns, effects on biodiversity and doubts about deliverability as justifying limiting the scale of development, and reducing the extent of the site. As a result, what is now identified as site OP3 is proposed to accommodate only up to 20 homes.

6. In terms of highway matters, the council draws attention to the DPMTAG Report (March 2015). It assessed 2 packages of improvement measures in connection with substantial development at Cruden Bay. The package of measures considered in the DPMTAG Report as option CB-01 encompassed the link, junction and visibility improvements secured in connection with the planning permission granted for development at the Brick and Tile Works site. The report comments that, with this option, significant development on both sides of Cruden Bay as envisaged in the previous plan (the Aulton Road sites totalling over 240 homes, together with the Brick and Tile works, previously identified as sites M1 and EH1 respectively), would have the potential to cause adverse road safety impacts. This seems to suggest that, although the improvements to Auchries Road and its junctions with the A90 and the A975 secured by planning
permission APP/2011/0360 (including the requirements of condition 17), were previously considered to be satisfactory, more recent assessment has now cast doubt on this.

7. Option CB-02 considered in the DPMTAG Report also includes significant upgrading on Auchries Road and the A90 and A975 junctions. With this option, the report comments that development of the M1 and EH1 sites “performs reasonably well against the Transport Planning Objectives”, with minor beneficial impacts on safety. Overall, the DPMTAG Report considers that facilitating sites M1 and EH1, with significant upgrading of Auchries Road, A90 and A975 junctions, is the strongest performing option in terms of Transport Planning Objectives. The significant upgrading referred to appears to go beyond the measures secured in connection with the extant planning permission, and the council suggests that there are risks that these may not be achievable for financial or land ownership reasons. However, the council accepts that if the permitted development was duly implemented, by being commenced within the relevant time, the development of the permitted 216 homes at the Brick and Tile Works site could be undertaken with lesser highway improvements. If the planning permission were to expire, because the development were not begun within the relevant time, any new application for planning permission would need to be considered against an up-to-date assessment of potential highway and transport impacts. This would provide the opportunity to ensure that any necessary highway improvements were secured, by conditions of any planning permission or a planning obligation as appropriate, or a combination of such measures.

8. The nature conservation interest at the site, including the range of habitats present and the importance of the site for Odonata (dragonflies and damselflies), was recognised and taken into account during consideration of the application which resulted in planning permission being granted for the development of 216 dwellings. The creation of substantial areas of open space, and the restoration and enhancement of waterbodies within the overall site, are inherent features of the permitted development. Excluding the majority of the previous EH1 site from OP3 allocation, and limiting development there to a maximum of 20 homes, would mean that the restoration of the former mineral workings, the enhancement of nature conservation interest, the provision of a substantial area of open space, and the remediation of any ground contamination, would be unlikely to be achievable to the same extent.

9. Although the 2015 Housing Land Audit records the site as not contributing to effective housing land supply, the existence of the planning permission indicates that it is capable of becoming effective within the plan period. In view of the conclusions on housing supply under issue 7, that measures to seek to increase the rate of delivery of housing are desirable, I consider it would be inappropriate substantially to reduce the scale of residential development to be provided for at the Brick and Tile Works. This is particularly so as the acceptability of development of 216 homes there has been confirmed through a relatively recent grant of planning permission, consideration of which involved public consultation and the assessment of environmental effects. Increasing the number of homes to be accommodated at the site would also enable a significant contribution to the provision of affordable housing to be secured consistent with policy H2, and help to achieve the necessary remediation of potential ground contamination at the site.

10. For these reasons, I recommend that the extent of the site allocated as OP3 should be increased to equate to that of site EH1 as identified in the 2012 ALDP. It is appropriate for the scale of development identified for the site to be modified to be consistent with the planning permission granted, and for the text to be amended to reflect the development principles established in the extant planning permission, together with the further highway
enhancements identified through the DPMTAG assessment. I therefore make recommendations accordingly.

**Reporter's recommendations:**

1. Under the heading “Natural and Historic Environment”, delete the existing text and replace with the following:

   “The designated sites of Buchan Ness to Collieston Coast Special Protection Area (SPA); Buchan Ness to Collieston Special Area of Conservation (SAC); Bullers of Buchan Coast Site of Special Scientific Interest (SSSI) and Cruden Bay Local Nature Conservation Site (LNCS), all lie close-by the settlement.”

2. On the Cruden Bay Map, redraw the Settlement Area boundary to encompass the site identified as site EH1 in the SPG prepared in connection with the 2012 LDP, extending the area of the base map accordingly. Reposition the notation OP3 centrally within the site, and apply the pink shading to the whole of the site.

3. In the heading to the text box referring to OP3: Brick and Tile Works, delete the text “Allocation: Up to 20 homes”, and replace with “Allocation: “220 homes”.

4. Delete the text within the text box relating to OP3: Brick and Tile Works, and replace with the following:

   “This site was previously allocated as site EH1 in the 2012 LDP. Originally a brick and tile works, the remnants of this former use are still evident on this brownfield site. There is currently an existing consent for the site for 216 homes (APP/2011/0360). If this planning consent were to lapse, any future development of the site would need to secure significant improvements to the local highway network, as identified following a DPMTAG assessment (2014). These works would include upgrading Auchiries Road, together with enhancement to the geometry and visibility at the junctions with the A90 and the A975, at either end of Auchiries Road.

   Site investigation should be undertaken by the developer to identify the nature and extent of any ground contamination, with any necessary remediation being secured in connection with development at the site.

   A substantial proportion of the site should be retained as open space, including making provision for the enhancement of grassland and aquatic habitats and safeguarding nature conservation interest at the site.

   Pedestrian and cycle connections with protected area P3, safeguarded to provide a pedestrian and cycleway link, and with existing housing to the south, should be ensured.

   Future development of the site should respect the existing vernacular of the settlement.

   The incorporation of at least 25% affordable homes will be expected, in accordance with policy H2.”
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<td>Appendix 8, Pages Buchan 5, 16</td>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

**Boddam**
Scottish Natural Heritage (656)

**Hatton**
Linda Alves (14)
Alastair Gibbon (164)
Dr P Neville (218)
Glenys Neville (219)
Duguid Family (346)
Anne Webster and Donald Sandilands (354)
Mrs J Elizabeth Webster (537)
Sport Scotland (674)
Mrs V Miller (702)
Grace Clubb (713)

**Provision of the Development Plan to which the issue relates:**
Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Boddam**
Natural and Historic Environment

To properly identify the natural assets in/adjacent to each settlement text referring to Buchan Ness to Collieston SAC and Bullers of Buchan Coast SSSI to the south-east should be added to the Natural and Historic Environment section (656).

**Hatton**

**Allocated Sites**

**OP2 Land Adjacent to Park View**

Objection to the site is made on drainage and flood risk grounds (537, 354, 14, 218, 219) and in relation to traffic impact (713, 537, 354 and 14). The land is regularly flooded by the Water of Cruden being the natural flood plain, and often saturated, with standing water (537, 354).
Objection is also made on the grounds of overlooking and privacy issues, and a wish to retain views of the open countryside (713 and 14). Development would restrict the outlook of properties on Hatton Farm Road and Park View and may result in loss of shared light into existing houses (14).

New developments in Hatton have stalled, with slow rates of build-out and sales. It is important to consider services in the village (537, 14, 354) and whether further housing development is required (14).

Park View is narrow with limited off-street parking, and on-street parking is problematic at busy times of the day, causing problems in relation to the manoeuvring of school buses. Larger vehicles use Park View to access the Water Treatment Works and Waste and Recycling Centre at the end of the road. These cause road safety and congestion problems which would be exacerbated by development on the site (537, 14, 354).

The open space on the site is used for recreation, including by children, dog walkers and for bonfire night celebrations. An area of the land is already protected. Development may displace existing wildlife. Its loss would be a loss to the community (537, 14, 354).

**OP3 Off Station Road**

The allocation of OP3 is supported but its boundary should be extended to match that of the current application for approval of matters specified in conditions (reference APP/2015/1065). The principle of development on this site has been established by planning permission reference APP/2011/2388 (346).

The expectation for at least 5 affordable homes provided by the developer does not reflect the Section 75 Agreement associated with the permission in principle, which requires a commuted payment towards off-site provision. In the interests of accuracy and consistency with the development management process, this requirement should be deleted from the site text (development brief) (346).

Rowan Terrace would not cope with the extra traffic generated by a 21 house development. Parking and manoeuvring on Rowan Terrace and exiting onto Main Street is already problematic and would be exacerbated by the development. Snow and ice in winter means the narrow lane at the bottom has to be used for access to Main Street/Station Road (702).

Development on the site would exacerbate existing flooding problems (702, 218, 219) and a precautionary approach should be taken – new housing developments should not take place if they would materially increase flood risk, which development on OP3 would (218, 219).

An access road from the development or a parking area at the bottom of Rowan Terrace would be impractical and dangerous. An alternative access route is suggested (702). The narrow unclassified lane starting at the junction of Main Street and Station Road and ending at Auchlethen Farm is used as access to the property of the respondents who are unprepared to give up their legal right to use the access. Closing off the lane would block their access/egress and they are unlikely to grant any developer the right do this (218, 219).

Most of the woodland on the site has been removed and the site is unrecognisable.
ecologically compared to when it was allocated in the existing LDP. There should be stronger promotion of the rural character of Hatton. Trees along the border of the respondent’s property adjacent to OP3 should not be removed (218, 219).

Scottish Water may not have capacity for additional sewage treatment required by the new developments (218).

**OP4 East of A90**

Objection to the proposed allocation is made. If a building is erected on the site it should be at the lower level of the space behind the existing garage and should be no higher than the existing commercial building. The residential section of Station Road is a narrow road regularly used by children and the elderly and used as a busy shortcut to Cruden Bay. Access to the development should be adjacent to the existing commercial building and not from this road (164).

**Additional Sites**

**Bid Site Bcn020 (encompasses OP3)**

Additional land is promoted for development, consisting of a parcel of land to the northwest of site OP3 - the dwellinghouse and garden of 'The Sheiling' (suitable for 8 dwellinghouses) and a parcel of land to the south (suitable for 15 dwellinghouses). Both parcels are within the settlement boundary but should be specific allocations. Housing allowance for the area is made up from only 3 sites. The Housing Land Audit 2014 (unreferenced) and the draft Housing Land Audit 2015 (unreferenced) show very limited progress with the allocated sites in Peterhead. This would mean a very large shortfall in housing in this part of the Energetica Corridor over the plan’s lifetime. This encourages allocation of a broader range of sites, and the proposed additions at Hatton would address this (346).

The infrastructure requirements for the proposed development have been fully assessed as part of the recent applications. Satisfactory access arrangements are dependent upon the stopping up of the lane between the application site and Station Road which has been agreed with the lane’s owner. The site is well located in relation to local services and facilities and the proposal conforms to the Energetica Supplementary Guidance criteria (346).

**Playing field to east of OP3**

The playing field to the east of site OP3 is an outdoor sports facility and the proposals map should reflect this and apply the appropriate policy protection, by designating it “P – Protected Land” (674).

**Modifications sought by those submitting representations:**

**Boddam**

**Natural and Historic Environment**

Boddam Settlement Statement: Text should be added under Natural and Historic
Environment to refer to Buchan Ness to Collieston SAC and Bullers of Buchan Coast SSSI to the south-east (656).

Hatton

Allocated Sites

OP2 Land Adjacent to Park View
Delete OP2 (modification inferred from representations 537, 354, 713).
Delete or reduce the size of site OP2 (14).

OP3 Off Station Road
Delete OP3 (modification inferred from representations 218, 219, 702).

OP4 East of A90
Delete OP4 (164).

Additional Sites

OP3 and Bid Site Bcn020 (encompasses OP3)
Enlargement of OP3 allocation, to reflect recent planning decisions. Allocation of additional adjoining land as described in the supporting statement (346).

Playing field to east of OP3
Include playing field east of OP3 with a specific land use designation “P – Protected Land” (674)

Summary of response (including reasons) by Planning Authority:

Boddam

Natural and Historic Environment

Aberdeenshire Council suggests a non-notifiable modification to the Natural and Historic Environment section so that the first paragraph is as follows: “There are four environmental designations close to Boddam: Stirling Hill Local Nature Conservation Site (LNCS) to the west, Buchan Ness to Collieston Special Protection Area (SPA) to the east, Buchan Ness to Collieston Special Area of Conservation (SAC) to the south east, and Bullers of Buchan Coast Site of Special Scientific Interest (SSSI) also to the south east.” The Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Hatton

Hatton is located in the Peterhead-Hatton Strategic Growth Area within the Rural Housing
Market Area, which the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies as having significant potential for development (see SDP 2014, Spatial Strategy, paragraph 3.25). The proposed allocations of OP2, OP3 and OP4 are largely unchanged from the Hatton Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Hatton). They were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, pages 13-15 and the subsequent MIR 2013, Issues and Actions Paper 059: Hatton). It was concluded that on account of the current substantial existing allocations which satisfy local need, it is unlikely that further allocations are required in Hatton.

Allocated Sites

OP2 Land Adjacent to Park View

Site OP2 has been carried forward from the existing 2012 Local Development Plan.

SEPA has not raised any objection to the allocation of OP2. The development brief states that a flood risk assessment may be required. A flood risk assessment was submitted as part of a previous planning application for permission in principle (see documentation for APP/2006/2914) and this was accepted by SEPA.

Overlooking, privacy and loss of light and outlook are matters to be considered and addressed at the planning application stage. Loss of a private view is not a material planning consideration.

The Roads Service has not raised any concerns about the allocation. Appropriate access and parking arrangements and any requirements for road improvement work would be addressed at the planning application stage.

More than half of the land between Park View and the Water of Cruden is not included within OP2 and is instead covered by P1, protected to conserve the setting of Hatton and the skateboard park, tennis courts and playing field and reserved for education uses. Ample recreation land would therefore be retained even after OP2 is developed. Development on the site would have to comply with Policy P2 (Open space and access in new development) which would ensure the provision of opportunities for informal recreation and the protection of public access routes.

The site is not of significant biodiversity value and the proposed allocation has not been the subject of any objections from environmental consultees.

No change in respect of this allocation is, therefore, required.

OP3 Off Station Road

Site OP3 has been carried forward from the existing 2012 Local Development Plan (LDP) albeit at a slightly higher density with the allocation now being for up to 21 houses (up from 20 in the existing LDP). This reflects the development approved under permission in principle references APP/2004/2977 and APP/2011/2388 which have established the principle of development on the site (see documentation for APP/2004/2977 and documentation for APP/2011/2388).
Non-notifiable modifications are considered appropriate to amend the boundary of Site OP3 to reflect the boundary of the planning permission in principle site and to add the following reference to this extant permission after “The site was previously allocated as EH2 within the 2012 LDP” in the development brief: “Planning permission in principle for residential development on the site has been granted (APP/2004/2977 and APP/2011/2388).” The Council would not be opposed to the Reporter making these modifications, proposed by the council, or variations thereof. No change is proposed to the affordable housing element of the development brief for the eventuality that a further application is lodged for the site.

Appropriate access and parking arrangements and any requirements for road improvement work would be matters for the planning application stage.

Scottish Environment Protection Agency has not raised any objection to the allocation of OP3 and the development brief states that a flood risk assessment may be required. Any development proposal on the site would be subject to the requirements of Policy C4 (Flooding) and Policy RD1 (Providing suitable services).

The site is not of significant biodiversity value, and the proposed allocation has not been the subject of any objections from environmental consultees.

The Services and Infrastructure section in the Settlement Statement for Hatton confirms that whilst there is currently insufficient capacity at Hatton of Cruden Waste Water Treatment Works, Scottish Water will initiate a growth project once one development meets their 5 growth criteria. In its response to the Proposed Plan, Scottish Water advised that it “would discourage the removal of allocations solely on the basis of limited water or wastewater capacity, as this can be overcome.” (287).

No change in respect of this allocation is therefore required.

OP4 East of A90

Site OP4 has been carried forward unchanged from the existing 2012 Local Development Plan.

The design and layout of development on the site would be assessed and controlled at the planning application stage, including in relation to Policy P1 (Layout siting and design) and to accord with the stipulation in the development brief regarding the employment development and screen planting. Development would therefore not have an unacceptable impact on existing houses. The Roads Service has not raised any concerns regarding the allocation. No changes to this allocation are therefore required.

Additional Sites

Bid Site Bcn020 (encompasses OP3)

The MIR bid site Bcn020 was considered in full at the MIR stage (see MIR 2013, Appendix Buchan, pages 13-15 and the subsequent MIR 2013, Issues and Actions Paper 059: Hatton). As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Peterhead-Hatton Strategic Growth Area. Further allocations are not required in Hatton at this stage. Notwithstanding this, the additional land promoted by
respondent 346 is within the settlement boundary and is not covered by any specific land use designation on the proposals map in the settlement statement. In principle it could therefore be developed under the infill development policy, Policy P3 (Infill and householder developments within settlements). The development brief for site OP3 requires the design of the site to allow for possible vehicular access to this adjacent land to allow further development in the future. It is therefore unnecessary to include the land as an opportunity site. No change is required.

Playing field to east of OP3

It is acknowledged that the playing field to the east of site OP3 is an important recreational amenity within the settlement. As such, it would be offered a level of protection from inappropriate development by Policy P3 (Infill and householder developments within settlements) which only supports development on unallocated sites within a settlement boundary if it would not erode the amenity of the surrounding area. In addition, as set out in Schedule 4 Issue 13: Protecting Resources, Policy PR1 Protecting Important Resources, the Council supports non-notifiable modifications to clarify that Policy PR1 provides protection to areas of open space whether or not they are specifically designated as protected areas in settlement statements. A specific designation is therefore not necessary to prevent inappropriate development from taking place on this site. No change is therefore required. However, the Council would have no objection to the designation of the playing field as protected land if the Reporter considers this appropriate.

Reporter’s conclusions:

Boddam

Natural and Historic Environment

1. Listing, more comprehensively, nearby sites designated for their nature conservation interest or potential is appropriate, as sought in the representation by Scottish Natural Heritage. Drawing attention to these features would better help to define the local environmental context, within which development proposals are to be considered. I therefore recommend the addition of wording to this end, as suggested by the council.

Hatton

Settlement Features - Playing Field to the East of site OP3

2. The playing field to the southwest of Station Road and east of site OP3 is an important recreational facility within Hatton. Policy PR1 of the proposed plan, and Scottish Planning Policy paragraph 226, both provide that outdoor sports facilities should generally be safeguarded from development unrelated to such use. Although these policies would afford protection to the playing field, I agree that applying a specific Protected Land annotation would provide greater clarity over the status of this land. Such a modification would be consistent with the approach adopted in the proposed plan with regard to the recreational facilities associated with Hatton (Cruden) School (identified as Protected Land P1). I therefore recommend that the settlement statement text and map be modified to identify the playing field as a feature to be protected for recreational purposes. This would give effect to the representation by Sport Scotland (674), and accord with the council’s invitation in this regard.
OP2: Land Adjacent to Park View

3. The site was allocated, in the SPG adopted in the context of the 2012 LDP, for the development of 15 houses (site EH1), having been carried forward from the previous local plan. Planning permission in principle was granted in 2010 for the development of 13 dwelling houses and associated amenity ground at the site (reference APP/2006/2914). I note that the 2014 Housing Land Audit records the planning permission as having expired, with the site regarded as constrained for marketability reasons and therefore not contributing to effective land supply. However, the previous grant of planning permission in principle for residential development at the site leads me to conclude that development of the site is acceptable in principle. I find no reason to conclude that the site is incapable of becoming effective during the plan period.

4. Consideration of the previous application for planning permission included taking account of a flood risk assessment, the findings of which were accepted by SEPA at that time. Nor has SEPA raised objection to the retention of the site for residential development. In this regard, the south/southeast boundary of the site is set away (up-slope) from the Water of Cruden watercourse, such that any flooding would not affect the site itself or its access from Park View.

5. Considerations of potential overlooking, effect on privacy and loss of light and outlook are matters to be addressed in the context of a planning application for development at the site. In any event, with the carriageway of Park View intervening between existing properties and any development at the site, and in view of the relative levels of the site, the road and the existing properties, such development need not give rise to any undue effect in these terms. I accept that development at the site may impinge on views from the existing Park View properties, southwards across the site and towards the school. However, depending on design, I do not consider that any such effect need be such as to be unacceptable.

6. The council’s Roads Service has not raised any concerns about the allocation of the site for residential development. Appropriate access and parking arrangements and any requirements for road improvement work would be addressed at the planning application stage. There is nothing to lead me to conclude that road safety and access issues could not be satisfactorily addressed at the detailed planning stage. With development of site OP2, much of the land between Park View and the Water of Cruden and beyond would remain open, protected by the P1 designation, safeguarding recreation and education uses and the setting of Hatton. This, and my recommendation that protection be afforded to the recreation ground east of site OP3, will ensure the retention of adequate recreation land within the village. No environmental consultees have suggested that the site is of significant biodiversity value such that development should be resisted for that reason. Overall, I conclude that the site should be retained as an allocation for residential development, and no change is therefore required to the proposed plan in this regard.

OP3: Off Station Road

7. The location of the site, close to the centre of the settlement, is such that it is well placed to contribute to meeting local requirements for housing development. The previous grants of planning permission for residential development at the site has enabled appropriate consideration to be given to the effects of such development, including in terms of tree retention, traffic and access, flooding and biodiversity. I note Scottish Water’s confirmation that it can address any deficiency in water or wastewater capacity by
initiating a growth project once one development meets their 5 growth criteria, and that any
deficiency would not therefore be a reason for the allocation to be removed.

8. The previous grants of planning permission in principle, and the more recent further
application for the approval of details of the development at the site, indicate that the site is
capable of contributing to the provision of new homes within the plan period. In view of the
conclusions on housing supply set out under Issue 7, that completions to 2016 have fallen
behind the target set out in the strategic plan, I conclude that it would not be appropriate to
remove the site as an allocation for development in the proposed plan.

9. Including reference in the text, and adjusting the extent of the site on the settlement
statement map to reflect the planning permissions granted, would appropriately clarify the
status of the site and its extent. I therefore make recommendations accordingly, as invited
by the council. I am told that the arrangements for the provision of affordable housing at
the site, made through a section 75 agreement in connection with the previous grant of
planning permission, differ from what is said in the text of the proposed plan relating to the
site. For that reason representation 346 suggests that the reference to an expectation of
on-site provision of at least 5 affordable homes should be removed. Implementation of the
development of the site for which planning permission has been granted would, of course,
be governed by the measures put in place in that regard, including any section 75
agreement. However, a new or different planning permission may be sought and it is
appropriate for the proposed plan to specify what contribution to affordable housing would
be expected at the site, in that event. Policy H2 of the proposed plan seeks provision
of 25% in this regard, with a preference that this should be provided on-site where
appropriate. The 5 affordable homes referred to is therefore consistent with the scale of
development indicated by the planning permission granted for 21 homes at the site,
although the policy makes provision for flexibility in this regard, by reference to
supplementary planning guidance. Overall, apart from making reference to the previous
grants of planning permission at the site, I conclude that no changes in respect of this
allocation are required.

OP4 East of A90

10. The allocation of site OP4 for employment development has been carried forward
unchanged from the 2012 Local Development Plan. It is well located adjacent to the
existing BUS site fronting the A90 (safeguarded for employment use), to enable future
requirements for employment development that may arise in the settlement to be met.
The design and layout of development at the site would be matters to be considered at the
planning application stage, including in relation to the policies of the proposed plan relating
to layout, siting, design and landscaping. Subject to such design and other details, there is
nothing to lead me to conclude that employment development at the site need have any
undue effect on nearby residential properties. I also note that the council’s Roads Service
has not raised any concerns regarding the allocation in highway or transportation terms.
Overall, I conclude that no change with regard to this allocation is required to the proposed
plan.

Additional Sites

Bid Site Bcn020

11. The representation in respect of this site effectively seeks to enlarge allocated site
OP3 in 2 directions. The first would encompass additional land to the south, bounded by
the burn and the settlement boundary. The development brief for site OP3 implies that such development would be acceptable in principle. It requires the design of development at the OP3 site to allow for possible vehicular access to this adjacent land to allow for its development, and I note that the detailed application for development at that site reflects this requirement. I also note that the suitability of the site for residential development has been recognised in the Main Issues Report, which comments that it is conveniently located in proximity to facilities in the village. There is nothing in the SEA report, or arising from the consultation undertaken in respect of the site, to indicate that any environmental or other constraints are such that the site should not be identified for residential development.

12. As the council points out, development at the site would in any event be acceptable in principle in accordance with policy P3, which is permissive of infill development on unallocated sites within a settlement boundary. The layout plan submitted with the representation indicates 15 homes being accommodated on the southeastern extension of the OP3 site. The acceptability of any specific development proposals for the site would be for consideration through an application for planning permission. However, from the material submitted I am satisfied that, subject to consideration of its form, design, scale and other characteristics, residential development comprising around 15 dwellings would be acceptable. I consider that there would be greater clarity with the site being specifically identified for development in the proposed plan. This would help to address the findings under Issue 7, that completions to 2016 have fallen behind the target set out in the strategic plan. Separate identification of the site as an allocation in the proposed plan, rather than enlarging the OP3 site to encompass it, would also assist in terms of clarity. I therefore recommend the addition of a new allocation OP5, representing the part of the Bcn020 land to the southeast of OP3.

13. The second extension to the OP3 site sought in the representation would be to the northwest of the OP3 site. This would involve the redevelopment of the remaining curtilage of the existing dwelling The Shieling, shown to be retained on site layout drawing A1-00-01 Rev Q submitted with application APP/2015/1065. I note that the site plan for the entire Bcn020 site, submitted with the representation, indicates this part of the land being developed with 8 dwellings. However, I have insufficient information safely to conclude that the proposed plan should be modified to include an allocation for development of that indicative scale. I therefore conclude that the northwestern part of the Bcn020 representation site should not be expressly allocated in the proposed plan for residential development. Consideration of any such proposals would more appropriately be through the detailed planning application process, in the context of policy P3, which indicates that residential development would also be acceptable in principle, as the land lies within the settlement boundary.

**Reporter's recommendations:**

**Boddam**

1. Under the heading “Natural and Historic Environment”, delete the first paragraph and replace with the following text:

“There are four environmental designations close to Boddam: Stirling Hill Local Nature Conservation Site (LNCS) to the west, Buchan Ness to Collieston Special Protection Area (SPA) to the east, Buchan Ness to Collieston Special Area of Conservation (SAC) to the south east, and Bullers of Buchan Coast Site of Special Scientific Interest (SSSI) also to
the south east.”

Hatton

2. Under the “Settlement Features” heading, add a further Protected Land entry, as follows:
   “P2. To conserve the playing field as a recreational amenity for the settlement.”

3. On the settlement statement map, add a notation “P2” to the playing field to the southwest of Station Road, and apply green edging and cross hatching to define the extent of the playing field.

OP3: Off Station Road

4. Add the following text, after the first sentence in the development brief text:
   “Planning permission in principle for residential development on the site has been granted (application references APP/2004/2977 and APP/2011/2388).”

5. On the settlement statement map, alter the extent of the OP3 site to include the land between its eastern edge and the line of the burn, to accord with the site in respect of which planning permission has been granted, applying pink shading and boundary treatment to the extended site.

Bid Site Bcn020 – Land at Hatton Vale

6. Under the “Allocated Sites” heading, add a new entry as follows:

   “OP5: Land at Hatton Vale Allocation: 15 homes

This site involves the southward extension of development of allocated site OP3, planning permissions granted for the development of which make provision for access to the site. The design of the development should take account of the rural character of the site and existing trees should be retained where possible. A pedestrian and cycle route should be provided to link to the crossing of the burn to be provided in conjunction with the development of OP3 to the north. It is expected that at least 4 affordable homes will be provided by the developer, integrated into the design of the development. A flood risk assessment may be required.”

7. On the settlement statement map, add site “OP5” comprising the land bounded by the boundary with OP3 to the northwest, the settlement boundary to the southwest and the burn to the east and southeast, applying pink shading and boundary treatment to the site.
Shaping Buchan – Buchan North – Maud, St Combs and Strichen

**Development Plan reference:** Appendix 8, Pages Buchan 23, 58, 64

**Reporter:** Rob Huntley

**Body or person(s) submitting a representation raising the issue (including reference number):**

**Maud**

Ian Walker (7)
NHS Grampian (610)

**St Combs**

Scottish Natural Heritage (656)

**Strichen**

Andrew Roberts (83)
Burnshangie Developments (126)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Maud**

**Allocated Sites**

**OP3 Land at Bank Road**

Concern is raised in relation to the width of the road serving site OP3. This is a through road providing access for ever wider agricultural, commercial and domestic traffic. The continuation of the initial Bank Road width to a point beyond all future development would help to alleviate safety concerns (7).

**Additional Sites**

**New Site - Maud Hospital**

The Maud Hospital site (including a parcel of land to the south which is also in NHS Grampian’s ownership) should be identified as an opportunity site for development (610).
**St Combs**

**Natural and Historic Environment**

Scottish Natural Heritage advises that to properly identify the natural assets in/adjacent to the settlement, text should be added in the Natural and Historic Environment section of the Settlement Statement to refer to Cairnbulg to St Combs Coast SSSI to the east (656).

**Strichen**

**Allocated Sites**

**OP1 Land at Burnshangie**

The allocation is inappropriate and impractical. The 'Vision' section of the Plan confirms that Strichen is contained within a valley so has limited options for growth. Development on site OP1 would rise significantly up a prominent hill and out of the valley, making it highly visible and detracting from the character of the village (83).

There has been a long and unsuccessful history of trying to develop the site. By retaining OP1 in the Plan, the Council is falsely showing allocations which would contribute to the overall number of units for the region, but in reality are very unlikely to be developed (83).

An established flooding issue at Mormond Place would be exacerbated by development as the building will be on higher ground (83).

Site OP1 has multiple landowners so is unlikely to be developed according to the Plan, leaving a cut-off piece of waste land (83).

The proposed new access from the B9093 would increase traffic on Mormond Place as residents of Sleigh Crescent and parts of Bridge Street would use this as a faster alternative to High Street. Mormond Place is not suitable for this extra traffic, being narrow with on-street parking (83).

**Site OP3 West of Burnshangie House**

Planning permission has already been approved for 18 houses on the site (reference APP/2009/2494). The housing allocation for Site OP3 should be increased to up to 18 houses, in order to safeguard the approval received on 21/10/2013 (126).

**Modifications sought by those submitting representations:**

**Maud**

**Allocated Sites**

**OP3 Land at Bank Road**

A more reasonable thoroughfare width should be provided for the OP3 site. The continuation of the initial Bank Road width to a point beyond all future development, from a safety point of view, should be provided (this modification is inferred from
Additional Sites

New Site - Maud Hospital

Identify the Maud Hospital site and a parcel of land to the south as an opportunity site for development (21).

St Combs

Natural and Historic Environment

Text should be added under 'Natural and Historic Environment' in the Settlement Statement to refer to Cairnbulg to St Combs Coast SSSI to the east (656).

Strichen - Allocated Sites

Site OP1 Land at Burnshangie

Delete Site OP1 (83).

Site OP3 West of Burnshangie House

The housing allocation for Site OP3 should be increased from up to 15 houses to up to 18 houses (126).

Summary of response (including reasons) by Planning Authority:

Maud

Maud is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The allocations for Maud are appropriate for the purposes of delivering the strategy and aims of the SDP.

The proposed land allocations are essentially unchanged from the Maud Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Maud). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, page 19 and the subsequent MIR 2013, Issues and Actions Paper 062: Maud). It was concluded that on account of the current substantial allocations which satisfy local need, along with potential adverse visual impact and school capacity issues, it was unlikely that further allocations are required in Maud.

Allocated Sites

OP3 Land at Bank Road

Site OP3 has been carried forward from the existing 2012 Local Development Plan and is
currently under construction on a plot-by-plot basis. The Roads Service has not raised any
concerns about the allocation. Any requirement for road improvement work, such as
widening or the provision of passing places, would be a matter for the planning application
stage. No change is required.

Additional Sites

New Site – Maud Hospital

The MIR identified that a redevelopment opportunity at Maud Hospital still remained. The
site was not put forward as a development bid so was not considered as such at the MIR
stage, nor subject to site assessment and public consultation. The representation does not
include details of the extent of the land parcel to the south which they wish to be allocated,
nor supporting information such as an environmental assessment to allow a detailed
evaluation of the suitability of the proposal. In addition, as demonstrated in the Schedule 4
Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is an
appropriate and sufficient supply of deliverable housing sites within the Rural Housing
Market Area.

Notwithstanding the above points, Maud Hospital itself is within the settlement boundary
and is not covered by any specific land use designation on the proposals map in the
settlement statement. The site could therefore be redeveloped under the infill development
policy, Policy P3 (Infill and householder developments within settlements) subject to
compliance with Policy HE1 as the hospital is listed. It is therefore unnecessary to allocate
the site as an opportunity site. No change is required.

St Combs

Natural and Historic Environment

Aberdeenshire Council suggests a non-notifiable modification to the Natural and Historic
Environment section so that the following wording is added at the end: “and the Cairnbulg
to St Combs Coast Site of Special Scientific Interest (SSSI) is located to the east.” The
Council would not be opposed to the Reporter making the above modification, or a
variation thereof.

A minor technical change is proposed to correct “Cairnbulg to St Combs LNCS is located
to the north”, to “Cairnbulg to St Combs LNCS is located to the east.”

Strichen

Strichen is located in the Local Growth and Diversification Area within the Rural Housing
Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014
identifies that levels of growth in individual settlements within this area should relate to
local needs (see SDP 2014, Spatial Strategy, paragraph 3.43).

The proposed land allocations were considered in full at the Main Issues Report (MIR)
stage (see MIR 2013, Appendix Buchan, page 44 and the subsequent MIR Issues and
Actions Paper 073: Strichen). As demonstrated in the Schedule 4 Issue 7: Housing Land
Supply and Issue 8: Housing Land Spatial Strategy, there is an appropriate and sufficient
supply of deliverable housing sites within the Rural Housing Market Area.
Vision

A minor technical change will be made in the form of the repositioning of the closing bracket from the end of the second sentence to after “including a butchers”.

Another minor technical change will be made to correct the penultimate sentence in the Vision, to “However the settlement includes four housing allocations for the plan period designed to sustain community facilities.”

Allocated Sites

Site OP1 Land at Burnshangie

The allocation is carried forward (albeit at a reduced scale, from up to 50 to up to 28 homes) from the 2012 Local Development Plan, thus the principle of development on Site OP1 was considered at a previous examination.

As concluded by the Reporter in the previous examination (see extract from Examination Report - Aberdeenshire Local Development Plan 2012), development on the site would not break the ridge line and is contained by the curving form of the hillside and the B9093. The skyline of the settlement would not be broken and the landform and surroundings mean that the development would fit into the landscape setting of the settlement.

Policy RD1 would require development to deal with surface water drainage in ways that do not exacerbate existing drainage problems or increase flood risk elsewhere through the use of an integrated sustainable drainage system. This would be addressed at the planning application stage to ensure that the development does not exacerbate existing drainage problems or increase flood risk elsewhere.

It was demonstrated through application APP/2009/2495, which indicated accesses off the B9093 and Mormond Place, that the site is capable of being accessed to the satisfaction of the Roads Service (see documentation for APP/2009/2495). The Roads Service has not raised any concerns regarding the proposed allocation and its advice regarding access has been included in the Proposed Plan. Parking for the new development would be designed and accommodated without having an impact on adjoining streets.

No change in relation to OP1 is required.

Site OP3 West of Burnshangie House

In view of the extant permission in principle for residential development (18 indicative plots) it is considered appropriate to make a non-notifiable modification to replace “Up to 15 homes” with “Up to 18 homes” in the development brief. It would be appropriate to make a consequential change in the form of replacing the text “at least 3 affordable homes” with “at least 4 affordable homes” in the development brief. The Council would not be opposed to the Reporter making the above modifications, or variations thereof.
Reporters conclusions:

Maud

OP3: Land at Bank Road

1. The OP3 site represents a linear development proposal involving the completion of frontage housing development on the south-east side of Bank Road. I observed that development at the OP3 site is progressing generally in south-westerly direction with more than half of the 10 homes referred to completed at the time of my site inspection. It was evident from my site inspection that the footway had been extended along the Bank Road frontage, in stages associated with the construction of the completed dwellings, together with associated kerbing. Where that has occurred, the overall useable width of the Bank Road carriageway is adequate for the limited traffic that the road carries. The consideration of applications for planning permission for development of the remaining parts of the OP3 allocation provides the appropriate context within which footway and highway works can be addressed. There is no need for any modification in response to representation 7.

Maud Hospital

2. The Maud hospital site, largely enclosed behind high rendered walls, comprises a complex of listed two storey stone-built former hospital buildings, including a gatehouse lodge. As it is situated within the defined Maud settlement boundary, development at the site could in principle be consistent with Policy P3 of the plan. This is supportive of the development of unallocated land within settlements, including the conversion of existing buildings. In view of the listed status of the complex, such development would be assessed in the light of Policy HE1 of the proposed plan and encouragement given in Scottish Planning Policy paragraph 141 to maintaining listed buildings in active use. The absence of any specific allocation in the plan is no bar to appropriate development at Maud hospital, and no modification is required to the proposed plan in this respect.

St Combs

3. The addition of a reference to the Carnbulg to St Combs Coast SSSI, as sought by Scottish Natural Heritage, is appropriate for completeness and clarity. I therefore recommend a modification accordingly, as invited by the council.

Strichen

OP1: Land at Burnshangie

4. Representation 83 seeks deletion of the OP1 allocation, maintaining that development at the site is impractical. In support of this contention, it is suggested that issues of flooding, fragmented ownership, and access combine to mean that development is unlikely to be able to be brought forward at the site. The representation also comments that, irrespective of issues of practicality, development at the site would be inappropriate, citing adverse effect on character and local residential amenity, as well as the potential exacerbation of flooding and access problems.

5. The site was allocated for residential development in the 2012 Local Development
Plan, with a capacity of up to 50 homes. The examination of that plan included detailed assessment and endorsement of that proposal. Further consideration has since resulted in a reduction in the number of dwellings now regarded as appropriate for the site to 28, on account of the need to restrict built development in parts of the site in response to flood risk. Consistent with this adjustment to site capacity, the 2015 Housing Land Audit records 22 of the allocated 50 units as being constrained and thereby not contributing to effective land supply at the site. The allocation of site OP2 at Hospital Brae for 22 homes makes up for that reduction in development capacity at Strichen.

6. Although development at the site has not yet come forward despite its allocation in the 2012 LDP, the 2015 HLA records the agreed effective capacity of the site as 28 dwellings, with 14 anticipated to be delivered within the 5 year period to 2019, and the remaining 14 in the following 2 years. I have been provided with no information sufficient to contradict the position stated in the agreed 2015 HLA and I therefore conclude that the contribution to housing supply represented by the site can be regarded as effective. There is no reason to delete the site for those reasons.

7. Nor do I consider that any of the other matters raised in the representation are such that I should conclude that development at the site would be unacceptable for any of the reasons raised. In this regard, I agree with the reporter who conducted the examination of the ALDP 2012, that development on the site would not break the ridge line and would be contained by the curving form of the hillside and the B9093. Subject to detailed design, development would fit into the landscape setting of the settlement. Other aspects of the development at the site are matters to be addressed in the context of an application for planning permission. The details of surface water drainage, access, any effect of traffic on Mormond Place, parking, and other detailed considerations are all capable of being satisfactorily addressed in this way.

8. Overall I find that there is no reason for me to conclude that development at site OP1, as envisaged in the plan, would be inappropriate or impractical such that the allocation should be deleted. I therefore recommend no modification in response to representation 83.

OP3: West of Burnshangie House

9. Planning permission has been granted by the council for residential development at this site (application reference B/APP/2009/2494). Although this is a planning permission in principle, and the number of dwellings could vary subject to detailed design, the approval notice and the submitted plans refer to the development of 18 dwellings. It is therefore appropriate for the scale of the development referred to in the plan to be amended to reflect the extant permission. Consistent with conclusions on Issue 7, site capacities should be indicative rather than specifying an upper limit, and the reference should therefore be to 18 homes. Policy H2 seeks the provision of a proportion of affordable housing in connection with housing developments, at the rate of “no less than 25%”. In view of the increase in the overall numbers, I agree that it is appropriate to increase the number of affordable homes referred to as expected at the site. I therefore recommend, as sought in representation 126, and invited by the council, that the number of units referred to at this site be altered accordingly. I also recommend a consistent amendment to the reference to the affordable housing element.
Other Matters

10. The representations made by Scottish Water in relation to water and wastewater infrastructure, and by SEPA in relation to flood risk, are addressed under Issue 16.

Reporter’s recommendations:

St Combs

1. At the end of the first sentence under the heading “Natural and Historic Environment”, delete the last word “north”, and replace it with “…east, and the Cairnbulg to St Combs Coast Site of Special Scientific Interest (SSSI) is located to the east.”

Strichen

2. In the text box relating to OP3: West of Burnshangie House, in the heading, alter the Allocation from “up to 15 homes” to “18 Homes”. In the last sentence of the text, alter the number of affordable homes expected from “3” to “4”.
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<th>Issue 28</th>
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<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Pages Buchan 1, 3, 33, 67</td>
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<tr>
<td>Reporter:</td>
<td>Rob Huntley</td>
</tr>
</tbody>
</table>

Body or person(s) submitting a representation raising the issue (including reference number):

- **Ardallie**
  - Paul Winter (13)

- **Auchnagatt**
  - Aberdeen Endowments Trust (289)

- **New Deer**
  - Albert Will (161)

- **Stuartfield**
  - G S Burnett Stuart (131)

Provision of the Development Plan to which the issue relates:

- Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

**Ardallie - Allocated Sites**

**OP1 Land at Nether Backhill**

The developer has submitted plans for 3 units already, two within site OP1 and one in close proximity. These should be included in the total allowable under the revised LDP. At 10 houses and 6 industrial units the density is too high and at variance with the character of the local area (13).

There is a risk of serious contamination from waste water flows from site OP1 into Devil's Howe Burn and the Waters of Cruden. The main road is busy and fast, so residents are disinclined to use sustainable transport modes if it is dark or inclement weather. Screening and planting should be put in place before any work begins on site OP1 and the affordable housing units should have garden space on a par with that of more expensive homes (13).

**Auchnagatt - Allocated Sites**

**OP2 Land at Annochie Place**

The continued allocation of site OP2 (formerly H1) carried forward from the existing 2012 Local Development Plan (LDP 2012) for a development of up to 31 houses is supported.

Strategic landscaping should be implemented on the southern boundary of the field
adjacent to the minor watercourse/drainage ditch, rather than in its currently shown location. In the event of an amended boundary of the site to accommodate this any additional housing numbers would be consulted upon locally and promoted through a review of the LDP (289).

New Deer

Settlement Features

R1

The development of a 2 metre wide footpath from New Deer to the showground is unnecessary and the cost would be better spent on road maintenance. The showground is only used approximately six times per year. There are restrictions on traffic movements to the showground during events, as the road is closed to all but showground vehicles. Police Scotland requires all members of public to travel by car or bus to marquee dances in the showground; walking to them is discouraged. As landowner, the respondent is unwilling to sell the land required for the proposed footpath (161).

Stuartfield

Additional Sites

Bid Site Bcn014 (part)

Site OP2 should be enlarged to provide more choice and competition for people wishing to live in this attractive village. The area to the northeast of Site OP2 was in previous plans for the past 25 years. Planting to the north was carried out in the 1980s to enhance housing (131).

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<th>Modifications sought by those submitting representations:</th>
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Ardallie

Allocated Sites

OP1 Land at Nether Backhill

Houses [proposed] under the submitted plans should be included in the total allowed under allocation OP1. Number of planned units on site OP1 should be reduced.

Accountability and responsibility for the quality of treated waste water from site OP1 should be determined prior to any work commencing.

Development of site OP1 should include road upgrades at least as far as the developer's existing agricultural unit. Physical measures should be put in place to prevent unsuitable vehicles accessing the road to prevent this re-occurring in future.

A bus stop with a shelter and lights should be installed at the junction with the main road.

Affordable housing should have a footprint in keeping with a rural setting and provide
amenity in terms of garden space.

Screening/planting should be put in place prior to any work on site OP1 and enforcement action taken if it is not maintained (13).

Auchnagatt

Allocated Sites

OP2 Land at Annochie Place

Amend OP2 reference to strategic landscaping being implemented outwith the allocated area to minimise disruption to ongoing agricultural use of the field.

Amend the allocated area to extend it further south to the minor watercourse/drainage ditch so that the landscaping can be implemented within the allocated area (289).

New Deer

Settlement Features

R1

Delete R1 (modification inferred from representation).

Stuartfield

Additional Sites

Bid Site Bcn014 (part)

Enlarge site OP2 to accommodate 9/10 units to make it commercially viable (131).

Summary of response (including reasons) by Planning Authority:

Ardallie

The proposed land allocation in Ardallie is essentially unchanged from the Ardallie Settlement Statement published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Ardallie). The proposed allocation was considered in full at the Main Issues Report (MIR) 2013 stage (see MIR 2013, Appendix Buchan, page 3 and the subsequent MIR 2013, Issues and Actions Paper 053: Ardallie). No representations were received in respect of Ardallie at the MIR engagement stage.

Allocated Sites

OP1 Land at Nether Backhill

The approved houses on site OP1 would take up part of the allocation of up to 10 homes on the site – i.e. if both approved houses are built, the remaining number of homes that can
be permitted on the site in accordance with the allocation would be 8. No change is required.

The requirements of Policy RD1 (Providing suitable services) would be implemented at the planning application stage to ensure that waste water from the development would not contaminate the water environment. No change is required.

The development brief for site OP1 already states that “Development of the site is dependent on significant alterations to the existing road to upgrade it to an adoptable standard between the site and the A952.” The Roads Service has not highlighted a requirement for any public transport infrastructure associated with this small allocation. The section of private road heading east from site OP1 is not required to link the development site to the public road network, and it is not appropriate to require this to be improved to an adoptable standard. No change is required.

The layout of proposed development on the site, including the provision of garden space and the nature and timing of the landscaping, would be assessed at the planning application stage against Policies P1 (Layout siting and design) and P2 (Open space and access in new development). Aberdeenshire Council has enforcement powers to rectify any breaches of planning control. No change is required in relation to site OP1.

Settlement boundary

A minor technical change will be made to remove the settlement boundary annotation (which only covers the allocated, protected and reserved sites), to provide continuity with other similar locations in the Proposed Plan and to reflect the status of the settlement in the 2012 Plan.

Auchnagatt

Auchnagatt is located in the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The allocations for Auchnagatt are appropriate for the purposes of delivering the Strategy and aims of the Strategic Development Plan.

The proposed land allocations are essentially unchanged from the Auchnagatt Settlement Statement published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume E: Auchnagatt). The proposed allocation was considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, page 4 and the subsequent MIR 2013, Issues and Actions Paper 054: Auchnagatt).

Allocated Sites

OP2 Land at Annochie Place

The proposed additional area is partly within the SEPA Flood Map showing medium risk of river flooding (see SEPA Flood Map extract). Extending the site to accommodate an additional 19 homes (assuming a net density of 22 dwellings per hectare) is inappropriate. As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing
Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. Enlarging the site but retaining the allocation of 31 homes unchanged could result in an unacceptably low density of development across the site (roughly 11 dwellings per hectare). No change is required.

The reference to strategic landscaping for the allocation is only a recommendation and not an absolute requirement. The most appropriate position and nature of strategic landscaping would be a matter to be determined at the planning application stage. No change is required.

New Deer

Settlement Features

R1

Site R1 is intended to safeguard the route of a footpath from New Deer to the showground, as part of a circular walking route along the A981 to the private road serving South Culsh, to the C123B northeast of Greenbank, then back into the settlement at High Street. Whilst there is no specific programme for the formation of the footpath, it is an aspiration of the Council in order to improve pedestrian connectivity with the showground and more widely. This is in accordance with the sixth quality of successful places as set out in Scottish Planning Policy (paragraph 46). It is therefore appropriate to retain the protected designation and no change is required.

Stuartfield

Stuartfield is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The proposed allocations in Stuartfield were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Buchan, pages 47-48 and the subsequent MIR 2013, Issues and Actions Paper 074: Stuartfield).

As demonstrated in the Schedule 4 Issue 7: Housing Land Supply and Issue 8: Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. The allocations for Stuartfield are appropriate for the purposes of delivering the strategy and aims of the Strategic Development Plan.

Additional Sites

Bid site Bcn014 (part)

This site (most of which is proposed by respondent 131 as an extension to Site OP2) was assessed at the MIR stage (see MIR 2013, Appendix Buchan, page 21). The assessment acknowledged that the site has development potential, being well connected to the existing settlement and fitting well into the landscape. The MIR therefore identified it as a preferred site should further development be required.

However, subsequent to the approval of the Strategic Development Plan there is no requirement to provide additional housing land allocations unless a specific local need is
identified. There are currently housing sites in the settlement that are identified for 80 units which will provide opportunity for the village to grow. In addition, small-scale organic growth of the settlement is allowed for by its inclusion in Appendix 4 “Settlements identified under Policy R2” and application of Policy R2 (Housing and business development elsewhere in the countryside). In light of this it is not necessary to allocate any additional land in the settlement. No change to the plan is required.

A minor technical change will be made in the form of the deletion of the annotation ‘CA’ from the boundary of Site OP2 in the proposals map.

Reporter's conclusions:

Ardallie

OP1 Land at Nether Backhill

1. During my site inspection I noted that development within the site was underway, which I take to be in implementation of planning permission previously granted at the site. The form, content and scale of further development within the site would be matters to be considered in detail in the context of further application(s) for planning permission. The indication of the capacity of the site (10 homes and 0.3 Ha of employment land), would encompass, rather than be additional to, any development for which planning permission had previously been granted. However, consistent with the conclusions in Issue 7, the site capacity stated is indicative so I do not consider any change is required.

2. Other aspects mentioned in the representation, including the provision of adequate access, water treatment facilities, the scale of domestic gardens and strategic landscaping, are also matters of detail for consideration in the context of applications for planning permission. There is nothing to suggest that these matters cannot be satisfactorily addressed, in relation to the remaining part of the site, at the detailed planning stage. Specific enforcement powers are available to the council to ensure that development is undertaken as approved, including by the implementation of any such approved details. There is no need for modification in connection with these matters.

Auchnagatt - OP2 Land at Annochie Place

3. Residential development at the OP2 site, which has been carried forward from the existing 2012 plan could, depending on design, be prominent in views in the approach to the village along the A948 from the south-east without strategic landscaping to soften such views. The text recommends that this should be “along the southern boundary”, although the shape of the site means that it has boundaries to the southeast and southwest but no definable southern boundary. The settlement statement map identifies, as site P2, an area including a wide swath of road verge at the junction between the A948 and B9030, to be protected to conserve the approach and setting of Auchnagatt. This lies adjacent to the southwest boundary of the OP2 site and planting on this area could appropriately soften views of the extended village, helping to safeguard its setting. Planting along the southeast boundary of the OP2 site would also be appropriate further to soften views of new development. There is no specific designation on the settlement statement map identifying the location of such planting, but it is not necessary for there to be. The treatment of the boundaries of the site, including the details of any appropriate planting, is a matter appropriate for consideration during an application for planning permission.
4. Subject to its detail, such planting could be undertaken on land outside but adjacent to the southeast boundary of the OP2 site, as suggested in the representation. That would not be inconsistent with the provisions of the plan as drafted, and no change is required in this respect. The extent to which it may be appropriate to provide for an increased scale of housing development locally should, as the representation suggests, be the subject of consultation. In this context, any suggestion that the site should be expanded up to the watercourse to the south-east towards would best be considered in the context of a future review of the LDP. For these reasons, I recommend no modifications in response to representation 289.

New Deer

5. The R1 designation represents a short element of the council’s wider aspiration to secure improved pedestrian routes to the Showground and in the north-eastern part of the settlement. On the settlement statement map this designation may appear somewhat incongruous and isolated, but that is because the remaining parts of any such routes lie beyond the defined settlement boundary and so do not feature on the map. Policy PR2 of the plan seeks to safeguard land that may be needed to deliver (inter alia) improvements to local transport projects, and the identification of the R1 site is consistent with this provision. In view of the location of the land on the fringe of the settlement, and its relationship with the road and its surroundings, there is no significant likelihood that the land would be capable of supporting some form of development inconsistent with the purpose for which it is to be safeguarded. Because of this, and notwithstanding the comment in the representation that the landowner has no intention of making the land available to provide a pedestrian route, the R1 designation would not in practice unduly constrain the use of the land for appropriate purposes. I therefore recommend no modification in response to representation 161.

Stuartfield - Bid Site Bcn014 (part)

6. I note that the council acknowledges that this site is well related to the existing settlement and that it has potential to contribute to meeting local housing requirements. In principle I agree, and I accept that the site is well contained in the landscape, including by the copse to the north-west, apparently planted within the last 3 decades. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period.

7. However, to the extent that a structured environmental assessment process has been undertaken (including through the Major Issues Report), this has related to a different, although overlapping, site. It does not provide a sufficient basis for me to recommend a particular modification to the proposed plan in respect of the site. Further assessment specific to the site would be required to underpin any proposed allocation for housing as an expansion of the already allocated OP2 site. This would include considerations relating to the appropriate provision for access, infrastructure and services, as well as public engagement.

8. In any event, significant provision is already made in the proposed plan for new housing in the village. Development recently undertaken and underway represents a significant scale of change relative to the size of the settlement. It would be appropriate for decisions on the scale and location of further development that may be required at Stuartfield to be taken in the context of a future review of the plan. For these reasons I recommend no
modification in response to representation 131.

 Reporter's recommendations:

 None.
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<td><strong>Reporter:</strong></td>
<td>Christopher Warren</td>
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</tbody>
</table>

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Robert Menlove (178)
- Mr & Mrs Buchan (181)
- Michael Knapp (260)
- Valerie Banks (300)
- John and Susan Munro (305)
- Elizabeth Cook (381)
- Carol Croft (401)
- Chris Sebire (403)
- Finlay Munro (415)
- Iain Pritchard (431)
- Jane Knapp (438)
- Janice Fraser (439)
- Jennifer and Alexander Macdonald (442)
- Kay Hourston (459)
- Moira Milne (492)
- ANM Group Ltd (520)
- Mickey Foote and Kim Swindells (526)
- Michael Forbes (527)
- Murdo Mackay (563)
- Norma Marioni (570)
- Rachel Banks (583)
- Roger Cheese (593)
- Scottish Natural Heritage (656)
- Sheila Forbes (659)
- Valerie Banks (694)
- Bancon Developments Ltd (708)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

Natural and Historic Environment

Text should be added under Natural and Historic Environment to refer to Foveran Links Site of Special Scientific Interest (SSSI), occupied by the northern part of site OP3 (656).
Allocated Sites

OP1 Land at Balmedie South and OP2 Land South of Chapelwell

Support was given for the continued allocation of sites OP1 and OP2 (520) but there was also a submission to have these sites removed (181).

OP3 Menie

21 respondents expressed their opposition to the allocation of site OP3 all with the same argument that the planning consent was granted by Scottish Ministers as a very exceptional permission on the grounds of the economic benefit. Reporters at the Public Local Inquiry set out a very careful phasing of the development through a series of conditions which were linked to the commercial development of the resort at Menie, which was to include the golf course, club house and golf academy, equestrian facility, outdoor tennis courts and community facilities. The 450 bed hotel and a proportion of the 800 holiday home units were to be built before any of the 500 homes could be built. It is argued that inclusion of site OP3 at Balmedie Menie within the Proposed Local Development Plan (LDP) 2015 cuts through the original rationale as set out by the Reporter and the Scottish Government. Trump International have not moved on the original permission and therefore the economic benefit highlighted in the Local Plan Inquiry has not been obtained. It is therefore argued that the allocation is unnecessary and should be deleted (178, 260, 300, 381, 401, 403, 415, 431, 438, 442, 459, 492, 526, 527, 563, 570, 583, 593, 659, 694). Respondent 305 further argues that as no bid was made to have their land included in the OP3 site and the OP3 site was not included in the Main Issues Report (MIR) 2013 it should not have been included in the Plan, and no Neighbour Notification Notice was issued to them. They further argue that this and other substantial breaches of the Planning etc. Scotland Act 2006 should result in the MIR 2013 being reopened (305).

Additional Sites

Bid Site FM077 and Bid Site FM047

Support is promoted for two bids submitted to the MIR 2013. Both respondents argue that their sites are required to address shortfalls in the housing land supply in the Ellon-Blackdog Strategic Growth Area (181, 708). Allocations made for delivery prior to 2016 are not going to be delivered. Similarly, the respondent argues that only 788 houses will be delivered in the 2016-2026 period, resulting in a shortfall of 712 houses (708).

Bid site FM077 is for a distinctively sustainable development of 712 houses, a primary school and secondary school, 5ha of retail, 5ha of employment land, a park and ride, a 9-hole golf course, up to 2026 and a further 300 homes for development post 2026. It is argued that this will address the shortfall in the housing land supply. Arguments are promoted that the development is a logical extension to the settlement, will relate well to it, and will be well connected through 5 points. Issues with primary school capacity will be resolved and a new secondary school provided within walking distance of the existing village. A draft Masterplan has been produced based on a Design Report, Landscape and Visual Impact Assessment and Transport Assessment.

A separate respondent has proposed the allocation of a bid site FM047 for 900 units. Western growth is the only option left for Balmedie due to physical constraints to the east, north and south and connectivity issues can be overcome through the construction of an
underpass and a grade separated junction, which will be developed as part of the Aberdeen Western Peripheral Route (AWPR) scheme. Demand for the land is demonstrated by currently being under option by a house builder (181).

**Modifications sought by those submitting representations:**

**Natural and Historic Environment**

Add text under Natural and Historic Environment to refer to Foveran Links SSSI, occupied by the northern part of site OP3 (656).

**Allocated Sites**

**OP3 Menie**

Delete site OP3 (178, 260, 300, 305, 381, 401, 403, 415, 431, 438, 439, 442, 459, 492, 526, 527, 563, 570, 583, 593, 659, 694).

**Additional Sites**

**Bid Site FM077 and Bid Site FM047**

Delete sites OP1, OP2 and OP3 and allocate site FM047 to the west of the A90 for development of Balmedie for 900 units. The Settlement Statement, Proposals Map and Appendix 5 should be updated to reflect this (181).

Allocate a site west of the A90 for development of 712 homes (708).

**Summary of response (including reasons) by Planning Authority:**

Balmedie is a large village within close proximity to Aberdeen, with excellent access provided by the A90 trunk road. It is located within the Aberdeen to Peterhead Strategic Growth Area, which the Aberdeen City and Shire Strategic Development Plan (SDP) identifies as having significant potential for development (see SDP 2014, page 16, paragraph 3.25).

The allocations proposed for Balmedie were considered in the MIR 2013 (see MIR 2013, Appendix Formartine, page 3). At this stage, it was proposed to carry forward the allocations from the Balmedie Settlement Statement (see LDP 2012, Supplementary Guidance Volume F: Balmedie) and to reflect the existing consent OP3 at Menie without significant change. The village will see significant improvement of the transport infrastructure as the AWPR will necessitate the upgrading of the junction to the south of the village.

**Natural Heritage**

As a non-notifiable modification, the following wording should be added: “The north-east of site OP3 is partially within the Foveran Links SSSI.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.
Allocated Sites

OP1 Land at Balmedie South and OP2 Land South of Chapelwell

Support for sites OP1 and OP2 is welcomed. No reasons are given why these sites should be removed from the Plan. No change is required.

OP3 Menie

While the comments received raised valid points regarding the Scottish Government Reporter’s intention in granting planning permission with conditions, it is not agreed that the wholesale deletion of the allocation is an appropriate response. The Plan was obligated to include all development sites that had extant planning permission but which would contribute to the housing land supply in Aberdeenshire within the life of the Plan (see previous Circular 1/2009 Development Planning, paragraph 78 and Circular 6/2013 Development Planning, paragraph 117). The planning permission granted on this site is still live and the developers have recently demonstrated their commitment to the development of the site through a series of newspaper articles and submission of a new planning application. Based on this information, it would be inappropriate and misleading to remove the allocation from the Proposed Local Development Plan 2015. However, the respondents concerns regarding the development of this site proceeding under a new application without the same planning conditions is a legitimate and well considered argument. While it would not be appropriate to delete the allocation, it is suggested that a minor change be made to the wording of the allocation to ensure the economic benefits of the site are realised in full. As a non-notifiable modification, the following wording should be added to the OP3 development brief: "An active outline planning permission exists for the development of this site. A Masterplan has been approved by Aberdeenshire Council as part of planning application APP/2010/0423. Future development of the site must be in accordance with the detailed Masterplan and planning conditions agreed.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Aberdeenshire Council does not agree that failure to include the OP3 site in the MIR 2013 represents such a breach of the Planning Acts as to require the MIR 2013 to be republished and the Proposed Aberdeenshire Local Development Plan to be effectively abandoned. As a representation has not been received to the Proposed Local Development Plan, the respondent cannot have been disadvantaged by the process and any issues they feel should be considered are now in front of the Examination. A Notification Notice was sent to 5 Coastguard Cottages, Balmedie Aberdeenshire AB23 8YH, believed to be the address in question. No change is required.

Additional Sites

Bid Site FM077 and Bid Site FM047

No shortfall exists in the housing land supply within the Housing Market Area or within the strategic growth area. A more detailed response to the comments regarding the overall housing land supply and the delivery of existing housing allocations is outlined in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. Sites OP1 and OP2 remain both deliverable and effective sites in the Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 2.
Bids for the sites to the west of Balmedie were previously considered during the Examination of the Local Development Plan 2012 (see Examination Report – Aberdeenshire Local Development 2012, pages 465-473) and in the MIR 2013 (see MIR 2013, Issues and Actions Paper 086 – Balmedie). In both instances it was found that the bids have failed to address concerns that the site would be physically detached from the rest of the current village and would have a significant, negative impact on the cohesion of the local community. While it is true that the grade separated junction will improve vehicular connectivity between the south of Balmedie and the site, it will only have very limited benefits for pedestrian and active transport. The majority of the site will remain isolated from the existing village by the A90, with the only other access to Balmedie via underpasses. While one of the two bids is supported by a 2010 Transport Assessment, there is no Environmental Assessment undertaken of either site. The scale of public infrastructure proposed by one of the bids (including an academy and a primary school) is very significant and there is no clear demonstration that this site is viable. The allocation of these sites are therefore not supported as there is no identified need for further housing allocations in the strategic growth area and because the site is detached from the village and will have detrimental impact on cohesion. No change required.

**Reporter's conclusions:**

**Natural and Historic Environment**

1. Scottish Natural Heritage has requested that reference be included within the settlement statement to the Foveran Links Site of Special Scientific Interest to the north of Balmedie and occupied by part of site OP3. The planning authority has confirmed it is agreeable to this amendment. Given the importance of the designation, and for the avoidance of doubt, I have included a modification in my recommendations which is a variation of that suggested by the planning authority.

**OP1 Land at Balmedie South and OP2 Land South of Chapelwell**

2. A representee has asserted that these sites should be removed from the plan and replaced by bid site FM047. No reasons have been given as to why allocations OP1 and OP2 are not appropriate for inclusion, and as such there is no basis for me to recommend either allocation be removed. The representee has solely focused on outlining the merits of the bid site and I have assessed the case for bid site FM047’s inclusion below.

**OP3 Menie**

3. Numerous representations have been received, objecting to the inclusion of this site as an allocation in the plan. A further information request was issued on 25 August 2016, seeking clarification from the planning authority on several points raised in representations. In my assessment I have had regard to the planning authority’s response to that request together with comments on the planning authority’s response submitted by several representees.

4. Site OP3 would be a new allocation as it did not appear in the 2012 LDP, and has been included in recognition of the outline planning consent for a substantial mixed use development which was granted by Scottish Ministers on 16 December 2008. Numerous representees have asserted that the outline consent has now expired. It is not however for this examination to determine whether or not planning permission remains valid. I have
therefore proceeded with my assessment of the allocation on the understanding that the planning permission referred to above remains active, given that this is the view of the planning authority.

5. The site’s proposed allocation reflects the 2008 consent, which was granted by Scottish Ministers as a departure from the development plan on the basis of the specific merits of that proposal. Particular weight was given to the economic benefit offered by the proposed development. The approval was subject to wide-ranging planning conditions and a legal agreement in order to ensure development would be appropriately phased, supported by necessary infrastructure and services, and to ensure the anticipated benefits of the development would be realised; namely the potential to deliver major benefits against economic and social objectives at a national, regional and local level.

6. A widely held concern amongst representees is that the proposed allocation may lead to piecemeal development of the site, in a manner that would be inconsistent with the outline planning permission and subsequently approved masterplan. Representees have drawn attention to a number of individual planning permissions for developments on the site that do not directly relate to the outline consent or implementation of the masterplan.

7. I consider it essential for the site’s allocation to set out the principles against which subsequent proposals should be assessed. The development brief accompanying allocation OP3 in the proposed plan states that “Future development of the site should seek to develop in accordance with the detailed masterplan agreed”. The planning authority has subsequently proposed to strengthen this wording to require compliance with the masterplan and planning conditions. However, I do not consider it to be appropriate for fundamental principles and requirements of development to not be included in the plan.

8. In response to my further information request the planning authority provided a more detailed development brief which set out some (but not all, as highlighted by a representee) of the key requirements within the planning conditions attached to the outline consent. The planning authority has stated that it considers such detail to be “…appropriate for a planning application but is unnecessary for a development plan allocation that reflects a consented proposal.” The difficulty I have with this position is that it fails to take account of the possibility of a different proposal being applied for. Should that situation arise, in the absence of any specific requirements or principles being embedded within the statutory development plan, the site’s allocation would consequently indicate that alternative proposals may not be classed as a departure from the plan. It may therefore prove difficult to resist an alternative scheme even if the benefits were assessed to be substantially less than those offered by the original development proposal.

9. Notwithstanding the above issues, I recognise the quantum of development that received outline planning permission on this site in 2008 is of strategic significance to Aberdeenshire (and potentially more widely), and in this regard there is clear logic in recognising the site in the plan. The LDP is fundamentally a spatial strategy, and therefore to ignore a proposed development of this scale would potentially provide an incomplete picture of future patterns of development. I do not consider it appropriate for this site to be removed from the plan as this would lack transparency and would serve to mislead the public over the potential future development of this site. Furthermore, removing this allocation would have no bearing upon the ability for extant planning consent to be fully implemented. I accept the allocation should be made but being mindful that the conditions and section 75 agreement that formed part of the outline consent set out various important principles and requirements, I have set out a heavily reworked development brief in my
recommendations in order to embed these in the plan. This includes specific reference to the need for environmental safeguards; phasing of development, infrastructure and services; road and transport improvements; design; and foul and surface water management.

10. I have noted the comments of a representee regarding the approach taken to establish housing allowances in the strategic plan. This site was recognised as contributing to the constrained housing land supply, counted separately from and therefore not contributing to the housing allowances to be met by future LDPs (identified by schedule 1 of the strategic plan). I am satisfied that this approach within the strategic plan does not preclude the site from being allocated in the LDP however. The housing land audits provide an effective means of understanding the current land supply position without this leading to any double-counting; it ensures that the overall position remains clear, despite changes to how this and potentially other sites are classified and recorded. Paragraph 123 of Scottish Planning Policy recognises the role of housing land audits in annually monitoring housing land supply. Regardless of whether the site is classed as a windfall or an allocation, any contribution that the site makes (notwithstanding the site is currently ‘constrained’) would be of equal value and recognised by future audits.

11. There are objections within representations to the inclusion of third party land within the allocation boundary, which is not available for development. The planning authority has referred me to five separate consents (under application references APP/2009/1620, 1623, 1629, 1631 and 1633) which accepted the principle of additional third party areas of land being incorporated into the overall development. However, a representee has also directed me to a subsequent planning application (under reference APP/2010/0423) which was made to satisfy the conditioned requirement of the original outline consent for a masterplan to be produced. The representee has included a copy of the location plan which accompanied that application (which was approved) and this shows that the third party land referred to was outwith the boundary of that application, instead replicating the application boundary of the original outline consent. The planning authority has stated that “Removal of the site would have a significant detrimental impact on the approved masterplan vision for the area” but no further explanation to substantiate this view has been provided. It appears to me to be illogical to propose an allocation boundary that deviates in any way from the outline consent (which forms the basis for the allocation) and approved masterplan, and accordingly I recommend modifications to ensure a consistent approach is taken.

12. Concerns have been expressed by representees regarding the lack of reference in the Main Issues Report (MIR) to this site’s potential inclusion. I requested an explanation from the planning authority as to why the site had not been included, the response to which reaffirmed the significant degree of reliance the planning authority placed on the outline consent. I note the planning authority has stated that all sites with planning permission were treated consistently. This has been challenged in representations and I am also aware of a site that has planning permission but which the planning authority has not proposed to allocate in full (see Issue 25).

13. I have already concluded above that it is essential for the development brief to reiterate the key principles and requirements of development which were applied to that outline consent. Without this, I am doubtful that the planning authority could resist an alternative scheme or more piecemeal development of the site, even if the overall net benefit of the scheme was deemed to be less. The development brief in the proposed plan would potentially provide greater flexibility (regardless of whether such flexibility was
intentional), and this could potentially give rise to irreconcilable tensions with the requirements of paragraph 118 of Circular 6/2013 'Development Planning' and evidence of public engagement. The modifications that I have recommended to the development brief would limit any flexibility and would in effect require any new proposals on the site to be consistent with the outline consent. Given the extensive environmental information and public engagement that formed part of the determination of the outline application, I am satisfied that this can be relied upon for the purposes of the site’s inclusion in the plan. Therefore whilst I acknowledge that it would have been preferable for the MIR to identify this site, I do not consider its absence from the MIR prevents inclusion of the site in the plan.

Bid Site FM077 and Bid Site FM047

14. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. There is however an adequate supply of effective housing land and, consequently, there is no overriding imperative to identify additional sites.

15. Bid site FM077 has been suggested for allocation for a substantial mixed use development principally comprising 712 dwellings, new schools, retail and employment land and a golf course. Scope for additional development beyond the plan period is also envisaged. The site’s promoter has argued that the site would be a more appropriate alternative to the proposed OP3 site allocation at Menie. Having regard to my assessment in regard to the OP3 site above, I concluded that an allocation which precisely reflects the outline consent on the site is justified. Whilst that site is currently constrained I do not consider this provides any justification for an alternative site to be identified. The OP3 site was a very exceptional consent and the consent alone justifies the allocation being made. Even if development of the Menie site is not ultimately forthcoming it cannot be assumed that it would be desirable or appropriate for an alternative site of a similar scale to be identified at Balmedie. Nor is it acceptable to disregard the potential for the OP3 site to become effective. The supporting evidence accompanying this bid site does not satisfactorily consider the cumulative effects of development should the OP3 site be built out.

16. Bid site FM047 has been proposed separately by another representee and relates to the northern half of that identified as FM077, following a similar (but not identical) boundary. FM047 has been suggested for allocation for 900 homes. As with bid site FM077, the cumulative effects of this site being developed alongside allocated site OP3 have not been addressed. Despite this, taking bid sites FM077 and FM047 in isolation and acknowledging that the sites would fall within the Blackdog - Ellon strategic growth area, these would individually still represent significant strategic allocations of such a scale that they could serve to undermine the spatial strategy of the local development plan. It is also not clear whether all infrastructure constraints could be addressed, and I have inadequate environmental information to be able to assess the suitability of the sites in this regard. The sites are located on the west side of the A90 and I agree with the planning authority that this physical barrier would limit connectivity between the sites and the established settlement, and consequently this would be to the detriment of community cohesion.

17. Having regard to the foregoing assessment and taking into account all relevant planning considerations I do not consider inclusion of either site is justified at this time. Any potential for development on these sites would be more appropriately reviewed during
the preparation of a future iteration of the local development plan, as and when additional land for strategic growth is required to be identified.

**Reporter's recommendations:**

1. Under the “Natural and Historic Environment” subheading in the settlement statement, before the current first sentence insert the following text:

   “To the northeast of Balmedie is the Foveran Links Site of Special Scientific Interest. Site OP3 at Menie falls partly within this designated area.”

2. Amend the Menie OP3 site boundary and Menie Masterplan boundary to accurately reflect the boundary shown for application references APP/2006/4605 and APP/2010/0423.

3. In the Menie site OP3 development brief, replace the “Allocation” description with the following text:

   “Allocation: Two 18-hole golf courses (a championship links course and a second course); a golf clubhouse, golf academy and ancillary buildings; a driving range and short game practice area; a resort hotel (450 rooms) with conference centre and spa; 36 ‘golf villas’; accommodation for 400 staff (all of the foregoing comprising ‘phase 1’); 950 holiday apartments in four blocks; up to 500 houses and community facilities.”

4. Delete the Menie site OP3 development brief and replace with the following:

   “This is a new allocation which has been included because there is an active outline planning permission (under reference APP/2006/4605) for its development as described above. The outline consent issued on 16 December 2008 was granted for exceptional reasons based on the predicted social and economic benefits of the proposed development. This allocation does not therefore offer or imply any support for alternative development proposals that would deviate away from the consented scheme including the conditions and section 75 agreement that form part of the outline consent. A masterplan has been approved by Aberdeenshire Council as part of planning application APP/2010/0423.

   The site is environmentally sensitive and the northern part of the site is within the Foveran Links Site of Special Scientific Interest. It will be essential for robust environmental assessments to inform detailed development proposals and to ensure necessary environmental safeguards are in place. Environmental assessments and management plans concluded some years ago may require to be revised, updated, extended or amended.

   A detailed phasing plan for the whole site is required. Phase 1 must be complete before the construction of any private housing will be permitted. Phase 2 of the development should alternate resort development with residential development to deliver the first tranche of homes only after the first block of holiday apartments are completed. The holiday apartments and the golf villas are both to be occupied on a holiday letting or fractional ownership basis. A primary school, appropriate community facilities and affordable housing are required, and the timing and means of securing their delivery must be agreed by Aberdeenshire Council. Hard and soft landscaping schemes are necessary.
A detailed programme of road and transport improvements will be required in regard to all phases of development. Modifications to a number of road junctions in the area will be required in accordance with a transport assessment for the development. The development will need to be supported by a comprehensive travel plan and new or extended bus services must be provided. Beyond phases 1 and 2 a grade separated junction with the A90(T) will be required to be completed before any further development is permitted to be occupied. Access plans are necessary to safeguard public access.

A design review process will be required and Architecture and Design Scotland or the Aberdeen City and Shire Design Review Panel may be asked to participate in this review process. Design briefs and a construction method statement are required.

A development impact assessment for foul drainage and water supply, and a site water management plan is required. A scheme for monitoring, evaluation and mitigation of local water quality must be approved for each stage of the development. Waste management plans will be required."
Allocated Sites

OP1 Land at Blackdog

A respondent requested that OP1 be removed, although gave no reasons why (181).

Another 6 representations were received regarding OP1 that were broadly supportive of the allocation, however, they did request modifications to the detail of the allocation. The representations sought modification generally with regard to retail (470, 600, 601, 630) and also the gypsy traveller transit site (472, 602, 630).

The representations regarding retail have focussed on the lack of a specific reference to the retail element of the Masterplan being made in the Settlement Statement. The allocation of the Blackdog site in the Proposed Local Development Plan (LDP) presents the opportunity to reflect the sustainable mixed use community and place-making objectives embodied within the Strategic Development Plan. The respondent advises that for mixed use developments the Aberdeen City and Shire Strategic Development Plan (SDP) warns against dealing with different land uses in isolation (see SDP 2014, page 36, paragraph 4.34). It is argued that the approved Masterplan for the site takes these different land uses into account, but it is not reflected fully in the Settlement Statement, which consequently fails to capture the essence, importance and potential of this site. It is argued that without this, the site cannot create a sustainable mixed used community, in line with SDP 2014, Proposed Local Development Plan (LDP) 2015 and Energetica policies. The Masterplan map and OP1 allocation in the Proposed LDP 2015 should therefore be updated to reflect the Masterplan and show a proposed town centre designation (470, 600, 601, 630). It is also argued that a new town centre designation will provide “focus or heart” to the community in Blackdog (601). Also, the lack of a definition regarding quantity and types of retail supported in Blackdog requires clarification through the LDP (470, 630).
Reference should be made to the live planning consent on site OP1 (APP/2014/0102) for 48 units (600).

**Gypsy/Traveller Site**

A number of respondents want the gypsy/traveller site to be removed from the allocation. The reasons for this are that the area identified in the Masterplan (in proximity of the employment land) is inappropriate as it will stifle investment by companies in the site due to negative perceptions regarding gypsy/travellers (472). It is also argued that potential industrial uses would not be a suitable neighbour for the residential use (the gypsy traveller site) (472). During consultation with the local community on the Blackdog Masterplan in 2012, 100% of local residents surveyed gave a negative response to the proposed gypsy/traveller site (472, 602). Subsequent public consultation events have recorded a similarly negative response (602). It is argued that the site requirement for the gypsy/traveller site to be provided in advance of that part of the sites development may risk holding up the development of the full site and that it is only the responsibility of the developer to provide the land. The Council has the responsibility to develop the gypsy/traveller site and a number of proposed gypsy/traveller sites have had their application withdrawn or refused by the Council due to public opposition. It is argued that the requirement should be removed so that the delivery of OP1 allocation is not delayed due to public opposition or lack of funds to deliver the gypsy/traveller site (602, 630). It is also argued that the inclusion of a gypsy/traveller site does not sit well with the core aim of Energetica to attract inward investment to the region by developing an innovative, world class, business and recreational destination that will be an attractive place to live and work (472, 602). It is argued that the potential slow delivery of the gypsy/traveller site should not sterilise the site indefinitely and that after 5 years the obligation to reserve the site should fall (602).

**Modifications sought by those submitting representations:**

**Allocated Sites**

**OP1 Land at Blackdog**

Remove site OP1 from the Plan (181).

Reference should be made under "Allocation" to at least 10,000sqm of retail floorspace proposed for Blackdog. The reference to "A Masterplan will be required for development of this site" should be deleted as a Masterplan has already been prepared and approved for the site. (470).

In the description of the proposal, reference should be made to Blackdog being a designated Principal Town Centre. As a consequence Blackdog should be added to the list of Principal Town Centres in LDP Appendix 2 Retail Centres (470, 601).

Reference under “allocation” should be “OP1: Land at Blackdog Allocation: Up to 600 homes, 11ha employment land. Principal Town Centre of 6ha, including retail and town centre uses.” (600).

Reference under “allocation” should be made to delete the reference to 7ha of Strategic Reserve Land and introduce reference to a “Principal Town Centre of 6ha, including
retailing and town centre uses” (630)

Modify the text associated with OP1 to read: “This site was previously allocated as site M1 in the 2012 LDP and a Masterplan was approved by Aberdeenshire Council on the 12/02/2013. Future development of the site should be led by an updated Masterplan which seeks to develop a sustainable mixed-use community at the gateway to Energetica in line with the approved Masterplan. Uses acceptable at the site are up to 600 houses, 11ha of employment land and a new principal town centre for Blackdog of 6ha, including specialist retail of up to 10,000m² and other retail/town centre users, performing a sub-regional, as well as local, function. A main distributor road will be required. Development should not be occupied before the completion of the AWPR (600, 630).

On the Blackdog settlement plan, the boundaries of the proposed town centre should be shown. A plan is attached to this representation to assist in defining the boundaries of the town centre (470).

The indicative Blackdog Masterplan in the Settlement Statement should also show the town centre as a retail use. This is included on the key but not on the Masterplan (470).

Under "Vision" reference should be made to retailing being a major component of the mixed use allocation (470).

A revised plan should be substituted for the interpretation of the Masterplan (630).

Amend the vision for Blackdog to include references to the opportunity to make a sustainable, mixed-use community at the gateway to the Energetica area and a function as a Principal Town Centre (630).

Gypsy/Traveller Site

The Settlement Statement should be amended to remove the prohibition on development of the site pending provision of a gypsy/traveller site. The obligation to reserve the site should fall after 5 years also (602).

Remove the requirement for a gypsy traveller site (472, 630).

Summary of response (including reasons) by Planning Authority:

Blackdog is located in the Aberdeen Housing Market area within the Aberdeen to Peterhead Strategic Growth. In accordance with the SDP 2014 (see SDP 2014, page 16, paragraph 3.25), this area will contribute to the significant potential for growth identified. It is also within the Energetica Area with the implications that holds for the design and layout of business premises. The proposed land allocations are essentially unchanged from the Blackdog Settlement Statement in support of the LDP 2012 (see LDP 2012, Supplementary Guidance Volume F: Blackdog). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Formartine, page 12 and the subsequent MIR 2013, Issues and Actions Paper 079 – Blackdog).
Allocated Sites

OP1 Land at Blackdog

No reasons were given why this site should be removed from the Plan. The site is effective and deliverable and so, without justification to remove site, it should be retained in the Plan.

The responses received on the subject of retail allocations are acknowledged. It is not the case that the different land uses are being considered in isolation. These issues have been considered previously in the Masterplan process and the Masterplan approved by Aberdeenshire Council. The Masterplan contains specifications for a specialist retail facility, employment land and housing together to create a sustainable development. The creation of the “new regional food market” was significant in the Reporter’s decision to support the Blackdog allocation at the Examination into the LDP 2012 (see Examination Report – Aberdeenshire Local Development 2012, page 435).

The Masterplan includes a retail element in the centre of the development, which will add a “focus” or “heart” to the community. The Blackdog Masterplan, paragraph 4.4 identifies this as a “Landmark Building which will incorporate a regional food hall, hotel and retail units” and at paragraph 4.36 and 4.37 a further reference is given to a “Good Food Market / Regional Food Hall” as “a viable, food retail and showcase facility for the Region's producers”. As reference is already made to the Blackdog Masterplan in the Settlement Statement, it is not necessary to make an explicit reference to each element of its design. However, it is agreed that greater clarity could be provided in the Settlement Statement regarding the scale and type of retail permissible on the site. Therefore, as a non-notifiable modification the following wording should be added to the Development Brief after the fourth sentence: “opportunity is provided for a landmark building to house up to 10,000m² floor space for retail units in a regional food hall to provide a showcase facility for the Region's producers, and a hotel, as stated in the Masterplan.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

No change is required to the Masterplan on page 13 as the current business annotation best reflects the mixed-use nature of the building. While additional text annotation could be made to aid clarity, indicating the unique proposed uses in this building, it is not considered necessary. The agreed Masterplan document clearly states the proposed uses and is heavily referenced in the site description. This is supported in the Masterplan drawing provided by the applicant and agreed by the Council which shows the landmark building as a “proposed business/economic centre”.

The size of development proposed in Blackdog does not constitute a new town by any recognised measure. The Scottish Government Rural Urban Classification 2013-2014, page 4, specifies that a small town should have a population of 3,000-9,999. The 600 houses in addition to the existing houses in Blackdog would be highly unlikely to accommodate the necessary numbers without a degree of overcrowding. Blackdog is therefore likely to fall short of a town classification and, when complete, should be considered as an accessible rural village. In light of this, it is not appropriate to allocate a town centre in this location. No change is required.

No modification of the allocated site text is required; anything added would only be repetition of the approved Masterplan. The developer is welcome to submit an “updated
Masterplan which seeks to develop a sustainable mixed-use community at the gateway to Energetica”, but that should not alter the fundamental development principles set out in the agreed Masterplan as “a major extension to the community of Blackdog for 600 houses, 11 hectares of employment land, a specialist retail facility and a new primary school” as a “a high quality sustainable expansion to Blackdog”. No reference to the live planning consent on the site (APP/2014/0102) is necessary. No change is required.

It is also not agreed that retailing should be referenced in the Vision as a major part of this development. The allocation within the LDP 2012 includes a reference to a “specialist retail facility” also being permitted. Increasing the emphasis on the retail component and indeed changing the nature of that retail component to a general “town centre” designation would be inappropriate, as discussed above. No change is required.

A technical change is proposed remove the third sentence of the OP1 site brief, which reads “A masterplan was previously agreed by Aberdeenshire Council on the 12/02/2013.”

Gypsy/Traveller Site

Paragraph 133 of Scottish Planning Policy requires development plans to address any identified need for sites for gypsy/travellers. It goes on to state that, where there is a need, Local Development Plans should identify suitable sites for these communities.

Research undertaken by the consultants Craigforth for Aberdeenshire Council in 2009 identified a requirement for 12 additional pitches for gypsy/travellers within Aberdeenshire (see Accommodation Needs Assessment of Gypsies/Travellers in Grampian, Outcome 2, page 109). The Settlement Statements that were published as Supplementary Guidance in support of LDP 2012 identified four gypsy/traveller sites in order to address the above requirement. These were located at Thainstone/Crichie, Blackdog, Chapelton, and Ellon. The proposed gypsy/traveller site in Blackdog has been carried forward from the 2012 Supplementary Guidance.

The provision of a halting site within Blackdog is therefore required to meet an established need for gypsy/traveller accommodation, and the overall principle of this use at this location has already been established through the LDP 2012. The proposal has been subject to relevant statutory notification processes and, as it has been carried forward from the LDP 2012 with no significant modification, there was no requirement to specifically identify this proposal within the MIR 2013.

Many concerns raised by respondents relate to matters of detail that will be addressed at the subsequent planning application stage (the provision of appropriate security for the site, impact on amenity and character of the area, and environmental concerns). Others relate to factors that are either not material planning considerations or cannot be controlled through the Local Development Plan (potential for anti-social behaviour and the potential impact on business investment decisions). It is not agreed that the requirement for the gypsy/traveller site to be provided in advance of that part of the sites development will hold up the development of the full site. The phasing agreed in the Blackdog Masterplan states that this part of the site will be developed last, in the fourth phase. This allows the majority of the site’s housing and employment land allocations to be made prior to the beginning of phase 4. For the avoidance of doubt however, as a non-notifiable modification, the following wording should be added to the Development Brief: “land for a gypsy/traveller transit site should be made available on part of the site, prior to the development of the fourth phase, as outlined in the agreed Masterplan”. Aberdeenshire Council would not be
opposed to the Reporter making the above modification, or a variation thereof.

**Reporter's conclusions:**

**OP1 Land at Blackdog**

1. Site OP1 was first identified in the 2012 local development plan (LDP) and is proposed to be carried forward into the proposed LDP. Aside from one unsubstantiated objection to the site’s inclusion, representations are generally supportive of the continued allocation of the site.

2. I note the planning authority approved a masterplan for the site’s development in 2013, and the content of that masterplan has formed the basis of many of the requested changes to the LDP; representees have drawn attention to the retail element of the masterplan, to which no reference is made in the LDP. Various suggestions have been made on how this could potentially be addressed.

3. Having reviewed the masterplan, it is clear to me that the anticipated retail component of the site would be considerably greater than an ancillary or consequential element of the overall scheme. With 10,000 square metres of floor space proposed for a specialist “regional food market” in a landmark building which is intended to be an “Economic Centre” underpinning the entire site, I agree that the retail element of the development should be acknowledged in the LDP. I recommend a modification to the development brief on this basis, based on wording proposed by the planning authority. I do not consider it necessary to also introduce other references to retail, either under the “allocation” heading or in the settlement statement’s vision, which as drafted helpfully provides some overarching strategic context for this significant allocation.

4. The ‘Blackdog Masterplan’ illustrated in the proposed plan is inconsistent with the agreed masterplan and I consider this is likely to lead to confusion. A representee has highlighted, for example, that the key includes ‘retail’ but no such zoning appears on the masterplan. As the approved masterplan groups together employment uses and the broader intentions of the Economic Centre (which includes retail), it would be helpful for the same terminology to be used, so the overarching approach proposed in the LDP can be cross-referenced against the masterplan document. This would also complement my recommended inclusion of a reference to the Economic Centre in the development brief.

5. Representees have requested that a town centre area be identified for Blackdog, to reflect the retail element of the masterplan. The role of Principal Town Centres is clarified by Appendix 2 of the proposed plan, and a list of these centres is provided. Appendix 2 indicates that retail development will be supported in such locations “…where the market area is not regional”. In contrast, the proposed retail provision at Blackdog is explicitly for a regional retail attraction, which is a unique and carefully considered proposition but one which would not sit comfortably with the role of Principal Town Centres as outlined in the LDP. I consider that identifying a town centre in Blackdog would potentially serve to undermine the intentions for the site set out in the proposed plan and masterplan, and I agree with the planning authority that such a modification would be inappropriate.

6. A representee has highlighted that the proposed retail uses at Blackdog would be inconsistent with the LDP retail hierarchy as drafted. It is apparent that that in order to comply with the masterplan for site OP1, the retail component of development would
unavoidably conflict with policy B2 (Town centres and office development) which would normally only offer support to retail development where it would be located in one of the designated centres (listed in appendix 2). In order to resolve this inconsistency, I recommend a modification to make clear that policy B2 may not apply to retail proposals that would accord with the development brief and masterplan for the site, the acceptability of which may, if necessary, be required to be informed by a retail impact assessment.

7. Various modifications are sought by representees to reflect the site’s position within the Energetica area and the wider context set by the strategic development plan. I do not see any need to make such changes. The vision recognises the influence of Energetica for Blackdog in strategic terms, and I consider this to be the most appropriate place for such references. A carefully considered mix of uses are proposed by the LDP for the site, and so specific references to the need for a “sustainable mixed-use community” or variations thereof would be superfluous.

8. The LDP adequately reflects the development principles for the site and the masterplan provides additional detail. I do not consider there to be any particular need for an updated masterplan to be formulated, and so an update should not be a requirement of the development brief.

Gypsy/Traveller site

9. Whilst the evidence of need for gypsy/traveller sites in Aberdeenshire was established in 2009, no alternative or updated evidence has been provided by any party, and so there is no basis for me to conclude that these needs may have changed or have been satisfied elsewhere. Notwithstanding the objections received and views expressed during public consultation, the available evidence points towards a need for a gypsy/traveller site in Blackdog. Paragraph 133 of Scottish Planning Policy makes clear that if there is a need, local development plans should identify suitable sites for these communities.

10. The area identified for a gypsy/traveller site within site OP1 would, the masterplan indicates, be adjacent to proposed employment uses. Whilst I note the concern raised that such uses may not be compatible because of the potential for employment uses to compromise the residential amenity at the gypsy/traveller site, I consider that by identifying the location of the proposed uses at this stage, this assists the formulation of a detailed scheme which can from the outset take into account the need to achieve a satisfactory relationship between these neighbouring uses.

11. I support the planning authority’s suggested additional text to clarify when land for this purpose would be required to be made available, and accordingly I recommend its inclusion (with minor changes). This also makes clear that the responsibility of the developer(s) is to make land available for use rather than physically providing the gypsy/traveller site.

12. I do not attach weight to concerns regarding the potential for anti-social behaviour, security, and the site’s general attractiveness for investors. These are considerations relevant to the design and layout of the scheme as a whole and not one that arises specifically from the proposed gypsy/traveller site. These and other matters of detail, where capable of being material considerations, would be addressed through the development management process as appropriate.
Reporters recommendations:

1. Delete the development brief text for site OP1 and replace with:

“The site was previously allocated as site M1 in the 2012 LDP. Future development of the site should seek to develop in line with the agreed masterplan. Opportunity is provided for an Economic Centre in a landmark building, to house up to 10,000m² floor space for retail units in a regional food hall to provide a showcase facility for the Region’s producers, and a hotel, as stated in the masterplan. Retail proposals that are consistent with this development brief and the agreed masterplan may be supported as an exception to policy B2, subject to the details of the proposal and, if necessary, informed by a retail impact assessment. A main distributor road will be required. Development should not be occupied before the completion of the AWPR. Land for a gypsy/traveller transit site will be required to be made available on part of the site, prior to the development of the fourth phase, as outlined in the agreed masterplan.”

2. Amend the key to the Blackdog Masterplan by deleting “Retail” and replacing “Employment” with “Employment/Economic Centre”.
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<tr>
<th>Issue 31</th>
<th>Shaping Formartine – Ellon</th>
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<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Formartine 21</td>
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<td>Reporter:</td>
<td>Christopher Warren</td>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

Keith Newton (6)
Ian Gibson (70)
Louise McDonald-Meyer (77)
Peter Twine (79)
Susan Guthrie (92)
Thomas Craggs (94, 95, 96, 97)
Charles Coulson (98)
Scotia Homes Ltd (119, 120, 122)
Martin Forster (231)
Kevin Riddell (254)
Roselyn Foubister (273)
Stewart Milne Homes (281)
Louise MacDonald-Meyer (325, 326)
Avril Penman (358)
Ellon Community Council (380)
Mrs Davidson (473)
NHS Grampian (610)
Scottish Enterprise (632)
Scottish Natural Heritage (656)
Sport Scotland (674)
Scotia Homes Limited (787)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

Ellon Community Council wish more specific proposals regarding waste water and water provision to be made in the Plan (380).

Scottish Enterprise notes that no new additional employment allocations are introduced within the Proposed Plan and requests that Aberdeenshire Council gives consideration to whether sufficient employment and/or strategic reserve land is allocated to meet employment and economic growth needs during the Plan period and beyond. Although it is acknowledged that the rate of development on allocated employment sites over the current
Plan period has not met expectations, this is as a result of a lack of available infrastructure capacity (waste water, water supply and electricity) rather than a lack of market demand (632).

Natural and Historic Environment

Scottish Natural Heritage have requested that text be added to refer to the Sands of Forvie and Ythan Estuary SSSI which lies near Ellon (656).

Settlement Features

A respondent queried why Ellon Academy is not protected (6).

Another respondent wishes the route of the River Ythan to be protected for a public walkway along the length of its route. Without protection, development may occur right up to the river’s edge (231).

The deer park should be included as a protected feature (380).

Sport Scotland has requested that the bowling green to west of OP2 should be given the designation "P - Protected Land" (674).

R1

A respondent has highlighted an error in the mapping for site R1 and wishes the land within his garden to be removed from the allocation (254).

R2

It was queried why the R2 allocation only reserves this part of the Formartine and Buchan Way and not the rest of the route through Ellon (6). Another respondent feels that there should be land allocated to provide for the displacement of the Formartine and Buchan Way. It is also questioned if the size of the allocation is suitable to provide car parking for a new railway station (96).

SR1

A respondent believes development on SR1 will be “catastrophic for the Ellon community”, but does not state why (92).

The gypsy/traveller site on SR1 should be deleted with one respondent voicing “grave concerns” regarding the site (254). It will be an eyesore which is inconsistent with the planning objectives for Ellon and may be difficult to remove in the long-term, at cost to the taxpayer (95). Alternatively, the gypsy/traveller site should be removed from this site and located closer to the community as the current site is unsuitable. The site at SR1 and its accesses are exposed to the elements and frequently affected by wind and drifting snow, the site has no children’s amenities or community facilities nearby, is unsafe due to the A90 and single track roads and is within a business allocation whereas it would be better located near residential areas (273).

The Ellon Community Council has indicated that they believe the gypsy/traveller site will act as a significant disincentive to develop the land and will make the location unattractive.
to businesses to locate there (380). It will not be possible to deliver a business park which
meets with Energetica’s aspirations for a world-class energy corridor whilst there is the
prospect of a gypsy travellers’ site within the SR1/OP4 allocation. The end-users who have
expressed an interest in the development are only likely to take forward proposals should
the requirement for site SR1 to reserve land for a gypsy travellers’ site be deleted from the
final Plan (473). Scottish Enterprise also support this argument (632).

A respondent also wishes site SR1 and OP5 (presumably referring to OP4) to be
amalgamated with SR1. The OP4 development may be unviable on its own due to the
significant off-site infrastructure costs required to service the proposed business park. The
SR1 element should, therefore, be brought forward concurrently with OP4 so the
developer has a larger area of land to develop and can obtain funding easier. This will also
allow the business park to come forward in a cohesive manner rather than servicing the
western portion of the site only. The SR1/OP4 business park development will be
predominately Use Classes 4, 5 and 6. However, expressions of interest have also come
from commercial uses such as a hotel and fast-food outlet. The Proposed Local
Development Plan (LDP) 2015 should confirm that such uses would be deemed
acceptable in terms of being ancillary to a business park development (473).

Scottish Enterprise requests that consideration be given to the identification of electricity
upgrade requirements which SE has encountered on the OP4 employment site (632).

Services and Infrastructure

A respondent raised concerns that the Development Plan provided only an overview and
left detailed planning to developers. This was particularly problematic in regard to the
location of the new academy and the public services which will be based there. The site
does not have safe active travel connections and no off-road cycling routes from
Auchterellon. It also lacks bus services and adequate parking which will limit its function as
a drop-in centre. It is felt that consultation with other Council Services was inadequate
during the preparation of the Plan (79). Another respondent raised similar concerns about
the lack of integration between the LDP and other active travel, public transport and
infrastructure strategies, and stated that the Plan should not be given approval until they
are integrated (97).

The Ythan Centre should be retained as the community drop-in facility and this function
should not be moved to the new Ellon Academy (98).

A respondent indicated that a community sports hub is being discussed publicly in Ellon
and the Plan must allow for this (231).

Allocated Sites

OP1 Cromleybank

The Community Council wish clarity to be provided over what the phrases "active travel",
"affordable housing" and "permeability" mean in the site description. Clarity should also be
provided over what a "gateway feature" will entail. A health centre should not be included
in the site, as the developer has indicated (380).

NHS Grampian has questioned why the entire extent of the Ellon Academy site is not
included within the OP2 site (610).
Reference to a bridge across the Ythan should be deleted. A Compulsory Purchase Order (CPO) would be required to deliver the site and the Council would be required to prove that the bridge was the best option to justify the acquisition of land SIAS (transport planning consultancy), Scotia and Aberdeenshire Council Roads Officers have all concluded that a bypass is the optimal solution. Insisting on a bridge on land outwith Scotia and Council control casts doubt on the deliverability of site OP1. Public consultation conducted by Scotia shows that the public are opposed to both a CPO and a bridge and pursuit of this option may delay development by a further two years. It would also create a ransom strip. The requirement for a bridge, therefore, is contrary to Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements as it is not necessary, fairly or reasonably related to the development and will cause the developer to reconsider their involvement in the site. (787).

One respondent queried why there is no indicative line drawn for a bridge over the Ythan (6). Another felt that the only route could be through the Meadows sports fields, rendering the P4 allocation irrelevant (97). Another agreed that the bridge must be shown and, if it goes through the Meadows, an equivalent area (with changing facilities) must be shown in the Plan as a replacement (231). Another respondent wishes the reference to the bridge to include specific details about phasing of delivery and for the statement to be repeated in the OP1 allocation description (380). One respondent queried why the bridge over the Ythan was not included in the Services and Infrastructure section (6).

OP2 Former Academy and Academy Annex Site

The allocation should include the Health Centre and Council offices at Schoollhill and make reference to the Castle Gardens (6).

OP2 should be reserved for consolidation of Council offices in Ellon within the former Ellon Academy site and the academy annex should be allocated as a new health centre. The sites are highly accessible for active travel and public transport, are in close proximity to the pharmacist and can be made available quickly to address need in the short term (94).

Council offices should be located to the Old Academy site to free up retail, office and parking space in the town centre. It may also be able to hold some drop-in community functions too (98).

The Community Council wishes the reference to high density development on the site removed unless greater clarification is provided in the Plan. Greater clarity should also be provided over the definition of community facilities and provision should also be included for sheltered housing and assisted living (380).

OP3 Hillhead Drive

Two respondents object to the development (70, 358). It is considered to be very close to a blind summit of a hill and visibility emerging on Hillhead Drive and traffic driving along Hillhead Drive would not have a good view of traffic emerging from the proposed development. It is a narrow road (70, 358).

A respondent considers that any development would stand as a lone intrusion into the open landscape and have a negative impact on the amenity of the area and the natural environment. The gradient of the land should be reviewed and perhaps the height of any houses limited. The design of houses on the site should be sympathetic to neighbouring
properties. This site is not designed to cope with a large volume of houses, therefore it is unclear how a selection of types of affordable housing could be incorporated. Affordable housing may be better provided off site (358).

CC1 Waterton

One respondent believes that CC1 will fail to attract the kind of retailers that are at more readily accessible locations in and around Aberdeen (98).

Another respondent seeks the deletion of CC1 from the Ellon Settlement Statement and Proposals Map. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 objective for sustainable mixed communities supports an integrated approach to new development. It also confirms that a focus on sustainable mixed communities means not dealing with different land uses in isolation. The SDP 2014 further advises that to create sustainable mixed communities, retail services must be one of the main considerations in Masterplans. This co-location of uses and the creation of a sustainable mixed community is not possible on site CC1. The Proposed LDP 2015 also identifies that the CC1 site may be constrained by flooding. The development of the Waterton site would be better reserved as a potential expansion of the adjacent park and ride site which would be required as the settlement expands. Its development for retail use would remove the opportunity for any future expansion of the park and ride facility (119).

A developer wants the allocation amended to have the boundary meet the River Ythan to the south and to have the allocation changed to mixed use to include 150 residential units in addition to the current retail allocation. The respondent argues that the slow delivery of sites in Ellon is a material change which warrants the allocation of additional housing in Ellon. Development on this site would help address shortfalls in housing land delivery in Ellon and help to deliver new services through developer obligations. Mixed use development would allow the site’s resources to be maximised and allow efficient use of the land in line with Scottish Planning Policy (SPP) (281).

A respondent has requested that the site boundary for site CC1 should be modified to reflect the ownership of adjacent properties (325).

Additional Sites

Bid Site FM051

A respondent seeks the allocation of bid FM051 as a new housing site within the Proposed LDP 2015 for the development of around 180 houses. This would form part of an expansion of the existing OP1 allocation at Cromleybank. The allocation of this site would result in the creation of a sustainable and high quality development, complementing the existing allocation and providing a more robust, landscaped edge to the south of Ellon. The site is a logical expansion of the current allocation and could be allocated within the Proposed LDP 2015 to meet local and strategic housing needs. The allocation of this site would help to ensure a generous supply of effective housing land and a wide range and choice of new housing sites. It would also provide the added flexibility that is required by the SPP and would help to achieve the strategic objectives for population growth and an increased level of house-building, taking into account the increased population and household projections set out in the latest National Records of Scotland forecasts. It would also ensure the maintenance of an established housing land supply than can be drawn upon in the event that any of the currently allocated housing sites elsewhere in this
housing market area are not delivered (122).

Bid Site FM079

Two respondents have objected that the land is allocated as outwith the settlement boundary, although it is surrounded by allocations within the settlement boundary. The respondents want the land allocated either for housing (77), included within the settlement boundary (326) or allocated as an addition to the allocation at CC1 (77). It is argued that the CC1 allocation moves the "gateway" of the settlement much further to the east. It is therefore illogical and impractical to omit the bid entirely as part of the open countryside (77, 326). The site would be suitable for low density housing development (326).

Bid Site FM083

This site provides opportunities for a mix of retail and commercial uses and would represent a major investment and employment opportunity for the wider Strategic Growth Area. The Cromleybank site has clear locational advantages over Waterton and should be preferred. It is accessible and could be integrated into the OP1 Masterplan, which is within the same ownership. This site would take advantage of the accessibility, profile and gateway location. Detailed viability advice (not included with the representation) was taken from retail experts who confirmed the benefits and advantages of delivering a quality retail park and mixed-use hotel and leisure development on this site.

The Main Issues Report (MIR) 2013 assessment for site FM083 stated it was technically developable and would deliver significant benefits, but it was not suitable because it is isolated from the town and town centre. Aberdeenshire Council Town Centre and Retail Study 2012 confirmed that a new retail park development in Ellon would assist in addressing existing retail deficiencies and would not result in significant adverse retail impact on the town centre. SPP (paragraph 66) requires that the LDP should enable gaps and deficiencies in provision of shopping and other services to be remedied by identifying appropriate locations for new development, taking commercial realities into account. SPP further confirms that Development Plans should indicate if retail development is appropriate outwith existing centres and identify locations. FM083 has the potential to provide new modern retail premises that would not be viable with the existing town centre. This would accord with Scottish Government policy which supports the creation of mixed use developments and neighbourhoods where daily needs are within walking distance of the majority of residents. The SDP 2014 further advises that to create sustainable mixed communities, retail services must be one of the main considerations in preparing Masterplans and development briefs for new development (120).

Modifications sought by those submitting representations:

Vision

The Vision should be reworded and clarified regarding water and wastewater provision (380).

Natural and Historic Environment

Scottish Natural Heritage have requested that text be added to refer to the Sands of Forvie and Ythan Estuary SSSI which lies near Ellon (656).
Settlement Features

A respondent queried why Ellon Academy is not protected (6).

The route of the River Ythan should be protected for a public walkway along the length of its route (231).

Ellon Community Council wishes the Deer Park to be recognised as a protected feature (380).

Sport Scotland has requested that the bowling green to west of OP2 should be given the designation "P - Protected Land" (674).

R1

A respondent has highlighted an error in the mapping for site R1 and wishes the land within his garden to be removed from the allocation (254).

R2

A respondent requests that land be allocated to provide for the displacement of the Formartine and Buchan Way. It is also questioned if the size of the allocation is suitable to provide car parking for a new railway station (96).

SR1

Delete the SR1 gypsy/traveller site (95, 380, 473).

A respondent would like to see the transit site for travellers moved to an area closer to the community so the travellers can be included within the hub of the town rather than being stuck out on the periphery (273).

Sites OP4 and SR1 should be amalgamated and made immediately available to provide 29 hectares of employment land. A statement should be inserted into the final Plan stating that the OP4/SR1 development in Ellon will include ancillary uses compatible with a business park, such as a hotel and fast-food outlet (473).

Scottish Enterprise requests that consideration is given to the identification of electricity upgrade requirements on the OP4 employment site (632).

Services and Infrastructure

Retain the Ythan Centre as a drop in centre and do not relocate to Ellon Academy (98).

A respondent indicated that a community sports hub is being discussed publicly in Ellon and the Plan must allow for this (231).

Allocated Sites

OP1 Cromleybank

Clarity should be provided regarding what “gateway feature”, “active travel”, “permeability”
and “affordable housing” mean regarding this site (380).

NHS Grampian has questioned why the entire extent of the Ellon Academy site is not included within the OP2 site (610).

Delete the requirement to provide a vehicular bridge across the River Ythan as part of the development of site OP1 (787). An indicative should be line drawn for a bridge over the Ythan (6). Another wants the bridge to be shown and, if it goes through the Meadows, an equivalent area (with changing facilities) must be shown in the Plan as a replacement (231). Reference to the bridge should include specific details about phasing of delivery and for the statement to be repeated in the OP1 allocation description (380).

The bridge over the Ythan was not included in the Services and Infrastructure section as well (6).

OP2 Former Academy and Academy Annex Site

The allocation should include the Health Centre and Council offices at Schoolhill and make reference to the Castle Gardens (6).

The former academy annex site be allocated for a new Health Centre and for consolidation of Aberdeenshire Council offices in Ellon (94).

Council offices should be located to the Old Academy site as well as drop-in centre functions (98).

Clarity should be provided regarding what "high density development" and "community uses" means for this site (380).

OP3 Hillhead Drive

This site should be removed from the LDP. If there have to be some houses on this site then the Plan should go further than indicated by the present text in providing more detail on the type of development that will be suitable (358).

CC1 Waterton

The currently identified commercial centre proposal at Waterton, Ellon (Proposed Plan Site Ref: CC1) should be deleted and replaced by FM083 (119).

The CC1 site boundary should be extended to the south to meet the River Ythan to allow the inclusion of a riverside park that will ensure that the land resource potential is maximised. Accordingly, Table 4 of Appendix A5 ‘New Housing Land Allocations’ should be modified to include a new allocation of 150 units at Waterton, Ellon for delivery in the period 2017-2026. The Settlement Statement for Ellon and description of CC1 should also be modified accordingly to include a mixed use allocation inclusive of 150 residential units (281).

A respondent has requested that the site boundary for site CC1 should be modified to reflect the ownership of adjacent properties (325).
Additional Sites

Bid Site FM051

A respondent requests that the 13.67 hectare site FM051 is allocated as a new housing site within the LDP for the development of around 180 houses. This would form part of an expansion of the existing "M1 allocation" at OP1 Cromleybank, Ellon (122).

Bid Site FM079

A respondent proposes that bid FM079 be allocated for housing or for a small scale addition to the current allocation of Leisure/Retail or Business (77).

The land at bid site FM079 should be included within the settlement boundary (326).

Bid Site FM083

A respondent requests that the 21.95 hectare site at FM083 is allocated as commercial centre for the development of retail, leisure and hotel uses. As such, this would be a replacement to the suggested site at Waterton (Proposed Plan Site Ref: CC1) and they have submitted a separate representation objecting to that site (120).

Summary of response (including reasons) by Planning Authority:

Ellon is a large town located within the Aberdeen to Peterhead Strategic Growth Area and the Aberdeen Housing Market Area. The town centre was the subject of the Aberdeenshire Council Town Centre and Retail Study 2012 that found that demand for new shops in Ellon was not being met by existing units in the town centre because of the lack of availability of large floor space sites (see Aberdeenshire Council Town Centre and Retail Study 2012, paragraphs 2.11, 2.15, 2.16, 2.18 and 2.47). To prevent leakage of retail functions out of Ellon, Main Issue 14 proposed out of centre retail in Ellon. This was discussed in MIR 2013, Issues and Actions Paper 084 – Ellon. It is proposed that the need for larger sites is met on site CC1.

There are several requests for more land to be allocated in Ellon but, as demonstrated in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and appropriate allocations have been made in the Aberdeen to Peterhead Strategic Growth Area. No additional allocations are required.

Vision

Water and wastewater are the responsibility of Scottish Water. Growth plans will be initiated once a development meets their growth criteria. Specific proposals for upgrades will be decided by Scottish Water and so it is not appropriate for the Proposed LDP 2015 to try to identify the nature of any upgrades. No change is required.

The supply of employment land throughout Aberdeenshire is adequate to meet demand. The supply of employment land within the Aberdeen to Peterhead Strategic Growth Area exceeds the requirement set by the Strategic Development Plan. It is, therefore, not considered necessary to provide further allocations for employment land in Ellon at this
time as there is no strategic or local need identified. No change is required.

An error has occurred when incorporating the wording for the Ellon Settlement Statement Vision into the Proposed Local Development Plan, as agreed by the Formartine Area Committee on 10/02/2015, in that the word “and” after the words “Cromleybank site” had been removed and replaced with a semicolon. A technical amendment is proposed to change the penultimate sentence of the Ellon Settlement Statement Vision to read: “Problems of traffic congestion and inadequate retail floor-space should begin to be addressed within the plan period by the early provision of a vehicular bridge over the Ythan from the Cromleybank site and possibly by the provision of an additional east-west road link; and the development of a new retail allocation at Waterton.”

Natural and Historic Environment

The Sands of Forvie and Ythan estuary is over 1.3 kilometres from the Ellon settlement boundary at its closest point. It is not within the area shown in the Ellon Settlement Plan and, therefore, it is not necessary to include reference to it in the Settlement Statement. No change is required.

Settlement Features

The Ellon Academy site is not protected as it does not currently require land for future development. It is not the case that development can happen up to the edge of the River Ythan. In addition to the restrictions set in Policy C4 Flooding, the north and south banks of the Ythan at Ellon are protected under allocation P3. Outwith the Ellon settlement, the river is in open countryside which limits the type of development that would be suitable. This provides adequate protection should a public walkway be planned along the length of its route in and around Ellon. No change is required.

The issue of the Deer Park was raised by the Community Council during the Main Issues Report when it was highlighted that the Deer Park is protected as part of the P2 allocation. No change has been made to the allocation of the Deer Park since then. The P2 allocation provides appropriate protection for the site. No change is required.

It is acknowledged that the bowling green is an important recreational amenity within the settlement. As such, it would be offered a level of protection from inappropriate development by Policy P3 Infill and Householder Developments within Settlements, which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is, therefore, not necessary to prevent inappropriate development from taking place on this site. Nevertheless, the Council would have no objection to the proposed extension of the P1 designation to include the bowling green if the examination deems this appropriate.

R1

A non-notifiable modification will be made to the allocation to correct the erroneous allocation of the respondent’s garden.

R2

The R2 allocation reserves land for a possible new railway and station, should it be
SR1

Paragraph 133 of SPP requires Local Development Plans to address any identified need for sites for gypsy/travellers. It goes on to advise that, where there is a need, Local Development Plans should identify suitable sites for these communities.

Research undertaken by the consultants Craigforth for Aberdeenshire Council in 2009 identified a requirement for 12 additional pitches for gypsy/travellers within Aberdeenshire (see Accommodation Needs Assessment of Gypsies/Travellers in Grampian, Outcome 2, page 109). The Settlement Statements that were published as Supplementary Guidance in support of LDP 2012 identified four gypsy/traveller sites in order to address this pitch requirement. These were located at Thainstone/Crichie, Blackdog, Chapelton, and Ellon. The proposed gypsy/traveller site in Ellon has been carried forward from the Supplementary Guidance produced in 2012 to support the Local Development Plan (see LDP 2012, Supplementary Guidance Volume F: Ellon).

The provision of a site within Ellon is therefore required to meet an established need for gypsy/traveller accommodation and the overall principle of this use at this location has already been established through LDP 2012. The proposal has been subject to relevant statutory notification processes and, as it has been carried forward from LDP 2012 with no significant modification, there was no requirement to specifically identify this proposal within the MIR 2013.

Contrary to the comments of some respondents, the areas that are identified as potentially suitable options for the halting site are considered to be well related to the existing settlement and will provide occupants with appropriate access to facilities and services. Many other concerns raised by respondents relate to matters of detail that would be addressed at any subsequent planning application stage (sheltering, impact on amenity and character of the area and environmental concerns) or relate to factors that are either not material planning considerations or cannot be controlled through the Local Development Plan (potential for anti-social behaviour and the potential impact on business investment decisions). No alternative gypsy/traveller sites have been proposed and there has been no objection to the proposed sites from other individual members of the travelling community. Deleting the proposed sites without providing alternatives would leave the Proposed LDP 2015 out of conformity with national planning guidance. No change is required.

The phasing of development between OP4 and SR1 is appropriate to maintain a long-term supply of employment land in the settlement and within the Strategic Growth Area. It is not considered appropriate to merge the sites at this time. Other uses are not normally acceptable on an employment allocation, except in exceptional circumstances. It will be determined at the time of a planning application whether other uses are deemed to be acceptable. Issues of electricity infrastructure will be considered at the time of a planning application as part of the development management process, dependent on the needs of the proposed development. No change is required.
Services and Infrastructure

The Proposed LDP 2015 has been prepared in accordance with Planning Circular 6/2013 Planning Obligations and Good Neighbour Agreements. It is designed to identify opportunities for development but it is not expected to masterplan development sites as this would have cost implications for the development industry.

It is not practical or feasible to revisit the decision taken for the location of Ellon Academy. Ellon Academy will be fully integrated as part of the OP1 development in time. The Ellon Academy site is currently served by wide pavements and a footbridge across the Ythan which provide suitable and safe active travel linkages.

It is not appropriate to delay the delivery of the Proposed LDP 2015 for the sake of other strategies and policies being developed in other Council Services. The Council is a large body where multiple projects are being developed simultaneously. Accordingly, the point at which full integration of strategies could be achieved with other Council Services would be difficult to ascertain. Other Services were consulted fully during the Local Development Plan process.

The Ythan community sports hub is a forum of sports clubs and organisations which holds monthly meetings that provide a platform to grow participation in sports in Formartine. It does not have a physical home but works with Ellon Meadows and the new Community Campus, where the meetings are usually held. As it is not a proposed development, it does not require to be reflected in the Plan. The location of Council services (including Ythan Drop-in Centre) within their existing estate is not a matter for the Local Development Plan to stipulate. No change is required.

Allocated Sites

OP1 Cromleybank

The definition of "permeable" in a planning sense does not differ from a dictionary definition. An explanation is not necessary. "Affordable housing" is defined in the glossary currently. The exact nature of the “gateway feature” will be defined in the Masterplan/Development Framework for site OP1. No further clarification is necessary in the Proposed LDP 2015. “Active travel” is a phrase that recurs throughout the Plan. As a non-notifiable modification, the following wording should be added to the glossary to provide a definition: “Active Travel: an approach to travel that focuses on physical activity such as walking and cycling”. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

The Ellon Academy site is built and actively used as a school. The OP1 site will be developed around it. It is not necessary to mark it specifically within the OP1 allocation.

The route of the transport solutions for the Cromleybank development is best decided through the development management process. It would therefore not be appropriate to make amendments to the Settlement Statement maps to show indicative routes, as this could compromise the choice of developers to choose the most cost effective solution.

OP2 Former Academy and Academy Annex Site

The development of OP2 will not require development in the Castle Gardens and,
therefore, reference to them is not necessary. As stated in the Plan, the exact nature of the uses will be decided after public engagement on the site is concluded. As a non-notifiable modification, the reference to a public consultation process should be removed as an exact timetable has not been decided at this time. Aberdeenshire Council would, therefore, not be opposed to the Reporter making this modification, or a variation thereof. A definition of "high density" and "community uses" will be provided if these uses are approved following consultation.

OP3 Hillhead Drive

The site is marked in the Proposed Action Programme 2015, page 84 and the Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 3, as unconstrained, and recent applications and appeals indicated continued developer interest in the site. The site has been carried forward since the LDP 2012 where the principle of development on the site was unchallenged. The issues of traffic and visual prominence can be mitigated through the planning application process. It is agreed that a selection of types of affordable housing cannot be included and this was included in error. As a non-notifiable modification the wording should be amended to read: "Affordable housing should be provided integrated within the site," and Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

CC1 Waterton

It is not the purpose of the CC1 allocation to compete with other settlements in Aberdeenshire, but rather to prevent loss of trade within the town. As discussed within the Main Issues Report, the site will provide retail units with larger floor space than is currently available in Ellon. It is appropriate to retain the allocation to support the retail mix within Ellon.

It is agreed that SDP 2014 states that different land uses must not be dealt with in isolation. However, SDP 2014 does not state that all developments must be mixed, as the respondents analysis of SDP 2014, paragraph 4.34 seems to imply. If this was the case, it would be wholly impractical and place an unacceptable burden on many types of development. Further reading of the SDP 2014 objective for sustainable mixed communities shows that land uses should not be dealt with in isolation within a community or settlement and this is how sustainable mixed communities will be created. SDP 2014, Paragraph 4.39 states that “a focus on communities means that new housing and developments for employment and commercial use should be integrated (well related to each other and community facilities) to improve people’s quality of life and opportunity. This should be a particular focus in Masterplans prepared for larger development areas.”

This supports providing a mix of uses within communities. As discussed in the MIR 2013, a need for further retail opportunity in Ellon has been recognised and the SDP 2014 supports development to meet this. SPP, paragraph 122 also supports sustainable mixed-use communities. As with SDP 2014, this means ensuring that a settlement has an appropriate balance of uses to ensure its sustainable development. This does not mean favouring mixed-use developments over other types of development. Issues of flood risk on site CC1 are recognised in the Proposed Plan. The risk does not sterilise the entirety of the site from development and can be addressed at the time of a planning application.

As there is no strategic or local need for further housing land identified and the existing allocations are considered to be deliverable and effective, no further housing allocations
are required at this time.

The request to amend the allocation boundary to reflect the grounds of Waterton House is reasonable. However, the allocation already follows the boundary of Waterton House as indicated on Ordnance Survey maps. No change is required.

Additional Sites

Bid Site FM051

This bid was considered in the MIR 2013, Issues and Actions paper 084 – Ellon. It was stated that "without the completion of the M1 site, FM051 may be disjointed from the town and dependent on cars. It is therefore suggested that the site is not suitable for allocation until after the completion of the M1 site... In addition, the scale of the proposed development is at a strategic level and currently there is no need for further strategic housing allocations as the SDP 2014 requirements have already been met. It is therefore recommended not to include the site in the LDP." There has been no material change since this assessment and, as demonstrated in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Strategic Growth Area and the Aberdeen Housing Market Area. The other sites within Ellon are also deliverable and effective. There is therefore no local or strategic need for further housing land at this time. No change is required.

Bid Site FM079

Bid FM079 was assessed in the MIR 2013. It was considered that the site was too remote from the town centre and community facilities. While it is true that the CC1 allocation moves the settlement boundary further to the east, the site will remain removed from the town centre and the community facilities there. The allocation at CC1 is sufficient to deliver the necessary retail space and it is too early to consider whether and how this site should be expanded. As noted above in relation to bid FM051, there is an appropriate and sufficient supply of deliverable housing sites within the Strategic Growth Area and the Aberdeen Housing Market Area. The other sites within Ellon are also deliverable and effective. There is therefore no local or strategic need for further housing land at this time. No change is required.

Bid Site FM083

It is not agreed that this site would provide retail opportunities within walking distance of the majority of residents any more than site CC1. Indeed, site CC1 is arguably closer to the residents in the north of Ellon than bid site FM083. The site was also considered in the MIR 2013, Issues and Actions Paper 084 – Ellon, which concluded that "FM083 is not considered an appropriate site for the development of retail and commercial land as it is poorly related to the settlement, especially the town centre, and would be an unsustainable form of development which would be heavily dependent on cars. It is not recommended to include this site in the LDP." There has been no material change since this conclusion was reached. CC1 enjoys greater public transport and active travel connections than this site. Such connections would not be possible on this site until after the completion of site OP1, raising questions about the adequacy of this site in meeting the retail need in Ellon within a reasonable timescale. There is also no scale of demand demonstrated that would indicate a further retail allocation is needed in addition to CC1. Therefore, it is not considered
appropriate to allocate this site in the Proposed LDP 2015. No change is required.

**Reporter's conclusions:**

**Vision**

1. Ellon Community Council (380) has requested that the need to address waste water treatment capacity be identified in the vision. This is considered in Issue 16, which concluded that a modification should be made to the settlement statement. I have not repeated the recommendation here in order to avoid duplication.

2. The same representee has requested more clarity be provided in regard to the timing of the provision of a new bridge over the River Ythan. I note the vision statement refers to its “early provision” but does not indicate any specific timescales or triggers for construction.

3. At this time I do not consider it possible to provide more specific information on how or when a bridge would be provided, notwithstanding that it would be desirable to do so. The proposed plan seeks to secure the provision of the bridge as a requirement of the development of site OP1. My assessment of that site-specific requirement can be found under the ‘Site OP1’ subheading below and from this it is apparent that significant uncertainty remains over the deliverability of a bridge.

4. I do not consider it necessary to remove reference to a bridge from the vision, as I accept that, as an aspiration for the town, it would potentially be capable of offering various benefits. However, as the vision also indicates, this is not the only option available to addressing traffic issues and other measures (such as an east-west road link) may ultimately prove be to equally beneficial and more readily deliverable. I therefore recommend a modification which allows some flexibility to reflect the current uncertainties in this regard, but which retains a positive commitment to addressing traffic problems. This change would also more accurately reflect the modifications to the site OP1 development brief (as requested by the planning authority) regarding access arrangements for the site.

5. The meaning of ‘green network’ has been queried but I note that the term appears in the glossary of the proposed plan, so no further explanation is necessary in the vision itself.

6. A representee has raised a general point relating to the amount of employment land that is identified in Ellon, which the planning authority has given consideration to in relation to the vision. My interpretation of the representation is that it did not specifically relate to the vision statement, and was instead making a wider observation that no new employment allocations were being proposed. Despite this, I agree with the planning authority’s explanation that there is no strategic or local need for more employment land to be allocated. No changes to the vision are required to clarify this.

**Natural and Historic Environment**

7. Scottish Natural Heritage has requested that the Sands of Forvie and Ythan Estuary Site of Special Scientific Interest (SSSI) is acknowledged in this section. The planning authority has stated that such a reference is unnecessary because of its distance from
Ellon, which would be outwith the area shown by the settlement plan.

8. Noting that this section of the settlement statement, as drafted, refers to a Special Protection Area (SPA) which has a similar relationship to Ellon, being both outwith the settlement boundary and area shown by the plan, for consistency and completeness I recommend that the plan makes reference to the SSSI. This modification is also justified given that Ellon is directly upstream from the designated area, on the River Ythan.

Settlement Features

9. Ellon Academy has recently been constructed, and it is reasonable to assume that the building and/or wider site provides the capability to meet current and future predicted demands. The planning authority has confirmed that no additional land is required and so I am satisfied that it is unnecessary to protect land for further development.

10. A representee wishes to see protection given along the riverside for the creation of a pedestrian route. I consider that sufficient protection for such a purpose is already secured by the plan through the protected land designation P3, which applies to the full length of the river and its banks within the settlement boundary.

11. I am satisfied that Ellon map 5 does show that the deer park is wholly included within designation P2. No modifications to the plan are required to safeguard this area.

12. Ellon bowling green (on Union Street) was identified in the 2008 Aberdeenshire open space audit, which noted that it was well used and maintained. Paragraph 224 of Scottish Planning Policy expects local development plans (LDPs) to identify and protect “valued and functional” sites identified in the open space audit. I note the planning authority has indicated that it would have no objection to including the site within the P1 designation. In addition to the degree of protection capable of being offered by policy P3, I recommend that the site should be clearly identified in the proposed LDP, to reflect that the site provides a local sport facility situated in a principally residential area, where infill development would normally be supported in principle. As designation P1 is physically separate and of a different character to the bowling green, I recommend the site be given a separate, new P6 designation.

R1

13. I support the planning authority’s proposed amendment to omit an area of private garden from the area reserved for a new cemetery, which I note was included in error.

R2

14. This site is safeguarded for the provision of a new station, for in the event of the railway ultimately being reinstated. A representee has legitimately queried whether the site is large enough to accommodate such a development together with car parking. I accept the planning authority’s position that, in the absence of any detailed plans, it is not possible to confirm this. The site does however appear to be of a sufficient size to provide flexibility in how the various elements of a station could be provided within the site. Noting the site’s relatively central position within Ellon, this would also be likely to reduce the overall car parking requirement.

15. A representee has queried why the whole of the railway route through Ellon is not
safeguarded by the designation. I am unconvinced that policy P3 provides a sufficiently robust or clear presumption against development that may compromise the ability to reinstate the railway line. Given the importance of the railway route remaining unconstrained by development in order to maximise the likelihood of the line being reinstated, I agree that it would be prudent to include the full extent of the corridor as part of the R2 designation (where it is within the settlement boundary).

16. The former railway line currently forms a section of the Formantine and Buchan Way. A representee has requested that an alternative alignment for this route be safeguarded for in the event of the railway being reinstated. An alternative route has not been suggested, but I consider that sufficient options and flexibility exist for realigning this route if necessary, without any need to safeguard a route in the LDP.

SR1

17. This 20 hectare site is principally a strategic reserve of land for future employment use. The proposed LDP also allows for a gypsy/traveller site to be provided on the site, with this latter element attracting various objections.

18. The evidence of need for a gypsy/traveller site in Ellon stems from an Aberdeenshire-wide study undertaken in 2009. Whilst this study is now relatively dated, this remains the best available evidence. I also note that representees have not suggested that the need for a gypsy/traveller site no longer exists, and that no alternative sites have been suggested.

19. Paragraph 133 of Scottish Planning Policy makes clear that if there is a need, local development plans should identify suitable sites for these communities. The site has the potential to successfully cater for the needs of gypsy/traveller communities. I am satisfied that the site relates sufficiently well to the settlement for this use. It also benefits from good access to the wider road network.

20. Matters such as the site’s visual impact and exposure to inclement weather are matters of detail and I am satisfied that such issues could be satisfactorily addressed at the detailed planning application stage. Likewise, road safety implications and the adequacy of pedestrian facilities would be assessed by a detailed proposal and appropriate mitigation could be required if necessary. Safe pedestrian routes would also be required for any future employment development on the site, and during my site visit I did not observe any particular constraints to achieving this.

21. Whilst representees have stated that the provision of a gypsy/traveller site would reduce the attractiveness of the SR1 site and adjacent OP4 site to business investors, no evidence to substantiate these claims has been provided. I see no relevant planning reason why such uses would in principle be incapable of being satisfactorily sited adjacent to one-another. It would be for the detailed design and layout of the site to ensure that a satisfactory relationship between the uses is ultimately achieved.

22. The amalgamation of sites OP4 and SR1 has been requested by a representee, stating that the infrastructure costs associated with developing site OP4 alone may be unviable. No further evidence regarding viability has been provided by the representee and I note that the development brief for site OP4 does not identify any infrastructure requirements that I would consider to be abnormal or excessive.
23. There is merit in the planning authority’s approach of phasing the development of sites OP4 and SR1. This provides certainty over land supply and provides sufficient confidence in the development potential of land over the longer term. Given that the employment land supply in the strategic growth area is ample, and there is no development imminent on site OP4, there is no clear justification that would warrant a modification to the plan to essentially enlarge the allocation during this plan period. Should exceptional circumstances arise which would clearly justify the early release of SR1, policy B1 makes provision for this.

24. The same representee has requested that the plan should make clear that other uses such as a hotel and a fast food outlet would be permitted on sites OP4 and SR1. Whilst there may well be interest in the site from such operators, these uses would be inconsistent with the purpose of the allocation, and would be contrary to policy B1 which resists non-employment uses on such sites. In addition to creating conflict within the plan, such an allowance would weaken policy B1 and the focus of employment allocations more widely. I would also be concerned that such uses on sites OP4 and SR1 may jeopardise the delivery of site CC1 in Ellon, which is intended for retail and leisure uses. For these reasons I do not consider a modification to be appropriate.

Services and Infrastructure

25. I have noted the concerns of representees regarding the location and accessibility of the academy and the facilities provided there, but given that the development has already taken place this is not a matter for the examination of the proposed plan. I note also that a representee has stated that the community drop-in facility should not be relocated, but this is not a proposal within the plan and such decisions would be outwith the planning process.

26. The planning authority has explained that the ‘community sports hub’ is a forum and not an established or proposed physical development. On this basis I am satisfied that no change to the LDP is required to identify it.

OP1 Cromleybank

27. The meanings of a number of terms used in the development brief for the OP1 site have been queried by a representee. I note that “affordable housing” appears in the glossary and so no further explanation of this term is required within the development brief. I am of the view that the meaning of “permeable” is widely understood and requires no further explanation. “Active travel” is less commonly understood and I support the planning authority’s proposal to also include this in the glossary. The final term being queried is “gateway feature”. The planning authority wishes to define the exact nature of this through the masterplan for the site, which I consider to be reasonable. Whilst the meaning of “gateway feature” in isolation is rather ambiguous, I consider that when read in the context of the whole sentence in the development brief, the intentions behind the term are sufficiently clear, and it would be unhelpful to attempt to specify how this may be carried forward into a detailed proposal.

28. The OP1 development brief within the proposed LDP indicates that a vehicular bridge over the River Ythan would be required as part of the site’s development. However, a representation and associated evidence provided by the site’s promoter does cast considerable doubt over whether a bridge can be justified as a requirement of the site’s development.
29. I am concerned that in order to provide the bridge, this would require land outwith the control of the landowner and the planning authority, and so a compulsory purchase order (CPO) would be likely to be required. It is not possible or appropriate for me to speculate on the likely outcome of any future CPO process. However, as drafted the development brief implies that the acceptability of the development of the site is reliant upon a bridge being provided.

30. Evidence has been provided to demonstrate that an alternative potential solution exists for accommodating the additional traffic that would be generated by the development of this substantial site. This alternative option comprises of a new east–west link road, referred to as a ‘southern bypass’ in submissions.

31. Whilst I make no judgment over the acceptability of otherwise of either the bridge or a southern bypass proposal, based on the submitted evidence I consider it essential at this stage for the OP1 development brief to retain flexibility to explore the access options that would enable the site’s development to be progressed. This is particularly important given the demonstrable uncertainties regarding the deliverability of a bridge. I recognise that the planning authority has suggested a modification to this effect, and I consider it essential to introduce this additional flexibility in order to have sufficient confidence in the deliverability of this site.

32. Given the need for flexibility in identifying a preferred option for road infrastructure improvements in relation to this site, and in the absence of any specific proposals or road alignments forming part of the plan-making process, it would not be appropriate to indicate its possible alignment in this plan.

**OP2 Former Academy and Academy Annex Site**

33. This site is a proposed new allocation, comprising of the former academy which is now redundant following the completion of the new academy at site OP1. The allocation would comprise two separate but closely related sites, both of which are centrally located, and there is clear logic in bringing the sites forward as a single allocation.

34. A representee has suggested that the health centre and council offices at School Hill should be brought within the allocation. As the development brief suggests an appetite to potentially use the allocated site to consolidate existing offices in Ellon, there is some merit to this suggestion. However, given that both of these premises are currently occupied and a larger allocation has not been given due consideration during the preparation of the LDP, I do not consider a modification to be appropriate. That said, the exclusion of these areas from the allocation would not preclude them from being brought within a masterplanning exercise.

35. NHS Grampian has questioned why the entire site was not included in the allocation (which the planning authority misinterpreted to be a representation relating to site OP1). Immediately to the southeast of the demarcated allocation of the former main academy site is an area of hardstanding which physically relates to the site. I am unclear why this area of land has been excluded from the allocation, but given that that the whole area falls within the settlement boundary and is in close proximity to the town centre, its exclusion from the allocation would not preclude development, and if appropriate it could form part of the required masterplan.

36. Representees have suggested various functions for the site including ways in which
council premises could be consolidated, and other uses which should be incorporated into its redevelopment, such as sheltered housing. The development brief would not preclude the suggested uses and consideration of these points would be most appropriately left to the public engagement exercise intended for the site, given that the site offers a wide range of options and opportunities. A representee has requested greater clarity over the terms “high density” and “community facilities” but I accept that, at this stage, the development brief strikes an appropriate balance between indicating the types of development that would broadly be supported on the site, whilst retaining the necessary flexibility to allow a more detailed proposal to emerge.

37. A representee has stated that the public engagement referred to in the development brief has not taken place, and the planning authority has proposed a modification regarding this reference. As there is not an agreed timescale for public engagement I recommend a modification be made to reflect this.

OP3 Hillhead Drive

38. It was evident from my site inspection that this site is now under construction. On this basis, whilst I note the comments of representees, I see little merit in making changes to the development brief as my consideration of the matters raised have been overtaken by events. For this same reason, I do not consider the planning authority’s modification regarding affordable housing provision to be worthwhile.

CC1 Waterton

39. This site is a new proposed allocation, which reflects the planning authority’s acceptance of there being a need for additional retail floor space in Ellon.

40. A representee has stated that bid site FM083 would be a more appropriate location for the proposed uses than CC1, as they would form an integrated part of a wider mixed use development in line with the adopted strategic plan and its objective of providing sustainable mixed communities.

41. I do not share the representee’s interpretation of the strategic plan on this matter. I am firmly of the view that considering specific uses for individual development sites does not automatically infer that land uses are being considered in isolation. Inevitably, not all development will be brought forward as part of a large scale, mixed use and masterplanned scheme. Indeed it would be undesirable for this to be the case, as this would ignore the various other opportunities for development (such as that presented by the CC1 site) that exist in and around settlements. I am satisfied that different land uses are not being considered in isolation, because the proposed plan provides a holistic position on how and where all future development in Ellon should be focused.

42. The planning authority has identified paragraph 4.39 of the strategic plan, which I also consider to be pertinent to this point. Site CC1 relates appropriately to existing and proposed commercial, employment and residential developments, and more widely to the facilities and amenities within the town, and as such I find site CC1 would be “integrated” in strategic plan terms.

43. I acknowledge that the development of site CC1 for the proposed purpose would prevent the future extension of the park and ride facility onto this land, but in the absence of any evidence to show that this is planned or even likely, I do not consider this to be of
sufficient weight to warrant a modification to the plan.

44. A representee has requested that the site be extended to the riverside, to accommodate up to 150 houses in addition to the retail and leisure uses proposed. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional housing sites where these could assist in achieving a higher rate of completions over the plan period. However, this additional area of land was suggested at an advanced stage of the plan-making process. Consequently a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. Additionally I note that the proposed site is partially affected by flood risk, which may be a more significant constraint to this additional land adjacent to the river being developed. The visual impact of site CC1 when seen from the south and in views from the A90 would potentially be somewhat greater if development was to extend down the hill to the river bank, and in landscape terms I consider maintaining some physical separation between the site and the river to be desirable. Having regard to the above points, there is insufficient justification for the inclusion of additional land at this time.

45. A representee has stated that the boundary of site CC1 immediately to the east of Waterton House is inaccurately drawn and requires amendment. The planning authority has stated that the site boundary reflects that shown by Ordnance Survey mapping. However, I noted that the representee referred to an application for a Certificate of Lawful Use to confirm the residential property boundary. I sought further information from the planning authority on the details of this application. The response confirmed that a Certificate of Lawful Use for the land in question had been granted, accepting that the site lawfully forms part of the domestic curtilage (application reference F/APP/2015/1890; decision date 31 July 2015). On this basis I recommend the CC1 site boundary be modified to reflect this.

Bid site FM051

46. This site would represent a relatively substantial extension to the south of Ellon. The area has been put forward as a new site rather than as an amendment to site OP1. It is immediately apparent however that in practice the identified area would require OP1 to be constructed, in order to be capable of having a satisfactory relationship with the settlement. I have had regard to the conclusions reached in Issue 7 referred to above in relation to this bid site. Despite this, there is no imperative to identify further land for housing at this time. Site OP1 provides for a significant supply of developable land in Ellon which appropriately reflects its location and function within the Ellon – Blackdog strategic growth area. The further release of large sites may divert developer attention away from, or slow the delivery of a cohesive development on site OP1 during this plan period. On this basis I do not consider the site’s inclusion can be adequately justified at this time, and no modifications to the plan are recommended.

Bid site FM079

47. This site has been excluded from the settlement boundary and in policy terms would therefore be considered as a countryside location by the LDP. Meanwhile the allocation of site CC1 essentially accepts the growth of the town along the south side of the A920 towards the A90, which provides a physical boundary to the east. I agree with the representee that the CC1 allocation renders the exclusion of site FM079 from the
settlement boundary as illogical.

48. Due to the adequacy of the effective housing land supply (as concluded in Issue 7 and referred to above) there is no imperative for further housing sites to be allocated. The planning authority does not consider this land to be required as part of site CC1 to meet the purposes of the allocation, and no evidence has been submitted to suggest otherwise. I therefore consider the most appropriate course of action to be simply to include the site within the settlement boundary. This would allow for development proposals to be brought forward and considered as an infill development against LDP policy P3.

Bid Site FM083

49. This bid site falls beyond the southern settlement boundary, and while contained by the A90 and B9005 roads, the land is currently relatively remote from Ellon. The development of site OP1 would address this physical separation, but I am unconvinced that, even then, this site would offer any locational advantages that would justify removing site CC1 from the plan and instead allocating this site for retail and commercial development. On balance I consider CC1 to be a more appropriate site, being appropriately related to the town and to established, frequent public transport routes. It is also more easily accessible from the town centre for pedestrians and cyclists than FM083, with Castle Road offering good footways and only slight gradients, unlike the approach to FM083.

50. I concur with the planning authority that as site FM083 could only be satisfactorily linked to the town once site OP1 is more substantially developed, this could hinder the ability to meet identified retail needs in Ellon within a reasonable timescale. There is no evidence of a retail need in Ellon in excess of what could be provided on site CC1. Taking all of these factors into account, I conclude that it would be inappropriate for site FM083 to be included as an allocation, whether in addition to or instead of site CC1. No modifications are recommended.

Reporter's recommendations:

1. Delete the seventh sentence of the Vision and replace with the following text:

“Problems of traffic congestion and inadequate retail floor-space should begin to be addressed within the plan period by the early provision of new road infrastructure (with options including a vehicular bridge over the River Ythan from the Cromleybank site and / or the provision of an additional east-west road link); and the development of a new retail allocation at Waterton.”

2. Under the “Natural and Historic Environment” subheading amend the first sentence as follows:

“The Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) and the Sands of Forvie and Ythan Estuary Site of Special Scientific Interest (SSSI) lie to the east of the settlement along the River Ythan, outwith the settlement boundary.”

3. Under the “Settlement Features” subheading Identify the bowling green on Union Street as protected land on the Ellon Keymap and Ellon Map 5 and mark as P6. Add a new row to the Settlement Features table under ‘Protected Land’:
“P6: Protected to conserve the bowling green as a sports facility”.

4. Remove area of private garden shown within the R1 designation on the Ellon Keymap and Ellon Map 3.

5. Extend the boundary of site R2 to include all sections of the former railway line that fall within the settlement boundary. Revise the Ellon Keymap, Ellon Map 1 and Ellon Map 4 accordingly.

6. Insert into the glossary: “Active travel”: journeys that are based on physical activity such as walking and cycling”.

7. Replace the third sentence of the OP1 development brief with the following: “A number of access points to the site will be required from South Road (B9005), and either a vehicular bridge across the River Ythan or an additional east-west link road will be required to ensure the local road network provides the necessary capacity to accommodate the traffic generated by the development.”

8. Delete “in early 2015” from the third sentence of the site OP2 development brief.

9. Amend the CC1 site boundary to exclude the area of domestic curtilage at Waterton House, as shown in the updated Ellon Map 6 (document IR18-03) submitted by the planning authority on 28 September 2016. Make corresponding amendments to the Ellon Keymap.

10. Amend the Ellon Keymap, Ellon Map 3 and Ellon Map 6 to include the area of land referred to as site FM079 within the settlement boundary.
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Body or person(s) submitting a representation raising the issue (including reference number):

Mr Niven (30)  
Harper & Cochrane Ltd (548)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

One respondent has written to object to the allocations at OP1, OP2 and OP3 and wishes to see them removed from the Proposed Local Development Plan (LDP) 2015. The reasons given for their objection are that several species of animal would be affected if the sites are developed on; the development of the houses will be an eyesore; the development will block sunlight into their property; there is poor drainage in the village due to the make-up of the soil; the school and health centre in Ellon may not be able to cope with the additional population the development will create; there is also very limited play space for children; and the loss of rural character (30).

Another respondent has sought to enlarge the allocations at OP1 and OP2 to include an additional 50 houses on OP1 and to extend the boundary of OP2 and increase the allocation by an additional 69 houses, to reflect the agreed Masterplan, the viability of the site, the market demand and commitment of developers to deliver this Masterplan. The Proposed LDP 2015 contains a reference to the agreed Foveran Masterplan vision but the allocations do not reflect this. Allowing the next phase of development to proceed would be more in keeping with the principles of the Strategic Growth Area and Energetica. Further development would support the housing land supply in the area, which relies on large sites at Menie (Balmedie OP3) and Cromleybank (Ellon OP1) which are only progressing slowly. It will have additional local benefits to the village, including enhancing the characteristics of the village, addressing mains drainage issues, providing land to expand the primary school, creating new employment opportunities, improving connectivity and creating a range of housing types (548).

Modifications sought by those submitting representations:

Sites OP1 & OP2 should be removed from the Plan (30).

An additional 50 houses should be added to site OP1 and an additional 69 houses should be added to site OP2 with the western boundary moved to match the agreed Masterplan (548).
Summary of response (including reasons) by Planning Authority:

Foveran is located within the Aberdeen Housing Market Area within the Aberdeen to Peterhead Strategic Growth Area. In accordance with the Strategic Development Plan (SDP) 2014, the village is in an area where employment and housing land will be needed (see SDP 2014, page 16, paragraph 3.26) and that LDP 2012 already identifies land. The proposed land allocations are essentially unchanged from the Foveran Settlement Statement of the 2012 Local Development Plan (see LDP 2012, Supplementary Guidance Volume F: Foveran). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Formatine, page 29 and the subsequent Issues and Actions Paper 087 – Foveran). The village will be bypassed after completion of the Balmedie-Tipperty A90 dualling project in 2017, which will move the course of the A90 further to the east, resulting in the de-trunking of the existing route. This will allow safer access onto the A90, increasing the attractiveness and viability for further development. The scale of allocations made in the Local Development Plan 2012, and carried forward in this Plan, reflect this but seek to promote development at a rate that sustains the existing community rather than swamping it. A Masterplan for further development in the north and west of the village was agreed by the Council in 2013.

The respondent's concerns regarding the development of the village are acknowledged. An ecological survey undertaken at the time of submitting the Masterplan (September 2013) found no evidence of bat roosts and only transient otter feeding and no otter holts are present (see Foveran Masterplan, section 3.6, pages 14-17). No evidence of other protected species were found. An ecological survey undertaken in October 2014 found evidence of a badger sett in woodland to the south-west of the site (see APP/2014/3845 supporting documents Foveran Village Design and Access Statement, page 7 and Proposed Residential Development at Foveran Village Landscape and Visual Appraisal, page 4). Although these species are present, the level of protection necessary would not preclude development of these sites.

While design can be subjective, Aberdeenshire Council has maintained a policy to ensure the layout, siting and design in the Masterplan is of good quality and is related well to existing communities. The Masterplan has previously been considered by the Council and found to be suitable for the location. Any subsequent planning application after adoption of this Plan will also be considered against the “Shaping Places” policies in the Proposed LDP 2015, which includes the six qualities of successful places as recommended as best practice for placemaking through Scottish Planning Policy, Creating Places and Designing Streets. This includes having consideration for the local character in the design and layout of the development and architecture. While it is not immediately clear how the development will affect sunlight levels in McBey Way, which is largely south facing where it meets site OP2, this matter would also be a consideration of Policy P1 Layout, Siting and Design and would best be considered at the time of a planning application on the site. It is not agreed that the site will encourage children to “hang about on the streets”, as the site Masterplan incorporates community amenity space and improved connections to the community hall and the playing field. Issues of drainage are also considered in the Masterplan design, which will include SUDS schemes to treat drainage water in the first phase of design. Information received from Scottish Water indicates that a growth project has been initiated at the Blairynth Terrace septic tank which will accommodate the proposed residential developments. The Masterplan also includes land, if required, to extend Foveran Primary School and the Proposed LDP 2015 sets out that the developer will be required to make contributions to education facilities in Foveran to accommodate
new pupils. Similarly, the developer will also be required to provide contributions towards a
new health centre in Ellon.

Foveran is in a strategic location where there is development pressure to deliver homes
and business land in the village, and the village is expected to become part of a high
quality leisure, lifestyle and global business location in the Energetica Corridor. Sites OP1
and OP2 help fulfil the housing demand in the Strategic Growth Area and the Aberdeen
Housing Market Area. It is not agreed that the site will have the ill-effects outlined by the
respondent and, therefore, the allocation should remain. No change is required.

The issue of including the additional houses in the allocation for Sites OP1 and OP2 was
discussed in the MIR 2013, Issues and Actions Paper 087 - Foveran, where many of the
arguments the respondent made for increasing the allocation were addressed. The
Examination of the SDP 2014 concluded that there was no need for further allocations in
the Ellon to Blackdog Strategic Growth Area. This was used as the basis for the decision
not to allocate further houses on sites OP1 and OP2 in MIR 2013, Issues and Actions
Paper 087 – Foveran. There remains no demonstrable local or strategic justification for
allocating the proposals at this stage either. As conceded in the response received, the
allocations in Cromleybank (Ellon OP1) and Menie (Balmedie OP3) are progressing and
remain deliverable. There is, therefore, no need to supplement the housing land supply in
this Strategic Growth Area. A more detailed response to comments regarding the overall
housing land supply and the delivery of existing housing allocations are outlined in the
Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. The
Proposed LDP 2015 supports the delivery of the Masterplan vision, however, Foveran is a
small village of approximately 40 homes and it would be inappropriate to allocate more
development than there is a strategic or local need for. The allocations provided in the
Proposed LDP 2015 are sufficient to deliver the first phase of the development which have
been included in the calculations for land supply in the Strategic Growth Area. This
situation will be reviewed in subsequent Plans where further land in the Masterplan area
may be released as need and demand is demonstrated. No change is required.

Reporter's conclusions:

1. An indicative illustration of the agreed masterplan for Foveran appears in the proposed
plan, providing a clear indication of the future intentions for development. I attach limited
weight to the masterplan itself, but I recognise that the planning authority's position
appears to be generally supportive of the principle of the full extent of development
proposed in the masterplan, albeit with phasing.

2. The masterplan has previously been agreed and sites FM061 (which is essentially site
OP1 with an increased allocation for the proposed plan period) and FM060 (which would
subsume site OP2 into a substantially larger site for up to 75 dwellings) were both officer
preferences for inclusion, should a local or strategic need for further housing be identified.

3. The larger allocations being sought by a representee have been subject to Strategic
Environmental Assessment and no insurmountable constraints to delivery of OP1, OP2 or
the increased allocations have been identified by this, having regard to matters such as
education capacity, flood risk and waste water treatment.

4. The concerns raised in a representation from residents of McBey Way relate to the
potential visual and environmental impacts and loss of residential amenity that would arise
from further development in Foveran. Drainage issues were also noted. Whilst I acknowledge that a number of legitimate concerns have been raised, sites OP1, OP2 and also OP3 were originally allocated in the 2012 LDP, at which point the principle of the development of these sites was accepted. I also acknowledge the planning authority’s response to address the concerns raised, which I find to be evidence-based and justified. I recognise that any development of these sites would alter the character of the village but I do not find that this would necessarily be detrimental to existing residents. Matters relating to residential amenity are important material considerations, and any future detailed proposals would need to demonstrate that development would not lead to an unacceptable loss of amenity for residents at nearby properties. This is a matter that would most appropriately and effectively be addressed through the development management process as detailed proposals emerge.

5. There are no identified physical or infrastructure constraints to allowing the full extent of development proposed by the masterplan. I consider site FM060 relates well to the existing village and to allocation OP1 in particular. On balance, I consider that any prospect of perceived overdevelopment of the village (arising from the cumulative effect of this and other sites being developed) would be outweighed by the benefits that are achievable from the delivery of development on these sites in line with the masterplan’s vision.

6. The planning authority’s reason for not allocating further residential units on these sites in the proposed LDP is based on its conclusion that no further housing in this location is needed at this time. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. It is desirable therefore to include sites which are relatively unconstrained in marketable areas, as such sites offer the greatest potential to contribute to addressing the historic shortfall of housing completions.

7. Foveran falls within the Aberdeen to Peterhead Strategic Growth Area and the progress being made on delivering phase 1 of the masterplan on site OP1 demonstrates the effectiveness of the site. I attach weight to the locational strategy of the proposed LDP which also seeks to encourage development in strategic growth areas, and a larger allocation in Foveran would remain consistent with this focus. Given the agreed masterplan indicates more extensive development than permitted by the proposed allocations, there would be value in aligning these so the plan provides greater certainty and transparency over the intentions for future development in the village. Providing this additional certainty would also enable the provision of necessary supporting infrastructure, regardless of whether the earlier delivery of latter phases of development ultimately takes place.

8. I note that the 50 dwellings under construction on site OP1 are due to be completed during 2017. I acknowledge the planning authority’s concern that the community may have a sense of being overwhelmed by development, but I consider that the full benefits of development in Foveran are unlikely to be realised until the masterplan is more substantially delivered. Restricting the amount of development that during the plan period would delay progress on delivering sites that are the principal mechanism by which the vision for Foveran (as expressed in the LDP) can be achieved. Furthermore, the disadvantages to the community of a more rapid rate of development must be balanced against the benefits of a shorter overall construction period and the inevitable increased potential for noise and disturbance during the construction phase. Overall I give greater
credence to the potential advantages of maintaining the momentum of development on this basis.

9. In light of the foregoing assessment I recommend modifications to the plan to allow for additional development to be brought forward on site OP1 and for site OP2 to be extended to reflect the full masterplan area. A structured environmental assessment process has been undertaken and there is evidence that public engagement has taken place (through the site’s identification in the council’s Main Issues Report) and none of this signals any reason why these increased allocations are not suitable for inclusion.

### Reporter’s recommendations:

1. Under the ‘Allocation’ heading for the OP1 development brief delete “Up to 50 homes” and replace with “100 homes”.

2. Within the OP1 development brief delete the fourth sentence which reads: “To ensure an appropriate pace of growth in Foveran, only the first phase of development agreed within the masterplan will be allowed within the period of this plan.”

3. Under the ‘Allocation’ heading for the OP2 development brief delete “Up to 6 homes” and replace with “75 homes”.

4. Within the OP2 development brief delete the last sentence which reads: “To ensure an appropriate pace of growth in Foveran, only the first phase of development agreed within the masterplan will be allowed within the period of this plan.”

5. Amend the OP2 allocation boundary to match the area shown for site FM060, and make a consequential change to the settlement boundary to incorporate the amended OP2 boundary.

6. Make consequential amendments to Appendix 5 table 1 and table 4 to reflect the above modifications.
Vision

Three respondents supported a north bypass or link road to take traffic from the B9000 to the A975 (249, 445, 502). They suggest that consideration of a northern bypass to Newburgh should be included in the Proposed Local Development Plan (LDP) 2015. This would take traffic from the B9000 to the A975 to the north along an approximate line, as set out in the image enclosed with the submission. This would then open the opportunity for future landowners/developers to consider and plan accordingly (445). A significant part of the Reporter’s recent decision to approve development on site OP2 (appeal reference PPA-110-2252) related to the lack of a requirement for a link road to the west of St. Clair Wynd. This should be included now with reference to any further development on OP2 or to its north along Knockhall Road (249).

Natural and Historic Environment

Scottish Natural Heritage have advised that, to properly identify the natural assets in the settlement, the Sands of Forvie and Ythan Estuary Site of Special Scientific Interest (SSSI) which lie near the settlement, should be added under the section titled “Natural and Historic Environment”. (655).

Settlement Features

A link path along P2 and replacement crossing of the Foveran burn for the north (Spalding) bridge on Errol Place should be included in any future allocation and building in the
northern half of the village around OP2. This is in line with the access requirements in the Open Space Audit on "creation of green infrastructure linkages between the existing open spaces in and around the settlement, including the golf course." It would also be a very visible commitment of the desire to use additional expansion of the village to benefit existing residents rather than the somewhat opaque Planning Gain fund (249).

Development on Site OP2 would require a new 'distributor' road above the St. Clair estate. The Formartine Area Committee are very clear that the present road structure and proposed minor enhancements by Scotia Homes are completely inadequate - hence refusal of full planning permission. The only satisfactory means by which traffic issues can be remedied is the construction of a new distributor road above the St. Clair estate and it seems that all parties involved agree with this but are not prepared to build it. The Reporter acknowledged this difficulty during the appeal decision but seems to override it (502).

Allocated Sites

OP1 West of Airyhall View

Any further development on OP1 should require the development of the southern link road which was originally envisioned in the Aberdeenshire Proposed Local Development Plan 2012. The existing provision on the OP1/M1 site does not appear to be scaleable as an eventual alternative to the A975 (249).

One respondent wishes the Settlement Statement modified to ensure the allocation does not exceed the ridgeline of the hill. The approval given by Aberdeenshire Council in respect of the OP1 (M1) Masterplan goes against the LDP 2012 Reporter's findings in respect of the skyline and is contradictory to the Plan's allocation. In addition, the detailed site planning application (reference APP/2013/2482) was clearly designed by the developer to breach the LDP 2012 M1 site, extending further south outside the allocated area and allowing two story construction which is again contrary to the LDP 2012 allocation. The final Plan must not allow development on site OP1 to be permitted beyond the skyline (445).

OP2 Knockhall Road

Another respondent wishes site OP2 to be excluded from the Proposed LDP 2015. There were many issues the Reporter brought up with the site but it was still approved. The OP2 site does not meet the requirements of the Proposed LDP 2015 in that it is not the right development in the right place (483).

Additional Sites

Bid Site FM048

Site FM048 (Land at Knockhall) should be included in the Proposed LDP 2015 for 135 houses, landscaping, open space and transport improvements. The site would be a logical and natural expansion of the currently allocated development. It would take advantage of the site's location, allow for the co-ordinated and integrated masterplanning of the new site with the currently allocated housing area and provide a more robust landscaped edge to this part of Newburgh. The allocation of this site would help to ensure a generous supply of effective housing land and a wide range and choice of new housing sites. There is forecast
to be spare capacity within the local primary school by 2016 and the problem of traffic is common to all sites in Newburgh. The allocation of the larger site at Knockhall would allow consideration of a long-term strategy to help address concerns regarding access and traffic generation (121).

Bid Site FM064

A respondent argues that FM064 should be allocated. It is argued that Scottish Planning Policy, paragraph 10 requires that a generous supply of land for each housing market area is identified within the Local Development Plan to support the achievement of the housing land requirement, maintaining at least a 5 year supply of effective housing land at all times. Site OP2 has not progressed as expected and the failure to deliver this site will impact on the housing land supply and is constrained by physical and access issues. FM064 was previously a preferred option and included in the Proposed Aberdeenshire Local Development Plan 2010, as it would deliver a link road and reduce traffic through the settlement, but was removed by the Reporter due to visibility concerns. There is a Masterplan (see Newburgh M1 Masterplan) for the site which removes any concerns regarding visual impact or flooding. Additional housing is required to support local services and ensure their continued viability. Newburgh Mathers Primary is operating under capacity and so is Ellon Academy (188).

One respondent objects to the construction of FM064, based on the arguments made previously by the Council (not specifically stated in the representation but presumed to be the arguments made in the Main Issues Report (MIR) 2013) (445).

New Sites Land at Culterty Field and Land North of the B9000

It would be more sensible to develop on the edges of the village e.g. at the north end beside the Culterty Field Station or opposite the new Sinclair Park development (483).

All future development in Newburgh should occur north of the B9000. Building north of the B9000 would help create a bypass for Newburgh and therefore take all the heavy traffic off Main Street. The B9000 could be diverted from Newburgh to a newly dualled A90 to A975, directing traffic from the Cruden Bay area away from Main Street. This would then allow traffic measures to be introduced on Main Street (74).

Settlement Boundary

The small triangular piece of ground opposite 150 Main Street should be inside the village boundary. This would be a logical inclusion for the boundary as at the moment it deviates inland to the road. It is currently overgrown, unkempt and unsightly which adds nothing to the character/appearance of the town. Permission was granted for a house adjacent to this site. Currently, as the site is outwith the settlement boundary, the respondent would be unlikely to get planning permission for a new building. The site sits above the high water line and is not subject to flooding (8).

Modifications sought by those submitting representations:

**Vision**

The stipulation of improved roads provision around Newburgh tied to any further
development should be strengthened. This should apply to sites OP1 and OP2 (249).

A northern bypass to Newburgh should be considered, which would take traffic from the B9000 to the A975 (445).

There should be a new distributor road above the St. Clair estate as part of Site OP2 (502).

**Natural and Historic Environment**

Text should be added under Natural and Historic Environment to refer to the Sands of Forvie and Ythan Estuary SSSI which lies near the settlement (656).

**Settlement Features**

A link path along P2 and a replacement crossing of the Foveran burn for the north bridge (Spalding Bridge) on Errol Place should be included in any future allocation and building in the northern half of the village around OP2 (249).

**Allocated Sites**

**OP1 West of Airyhall View**

It should be stated that development on Site OP1 will not be permitted to exceed the skyline (445).

**OP2 Knockhall Road**

Site OP2 should be removed from the Plan (483).

**Additional Sites**

**Bid Site FM048**

Site FM048 (Land at Knockhall) should be allocated for the development of 135 houses together with new landscaping, open space and associated transport improvements (121).

**Bid Site FM064**

Site FM064 should be allocated for residential development and the Newburgh boundary should be amended to include the whole Masterplan area (OP1 and FM064) (188).

**New Sites Land at Culterty Field and Land North of the B9000**

It should be outlined that any future development in Newburgh should be north of the B9000 (74).

**Settlement Boundary**

Include land opposite 155 Main Street, Newburgh in the settlement boundary in the Plan (8).
Summary of response (including reasons) by Planning Authority:

Newburgh is located in the Aberdeen Housing Market Area within a “local growth and diversification area”. In accordance with the Strategic Development Plan (SDP) 2014, the town is appropriate for a level of growth related to local needs (see SDP 2014, page 22, paragraph 3.43). The village is also within the Energetica area. The proposed land allocations are essentially unchanged from the Newburgh Settlement Statement of LDP 2012 (see LDP 2012, Supplementary Guidance Volume F: Newburgh). The proposed allocations were considered in full in the MIR 2013 (see MIR 2013, Appendix Formartine, page 40 and the subsequent MIR 2013, Issues and Actions Paper 092 – Newburgh).

There are several requests for more land to be allocated in Newburgh but, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Vision

The village is subject to some through traffic travelling from Cruden Bay and surrounding areas to Aberdeen. A Masterplan has been agreed by the Council that includes a proposal for a link road between the A975 and the B9000 to the south of the village (see Newburgh M1 Masterplan). The dualling of the A90 between Balmedie and Tipperty will provide a new junction at Pitmillian but this does not include a southern access and so the need for a full by-pass remains attractive. However, the vision of the community to create a bypass for the village has to be viewed as a very long term prospect as its delivery would require a large scale of development to fund construction. As noted below, there is currently no strategic or local need to make further housing land allocations in Newburgh. Site OP2 has been granted planning permission by appeal, pending Section 75 agreement, and with no obligation to provide an alternative access route to the Knockhall Road (see planning application appeal decision PPA-110-2252). As there is no mechanism to deliver a by-pass, no change is required.

Natural and Historic Environment

Reference is already made to the Sands of Forvie and Ythan Estuary SSSI. No change is required.

Settlement Features

The Services and Infrastructure Section advises what open space contributions could be provided if not incorporated within a site under policy P2 Open Space and Access in New Development. A bridge over the Foveran Burn could only be built at the discretion of the developer as it would not be necessary for development to take place and consequently would not meet the requirements of Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements. Open space enhancements are detailed in the Open Space Audit Settlement Summary which identifies the community value associated with the community garden on the south side of the Foveran Burn and makes it a legitimate focus for informal contributions. Discussions regarding the exact nature of the open space contributions required of a new development would be considered during the planning application process. No change is required.
Allocated Sites

OP1 West of Airyhall View

Regarding the ridgeline, this site was included in the LDP 2012 following consideration by the Reporter in the Examination Report – Aberdeenshire LDP 2012. The Reporter intended to protect the ridgeline of the valley and to protect the landscape and topographical setting of the village. With this consideration in mind, it was deemed that site OP1 could be developed and the extent of built development strictly controlled to ensure that it would not breach the ridgeline. Planning permission (APP/2013/2482) has been granted on OP1 in October 2014 and construction has subsequently begun on the site. The approved site is largely within the boundaries of the allocation in the extant LDP 2012, with only a pumping station and gardens beyond the allocation boundary. Construction will be in line with the approved site plan. Therefore there is no need to amend the allocation in the Proposed LDP 2015. No change is required.

OP2 Knockhall Road

It is not supported that this development is not the right development in the right place. The site is viable, technically deliverable and effective, as evidenced by the continued developer commitment to the site and the recent granting of planning permission following appeal. While many issues were raised by the Reporter, none were found to have enough materiality to prevent the granting of planning permission and consequently an Appeal Decision Notice was issued on the 15th of October 2015 to allow the appeal and grant planning permission (see Appeal Decision Notice PPA-110-2252). There is no strategic or local need for further land to be allocated for housing in Newburgh. No change is required.

Additional Sites

Bid Site FM048

The issues raised by the respondent are very similar to those raised during the MIR 2013 analysis for this site and, as such, these issues have been considered previously. While it is accepted that Newburgh Mathers Primary School is forecast to have spare capacity in 2016, this will not be sufficient to support the proposed 135 houses. The housing development would generate approximately 54 pupils, whereas the school roll shows capacity for 45 in 2016, falling to 32 the next year and as low as 16 in 2019 (see School Roll Forecasts 2015, Ellon Network) The respondent has not provided new information to demonstrate that access problems are answerable through the allocation. The Roads Service has previously advised that there is not enough space available to widen Knockhall Road to the required standard and have expressed concern about the additional traffic generated from this proposal exiting onto the A975 junction. An additional allocation would only exacerbate existing problems. The development of a long term settlement strategy would be more appropriately considered prior to the next Local Development Plan process, when further strategic allocations may be required. As there is no need for further allocations, no change is required.

Bid Site FM064

The Reporter’s reasoning for reducing the size of the allocation was to respect the landscape setting of Newburgh, which is currently achieved by avoiding breaching the brow of the ridge that overlooks the A975. The Reporter found that the site at FM064
would breach the valley brow and consequently would not respect the local topography and have a detrimental impact on the “existing attractiveness of the approach to the town for those using the A975 road” (see Examination Report of the Aberdeenshire Local Development Plan, Issue, Page 529). While it may be possible to reduce the visual impact of the site by the use of landscaping and planting, it would still fall short of the overall purpose of maintaining the landscape setting of the village within the valley. Any development on this site would be considered inappropriate based on the Reporter’s conclusions (see Examination Report Aberdeenshire Local Development Plan, Issue, Page 529). No material changes have occurred which would justify reconsidering this decision and no significant change of circumstances has been highlighted by the respondent. Contrary to the respondent’s claims, the Reporter has indicated the intention to grant planning permission on site OP2. There is, therefore, no strategic or local need for further housing allocations in the Proposed Plan. For these reasons, no change is required.

New Sites Land at Culterty Field and Land North of the B9000

No bids were received for land adjacent to Culterty Field opposite the new Sinclair Park development or north of the B9000. As these development proposals were not submitted at the call for site stage, they have not been subject to any formal public consultation or Strategic Environmental Assessment. For these reasons, it is not considered appropriate to modify the Proposed LDP 2015 to include these sites for development. No change is required.

Settlement Boundary

With respect to the small triangular piece of ground opposite 150 Main Street, the request for the inclusion of the land within the settlement is well made and reasonable. The land was the past site of a smithy and seems to have remained vacant since the smithy fell into disuse. The respondent has made it clear that they intend to apply for planning permission for residential use if the settlement boundary was amended. While there may be some merit in the arguments to amend the boundary, no bids were received to include this land during the MIR 2013 and so there has been no opportunity for neighbouring properties and the public to comment on the proposal. It is, therefore, not appropriate to make the change at this time. No change required.

Reporter’s conclusions:

Vision

1. As Newburgh falls within a ‘local growth and diversification area’ the level of growth of the village should relate to local needs, in accordance with paragraph 3.43 of the strategic plan. The two allocations in the proposed LDP have been carried forward from the 2012 plan. The residential component of site OP1 has been completed, and the development of the majority of site OP2 was allowed at appeal in October 2015. These developments were permitted without generating the need for a bypass road. The road improvements deemed necessary to accommodate these developments have already been assessed and agreed.

2. No significant additional development in Newburgh is anticipated by the plan, and so there is inadequate justification to include a reference to a possible link road or bypass at
this time, particularly given the lack of any certainty over how this infrastructure could be funded. It may be that a road of this nature would be required should further development be planned in Newburgh, but this would be a matter that would be more appropriate to consider in future reviews of the LDP.

Natural and Historic Environment

3. A clear reference is made to the Sands of Forvie and Ythan Estuary Site of Special Scientific Interest (SSSI) in this section of the settlement statement. I consider this to be adequate and no changes are necessary.

Settlement Features

4. Policy P2 of the proposed LDP requires new developments to provide adequate public open space rather than contributions for off-site enhancements. I share the view of the planning authority that a link path at site P2 and/or a replacement crossing of the Foveran burn would be unlikely to be capable of being a requirement of developments elsewhere in the village, as this requirement would be unlikely to satisfy the tests set out in Circular 3/2012. On this basis, it would not be appropriate to include this requirement in the plan.

OP1 West of Airyhall View

5. The residential element of site OP1 was granted full planning permission in October 2014, and the construction of ‘Sinclair Park’ is substantially completed. I acknowledge that the allocation was modified in 2012 as a consequence of the reporter’s findings that it would be undesirable for development to breach the skyline immediately to the south of site OP1. However, I do not see that there would be any benefit in reiterating those conclusions in the development brief at this stage, as a detailed scheme has been consented and development has taken place.

6. I have noted the suggestion of a representee that any further development of this site should require the provision of a link road to the A975. The ability of the planning authority to require this is already provided within the development brief. The suitability of this road to ultimately form part of a bypass or alternative to the Main Street section of the A975 will be, to a large extent, dictated by the design and width of the road already provided on site OP1 under the 2014 planning permission. The detail of any such road would therefore be most appropriately considered through the development management process, and I do not consider any modifications to the plan to be necessary in this regard.

OP2 Knockhall Road

7. The proposed access arrangements for site OP2 are highlighted by representees as being of particular concern.

8. The suitability of this site for development was accepted during the examination of the 2012 LDP and a subsequent planning appeal decision (PPA-110-2252, dated 15 October 2015) has allowed the erection of 49 dwellings on the majority of the allocation, leaving a strip of land along the northern edge of the allocation with a notional capacity for an additional 11 dwellings.

9. As part of the reporter’s reasoning in that appeal, it is clear that notwithstanding the access constraints affecting the site, significant weight was attached to the site’s allocation
in the adopted 2012 LDP. Weight was also given to the masterplan for the site which had been agreed by the planning authority, and which acknowledged and accepted that the only means of access would be from Knockhall Road. An illustration of the masterplan is included within the proposed LDP.

10. The representees seek a modification to the plan, to require a distributor road to be a requirement of development of site OP2. However, the majority of the site now has planning permission for development and such a requirement could not be applied retrospectively to that scheme. In any case, the detailed access arrangements for the development of 49 dwellings have been accepted as being adequate, on balance, through the aforementioned appeal decision. Whilst planning permission has not been sought for a small part of the site to date, the principle of its development has already been accepted in the 2012 LDP without stipulating any need for an alternative access point in addition to Knockhall Road.

11. In light of all of these factors, I consider that introducing a requirement in the site’s development brief at this stage - to provide an all-new access road for the site - would be unreasonable. I have no evidence upon which to assess the viability or deliverability (or indeed the environmental impacts) of such a requirement but I strongly suspect that as there is already consent for 49 dwellings in place, the site’s remaining capacity for an additional 11 dwellings would be inadequate for a new road to be a viable or realistic prospect.

12. I have noted that the planning authority and various representees have indicated that some form of bypass or additional road to the western side of Newburgh would be attractive. Whilst this is essentially little more than a possible long term aspiration at this stage, I nevertheless consider it to be appropriate and proportionate to recommend a modification to the site OP2 development brief to reflect this long-term possibility. This would add a requirement for site OP2 to retain the capability for vehicular and pedestrian access to be provided from the west, should a suitable road be provided in the future. This would allow for improved permeability and, although a single access point to site OP2 has been accepted, this would recognise that there would be benefits of providing an additional access point, should this ultimately become achievable.

13. I do not support the suggestion that site OP2 should no longer be allocated. I consider that this site should continue to be recognised as forming part of the effective housing land supply given its previous allocation, the outcome of the appeal and the clear commitment of the developer to progress plans for its development. In any event, the exclusion of the site from the LDP would have no bearing on the planning permission which now exists for the site’s development.

Bid site FM048

14. This site would be accessed via Knockhall Road. The constraints affecting this means of access have been referred to in relation to site OP2. Whilst on balance this has been accepted for site OP2, I have significant concerns that additional development reliant upon Knockhall Road would have an unacceptable impact upon the local road network. Without substantial investment (i.e. the provision of a new road to the west) I do not consider that such impacts could be adequately mitigated. I have noted the site promoter’s willingness to explore options for addressing access issues, but in the absence of any substantive evidence to show how this could be achieved, a considerable degree of uncertainty remains. I note also that the predicted school capacity would be inadequate to
15. Aside from the above issues, the site appears to be generally unconstrained. It would relate well to development of site OP2 and to existing residential development immediately to the east. Through Issue 7 it is accepted that completions are currently lagging behind those anticipated to meet the target but this is set in the context of a sufficient housing land supply overall. However site OP2 provides a supply of land to meet local needs in line with paragraph 3.43 of the strategic plan already referred to above, and there is no clear evidence to suggest this is insufficient for Newburgh. In addition, given my conclusions about the uncertainties over how a satisfactory access could be achieved, it is not clear to me that this site would be effective over the plan period. Consequently, as stated above I consider it would be more appropriate to consider any future expansion proposals for Newburgh in the round through future local development plan reviews.

Bid site FM064

16. This site sits on the southernmost edge of the village but the topography is such that development of this site would not visually relate to existing development. Instead it would appear as a substantial extension into open countryside and in particular I share the concern expressed by the reporter in the 2012 LDP examination that development of this site would be to the detriment of the landscape setting of the village.

17. I note that development of this site would provide further scope to provide an alternative vehicular route which could ultimately be part of a wider strategic road scheme for Newburgh. However, given that there is currently no commitment to implement a wider scheme, the weight I attach to this potential benefit is minimal. Additionally, the development brief for site OP1 includes a requirement for a link road to be provided between the B9000 and A975 in any event.

18. As already referred to above, having regard to the conclusions in Issue 7 there is not a need to identify further land for development in Newburgh or Aberdeenshire as whole. No substantive evidence has been provided to suggest that the allocations are inadequate to meet local needs for further housing. Consequently, and as the development of the site would have detrimental landscape impacts (which I consider could only be mitigated to a degree), I find there is currently inadequate justification to support its inclusion.

New sites – land north of Culterty Field and land north of the B9000

19. Representees have indicated a preference for development in these general locations (having regard to the traffic and access implications of new development in the village), but no specific bid sites were identified. As these sites have not been subject to any public consultation, and no environmental information is available, there is no basis for me to consider their inclusion in the LDP. In any event development in this location would raise similar issues to those stated above in relation to the identified bid sites.

Settlement boundary

20. A representee has requested the inclusion of a modest parcel of land within the settlement boundary, and has provided evidence of there having been development previously on this site. I consider the site’s inclusion to be logical and to have planning merit. However, in light of this site not having been part of any consultation process for the LDP, I do not consider it appropriate for me to recommend its inclusion at this stage. In
any event, a site of this small scale would arguably be more appropriately considered through the development management process.

**Reporter's recommendations:**

1. Insert the following text between the third and fourth sentences of the OP2 development brief:

   “Development of the site will be expected to retain the capability to provide an additional adoptable vehicular and pedestrian access from the western site boundary, to enable the site to be linked to a suitable new road should the opportunity arise in the future.”
### Issue 34

**Shaping Formartine – Oldmeldrum**

**Development Plan Reference:** Appendix 8, Page Formartine 50

**Reporter:** Christopher Warren

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Meldrum Bourtie & Daviot Community Council (174)
- Keith Paterson (327)
- Kirkwood Homes (328)
- Mr Cowie (330)
- Mr Duguid (331)
- Sport Scotland (674)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

The slow rate of traffic through the town centre was raised as an issue by the Community Council who suggested moving bus stops and reorganising bus routes are the best ways to tackle town centre congestion. They also raised the issue of traffic on all roads leading out of Oldmeldrum, which they believe is due to inadequate shopping provision in the town centre forcing people to shop elsewhere (174).

**Settlement Features**

Two representations were received from the same respondent regarding adjusting the BUS site boundary. One response seeks to remove an area of land on the eastern boundary of the site on Station Road which they believe has been included in error. The site comprises of a dwellinghouse and land within its curtilage. It is argued that this could not be developed for business or employment uses and should, therefore, be excluded from the BUS site. There is a clear boundary between the land and the employment uses on Medlrum Meg Way and the site is bounded by residential properties to the north (331).

Another representation seeks to amend the BUS allocation so that a 7,523m² area of land at Colpy Road can be included for retail uses to address a lack of suitable retail floor space in Oldmeldrum town centre. A sequential analysis (not included in the bid but provided as a retail study as supporting evidence with planning application APP/2015/1629) identified only one 1,500m² site in the town and no sites on the town centre edge are practicable. The allocation of additional employment land to OP2 will compensate for the loss of land on the BUS allocation. The advantage of the proposed site will be its accessible location adjacent to the bypass, connectivity to existing footpaths and its contribution towards achieving the settlement planning objective (330).
Services and Infrastructure

Meldrum, Bourtie and Daviot Community Council raised concerns regarding the capacity at schools in Oldmeldrum. They consider that the statistics used to calculate pupil numbers were wrong and that a replacement school would be required for Meldrum Primary School and that Meldrum Academy would require an extension (174).

Sport Scotland requested that the playing fields in Oldmeldrum be designated as a protected site (P-site) under Policy PR1 Protecting Important Resources (674).

The Community Council also suggested that money should be made available to the medical centre in Oldmeldrum, including providing affordable housing for staff (174).

Additional Sites

Bid Sites FM004 and FM022

Two responses were received from the same respondent favouring development east of the A947 on bid sites FM004 at Chapel Park for 60 residential units and a public transport interchange (327) and FM022 at Newbarns for 150 residential units and community facilities (328). The basic arguments for the sites are the same.

It is suggested that information in the Main Issues Report (MIR) 2013 is wrong with only 5% contamination on of each site not the 80% and 90% stated in the MIR 2013. No supporting information was provided with the representation regarding contamination. SEPA has not identified the watercourses as a flood risk. Insufficient school capacity should not preclude development as the sites can contribute towards school provision by developer obligations payments. The sites are no further away from the town centre than other allocated sites and immediately adjacent to leisure, community and sports facilities, only 600m from the town centre and 1.2km to the schools (327, 328).

The currently allocated sites are not progressing and show no prospect of being delivered. There is a specific issue with site OP3 which is now shown as constrained. The fact that these sites are not coming forward for development is clearly highly material. No development has taken place since 2012. Site OP1 had serious access constraints, which have now been resolved, however its effectiveness remains questionable. Site OP2 slopes to the north of the site making delivery difficult and it is remote from a number of facilities. Site OP3 is shown as constrained in the Housing Land Audit 2015, a recognition of the fact that the site is constrained due to flooding. Development in any other direction other than to the east is unfeasible due to the constraints of the bypass and Waste Water Treatment Works to the north and the battlefield to the west (327, 328).

The site at FM004 is deliverable as the land and all accesses are within the ownership of the respondent’s client. The site can deliver towards the overall housing land supply in Oldmeldrum. There is community support for the development, including from Meldrum, Bourtie and Daviot Community Council. A Transport Statement (not included in the representation) found the site well located in terms of proximity to existing public transport services, walking routes and cycling routes, in compliance with national and local policy. The development will round off the settlement boundary and is not prominent due to its location beside existing housing, the A947 and the woodland nearby which can be augmented with additional planting. The site can be safely accessed by pedestrian and vehicular accesses and it has good cycle and walking links to the town centre, community

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facilities, schools, woodland walks and the nearby park (327).

The site at FM022 sits comfortably adjacent to existing housing areas and facilities including the local church, woodland walks and the existing park. There is good access via vehicular and pedestrian links and improvements can be made to improve pedestrian access, particularly to the town centre. The site sits in a natural bowl in the landscape and so is not prominent and is not particularly visible from Oldmeldrum or the A947, although it would be visible from the golf course. The site is deliverable as the site and accesses are in the ownership of the respondent’s client. The site can deliver towards the overall housing land supply in Oldmeldrum. Meetings have been held to discuss these sites with Aberdeenshire Council, the most recent on the 30th April 2015. A Proposal of Application Notice has been submitted. The proposal has public support and a meeting with the Community Council on the 28th April 2015 had positive feedback (328).

However, Meldrum, Bourtie and Daviot Community Council object to the principle of development to the east of the A947 as it would make the route to the school dangerous unless a new school or a new crossing was built. It also said that the public transport hub should not be built if it was tied to the delivery of housing to the east of the A947 and the land for the public transport interchange should be compulsory purchased by Aberdeenshire Council if necessary (174).

**Modifications sought by those submitting representations:**

**Settlement Features**

Include 7523m2 area of land at Colpy Road for retail use (330).

Remove area of land at Station Road from BUS allocation (331).

**Services and Infrastructure**

Reschedule bus timetables and reroute services to reduce congestion in the town centre (174).

A new primary school is required in Oldmeldrum and Meldrum Academy needs to be extended (174).

The playing fields in Oldmeldrum be designated as a protected site (P-site) under Policy PR1 (674).

Money should be made available to the medical centre in Oldmeldrum, including providing affordable housing (174).

**Additional Sites - Bid Sites FM004 and FM022**

Allocate an additional 60 residential units and a public transport interchange at Chapel Park (FM004) (327).

Allocate an additional 150 residential units and community facilities at Newbarns (FM022) (328).
Summary of response (including reasons) by Planning Authority:

Oldmeldrum is located in the Aberdeen Housing Market Area within a “local growth and diversification area”. In accordance with the Strategic Development Plan (SDP) 2014, the town is appropriate for a level of growth related to local needs (see SDP 2014, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Oldmeldrum Settlement Statement in support of the 2012 Local Development Plan (see LDP 2012, Supplementary Guidance Volume F: Oldmeldrum). The proposed allocations were considered in full during the MIR 2013 (see MIR 2013, Appendix Formartine, page 44 and the subsequent MIR 2013, Issues and Actions Paper 093 – Oldmeldrum).

There are requests for more land to be allocated in Newburgh but, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Vision

Existing problems of traffic congestion in the historic town centre and the frequency and routes of local bus services are not generally matters that can be addressed through the Local Development Plan. However, there are short term plans in Oldmeldrum to redirect traffic away from the town centre through a new public transport interchange on the A947. Plans to encourage active travel are also currently being formulated by Aberdeenshire Council. Together, these will have the effect of reducing transport impact on the town centre. No change is required.

The more robust approach to retailing taken in Scottish Planning Policy (SPP) and the Proposed LDP 2015 of favouring town centres first will encourage retail and businesses to develop in the town centre or as close by as possible. This should help to minimise the need to travel outside of Oldmeldrum and act to encourage a sustainable form of development in the town. No change is required.

Settlement Features

It is clear that the allocation of the garden and house at Station Road and Meldrum Meg Way as part of the BUS site is an error in the mapping. A non-notifiable modification will be made to the map to correct this error in the boundary of the allocation. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

It is not agreed that a new retail allocation should be included at Colpy Road. Development of this site would not meet national or local policies regarding sustainable development and vitality of town centres, as outlined in SPP and Policy B2 Town Centres and Office Development. Oldmeldrum town centre is expected to provide local retail provision only (see Proposed Local Development Plan 2015, Appendix 2 “Retail Centres”). Significant vacant space exists in the town centre and the plans for the provision of retail floorspace on the BUS site would be very significant in comparison to the total within the town centre itself. The site is on the edge of the settlement boundary and would not be conveniently accessed by active travel. There are no pedestrian crossing points near to the site, nor dedicated active travel routes or footpaths on this side of the road. The site would rely heavily on vehicular access, particularly given its location on the edge of the bypass. This
position was supported in the decision taken on planning application APP/2015/1629 which applied for permission for Retail Development, (including a supermarket) at site at North Meadows Industrial Estate, Oldmeldrum. This application was refused as the sequential approach had not been accurately applied when selecting the most appropriate site for retail development in ignoring more suitable locations for retail development. It was also refused because the BUS site is identified as being well located for employment uses, with the surrounding area experiencing good uptake of development for employment use and not showing constraints whereby it has no prospect of ever becoming marketable for employment use (see APP/2015/1629 decision notice). This decision has not been appealed. Therefore, this proposed change in the allocation would have a serious impact on the vitality and long term viability of the existing town centre and can impact on the economic development of Oldmeldrum through the removal of employment land in an area that is experiencing good market demand. No change is required.

Services and Infrastructure

Concerns raised regarding inaccuracies in the school roll forecasts are unsubstantiated. Aberdeenshire Council school roll forecasts show Meldrum Academy to be at 101% capacity in 2016 and falling to 98% capacity thereafter. Meldrum Primary School’s capacity will rise from 88% capacity in 2016 to 91% capacity in 2019 (see School Roll Forecasts 2015, Meldrum Network). These figures take into account projected build out rates. Therefore, there is no need to build a new primary school or to extend the Academy in this Plan period. Land for future expansion of Meldrum Academy has been protected in the Proposed Plan through the new allocation at P3. No change is required.

It is acknowledged that the pitches at Meldrum Academy are important recreational amenities within the settlement. As such, they are offered a level of protection from inappropriate development by Policy P3 Infill and Householder Developments within Settlements, which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is, therefore, unlikely to be necessary to prevent inappropriate development from taking place on this site. No change is required.

There is already a requirement in the Proposed LDP 2015 for new development to contribute towards the medical centre in Oldmeldrum. No change is required.

Allocated Sites

OP1 Land North of Distillery Road

A minor technical change will be made to correct a typo in the Development Brief. The penultimate sentence will be changed to read: “A buffer to the woodland at the south should form part of the open space obligation to protect and add value to these trees in contributing to the local townscape.”

OP3 Land South of Millburn Road

As a non-notifiable modification, the last sentence of the OP3 Development Brief should be deleted as it is repetition of a statement made two lines above. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.
Additional Sites

Bid Sites FM004 and FM022

The points made regarding accessibility, deliverability, contaminated land and distance to the town centre were considered in MIR 2013, Issues and Actions Paper 093 – Oldmeldrum. Although a similar distance to the town centre than site OP2, the bid sites still remain a considerable distance from the schools, relative to the existing allocations. The bid sites are also separated from the town centre and other services in Oldmeldrum by the A947, whereas the existing allocations are not. Contamination from the former landfill and slaughterhouse on the sites remain a concern. There is a flood risk on site FM022 (as identified in the MIR 2013 submission from SEPA) and a Flood Risk Assessment would be required before any development would occur on the northern part of the site. There is no material change since the MIR 2003 and the MIR 2013, Issues and Actions Paper 093 – Oldmeldrum was published. Consequently, there is no reason to allocate the sites at this stage in the process either.

Contrary to the respondent’s comments, no material change does not mean that there is no progress being made on the allocated sites. Land allocations made in 2012 are for a 10 year period and a lack of immediate progress on the ground is often not surprising. The Housing Land Audit 2015 and the Proposed Action Programme 2015 shows that sites OP1 and OP2 are progressing and are not constrained. Site OP3 is shown as constrained as it is in the ownership of Aberdeenshire Council (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 6 and Proposed Action Programme 2015, page 92-93). Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits, paragraph 55, provides strict guidance defining under what circumstances a publicly owned site can be included in the effective housing land supply in the Housing Land Audit. As site OP3 has not yet been included in a programme of land disposal and has not received committed public funding, it cannot be included in the effective housing land supply at this time. Although there is an area of flood risk on the OP3 site, SEPA has indicated that, in principle, development could proceed subject to a Flood Risk Assessment. As there are no other constraints on the site, it is still likely that this site will become effective once Aberdeenshire Council decides on a suitable programme of land disposal for this site.

As sites OP1 and OP2 are considered effective and OP3 is capable of becoming effective, it is not agreed that there is a need for extra allocations to supplement the housing land supply in Oldmeldrum. In any case, housing land allocations are made on a Housing Market Area basis, not for individual settlements. A more detailed response to the comments regarding the overall housing land supply and the delivery of existing housing allocations are outlined in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. There is, therefore, no need for the additional allocations and no change is required.

Reporter’s conclusions:

Vision

1. I have noted the comments from the community council relating to traffic, and the difficulties caused by buses stopping and negotiating the town’s roads. It is relevant for the LDP to consider the cumulative effect that new development may have on the existing...
road infrastructure, but I agree with the planning authority that the specific matters raised in the representation regarding bus stop locations and bus timetabling are not matters relating to land use and cannot be meaningfully addressed by this plan.

2. The community council’s comments regarding traffic generation arising from inadequate retail provision in the town are also noted. No evidence has been provided to substantiate this view however. In response, the planning authority has referred to the provisions of Scottish Planning Policy giving support to town centres, and I consider the designation of a town centre in Oldmeldrum promotes the effective implementation of a town centres first policy, in line with national policy. I am satisfied that no changes to the vision are justified.

Settlement Features

3. A substantial area of land on the southwest side of Oldmeldrum is safeguarded for employment uses. A representee has highlighted that the designated area currently includes a private house and garden. The planning authority has recognised this as an error and proposes to modify the site boundary accordingly, which I fully support. Another representee has requested that a proportion of the site adjacent to Colpy Road and the bypass (B9170) be allocated for retail development. The planning authority has drawn attention to the recent refusal of planning permission for a retail development on this site. It is not appropriate for me to pass comment on that specific proposal. I do however note that Oldmeldrum is identified by appendix 2 of the plan as appropriate for “local retail provision only” although this does not appear to be defined by the plan.

4. Paragraph 68 of Scottish Planning Policy (SPP) states that “Development plans should adopt a sequential town centre first approach…” for retail and other uses which generate significant footfall. I consider the bid site would be classed as a sequentially least preferable ‘out-of-centre’ location. The bid has not been accompanied by any evidence to demonstrate that this site satisfies the sequential approach established by SPP. The sequential approach cannot be circumvented by the representee’s reliance on a previous allocation in the 2012 local development plan which allowed for “appropriate” retail development on site M2. No matters relating to site OP2 (which replaces M2) in the proposed plan are before this examination, so I would simply note that site OP2 does not allow for retail development and site M2 was part of a plan which will be superseded, and which was prepared in advance of the publication of SPP and so in a different national policy context. The notion of ‘swapping’ the employment and retail allocations between site M1 of the 2012 LDP and the BUS designation, based on the exclusion of retail from site OP2, is untenable.

Services and Infrastructure

5. The community council has raised concerns regarding school capacity and suggests that incorrect statistics have been used to assess this. I am satisfied that the planning authority has used the best available evidence in the form of school roll forecasts. Future expansion beyond the plan period is also appropriately planned for through the protection of land at Meldrum Academy.

6. Sport Scotland consider the pitches at Meldrum Academy should also be the subject of a protected land designation. I have referred to the 2008 Aberdeenshire open space audit, which has been submitted as a supporting examination document. This states that whilst the town has a reasonable overall proportion of open space, “…much of this is associated
with schools and institutions...”. Paragraph 224 of SPP expects LDPs to identify and protect “valued and functional” sites identified in the open space audit, and so notwithstanding the degree of protection provided by policy P3, I recommend that the pitches should benefit from a specific safeguard in the proposed plan to reflect their importance as a community amenity.

7. The community council has requested that new development is required to contribute towards the medical centre. This is adequately captured within the ‘Services and Infrastructure’ section of the settlement statement. The provisions of policy H2 would appropriately contribute to addressing the affordable housing needs of the community, including employees of the medical centre where eligible.

Bid site FM004

8. The promoter of this site and bid site FM022 has suggested that there is no current prospect of the proposed allocated sites in Oldmeldrum being delivered and so the inclusion of additional housing land is required. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. Coupled to allocations being focused on the Aberdeen housing market area as a whole and not individual settlements, it is not therefore necessary for the deliverability of other sites in the town to be cast into doubt in order to potentially recommend the allocation of additional sites. Despite this, having regard to the planning authority’s response to this issue I am satisfied that sites OP1 and OP2 can be considered to be effective. Site OP3 is recognised as constrained currently and as such it has not been included in the calculation of the effective housing land supply in any event.

9. Site FM004 is to the northeast of Oldmeldrum. It is an agricultural field on the east side of the A947. I consider the site does have some merit in landscape terms and I find that the site could be developed without any significant adverse effects upon the setting of the town. This is helped by the presence of the limited development that has already taken place on the east side of the A947. The site is relatively distant from the town centre and more so from Meldrum Academy and employment provided at the BUS site. The busy A947 road may also discourage some active travel, although this could potentially be addressed to some degree through the provision of crossing points.

10. On 29 September 2016 the planning authority resolved to grant planning permission in principle subject to a section 75 agreement (under reference APP/2016/0898), for a residential development and transport interchange on this site (but comprising a reduced site area by excluding the northeast corner of FM004). Having regard to this decision and all other planning considerations, on balance I consider it appropriate and justified for the site to be included in the plan. Given the likelihood of development taking place on this site in any event, its inclusion in the plan would increase transparency and understanding of where future development is likely during the plan period. A structured environmental assessment process has been undertaken and there is evidence that public engagement has taken place (through the site’s identification in the council’s Main Issues Report as well as the planning application process) and none of this signals any reason why, on balance, the site is not suitable for inclusion. Paragraph 3.43 of the strategic plan makes clear that in local growth and diversification areas, growth in individual settlements should relate to local needs. I am satisfied that inclusion of this additional relatively modest allocation would not lead to a level of growth in the town that would be inconsistent with the above provisions of the strategic plan.
11. Every allocated site in the proposed plan is accompanied by a development brief which establishes site-specific principles and requirements. I have set out a recommended development brief which is based on the key issues identified in the committee report for the application referred to above. For consistency I have also recommended that the allocation boundary reflects that shown for the proposal which has been supported by the planning authority.

**Bid site FM022**

12. This bid proposes an extension to the east of Oldmeldrum, consisting of approximately 150 dwellings and “community facilities”. Although the site is substantial it is well contained by the surrounding topography and other development. However, a number of the issues relevant to bid site FM004 are of greater pertinence to this site. In particular, development would be relatively remote from the town centre, local employment and schools, and active travel routes to and from the site would be required to cross the A947. Additional and improved crossing facilities could be provided but I consider such measures would be unlikely to fully mitigate the perceived barrier effect to non-vehicular movement presented by this busy road.

13. Other potential constraints cited by the planning authority have not been fully addressed, although they are unlikely to be insurmountable. However given the extent of the available supply of land in the town, which is in more preferable locations, coupled to the absence of any imperative to allocate further housing sites, I do not consider that release of this site is sufficiently justified at this time.

**Other matters**

14. The planning authority has proposed minor modifications in relation to sites OP1 and OP2. These are not related to any representations and so fall outwith the scope of the examination.

**Reporter’s recommendations:**

1. Amend the BUS designation as shown on the Oldmeldrum proposals map to omit the house and garden at Station Road and Meldrum Meg Way.

2. Identify the sports pitches at Meldrum Academy as protected land on the Oldmeldrum proposals map and mark as P4.

3. Add a new row to the Settlement Features table under ‘Protected Land’:
   “P4: To conserve the sports pitches”

4. Allocate bid site FM004 on the Oldmeldrum settlement map as “OP4” with an amended boundary to reflect the red line boundary shown for planning application APP/2016/0898. Amend the settlement boundary to incorporate the site.

5. Insert the following development brief under the ‘Allocated Sites’ subheading of the Oldmeldrum settlement statement:
   “OP4: Land at Chapelpark. Allocation: 35 homes and transport interchange”
This site is a new allocation. In September 2016 the Council resolved to grant planning permission in principle for development of this site subject to the completion of a section 75 agreement. It is expected that the development will provide at least 8 affordable homes within the site. Development should ensure its potential impact on two nearby listed buildings is minimised, and strategic landscaping should be used to mitigate the impact on their setting. Additional and / or improved pedestrian crossing facilities on the A947 may be required. A drainage impact assessment is required."

6. Make consequential amendments to Appendix 5 table 1 and table 4 to reflect the inclusion of site OP4.
**Issue 35**

**Shaping Formartine – Pitmedden and Milldale**

| Development Plan reference: | Appendix 8, Page Formartine 54 | **Reporter:** Christopher Warren |

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Kirkwood Homes Ltd (186)
- David Murray (349)
- Stewart Milne Homes (680)
- Udny Community Council (693)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Existing Allocation**

**OP1 Adjacent to the Medical Centre**

Udny Community Council has indicated that they wish to see the allocation on site OP1 increased from 14 to 20 houses as the original number is arbitrary and bears no resemblance to what can be accommodated on the site. The figure of 20 could be easily achieved without the site being overdeveloped and would allow much needed affordable housing and community facilities to be developed in the village (693).

Another respondent believes OP1 no longer has a developer involved in the site and a planning application for 24 units was refused on appeal by the Scottish Government. There is no programme for progressing the site. The Housing Land Audit 2015 identifies that the site is constrained due to marketability issues (see Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 7. There is no programme for completions in any year up to 2022 and housing is, therefore, unlikely to be delivered in Pitmedden in any of the Plan periods. Demand for housing is not being met, contrary to Scottish Planning Policy (SPP). As such, the constrained OP1 site should be removed from the Local Development Plan and a new site identified to meet the shortfall resulting in the failure of this site to be developed (186). The Proposed Local Development Plan (LDP) 2015 sets out that there is some development pressure within the settlement for homes and employment opportunities within Pitmedden, yet the OP1 site no longer has any developer interest and has been constrained in successive Housing Land Audits since it was allocated in 1998 (680).
Additional Sites

Bid Sites FM032 and FM033

Bid sites FM032 and FM033 should be included for housing as the Aberdeen market area is becoming overheated due to lack of supply, further exacerbating the affordable housing crisis. The process of bringing forward the Proposed LDP 2015 has been seriously flawed with inadequate notifications and consultation and without the Elected Members being fully and clearly informed of what was going on. This creates grounds for the supplementation of site allocations to make up for the deficit. Both housing land and employment land are vital if the initiatives of the Trust are to develop further and flourish (349).

The decision not to include these sites, made during the Main Issues Report (MIR) 2013 process, was based on inaccurate information and this a sufficient justification for having the above bid sites identified as viable development sites. The identified constraints are not relevant: the pipelines nearby do not prevent development; the local primary school currently has capacity to accommodate development; and there are bus links to Aberdeen (349).

Bid Site FM034

Site FM034 should be included for employment land and is not located on a potentially contaminated landfill site. Despite comments in the MIR 2013, a Landscape Impact Assessment for site FM034 has shown that the visual impact of development would be minimal due to the local topography and limited scale of development. The development would be modest and would be at the heart of the settlement. It has excellent connectivity (349).

Bid Site FM058

Site FM058 should be allocated for residential development to help supply a generous supply of land and a 5 year supply of effective housing land (see SPP Paragraph 10). It is well contained in landscape terms and represents a logical location for residential development which would be contained within well-defined defensible boundaries. A reduced number of houses resolves the issues of scale on the site. Improvements to access would offer appropriate visibility. Access to Pitmedden Primary School would require to be relocated but this would provide an opportunity to open up the park to the north. The proposal would also significantly improve pedestrian and cycle access in the area. There is sufficient primary and secondary school capacity and the need for additional waste water treatment capacity is not a constraint to development. Potentially contaminated land is not an issue but, if identified, would be mitigated by appropriate measures. The layout has been developed around the minor concerns associated with the rifle range: No development is proposed to the south east with this area identified as open space (186).

Bid Site FM063

Bid site FM063 should be allocated for up to 80 residential units. The Action Programme 2014 states that the developer is no longer involved in site OP1 due to constraints of the allocation. There is, therefore, no programme for progressing the site and the site is constrained due to marketability issues. Housing is, therefore, unlikely to be delivered in
Pitmedden in any of the Plan periods. Local Development Plans are required by SPP (paragraphs 115, 116 and 119) to deliver houses within each housing market area over the period of the Development Plan to an overall housing supply target and, if that cannot be achieved, additional sites must be allocated. The P1 allocation and the partial zoning of the site as green network should also be removed from the Proposals Map. Scottish Planning Policy (SPP) does not preclude or sterilise development adjacent to historic environments. It states "In most cases, the historic environment... can accommodate change which is informed and sensitively managed". The site is neither publicly accessible nor are there any landscape features on the site that would justify its designation. There are no trees within the body of the sites and they should not be identified as having protected woodland on them. They should not be identified as falling within any conservation area. The farmed field to the north lies adjacent and directly south of the allocated BUS 1 site, which has the same relationship to the listed Pitmedden Designed Garden as the proposed development site and there is no justification for identifying the adjacent site as a protected zone P1. It is suggested that this has been an error in the Plan making process and the area designation should be removed. Site FM063 cannot be viewed in context with either the setting of Pitmedden House or the designed landscape as it is contained within the confines of the mature tree belt and is, therefore, able to accommodate development of an appropriate scale and density. The site can be developed without any detrimental impact on the historic environment. The site is also within walking distance of the Pitmedden Primary School which has capacity until 2016. Appropriately scaled development is required to ensure the viability of such facilities is not lost (680).

**Modifications sought by those submitting representations:**

**Settlement Features**

Part of Protected site P1 should be removed (680)

**Existing Allocation**

**OP1 Adjacent to the Medical Centre**

The allocation of houses at site OP1 should be increased from 14 to 20 houses (693).

**Additional Sites**

**Bid Sites FM032 and FM033**

Inclusion of development sites within the settlement of Pitmedden and Milldale, specifically bid sites FM032 Milldale East and FM033 Quarry Field for housing (349)

**Bid Site FM034**

Include development site FM034 at Allathan Westfield for employment (349).

**Bid Site FM058**

Land at FM058 should be identified for residential development of 64 houses with consequential changes in Table 4 in Appendix 5: New Housing Land Allocations (186).
Bid Site FM063

Land at FM058 should be identified for residential development of 80 houses with consequential changes in Table 4 in Appendix 5: New Housing Land Allocations (680).

Summary of response (including reasons) by Planning Authority:

The proposed land allocations are essentially unchanged from the Pitmedden and Milldale Settlement Statement of the LDP 2012 (see LDP 2012, Supplementary Guidance Volume F: Pitmedden). The proposed allocations were considered in full during the MIR 2013 (see MIR 2013, Appendix Formartine, page 48 and the subsequent MIR 2013, Issues and Actions Paper 094 – Pitmedden).

There are several requests for more land to be allocated in Pitmedden and Milldale but, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Existing Allocation

OP1 Adjacent to the Medical Centre

It is not agreed that increasing the allocation on the site will increase the deliverability of the site. This issue was discussed previously in the preparation of the LDP 2012. During that time, it was found that the allocation was appropriate to enable the provision of community facilities as detailed in the Development Brief that was agreed by the Formartine Area Committee on the 22nd of April 2003. The recent planning application was refused due to the proposal departing from the LDP 2012 allocation. This does not equate to there being no programme for progressing the site and the Council will continue to work to progress allocations through a Plan-led system. No change is required.

Additional Sites

Bid Sites FM032 and FM033

Some of the issues raised by the respondent were considered during the Examination of the 2012 LDP (see Examination Report – Aberdeenshire Local Development Plan, pages 537-545). The MIR 2013 reconsidered these points (see MIR 2013, Appendix Formartine, page 48). In the MIR 2013, the Officer’s assessment agreed that the pipeline does not preclude development and even states that “a proposal of this scale and use would be acceptable” under the Health and Safety Executive’s PADHI methodology. The capacity of the primary school was not raised as an issue in the analysis of these sites in the MIR 2013 but the limited capacity at Meldrum Academy was noted. This is predicted to fall no lower than 98% capacity up to 2019 (see School Roll Forecast 2015, Meldrum Network). Available capacity is not sufficient justification to allocate land which, within the Meldrum Academy catchment, should be done on the basis of the settlement strategy for the area and not on the basis of individual sites. It was also stated in the MIR 2013 that the Council’s Contaminated Land Unit "may need to be consulted". It was, therefore, something that would require further clarification but was not considered a barrier to development.
To clarify, the reasons for not allocating the site were not the same reasons stated by the respondent. The reasons for not allocating the site, as stated in the MIR 2013, were that FM032 was remote relative to services in Pitmedden, site FM033 were visually prominent and FM033 would be dislocated from the settlement unless the adjacent site FM034 came forward first. While it is acknowledged that landscaping could be used to attempt to soften the visual prominence of the sites, a Landscape Impact Assessment has not been undertaken to allow full consideration of this point. Regardless, as stated in the MIR 2013 and referenced above, there is no strategic or local need identified for further housing allocations. Therefore, it is not necessary to allocate these site. No change is required.

Bid Site FM034

The reason for not allocating site FM034 was due to visual prominence of the site and the negative impact it would have on the setting of the village. While it is acknowledged that landscaping could be used to attempt to soften the visual prominence of the sites, a Landscape Impact Assessment has not been undertaken to allow full consideration of this point. No change is required.

Bid Site FM058

It is not agreed that the OP1 site is incapable of progressing. It is not agreed that the comments made in the MIR 2013 regarding school capacity were wrong. The MIR 2013 analysis was accurate and correct based on the bid submitted. However, new school roll forecasts were published in 2015 (see School Roll Forecast 2015, Meldrum Network) indicating that there is capacity at Pitmedden Primary School and limited capacity at Meldrum Academy. A reduced allocation would not push the schools over capacity. It is also agreed that waste water treatment capacity and contaminated land are not necessarily constraints and that early discussion with the Council’s Contaminated Land Unit is recommended. However, these do not overcome the issue that there is no identified need for new housing allocations and, therefore, a new allocation is not required. No change is required.

Bid Site FM063

The respondent is incorrect in believing that the site is allocated as part of the green network. No green network is identified in the settlement. No part of the MIR 2013 or Proposed LDP 2015 has specifically identified any protected woodland on this site. The P1 designation is to protect the landscape setting of the settlement and not the setting of Pitmedden House or the Designed Garden. It remains appropriate to protect the tree-lined approach from the west and rural setting of the village within the rolling countryside. Due to the sloping land in P1 allocation and the thin buffer of deciduous trees, development on this field would be prominent, particularly in winter. While the site may be well related to the settlement, this would still have a significant impact on the character and sense of place in the village of Pitmedden. The P1 allocation is, therefore, not an error.

The MIR 2013 stated that further employment land may be appropriate but the lack of suitable bid sites rendered augmentation of employment land supply in Pitmedden and Milldale as unfeasible. Site OP1 is an appropriately sized allocation to deliver housing and community facilities and there is no reason to suspect that it will not progress should an appropriate application be made. Compliance with SPP paragraphs 115, 116 and 119 is demonstrated in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. No shortfall has been identified in the housing land supply within the
Aberdeen Housing Market Area local growth and diversification area. There is, therefore, no need for further allocations in Pitmedden. No change is required.

### Settlement Map

As a non-notifiable modification, the eastern boundary of BUS2 will be amended to exclude a private garden and the settlement boundary enlarged to encompass the full property and garden. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

### Reporter's conclusions:

**OP1 Adjacent to the medical centre**

1. This site is allocated for up to 14 homes and community facilities on the southern edge of Pitmedden. It has been a longstanding allocation which the planning authority wishes to carry forward into the proposed plan. I understand that a planning application had previously been received for the development of the site, but this was refused and dismissed on appeal principally due to it constituting a departure from the 2012 local development plan (LDP) allocation (by proposing 24 units on the site allocated for 14 units).

2. A representee has asserted that the 14 unit allocation is arbitrary and has requested the allocation be revised to allow for 20 dwellings, on the basis that this could satisfactorily be accommodated on the site, together with community facilities, without the site becoming overdeveloped. No further evidence (such as an indicative site layout, for example) has been provided to demonstrate that an increased number of dwellings could be accommodated. As the site is partially constrained by flood risk, and as landscaping would be required on the site to reduce the visual impact of development in views from the south, I cannot safely conclude that the site offers the potential for a scheme that would satisfactorily accommodate an increased number of dwellings. It is important to note however that in Issue 7 it has been recommended that site capacities should be treated as indicative rather than absolute. This means that if a detailed scheme is forthcoming which demonstrates that a higher number of dwellings could satisfactorily be accommodated within the site, this could be permitted without giving rise to conflict with the allocation.

3. Other representees have stated that the site should be removed from the proposed plan as its development is unlikely to be delivered during the plan period, as confirmed by the 2015 housing land audit. I note that table 4 (‘New Housing Land – Formantine’) of the proposed LDP indicates that the planning authority does not expect the site to be developed by 2026. This appears to reaffirm the representees’ position, notwithstanding that the planning authority has also stated that the recent refusal of planning permission “…does not equate to there being no programme for progressing the site…”. Whilst this may be the case, no evidence has been provided to demonstrate that such a development programme is being progressed.

4. Whilst there are legitimate doubts over whether this site will be developed in the proposed plan period, I see no overriding benefit or justification to remove the site from the plan. Representees have stated that this site should be removed and replaced by other sites in Pitmedden and Milldale. I have assessed the merits of each of the bid sites in turn below, but as there are no settlement-specific housing land supply targets, and
having regard to the conclusions in Issue 7 which accepted that there is an adequate effective housing land supply throughout Aberdeenshire, there is no overriding imperative to allocate additional housing land in Pitmedden and / or Milldale. This means that even if site OP1 was removed from the plan, this would not trigger a requirement for alternative land to be allocated. That said, I recognise that it would be beneficial for some development to take place in Pitmedden and Milldale during the plan period. As referred to in Issue 7, given the lower than anticipated housing completions year-on-year in Aberdeenshire, the inclusion of additional sites which are unconstrained and in marketable areas would still be desirable. In this context I note the vision states that there is some development pressure in Pitmedden and Milldale.

Bid sites FM032 and FM033

5. Site FM032 is located immediately to the east of Milldale’s settlement boundary and was put forward for a housing development. I consider that the site relates reasonably well to the established pattern of development, but I share the planning authority’s concern that the site is relatively remote from the majority of services and facilities provided within Pitmedden, and would be likely to lead to greater reliance on the private car than would arise from developments in closer proximity to the centre of Pitmedden. Given my conclusions in paragraph 4, I have considered whether this site could assist in bringing forward housing sooner and increasing the overall rate of completions. However on balance I do not consider this to be an appropriate location.

6. Site FM033 is prominently located on the north side of Milldale, outwith the settlement boundary. The development of this site would significantly reduce the physical and visual separation between Pitmedden and Milldale. It would be to the detriment of the character of both settlements and their landscape settings to allow their coalescence. The development of this site would diminish this physical separation, which I find to be undesirable. I do not consider that the potential benefits of delivering additional housing over the plan period on this site outweigh these concerns. Consequently I do not recommend its inclusion.

Bid site FM034

7. My concerns regarding site FM033 apply equally to this site; I consider it desirable to avoid the physical coalescence of Pitmedden and Milldale, but the development of this land (put forward for employment uses) would significantly reduce their current separation and erode the character of the settlements and their setting in the landscape. For this reason I do not recommend the site’s allocation.

Bid site FM058

8. This site is being promoted on behalf of a house builder as an allocation for a development of 64 dwellings with associated open space. A number of potential constraints to development of the site had originally been identified. School capacity had been a concern but the planning authority has subsequently confirmed that the latest school roll forecasts demonstrate adequate capacity to accommodate development. The planning authority has also accepted that issues of potential land contamination on part of the site and waste water treatment capacity would not preclude development taking place.

9. The planning authority has not provided further comment on the adequacy of the site’s proposed access arrangements since the 2013 Main Issues Report, notwithstanding the
additional work undertaken in support of the site. Two vehicular access points have been proposed, one being via Croftland and Breckview, and a second via Ingleside. It is not currently possible for vehicles to turn into or out of Ingleside from the B999 as bollards have been positioned to prevent its use. In order for a suitable junction between Ingleside and the B999 to be reinstated, the primary school car park entrance would need to be relocated. In addition, an access for pedestrians and cycles would be provided from Bonnyton Road. I am satisfied that whilst the precise details of junctions, crossing points and layout would require further detailed consideration, the submitted information adequately demonstrates that satisfactory access arrangement would be achievable for this site.

10. I find that the site relates well to existing residential development and is situated close to existing services and facilities, all of which would be sufficiently accessible to encourage active travel. The site is visually contained and consequently development would not have an adverse impact upon the settlement’s landscape setting.

11. The planning authority’s reason for not allocating this site is the lack of identified need for further housing land. As explained in paragraph 4 above and drawing on the conclusions in Issue 7, I consider that there would be merit in bringing this site forward. There is development interest in this relatively unconstrained site and the detailed studies and bid submitted by the developer indicate that the site would be effective. Inclusion of the site would also be advantageous given the potential delays to the development of site OP1.

12. The reduced size of the allocation now being sought (relative to that considered in the Main Issues Report) would also ensure that the development could be accommodated within the existing predicted capacity of local schools. The relatively modest scale of development would be consistent with meeting a local rather than wider strategic housing need. As such the site’s inclusion (both individually and together with site OP1) would be in accordance with paragraph 3.43 of the strategic plan which makes clear that in local growth and diversification areas, the growth of settlements should relate to local needs. A structured environmental assessment process has also been undertaken and there is evidence that public engagement has taken place (through the site’s identification in the Main Issues Report) and none of this signals any reason for why the site is not suitable for inclusion.

13. All allocated sites in the proposed plan are accompanied by a development brief, which establish site-specific requirements and principles. I have set out a brief for this site in my recommendations. This is based on the submissions made by the site’s promoter together with the comments of the planning authority on issues affecting the site. I am satisfied I have sufficient information to include the site and its development would be appropriate in principle, subject to the requirements outlined in the development brief and compliance with the provisions of the plan more widely.

Bid site FM063

14. Site FM063 has been proposed for housing development. The entirety of the site is covered by designation P1, which extends further to the south than FM063 and abuts the B9000 Oldmeldrum Road. P1 is protected land “to conserve the landscape setting of the settlement”. The representee considers that site P1 may have been identified in error as part of a green network, but I am satisfied from the planning authority’s response that this was not the case, given the absence of a wider designated green network in or around the
settlement. I note also that P1 was identified in the 2012 LDP.

15. Site P1 falls entirely outwith the settlement boundary, and as such any development proposals here would be subject to significantly more restrictive planning policies relating to countryside locations, regardless of the site’s designation as protected land. In other settlements, protective designations have in the majority of cases been used on sites that require safeguarding within the settlement boundary. P1 has not been identified to protect the setting of the designed and listed Pitmedden Garden which is beyond woodland to the north and west. In practice it does assist in maintaining its countryside setting but, despite this, I am not persuaded that there is justification in applying a protective designation to this land. It is not within the settlement boundary, which limits any development potential significantly because of the restrictive policy approach applied to countryside locations. There are many other areas of land that make a positive contribution to the landscape setting of other settlements but which are not protected in this way. For consistency therefore I recommend this designation be removed.

16. I do not however consider that allocation of this site for development would be justified. As stated above, parts of the site make a positive contribution to the landscape setting of Pitmedden. Overall I consider that bid site FM058 provides a more appropriate and less sensitive location for development. As referred to above, Pitmedden is located in a local growth and diversification area, which paragraph 3.43 of the strategic plan identifies as being a location where growth in individual settlements should relate to local needs. I consider there would be sufficient provision of housing land in the settlement in this context and there is inadequate justification to recommend the inclusion of this site.

17. Other land in Pitmedden is less sensitive to development and accordingly I have recommended that site FM058 be allocated for housing. In the absence of any overriding need to identify additional sites for development, I do not consider there to be adequate justification to make changes to the LDP to allow for housing on site FM063 on the basis of the above assessment.

**Settlement map**

18. I note the amendment to the BUS2 site and settlement boundary, but as no representations have been made regarding these changes this is not a matter for the examination.

**Reporter’s recommendations:**

1. Allocate bid site FM058 by amending the Pitmedden and Milldale map to show the land as OP2, and amend the settlement boundary to incorporate the whole of the new OP2 allocation.

2. In the ‘Allocated Sites’ section of the Pitmedden and Milldale settlement statement insert a development brief as follows:

   “OP2: Land at Bonnyton Farm. Allocation: 64 homes and public open space:

This is a new allocation. A masterplan will be required for this site. Two vehicular access points should be provided. This will include the reinstatement of the junction between the B999 and Inglewood, and its reconfiguration to allow for the continued safe and
convenient use of the primary school car park. Bonnyton Road requires improvements to provide an additional active travel connection between the site and village. A desk top survey and site investigation may be required to determine the extent and nature of any land contamination and to identify necessary mitigation measures. Landscaping and open space should be principally focused towards the south of the site adjacent to Bronie Burn.”

3. Make consequential amendments to Appendix 5, table 1 and table 4 to reflect the inclusion of site OP2 referred to in recommendations 1 and 2 above.

4. Remove the P1 protected land designation and amend the settlement map accordingly.
<table>
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<th>Issue 36</th>
<th>Shaping Formartine – Potterton</th>
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<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Formartine 56</td>
</tr>
<tr>
<td>Reporter:</td>
<td>Christopher Warren</td>
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</tbody>
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Body or person(s) submitting a representation raising the issue (including reference number):

- Kirkwood Homes Limited (148, 149)
- Alexander Stuart & others (363)
- Fairfield Investments Limited (400)
- Stewart Milne Homes (410)
- The Potterton Consortium (465)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority's summary of the representation(s):

**Settlement Features**

Three respondents seek modification of the Green Belt designation around Potterton as they believe it is no longer appropriate and does not meet the purpose of a Green Belt, in particular the prevention of coalescence, and that no Green Belt designations are appropriate other than on the Aberdeen side of the Aberdeen Western Peripheral Road (AWPR) (148, 149, 465).

**Additional Sites**

**Bid Site FM005**

An additional area of 16.78 hectares of land should be allocated for 100 houses. It is argued that the site would be a natural expansion of the village and is the most logical area where new development should be located. Several access points, new pavements and safe crossings can be provided. No new housing was allocated to Potterton in the Local Development Plan (LDP) 2012 and none is proposed for the Proposed Plan. This is preventing natural growth of the village and restricting opportunities for people to move within or into the village. New housing would help sustain and support local services and businesses and provide affordable housing. An allocation at Potterton will help fulfil shortfalls predicted in the housing land supply (148).

**Bid Site FM062**

A respondent objected to the decision not to allocate their site in the Proposed LDP 2015. Planning policies and decisions should not prevent or inhibit development and use of land in settlements unless there are sound reasons for doing so. Potterton lies within both the Strategic Growth Area and the Energetica area and is conspicuous by its absence from
the list of settlements with strategic development allocations. The emerging strategy in the Proposed LDP 2015 ignores opportunities to contribute to the accessible provision of housing, employment and services at Potterton. The respondent argues that other policy representations on behalf of Stewart Milne Homes (representation 605) show that the Housing Land Audit does not provide an accurate assessment of housing land supply deficiencies in Formartine and the only way to resolve this is through the allocation of this additional site (410).

**Bid Site FM065**

Additional allocations are necessary to supplement the housing land supply within the Aberdeen Housing Market Area. Many sites allocated are not delivering and this site would help towards delivery in the Plan period. The site was allocated until late in the LDP 2012 process but was removed by Councillors who stated the development would happen after the AWPR is completed in 2017 and should be reviewed during the next Plan preparation process. The allocation would help support services and contribute towards a planned and phased expansion of the village (363).

**New Site Land Previously Part of Bid Site FM075**

A respondent wants the southern portion of bid site FM075 to be allocated for mixed-use development with the northern portion of the FM075 bid site allocated as an area for future development/strategic reserve. Failing allocation for development, the land should be removed from the Green Belt. They argue that site was allocated late in the LDP 2012 process but was removed by Councillors who stated the development bid should be reviewed during the next Plan preparation process. The allocation of site FM075 would provide a sustainable extension to Potterton, help support services in the settlement and is supported by Strategic Development Plan (SDP) 2014 which emphasises the need to deliver mixed-use sustainable communities alongside appropriate infrastructure. It will help to fulfil shortfalls in the housing land supply and deliver the Energetica objectives. The Potterton Settlement Statement in the Proposed LDP 2015 states that Potterton lies outwith the Aberdeen-Peterhead Strategic Growth Area. The SDP 2014 indicates that each Strategic Growth Area is to be around 5km wide and centred on Aberdeen and the key transport routes. The key transport route around which the Aberdeen to Peterhead Strategic Growth Area is centred is the A90 between Aberdeen and Peterhead, from which it is less than 2km to Potterton. Potterton, therefore, clearly falls within the corridor for the Strategic Growth Area (400).

**New Site Land Site at Gourdie Park**

An additional area of 2.15 hectares of land should be allocated for residential development on a site lying between Gourdie Park and the Blackdog Burn. The site for development of up to 20 homes would be a natural expansion of the village and is a logical area into which new development could be located. No new housing was allocated to Potterton in the LDP 2012 and none is proposed for the new Plan. This is preventing the natural growth of the village and restricting opportunities for people to move into the village. New housing would help sustain and support local services and businesses, provide affordable housing for Potterton and would have minimal impact on local infrastructure. The construction of the AWPR, due for completion in 2017, will make Potterton a more accessible and desirable place to live in. Its proximity to the major employment areas at Dyce and Bridge of Don and its location within the Energetica Corridor are further reasons to allocate housing to Potterton to complement and support the major economic growth taking place in the area.
An allocation at Potterton will help fulfil shortfalls predicted in the housing land supply (149).

Potterton Consortium

A respondent who represents the Potterton Consortium requests that land for future housing development in Potterton be identified on bid sites FM075, FM065, FM005 and FM074. There has been previous support for future expansion of Potterton and the village has been overlooked. Potterton is an attractive place to live and the Potterton Consortium’s proposal can provide the required critical mass of housing to fund community facilities and road infrastructure improvements to create a “sustainable mixed community” (465).

**Modifications sought by those submitting representations:**

### Settlement Features

Modify the Green Belt designation around Potterton to exclude areas north of AWPR (148, 149, 465).

### Additional Sites

**Bid Site FM005**

16.78 hectares of land should be allocated for up to 100 houses on a site lying to the west of the B999 Road and north of Gourdie Park at Potterton in the Formartine Settlement Statement and in Appendix 5 New Housing Land Allocations (148).

**Bid Site FM062**

The LDP be amended to allocate 45 houses on the south-eastern site, 90 houses on the southern site and to change the Green Belt allocation accordingly (410).

**Bid Site FM065**

The site promoter wants their site allocated in the LDP either as an allocation for development during the 2017-2026 period or as a future allocation post 2027 within Appendix 5 (Table 4) and Appendix 8 Potterton Settlement Statement (363).

**New Site Land Previously Part of Bid Site FM075**

The respondent wants the southern portion of bid site FM075 allocated for mixed-use development and wishes the northern portion of the FM075 bid site allocated as an area for future development/strategic reserve. Failing allocation for development, the land should be removed from the Green Belt (400).

**New Site Land at Gourdie Park**

2.15 hectares of land should be allocated for up to 20 houses on a site lying between Gourdie Park and the Blackdog Burn and Appendix 5 New Housing Land Allocations to be amended accordingly (149).
Potterton Consortium

Future housing development in Potterton to be identified, either as a housing land allocation during 2017-2026 period or as a "Future Housing" designation post-2027 within Appendix 5 (Table 4) and Appendix 8 (Settlement Statement - Formartine) of the final Local Development Plan. It is estimated that up to 800 houses could be accommodated on the land identified (465).

Summary of response (including reasons) by Planning Authority:

Potterton is located in the south of Formartine in the Aberdeen Housing Market Area within a "local growth and diversification area". In accordance with paragraph 3.43 of SDP 2014, the village is therefore appropriate for a level of growth related to local needs. The proposed land allocations are essentially unchanged from the Potterton Settlement Statement of the 2012 Local Development Plan (see LDP 2012, Supplementary Guidance Volume F: Potterton). The proposed allocations were considered in full in the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 52 and the subsequent MIR 2013, Issues and Actions Paper 095 – Potterton).

There are several requests for more land to be allocated in Potterton but, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Settlement Features

Paragraph 49 of Scottish Planning Policy identifies that a Green Belt should support the Spatial Strategy by directing development to the most appropriate locations, protecting and enhancing the character, landscape setting and identity of a settlement and provide access to open space. It is appropriate to maintain the Green Belt around Potterton to support the vision for the settlement. Green Belt can be modified in response to decisions regarding the location of any new development. No change is required.

Additional Sites

Bid Site FM005

This site was considered in the MIR 2013, Appendix Formartine, page 55, where it was stated that the site was isolated from the settlement by the B999, that pedestrian linkages would involve a 900m detour and that the land is within the Green Belt and is also public open space. The MIR 2013, Issues and Actions Paper 095 – Potterton considered the issue of access. While it was accepted that new pavements and road crossings may be possible, the location remained remote from the rest of the settlement. The B999 is heavily screened by woodland from the existing housing on this site, creating a clear and defensible boundary between the town and the countryside. In addition, issues of the loss of public open space have not been addressed by the developer. Also, the developer has not shown any local or strategic need for further housing in this area. No change is required.
Bid Site FM062

The sound reason for not making allocations in in Potterton was that the strategic housing land supply in the area had been met and further local needs in the area have not been identified. Although the MIR 2009 considered that the southern site could deliver small scale housing and employment uses, the MIR 2013 did not prefer development on this site as it was considered that the south-eastern site is isolated from the settlement and because there was no need for further allocations to meet the SDP requirements. No evidence is presented to justify a local need for development in the village. The respondent has failed to adequately address these points and demonstrate a change of circumstances that would justify changing the conclusions of the MIR 2013 Examination. This is not considered as inhibiting development as the Housing Land requirements have been met. No change is required.

Bid Site FM065

There has been no change in circumstances since the MIR 2013 indicated that the findings of the Reporter were still relevant. As noted above, there is an adequate housing land supply within the Aberdeen Housing Market Area local growth and diversification area. The allocation sought would be unlikely to deliver the infrastructure investments required to support it. No change is required. No allocations have been made in the Plan beyond 10 years from the anticipated date of adoption and the next Local Development Plan process will consider needs at that time. No change is required.

New Site Land Previously Part of Bid Site FM075

For this site, there has been no change in circumstances since the MIR 2013 indicated that the findings of the Reporter were still relevant. These were that there is an adequate housing land supply within the Aberdeen Housing Market Area local growth and diversification area and the provision of services is not a reason in itself to make an additional allocation. Therefore, as there has been no material change since the Reporter made these comments, no allocation should be made. No change is required.

Paragraph 3.8 of the SDP 2014 states that Strategic Growth Areas will be "up to 5km wide", and so the distance of Potterton to the A90 does not immediately determine that the settlement will be in the Strategic Growth Area. It goes on to state that "the Aberdeenshire Local Development Plan will decide which settlements and sites are within a strategic growth area". As stated above, there is an adequate housing land supply within the Aberdeen Housing Market area and allocations have been made within the Aberdeen to Peterhead Strategic Growth Area in accordance with the Strategic Development Plan Schedule 1. In 2009, Aberdeenshire Council consciously excluded Potterton from the Strategic Growth Area. As a non-notifiable modification, an amendment will be made to the maps on pages 9 and 40 of the LDP to ensure that Potterton is clearly excluded from the Aberdeen to Peterhead Strategic Growth Area and Energetica area. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

New Site Land at Gourdie Park

This site has not been considered previously and little evidence has been provided by the developer to enable a full consideration of the site. No evidence of viability or of public consultation on the site was included with the representation. The location is remote from
the rest of the settlement and would rely on other sites being developed before this level of development would fit within the pattern and scale of development found in this part of the settlement. In addition, the developer has not shown any local or strategic need for further housing in this area. No change is required.

Potterton Consortium

As noted above, there is an adequate housing land supply within the Aberdeen Housing Market Area local growth and diversification area and diversification area and the provision of services is not reason in itself to make an additional allocation. No change is required.

Reporter's conclusions:

Settlement Features

1. Representations have been made regarding the delineation of the greenbelt. It has been asserted that the Aberdeen western peripheral route (AWPR), which is currently under construction to the south of Potterton, would be the most appropriate boundary for the greenbelt. The appropriateness of the extent of the greenbelt has been assessed in Issue 6 and no modifications have been recommended, having regard to the objectives of greenbelt designation as set out paragraph 49 of Scottish Planning Policy (SPP).

2. All land within Potterton’s settlement boundary is excluded from but surrounded by the greenbelt designation, with the exception of a narrow strip of land on the north side of the village, immediately to the east of the B999. Paragraph 51 of SPP allows for this approach, but also advises that where appropriate the greenbelt should also allow room for expansion. Given that the greenbelt indicates a presumption against the expansion of Potterton, it is necessary for me to consider the justification for this and, if appropriate, consider whether the exclusion of specific bid sites from the greenbelt (and possibly also their allocation for development) would be more appropriate.

3. Representees have questioned the appropriateness of such a restrictive approach to new development in Potterton. Substantial areas of land have been put forward as bid sites on all four sides of the village, but the proposed plan does not include any allocations for the settlement. The planning authority’s justification stems from the settlement being within a local growth and diversification area, meaning the level of growth of settlements should relate to local needs, as specified by paragraph 3.43 of the strategic plan. Representees have challenged this stance and argued that Potterton should be recognised as being within the Aberdeen to Peterhead strategic growth area.

4. I agree with representees that the diagram showing the Aberdeen – Peterhead strategic growth area does suggest that Potterton could be considered to fall within that area. However, the strategic plan deliberately presents the area as an indicative diagram and does not delineate the strategic growth area beyond this. The strategic plan states in paragraph 3.8 that it is for the Aberdeenshire LDP to “…decide which settlements and sites are within a strategic growth area”. On this basis I am satisfied that the exclusion of Potterton from the strategic growth area in the proposed plan would not conflict with the provisions of the strategic plan.

5. In effect, the spatial strategy in the proposed plan is a continuation of that established in the 2012 LDP, when the planning authority determined that there were more suitable
locations to accommodate strategic growth and large scale developments. The vision for Potterton and absence of allocations reflect a continuation of this spatial strategy into the proposed LDP, and I am not persuaded that there has been any change in circumstances to a degree that would justify a different approach. Whilst I accept that the maps on pages 9 and 40 of the LDP appear to indicate that Potterton falls within the strategic growth area, I am satisfied that elsewhere (i.e. the vision for Potterton) the plan makes clear that it is excluded. I agree with the planning authority that amendments to those maps would be helpful to avoid any confusion, and for the avoidance of doubt I have recommended these modifications be made.

6. In the absence of any substantive evidence to suggest otherwise, I am also unconvinced that the exclusion of Potterton from the strategic growth area would be inconsistent with, or to the detriment of, the strategy for the Energetica corridor. The planning authority has proposed to amend the map on page 9 (referred to above) to exclude Potterton from the Energetica area, but I do not consider this to be appropriate as the spatial extent of the Energetica area is defined by that economic strategy. The proposed plan cannot therefore amend the agreed Energetica area. As Energetica is an economic strategy, its purpose also extends beyond the remit of the proposed plan and planning system.

7. The adequacy of the housing land supply has been considered in Issues 7 and 8, which concluded that there is an appropriately generous housing land supply. Whilst allocating a limited number of additional sites may be desirable where unconstrained and in marketable areas in order to assist with meeting housing completion targets by 2026 as set by the strategic plan, there is no imperative to identify further housing land. As Potterton is surrounded by greenbelt and there are identified infrastructure constraints relating to the local road network, school capacity and water infrastructure that could only be resolved through the economies of scale offered by large scale development (which itself would be contrary to the spatial strategy), there is no basis upon which the inclusion of any bid sites could be supported. In this context I have limited the following assessment of each of the bid sites to site-specific considerations.

Bid site FM005

8. The site’s position to the west side of the village and on the opposite side of the B999 would significantly alter the character of Potterton’s setting in the landscape. The curtilages of residential properties on Kirk Hill Road back onto the B999, but these are heavily screened by trees and vegetation and I agree with the planning authority that this forms a clear and defensible boundary between the village and countryside. Furthermore, this boundary acts as a barrier to creating appropriate active travel routes and I consider this lack of permeability between the site and the village is a constraint to the site’s development.

Bid site FM062

9. This bid consists of two separate parcels of land, one being on the corner between Gourdie Park and the B999 (site FM062a, for up to 45 dwellings), and the other immediately to the south of Panmure Gardens (site FM062b, for up to 90 dwellings). FM062a relates well to existing development on Gourdie Park and it does not share the same landscape setting issues presented by site FM005 despite being on the west side of the B999. It is in closer proximity to the limited facilities provided in the village and permeability would be less of a constraint, although crossing points and other
improvements to the B999 would be likely to be essential. FM062b relates well to the village and would offer a logical extension. However, in the absence of evidence to demonstrate that necessary infrastructure improvements could be provided by this development to address the current constraints referred to above, the inclusion of the sites would not be appropriate.

Bid site FM065

10. The site relates well to existing development, and it is visually contained by the surrounding topography and the woodland to the east. The roads surrounding the site would provide a clear boundary. The site also maintains a degree of separation from Mill of Potterton, which has its own distinct character. The site has been promoted for 150 dwellings. It is not clear whether this scale of development would be sufficient to provide the necessary infrastructure improvements to address the existing constraints to development in the village.

New Site Land previously part of Bid Site FM075

11. The area of land identified consists of two distinct sites, one to the north of Potterton and one to the south/southeast. Whether developed individually or together, these areas would provide large-scale extensions that would be strategic in nature. Development of this scale in this location would be inconsistent with the role of local growth and diversification areas, having regard to paragraph 3.43 of the strategic plan already referred to above. Whilst ‘local need’ is not defined, this site would clearly be in excess of any locally derived need for housing in Potterton.

12. Despite this, in landscape terms I broadly find that the southern portion of the bid site would potentially be the more suitable for development. This area would also be nearer to the A90/AWPR junction and therefore potentially require less extensive road infrastructure upgrades. A relatively small proportion of the northern site would extend beyond the area assessed as FM075. It is noteworthy that the inclusion in the plan of this new area would not have been appropriate in the event that I would otherwise have been so minded, given the lack of consultation during the LDP’s preparation or environmental information relating to that area.

New Site Land at Gourdie Park

13. A structured environmental assessment process has not been undertaken for this site. Nor is there evidence of public engagement contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. Consequently there would have been no basis for me to consider its inclusion in the LDP in the event that I had concluded that allocations in Potterton should be made.

Potterton Consortium

14. I support the planning authority’s rationale for not allocating land in Potterton, as explained above. The level of growth sought would be inconsistent with the spatial strategy outlined in the LDP, which reflects that set by the strategic plan. Noting the conclusion above that Potterton has been legitimately identified as falling outwith the strategic growth area, the scale of development promoted on these sites would be significantly in excess of what could reasonably be considered to be consistent with the role of local growth and diversification areas, set out in paragraph 3.43 of the strategic
15. It would not be appropriate to identify land for future housing beyond the plan period, as this would potentially prejudice future decisions on how and where to accommodate further growth. This would be a matter for a future LDP review. Whilst I consider the opening of AWPR would be a relevant consideration that may influence the preferred location of development beyond 2026, there are clearly many other factors that influence a spatial strategy, and I do not accept the representee’s intimation that the AWPR’s presence alone should necessarily be the trigger to accept a significant expansion of Potterton. No evidence has been provided to substantiate the concern that the long-term viability of existing services may be threatened unless growth is permitted. Even if this were the case, this would not be an adequate basis for permitting the large-scale growth being sought.

### Reporter’s recommendations:

1. Amend the ‘Spatial Strategy’ map on page 9 to exclude Potterton from the strategic growth area.

2. Amend the ‘Shaping Homes & Housing’ map on page 40 to exclude Potterton from the strategic growth area.
Issue 37  Shaping Formartine – Rashiereive Foveran

Development Plan reference: Appendix 8, Page Formartine 58  Reporter: R W Maslin

Body or person(s) submitting a representation raising the issue (including reference number):

- GGD Engineering Ltd (247)
- Aberdeen Veterinary Referrals (338)
- Steve and Pauline Fazackerley (339)
- Louise & Jim Forsyth (340)
- Auto Sorcerer (341)
- John Forbes (618)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority's summary of the representation(s):

Settlement Features

One respondent indicated their support for the allocation of site SR1 for employment uses (247).

Allocated Sites

OP1 Land West of Rashiereive Cottages

A number of respondents have expressed support for live work units on site OP1 (247, 338, 339, 340, 341, 618). Most respondents feel that this type of development would be more in keeping with the balance of housing and employment units found in the village currently (338, 339, 340, 341).

Live work units would be “much more in keeping with the area” and would make for a more pleasant, quiet and tranquil environment (after the completion of the Aberdeen Western Peripheral Route (AWPR)) than a normal employment land allocation (338) and would be of benefit to the area, enhance the feel of the community and maintain a natural balance with the current surroundings (340). Live work units would be more in keeping with the Use Class order of existing businesses found in Rashiereive Foveran. Live work units are not available anywhere else and would be a good experiment, are long overdue and a great idea considering the growth in small businesses (341).

Another respondent has favoured live work units as they offer more in terms of economic and environmental advantages than normal employment land allocations by providing additional housing and making aesthetic improvements for local residents. Similarly, it is felt that a normal employment land allocation would not be in keeping with the mixed
occupancy of residential and business developments side by side, as found in the village currently. It is also felt that existing employment land allocations in the area are underused and so this type of development may not be as prosperous as identified (339).

It is highlighted that normal employment proposals could not get access until after the completion of the AWPR due to junction constraints from Transport Scotland. Even then the traffic from the north will not be able to turn off at Rashiereive and will have to turn off earlier, at Ellon, to be able to access Rashiereive. They also believe that the downturn in the oil and gas industry makes the employment allocation at SR1 site sufficient to meet the needs of large businesses, and may in itself not even be required. The respondent also raises issues about loss of earnings and compensation from the new AWPR route (341).

A respondent wants OP1 to be re-designated to a mixed use development suitable for live work units or white land left undesignated within the settlement boundary suitable for development under Policy P3 Infill and Householder Developments Within Settlements (Including Home and Work Proposals) (618). The Strategic Development Plan (SDP) 2014 requires all Strategic Growth Areas (SGA) to focus on creating sustainable mixed use communities, which means not dealing with different land uses in isolation (paragraphs 4.33-4.41). Support is also provided in Scottish Planning Policy (SPP) paragraph 122, which requires Local Development Plans to allocate appropriate sites to support the creation of sustainable mixed use communities, and paragraph 95 looks for Plans to encourage opportunities for homeworking and live work units. Yet Policy B1 Employment and Business Land specifically states that live work units will not be supported on land identified for business or employment use and Policy P3 will only support working from home if the primary use of the building remains residential. The Reporter for Planning Application Appeal reference PPA/110/2140 advised that the re-zoning of the site should be considered through the Local Development Plan process. Transport Scotland has consistently opposed the development of the site for employment purposes but has advised that the type of traffic generated by a live-work development on OP1 would be able to be accommodated within the road network. It is envisaged that the employment uses will be small scale and possibly sole proprietor. Sole proprietor businesses make up almost 69% of all businesses in Scotland and are particularly prevalent in rural areas. There is also concern that the downturn in the oil and gas industry will reduce the demand for employment land. The use of mixed use live work units is in line with Energetica’s vision (618).

**Modifications sought by those submitting representations:**

**Allocated Sites**

**OP1 Land West of Rashiereive Cottages**

The re-designation of site OP1 from BUS1 to a mixed use development suitable for live work units. Failing that, the site should be identified simply as white land within the existing settlement boundary, to allow development under Policy P3 (618).

Although not explicitly stated, it may be inferred that various respondents wish to have the allocation at site OP1 changed from employment land to mixed use (247, 338, 339, 340, 341).
Summary of response (including reasons) by Planning Authority:

Rashiereive is a small village located on the edge of the A90. It is located in the Aberdeen Housing Market Area within the Aberdeen to Peterhead Strategic Growth Area. In accordance with paragraph 3.25 of SDP 2014, both employment and housing land will be required. The proposed land allocations are essentially unchanged from the Rashiereive Foveran Settlement Statement of the 2012 Local Development Plan (LDP) (see LDP 2012, Supplementary Guidance Volume F: Rashiereive Foveran). The proposed allocations were considered in full during the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 58 and the subsequent MIR 2013, Issues and Actions Paper 096 – Rashiereive Foveran).

The route of the A90 will be adjusted with the construction of the Balmedie Tipperty dualling project. Consequently, the existing A90 will be de-trunked, allowing further development to occur within the village which is currently constrained by access issues onto the A90. This is due for completion by spring 2017.

Settlement Features

Support for the SR1 allocation is welcomed.

Allocated Sites

OP1 Land West of Rashiereive Cottages

It is not agreed that there is a case for allocating live work units in Rashiereive. While a bid (FM015) was submitted and considered in the Main Issues Report for an enlarged site for an unspecified mixed use development, it was rejected (see MIR 2013, Appendix Formartine, page 59) as there has been no change in circumstances since the previous LDP Examination. No submission was made to the Main Issues Report to challenge this position.

It is not felt that the respondents have shown a change in circumstances that can justify a new conclusion for the site. As demonstrated in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. As there is an adequate supply of housing already provided in the SGA, there is no need to allocate housing on this site regardless of the employment element proposed to accompany it.

The issues raised relating to Transport Scotland assessments regarding safe access will become immaterial after the completion of the Balmedie-Tipperty dualling project, which will see the de-trunking of the A90 at Rashiereive and the creation of a grade separated junction. This will enable the road to easily accommodate employment traffic and access the A90 safely. It is not true that there will be no access to Rashiereive from the north. There will be access via the grade separated junction at West Pitmillan which will enable traffic to travel along local roads to access Rashiereive.

It is agreed that the SDP states that different land uses must not be dealt with in isolation. However, the SDP does not state that all developments must be mixed, as the respondent’s analysis of paragraph 4.34 seems to imply. If this was the case it would be wholly impractical and place an unacceptable burden on many types of development.
Further reading of the SDP objective for sustainable mixed communities shows that land uses should not be dealt with in isolation within a community or settlement and this is how sustainable mixed communities will be created. SDP 2014, paragraph 4.39 supports providing a mix of uses within communities.

The SDP 2014 supports the need for further employment land developments in the Ellon-Blackdog corridor. SPP paragraph 122 also supports sustainable mixed use communities. As with the SDP, this means ensuring that a settlement has an appropriate balance of uses to ensure its sustainable development. This does not mean favouring mixed use developments over other types of development. SPP paragraph 95 encourages opportunities for live work units. However, the respondent’s analysis that the Proposed LDP 2015 does not encourage home-working or live work units is incorrect. Policy B1 states that home/work proposals may be appropriate on land identified for mixed use development. This provides a number of sites where such live work units may be developed across Aberdeenshire and, therefore, they are encouraged in the Plan, contrary to the respondent’s concerns.

It is not agreed that there is a lack of demand for employment land in the area. Allocations at West Pitmillan have seen planning permission granted for industrial units. Along the route of the A90 there are other recent employment developments, indicating demand. As stated in SDP 2014, oil and gas industries will continue to be important employers for the area in the future, despite recent market fluctuations. In addition to this, the Energetica project seeks to encourage sustainable energy and renewable energy, bringing diversity to the business profile of the area. Although there may be a high number of sole-proprietor businesses in Scotland, this part of Scotland is home to a large centre of energy expertise and companies engaged in cutting-edge research and development in this sector. As shown on the Energetica website, this includes research by companies involved in oil and gas services, offshore wind development, carbon capture and storage, hydrogen, subsea technologies and geosciences. It is logical and appropriate that the Proposed LDP 2015 makes a range of site sizes and uses available to be able to capitalise on this research cluster. Rashierieve is within close proximity to Aberdeen and enjoys good access to Peterhead along the A90. It is, therefore, a prime location for employment in these industries and adequately sized units should be available to support their development. Live work units are unlikely to fulfil this role. Issues raised about the character of the settlement, the noise levels generated by the employment allocation and the visual impact can be considered during any planning application process. Appropriate mitigation can be specified in the permissions given.

The respondents have, therefore, failed to show any significant change in circumstances that would justify augmenting the supply of strategic housing land in the Ellon to Blackdog corridor, or particularly any local need within Rashierieve. No change is required.

**Reporter’s conclusions:**

Rashierieve - site OP1, land west of Rashierieve Cottages

1. I note that the OP1 site at Rashierieve is within the Aberdeen to Peterhead strategic growth area, as contained in the Aberdeen City and Shire Strategic Development Plan. It is also in the Energetica corridor. In the growth area, both employment and housing land will be needed (paragraph 3.26 of the strategic development plan). I find that, in principle, use of site OP1 for a combination of business and residential use would accord with this
aspect of the strategic development plan.

2. Site OP1 has the potential to make a significant contribution to business and employment in the growth area as it is two hectares in extent and has an attractive rural setting. A mixed-use, live-work development, in introducing a residential element, would reduce the business and employment capacity of the site. This is illustrated by the indicative layout that accompanies representation 618. In this particular layout, residential use occupies 59% of the site and employment/work use occupies 41% of the site. I find that the contribution that the site could make to business and employment development would be greatly reduced by the introduction of the residential element.

3. Aberdeen City and Shire Strategic Development Plan (paragraph 3.13) says that the strategic growth areas should focus on creating sustainable mixed communities with the services, facilities and infrastructure necessary for the 21st century. Scottish Planning Policy (paragraph 122) says that local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing. I find that this advice is primarily directed to communities that possess, or are planned to possess, a variety of services and facilities. These services and facilities would include not only employment but also, for example, schools, shops, healthcare, and leisure.

4. From submissions and from my inspection, I find that Rashierieve at present consists of four dwellings and five businesses. Three of the businesses are associated with three of the dwellings. Residents at Rashierieve have to travel to surrounding communities for all needs apart from employment.

5. I note that there is public transport along the A90 and that there is a primary school at Foveran, about one mile to the north. Despite this, I find that Rashierieve is not a location that has the prospect of becoming a sustainable community in relation to reducing the need to travel and in relation to providing safe and convenient opportunities for walking and cycling (Scottish Planning Policy, paragraph 270).

6. With particular reference to the primary school, there is no footway alongside the A90 between Rashierieve and Foveran. The road carries a substantial volume of traffic. The amount of traffic will be greatly reduced when the new A90 comes into use, but such traffic as does continue to use the existing road may well be subject only to the national speed limit. The road would remain an unsatisfactory environment for use by primary-age children on foot or bicycle.

7. I note that Rashierieve is not included in the list of settlements that is given in appendix 4 of the proposed plan. This means that Rashierieve is not seen as a location where it is appropriate to permit small-scale residential development in terms of policy R2.

8. I note correspondence with Transport Scotland regarding use of the Craigie Road junction with the A90. I find that the extent to which this junction might be used by additional traffic, including heavy goods vehicles, is something that will require fresh appraisal once the new A90 is in use. The outcome of such appraisal could well show greater scope to accommodate additional traffic on Craigie Road.

9. While policy B1 prohibits non-employment uses of employment and business land, it also says that home-work proposals may be appropriate on land identified for mixed-use development. Policy P3 encourages employment uses and working-from-home proposals
in the circumstances described in the policy. These provisions give scope to meet need for live-work types of development.

10. Submissions from local residents and businesses support a mixed-use designation for site OP1. Concerns expressed about the OP1 proposal as contained in the proposed plan include loss of the tranquil environment sought by the adjacent veterinary centre, adverse effect on the amenity of adjacent dwellings and need for more housing.

11. In the proposed plan, text under OP1 refers to landscaping to screen employment uses from the existing residential properties and to design that is proportionate and respectful to the scale of the village. I find that these requirements can address concerns about the appearance of new development, but there is no reference to other possible effects on the amenity of adjacent dwellings and the veterinary centre, particularly the effect of any noisy activities. At present, there is much noise from traffic on the A90. When the new dual carriageway road opens, this noise is likely to be greatly reduced and any noisy activities on the OP1 site would then be more apparent. The text in the proposed plan should be expanded to address concern about noise.

12. With regard to need for land for more housing, this is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the disadvantages associated with residential development in a location that lacks services and facilities and by the finding that the contribution that the site could make to business and employment development would be greatly reduced if a residential element were introduced.

13. My overall conclusion is that site OP1 should be retained as an employment land allocation. The accompanying text should be modified to give added protection to the amenity of nearby dwellings and the veterinary centre.

**Reporter's recommendation:**

In the Rashierieve Foveran section of appendix 8, under site OP1: Land west of Rashierieve Cottages, after the sentence that ends “….. the surrounding village” insert the following sentence:

“Development must not have an unacceptable effect on the amenity of adjacent and nearby dwellings and the veterinary centre, with particular reference to noise disturbance.”
<table>
<thead>
<tr>
<th>Issue 38</th>
<th>Shaping Formartine – Tarves</th>
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</thead>
<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Formartine 64</td>
</tr>
</tbody>
</table>
| Body or person(s) submitting a representation raising the issue (including reference number): | Andrew Cowan (36)  
Michael Mountford & Iain Mathers (71)  
SIPP (Pension Trustees) Ltd (321)  
James Benton (322)  
Tarves Community Council (684) |
| Provision of the Development Plan to which the issue relates: | Settlement vision, infrastructure and opportunities |
| Planning Authority's summary of the representation(s): | Vision  
A respondent found it concerning that there was such little information presented in the Settlement Statement for Tarves. The proposal of 'up to 100 homes, community facilities and 3ha employment land' on the Tarves community is not a small impact. More information should be given on the key planning objectives for Tarves. It is unclear whether there is a need for housing in Tarves and where the demand for employment land is coming from - more detail should be given regarding this (36).  
More facilities and upgrades for the existing infrastructure are needed for the existing community before the amount of houses proposed in OP1 are built. (36).  
The settlement boundary at the north end of Bain’s Park should reflect accurately what currently exists in terms of development (684).  
Settlement Features  
The play park at the corner of Mackie Avenue and Duthie Webster Road and the glebe field, which is the setting of the Old Manse, should be protected from development (684).  
Services and Infrastructure  
Healthcare facilities should include provision of GP healthcare facilities in Tarves (684).  
Barthol Chapel is closer to Tarves than Oldmeldrum and has an active church, which is an important community facility that should be considered for receiving any contributions from development (684). |
Allocated Sites

OP1 The Grange

In the Aberdeenshire Local Development Plan (LDP) 2012, the affordable housing target for Tarves was set at 15% and this was confirmed at a pre-application enquiry. There is no justification for raising the affordable housing requirement on Site OP1 to 25%. To do so would be contrary to Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits, paragraph 7, and Planning Circular 3/2012 Developer Obligations and Good Neighbour Agreements, paragraph 14. Contracts have been agreed on the basis of the LDP 2012 and the profitability of the development is limited and cannot sustain the increased requirement (321, 322). The text should include “‘25 affordable homes or 25% must be provided - whichever is the greater” (684).

Clarification is needed on the statement “Links to the existing adopted core path to the north and west of the site should be included as part of the site design”. The B999 lies to the north of the site and there are no adopted core paths to the west of Tarves to link to (684).

The location of the 3 hectares of employment land should be identified and delineated on the location map to make it clear where this will be. The employment land should be at the edge of the site and accessed via an improved junction or roundabout at the existing crossroads. Reserved 'R' designation land should be identified for the improved junction. The employment land should not be included within the settlement boundary, thus avoiding it simply becoming housing land as has happened elsewhere due to sites being surrounded by housing. A BUS designation 'safeguarded for employment uses' would be appropriate here (684).

A respondent indicates that the Proposed Action Programme 2015 anticipates that OP1 will be developed in two phases, with 50 units between 2007 and 2016 and the remaining 50 units between 2017 and 2023. A Masterplan has not been completed for this site and housing is, therefore, unlikely to be delivered in the first Plan period. This is supported by the Housing Land Audit 2015 which identifies that there would be no development in the period between 2007 and 2016. The respondent considers that site FM027 is capable of being developed and should be identified to ensure the short-term local housing needs of Tarves is maintained. If additional sites are not allocated in Tarves, the constrained OP1 site should be removed from the Local Development Plan and a new site identified to meet the shortfall in housing land that will result (71).

The boundary of site OP1 does not reflect the enlarged site granted permission and currently nearing completion (684).

OP2 Braikley Park

The correct spelling is “Braiklay”. Clarification is required as to the meaning of the sentence “links to the existing adopted core path to the south of the site should be included as part of the site design”. It would appear that the locations of OP1 and OP2 have been confused in this respect. The B999 lies to the south of the site (684).

OP3 Land at Braikley Croft

The correct spelling is “Braiklay”. The Community Council disagree with the employment
land allocation as the site is constrained by housing on both sides. If this allocation progresses it will jeopardise access from Duthie Road to OP2 and make development of OP2 unworkable (684).

Additional Sites

Bid Site FM027

This is a logical area for a small scale expansion to the existing settlement. The site would round off the settlement to the north west and make use of brownfield land. Scottish Planning Policy (SPP) supports development in locations that allow walkable access to local amenities. This site is well within 1600m of facilities, defined in Planning Advice Note 75 Planning for Transport as an appropriate walking distance, and can provide sustainable access to facilities. The suggestion in the Main Issues Report that the site is located a considerable distance from the town centre and key services is unsubstantiated and strongly refuted. A 5 year supply of effective housing land is not being achieved in Tarves and the site should be identified to ensure an effective housing land supply. If it is not accepted that additional sites should be identified in Tarves, then the constrained OP1 site should be removed from the LDP and a new site identified to meet the shortfall in housing as a result (71).

Settlement Boundary

The settlement boundary at the North end of Bain’s Park should reflect the approved planning application (684).

Modifications sought by those submitting representations:

Vision

More information should be given regarding the need for housing and employment land in the settlement (36).

The spelling of “Braikley” should be amended to read “Braiklay” (684).

Settlement Features

The small play park on the corner of Mackie Avenue and Duthie Webster Road should be included as protected land (684).

The glebe field to the east of the Old Manse (and north of the cemetery) should be protected from development to protect the setting of the Old Manse and the village itself (684).

Services and Infrastructure

The Plan should require upgrades to infrastructure and facilities, including Tarves Primary School, proposed to be completed before new housing or employment development (36).

Text in Services and Infrastructure should include provision of GP healthcare facilities in Tarves (684).
Developer contributions for development in Tarves should go towards Barthol Chapel Church (684).

Allocated Sites

OP1 The Grange

Site OP1 should be removed from the Plan as it is ineffective (71).

The affordable housing of site OP1 should be changed from 25% to 15% (321, 322).

Clarification is needed on what is referred to in sentence 7 "Links to the existing adopted core path to the north and west of the site should be included as part of the site design” (684).

Text should be amended to include "25 affordable homes or 25% must be provided, whichever is the greater" (684).

The employment land should be at the edge of the site and accessed via an improved junction or roundabout at the existing crossroads. The location of the 3 hectares of employment land should be identified and delineated on the location map to make it clear to all where this will be. A BUS designation "safeguarded for employment uses“ would be appropriate on the employment portion of this site (684).

The OP1 boundary should reflect the enlarged site granted planning permission and currently nearing completion (684).

OP2 Braikley Park

The meaning of the sentence “links to the existing adopted core path to the south of the site should be included as part of the site design” should be made clearer and, if the locations of Sites OP1 and OP2 have been confused, correct them (684).

OP3 Land at Braikley Croft

OP3 should be removed from the Plan (684).

Additional Sites

Bid Site FM027

It is requested that site FM027 is allocated for residential development. This could be in addition to the existing allocations in Tarves or could replace allocations that are constrained. The Proposals Map for Tarves and Table 4 in Appendix 5: New Housing Land Allocations should, therefore, also be amended to include this site (71).

Settlement Boundary

The settlement boundary at the North end of Bain’s Park should reflect the approved planning application (684).
Summary of response (including reasons) by Planning Authority:

Tarves is located in the Aberdeen Housing Market Area within a local growth and diversification area. The village is, therefore, appropriate for a level of growth related to local needs. The proposed housing land allocations for the town were considered in detail during the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 65 and the subsequent MIR 2013, Issues and Actions Paper 099 – Tarves). The MIR 2013 outlined a preferred option to carry forward the housing land allocations from the Tarves Settlement Statement of the 2012 Local Development Plan (see LDP 2012, Supplementary Guidance Volume F: Tarves). There is also a new employment land allocation in the town. As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Vision

The various concerns about the housing and employment allowances in the Plan are acknowledged and a full discussion of the issues raised are discussed in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy and Schedule 4, Issue 5: Shaping Business Development. As demonstrated in those documents, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and an appropriate and sufficient supply of employment land which satisfies the Strategic Development Plan's allowances. It is, therefore, appropriate to keep these sites in the Plan to ensure the Strategic Development Plan (SDP) 2014 allowances are met. No change is required.

Concerns about school capacity are unfounded. Tarves Primary School is currently at 81% capacity and is projected to be at 67% capacity by 2019 (see School Roll Forecasts 2015, Meldrum Network). Concerns in respect of road capacity will be subject to detailed consideration at the planning application stage. In any case, all development in Tarves must contribute towards road and junction improvements to the crossroads at the western edge of settlement. No change is required.

Settlement Features

The play park is offered a level of protection from inappropriate development by Policy P3 Infill and Householder Developments within Settlements which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is, therefore, unlikely to be necessary to prevent inappropriate development from taking place on this site. The glebe field lies outside of the settlement boundary, therefore, it is considered to be adequately protected under Policy R2 Housing and Business Development Elsewhere in the Countryside. No change is required.

Services and Infrastructure

NHS Grampian has advised that contributions will be required to be made to Haddo Medical Group which is based in Pitmedden, as this is where the new development will have an impact. There are no plans for a new surgery in Tarves. No change is required.
To ask for contributions for Barthol Chapel Church would fail the tests set out in Planning Circular 3/2012 regarding relation to the proposed development. No change is required.

Allocated Sites

OP1 The Grange

The arguments presented by the respondent to fix the affordable housing percentage at 15% are acknowledged. However, SPP indicates that housing developments are required to be no more than 25% and the Housing Need and Demand Assessment 2011 identified a requirement for around 38% of new homes to be affordable. This level of need will not have diminished. Affordable Housing was a Main Issue (see MIR 2013, Issues and Actions 015 – Policy 6 Affordable Housing) and the approach follows from this analysis. It is national policy that new development should make a contribution towards affordable housing and Aberdeenshire Council are unaware of any legal challenge to this on the basis of it being akin to confiscation of assets. It is the legal responsibility of Aberdeenshire Council to review the Local Development Plan every five years and potential allocations in each Local Development Plan should be treated as new considerations. Therefore, the affordable housing level was always liable to change. Furthermore, the Proposed LDP 2015 replaces the LDP 2012 – they cannot both be in use at the same time – and the existing contracts and viability assessments can be honoured through the application and granting of a consent under the current Plan. The argument that the 25% requirement is contrary to Planning Advice Note (PAN) 2/2010 Affordable Housing and Housing Land Audits is incorrect. The respondent is correct to consider the affordable housing requirement in their financial appraisals. However, the LDP 2012 was consistent with the Planning Advice Note (PAN) 2/2010 by stating with certainty what the requirements were and the Proposed Plan does the same - it is simply an update. Additionally, the argument that the Proposed LDP 2015 does not follow Planning Circular 3/2012 Developer Obligations and Good Neighbour Agreements is incorrect. The Proposed LDP 2015 is consistent with national policy in that contributions are sought to make development acceptable in planning terms and only where contributions serve a planning purpose and relate in scale and kind to the development. No change is required.

The 'core path' refers to the B999 road, as noted in the Core Path Plan. No change is required.

Regarding amending the text to include "25 affordable homes or 25% must be provided, whichever is the greater", 100 homes have been allocated on the site therefore 25 affordable homes are the maximum number that can be requested according to Supplementary Guidance 7 Developer Obligations. No change is required.

Concerns about where the employment land on Site OP1 will be situated are acknowledged. That level of detail is not appropriate for the Proposed LDP 2015 to stipulate. A Masterplan requires to be produced and this will establish, amongst other things, the general layout of the development. No change is required.

The map currently reflects the surrounding developments and planning permissions. Therefore there is no need to update the OP1 allocation. No change is required.
OP2 Braikley Park

A minor technical change will be made to correct the spelling to Braiklay in the two instances where Braikley was used.

The “core path” refers to the B999 road, as noted in the Core Path Plan. No change is required.

OP3 Land at Braikley Croft

Site constraints and access issues are noted, however, these are issues which can be considered through the development management process. Policy P1 Layout Siting and Design states that development is only approved if the design demonstrates it helps to create well connected places and promotes intermodal shifts and active travel. Any development on site OP3 will be thoroughly studied to ensure access will not be compromised to site OP2. No change is required.

Additional Sites

Bid Site FM027

It is acknowledged that the bid is on a brownfield site and is within an appropriate walking distance of services. However, there are two existing development allocations for Tarves which are both closer to the centre of the town and key services and fulfil the local need for development. This was the conclusion of the assessment of the MIR 2013 (see MIR 2013, Issues and Actions 099 – Tarves) and remains valid. No change is required.

Settlement Boundary

The settlement boundary outlined in the Plan was thoroughly reviewed after receiving this representation and it appears that, while it is possible that developers used land for earthworks which were outwith the site boundary while developing, this has subsequently been returned to its original state. There are currently no developments or approved planning applications outwith the settlement boundary that would warrant an adjustment to be made. The settlement boundary is considered to be correct. No change is required.

Reporter’s conclusions:

Tarves - Vision

1. Housing land supply and distribution are considered under issues 7 and 8. Allocation of land for new housing at Tarves is required to contribute to the established housing land supply requirement. The village is within the Aberdeen Housing Market Area where the strategic plan identifies a housing target of 9,965 houses to 2016 and a further 15,017 up to 2026. Through Issue 7 it is clear that there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless, completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.

2. The strategic plan indicates that some of the housing allowance should be met in areas described as “Local Growth and diversification areas” in Aberdeenshire.
Paragraph 3.43 explains that levels of growth in individual settlement should relate to local needs. Figure 5 indicates a housing allowance of 1,000 houses to 2016 and 1,350 in the remaining period to 2026. Paragraph 3.44 also explains that employment land should be made available to meet local needs. Sites in Tarves are identified in this context.

3. Employment land supply and distribution are considered under issue 5. With particular reference to Tarves, I note that new housing has recently been constructed on several sites and that the proposed plan identifies land for a significant amount of further new housing. I find that the land identified at Tarves for employment development encourages developments that would provide opportunities for existing and future residents to work locally. Working locally reduces the need to travel. Scottish Planning Policy (paragraph 270) says that the planning system should support patterns of development which reduce the need to travel.

4. There is concern about the capacity of the primary school. I note from the Council’s response that forecasts indicate that the school will have significant spare capacity.

5. Regarding road capacity, the Council refers to road and junction improvements. I note that the proposed plan shows four sites allocated for development at Tarves. Of these, OP1 is by far the largest. Its development is likely to generate a particularly significant amount of traffic. In view of this and of the concern in the representation, I consider that the proposed plan should say that a transport assessment will be required and that the results of the assessment must be taken into account when proposals for the development of the site are brought forward. The proposed plan should be altered accordingly.

6. It is contended that other facilities should be enhanced before there is further development. Reference is made to the local shop, pub and chemist. I have no details of how these or any other facilities might not be able to cope with additional development. For this reason, I am unable to find that the proposed plan should be altered in response to this concern.

7. My overall conclusion is that the Vision section for Tarves should not be altered, but extra text requiring a transport assessment should be added the OP1 box.

Tarves - Settlement Features - site at the corner of Mackie Avenue and Duthie Webster Road

8. The site at the corner of Mackie Avenue and Duthie Webster Road is a grassed area that appears to function as a public open space. I have no information as to the origin and ownership of this area. It looks as though it might have been provided as part of the adjacent housing development. I presume that it is not owned by Aberdeenshire Council.

9. Policy P3 says that sites that have no specific land use designation within settlements may provide development opportunities. The policy goes on to qualify this, but does not provide the same level of protection as is given to sites that are designated as protected land and thus are subject to Policy PR1.

10. I note that other areas of open space in Tarves are designated as protected land, although none is as small in extent as the Duthie Webster Road site.

11. From my inspection, I find that the site at the corner of Mackie Avenue and Duthie Webster Road makes a useful contribution to the amenity of the locality. It is worthy of the
greater level of protection that is afforded by the protected land designation, and the proposed plan should be altered accordingly.

**Tarves - Settlement Features - the Glebe Field**

12. The Glebe Field is outwith the settlement boundary and is subject to Policy R2. This policy does not support development on the Glebe Field. I find that this gives adequate scope to protect the setting of the Old Manse and the village. The proposed plan need not be altered.

**Tarves - Services and Infrastructure**

13. Representation 684 suggests that the active kirk at Barthol Chapel should be considered for receiving any contributions from development. The representation does not explain how development at Tarves would create a need for additional facilities associated with the kirk at Barthol Chapel, especially as Tarves has its own parish church. My conclusion is that the proposed plan need not be altered.

14. It is suggested that GP healthcare facilities should be provided in Tarves. I note that there are health care facilities in Pitmedden and that there are no plans for a new surgery in Tarves. In view of this, I find that it would not be appropriate to include provision of healthcare facilities under Services and Infrastructure for Tarves.

**Tarves - site OP1: The Grange - affordable housing**

15. The existing local development plan generally requires 25% of new houses to be affordable, but Tarves is identified as a location where the proportion of affordable houses is 15%. In the proposed plan, Policy H2 says all new housing developments of four or more houses must include no less than 25% of the serviced plots for affordable housing.

16. Representations 321 and 322 contend that the increase from 15% to 25% is inequitable. They say that commitments to development have been made on the basis of the existing plan. Development profitability at Tarves is limited and cannot sustain a 25% requirement. The increase is not justified by an updated housing needs assessment and is contrary to Scottish Government advice.

17. I note that representations concerning Policy H2 are considered under issue 9, where it is concluded that the 25% requirement should stand. An adjustment to the wording of Policy H2 is recommended.

18. Policy H2 indicates that, in exceptional circumstances, a proportion less than 25% for affordable housing may be accepted. The policy says that supplementary guidance will outline the exceptional circumstances where a lower contribution may be appropriate. Draft supplementary guidance entitled “Affordable Housing” includes on page 4: “….. any affordable housing requirement could be reduced in exceptional circumstances if this would result in the development becoming financially unviable”.

19. The content of supplementary guidance is outwith the remit of the present examination, but the clear statement in policy H2 regarding exceptional circumstances and the quotation in the preceding paragraph indicate to me that there is scope for concern about the viability of development on site OP1 to be taken into account during the application for planning permission process.
20. I note that representation 684 contends that the proposed plan should require 25 affordable homes or 25%, whichever is the greater. As indicated in paragraph 17 above, this is addressed by policy H2.

21. From all the foregoing, my conclusion is that the proposed plan need not be altered.

**Tarves - site OP1: The Grange - other matters**

22. It is contended that the boundary of OP1 does not reflect recent adjacent development. From my inspection, I find that the Presly Avenue housing development that now occupies land to the west of Braiklay Avenue extends a short distance into site OP1. The boundary of OP12 should be adjusted to reflect this fact.

23. I note that core paths go along Duthie Road to the north of the site and along the unclassified road to the west of the site. In view of this, there is no need to alter this aspect of the text for OP1.

24. Text for site OP1 says that a master plan will be required. I find that this will provide opportunity to consider the best location for the employment land. A master plan will also identify whether there is need to reserve land for alteration of the road junction at the north-west corner of the site. I find that it is appropriate that the employment land is included in the settlement boundary. This avoids possible conflict with Policy R2. My conclusion is that these considerations do not require alteration of the proposed plan.

**Tarves - site OP2: Braiklay Park**

25. The spelling of “Braiklay” should be corrected.

26. I note that a core path goes along Duthie Road to the south side of the site. In view of this, there is no need to alter this aspect of the text for OP2.

**Tarves - site OP3: Braiklay Croft**

27. The spelling of “Braiklay” should be corrected.

28. Regarding concern that there is housing on both sides of site OP3, I note that the text for this site indicates that development is to be restricted to Use Class 4. Use Class 4 comprises uses that can generally be carried on in a residential area without detriment to the amenity of that area.

29. Regarding access, from my inspection I note that the site’s frontage to Duthie Road is about 70 metres long and Duthie Road is straight, with good visibility. I find no reason why access for site OP3 cannot be arranged so that it has no adverse effect on access to site OP2. Site OP1 is on the opposite side of Duthie Road, and its development must also be taken into account. Access to all three sites needs to be co-ordinated to ensure that development on any one site does not prejudice access to any other site. This should be stated in the proposed plan.

30. My conclusions are that (a) the existence of housing adjacent to site OP3 does not justify deletion of the proposed employment land designation and (b) the proposed plan should require co-ordination of access arrangements for sites OP1, OP2 and OP3.
31. I find that development on bid site FM027 is supported by the fact that the site is brownfield (paragraph 40 of Scottish Planning Policy refers), by the existence of unused capacity in the local primary school and by the presence of local services within walking distance.

32. Reference is made to the 18-house development on land to the south. I noted during my inspection that this development is now complete. On the northern boundary of the 18-house development is a 1.8 metres high timber fence which separates it from the bid site.

33. Evidence does not demonstrate whether a link between the 18-house development and the bid site could be provided. In any event, I do not agree that development on the bid site would constitute a rounding-off of the settlement. The 18-house development already forms an outjut of the built-up area. This would be extended yet further into the countryside by development on the bid site. The bid site has no feature of landscape significance on its northern and eastern boundaries. I find that the suggested tree belt on the northern boundary and the current overgrown condition of the site are not considerations that overcome the disadvantages of what would be an inappropriate extension to a generally compact built-up area.

34. As indicated in paragraphs 1 and 2 above, there is, in the proposed plan as a whole, a sufficient supply of housing land which is effective or capable of becoming effective in the plan period. In the particular case of Tarves, I find that any on-going local need for new houses will be adequately met by development on Tarves sites OP1 and OP2.

35. My conclusion is that bid site FM027 should not be allocated for development.

Tarves - settlement boundary at Bain’s Park

36. From my inspection, I find that the built-up area at the north end of Bain’s Park (the 18-house development) is defined by a fence that follows a straight line going east from the B999 road. In the proposed plan, the settlement boundary for Tarves has a slight northerly extension beside this section of the B999. I find that the settlement boundary should coincide with the actual boundary of the north end of Bain’s Park. The proposed plan should be altered accordingly.

**Reporter’s recommendations:**

1. In the Tarves section of appendix 8, under Settlement Features, after the entry for site P4 insert the following:

   “P5 To conserve the open space at the corner of Mackie Avenue and Duthie Webster Road.”

2. In the Tarves section of appendix 8, on the settlement map show the open space at the corner of Mackie Avenue and Duthie Webster Road as a protected area, P5.
3. In the Tarves section of appendix 8, in the text for OP1: The Grange after the second sentence insert the following:

“A transport assessment will be required. The results of the assessment must be taken into account when proposals for development of the site are brought forward. Access arrangements must be co-ordinated with accesses to sites OP2 and OP3 to ensure that development on all three sites may have satisfactory access.”

4. In the Tarves section of appendix 8, on the settlement map adjust the boundary of site OP1 so that it coincides with the boundary of the houses that have now been built at Presly Avenue.

5. In the Tarves section of appendix 8, in the text for OP2 delete “Braikley” and put instead “Braiklay”.

6. In the Tarves section of appendix 8, in the text for OP2 after the second sentence (which ends “…. in place.”) insert the following.

“Access arrangements must be co-ordinated with accesses to sites OP1 and OP3 to ensure that development on all three sites may have satisfactory access.”

7. In the Tarves section of appendix 8, in the text for OP3 delete “Braikley” and put instead “Braiklay”.

8. In the Tarves section of appendix 8, in the text for OP3 after “…. Duthie Road.” insert the following.

“Access arrangements must be co-ordinated with accesses to sites OP1 and OP2 to ensure that development on all three sites may have satisfactory access.”

9. In the Tarves section of appendix 8, on the settlement map adjust the settlement boundary at the north end of Bain’s Park so that the boundary shown on the map is the same as the boundary of the built-up area as defined by the fence on the north side of Bain’s Park.
<table>
<thead>
<tr>
<th>Issue 39</th>
<th>Shaping Formartine – Turriff</th>
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</thead>
<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Formartine 69</td>
</tr>
<tr>
<td>Body or person(s) submitting a representation raising the issue (including reference number):</td>
<td></td>
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<tr>
<td>Keith Newton (6)</td>
<td></td>
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<tr>
<td>Morrison (332)</td>
<td></td>
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<tr>
<td>Messrs Paterson, Rennie and Cameron (547)</td>
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<tr>
<td>Provision of the Development Plan to which the issue relates:</td>
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<tr>
<td>Settlement vision, infrastructure and opportunities</td>
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<tr>
<td>Planning Authority's summary of the representation(s):</td>
<td></td>
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<tr>
<td>Settlement Features</td>
<td></td>
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<tr>
<td>There is an error in the mapping of P2 as it contains a fully developed housing scheme (6).</td>
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<tr>
<td>Allocated sites</td>
<td></td>
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<tr>
<td>OP1 Adjacent to Wood of Delgaty</td>
<td></td>
</tr>
<tr>
<td>The spelling of distributer should be distributor. The Proposed Local Development Plan (LDP) 2015 should specify whether the new road will be a distributor road or a bypass (6).</td>
<td></td>
</tr>
<tr>
<td>The woodlands at OP1 should not be considered to be part of the site's open space requirement, as they would remain even if no housing was developed. Clarification is also sought as to whether the woods are ancient woodland and whether the Council is willing to see a large part of the existing woodland destroyed (6).</td>
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<tr>
<td>Another respondent expressed their support for the continued and unaltered inclusion of the OP1 allocation (547).</td>
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<tr>
<td>OP2 North of Shannock’s View</td>
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<tr>
<td>There should be provision for expansion of OP2 to the areas to the north-east and west. To not provide this would be the antithesis of good planning (6).</td>
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<tr>
<td>Settlement Boundary</td>
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<tr>
<td>An amendment of the settlement boundary adjacent to Kinnaird House should be made. This would include the area between the A947 and the Burn of Wards or the A947 and site OP4. The natural growth of Turriff in this direction is recognized with the adjacent allocations at BUS2, BUS3, OP3, OP4 and OP5 and OP1. A minor extension to the</td>
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</table>
boundary to include the existing development here is logical. The site is well connected to the town and there is no detrimental landscape impact arising from including this group of properties within the settlement boundary (332).

**Modifications sought by those submitting representations:**

<table>
<thead>
<tr>
<th>Settlement Features</th>
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<tbody>
<tr>
<td>Adjust boundary of P2 to exclude the area of housing (6).</td>
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</table>

<table>
<thead>
<tr>
<th>Allocated sites</th>
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<tbody>
<tr>
<td><strong>OP1 Adjacent to Wood of Delgaty</strong></td>
</tr>
<tr>
<td>Correct the spelling mistake in the text of OP1 'distributer’ to 'distributor' and amend the text to indicate that retention of the woods is not included in the developer's open space obligations (6).</td>
</tr>
</tbody>
</table>

| **OP2 North of Shannock's View** |
| Include provision for a future extension into the areas to the NE and West of OP2 (6). |

<table>
<thead>
<tr>
<th>Settlement Boundary</th>
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<tbody>
<tr>
<td>Adjust the settlement boundary to include land adjacent to Kinnaird House (332).</td>
</tr>
</tbody>
</table>

**Summary of response (including reasons) by Planning Authority:**

Turriff is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 Spatial Strategy identifies in Paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs.

Planning objectives for Turriff include meeting the local demand for new housing in the rural housing market area and providing opportunities for employment. The proposed land allocations are largely unchanged from the Turriff Settlement Statement of the Aberdeenshire Local Development Plan 2012 (see LDP 2012, Supplementary Guidance Volume F: Turriff), and include 5 opportunity sites which consist of housing and employment allocations and a new primary school. The proposed allocations were considered in full at the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 70 and the subsequent MIR 2013, Issues and Actions Paper 101 – Turriff).

**Settlement Features**

The area of housing has been included in P2 in error. As a non-notifiable modification, an amendment will be made to the map to exclude the houses from the boundary of P2. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.
Allocated Sites

OP1 Adjacent to Wood of Delgaty

Support for the allocation of OP1 is welcomed.

A minor technical change will be made to correct the spelling of “distributor” in the two instances where this variation is used.

The new road will be developed initially as a distributor road, although with the potential for a future upgrade to a bypass. The Masterplan for site OP1 should reflect this. Therefore, the wording in the descriptive text for OP1 "eastern bypass/distributor road" is appropriate. To ensure greater clarity, as a non-notifiable modification the “Services and Infrastructure” section will be amended under the “local transportation” heading to read: “A distributor road, with the potential to upgrade to a bypass, will be required to the east of the settlement to relieve congestion to the town centre. All sites will be required to contribute proportionally to the first stages of this road.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Concern raised about the loss of woodland is acknowledged. Most of the Wood of Delgaty is ancient woodland. The principle of development on this site was established by the LDP 2012 and its subsequent Examination (see Examination Report – Aberdeenshire Local Development Plan 2012, pages 776-782). The Examination recognised that the site is strategically well placed to incorporate the planned new distributor road that is required to relieve traffic congestion in the town centre. No representations were received from Scottish Natural Heritage or the Forestry Commission objecting to the principle of development on this site and the loss of ancient woodland. The design of the proposed development will involve a Masterplan process and details of how to minimise the loss of woodland will best be considered during the masterplanning stage of the development management process. Any loss of woodland post-2016 will be required to follow Policy PR1 Protecting Important Resources, which minimises loss and damage to woodland of significant ecological, recreational, historical, landscape or shelter value. This will ensure that any development in the Woods of Delgaty will have a significant public benefit that outweighs any loss or damage and that compensatory planting is undertaken. No change is required.

OP2 North of Shannock’s View

Current allocations in Turriff are deliverable and sufficient to meet the settlement's planning objectives. Given there is a sufficient supply of deliverable housing sites within the Rural Housing Market Area, there is no strategic or local need for the extension of the OP2 allocation. A more detailed response to the comments regarding the overall housing land supply and the delivery of existing housing allocations are outlined in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. Issues of future access from site OP2 to the field to the west are best considered during the planning application process, in line with the approved Masterplan. No change is required.

Settlement Boundary

The scale of housing and density adjacent to Kinnaird House is more in keeping with a rural hamlet or isolated cluster than a large town. There are no street lights or pavement. There are also no clear paths or edges from which any robust and defensible boundaries
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

could be formed. In light of this, the group should be considered under the rural development policies. Moving the settlement boundary would likely result in infill development of a scale unsuitable for the level of development currently in this location. Revision of this position would be appropriate following start of development on site BUS 3. No change is required.

Reporter's conclusions:

Turriff - Settlement Features: area P2

1. Under the Settlement Features for Turriff, area P2 is designated to conserve an area which is open space and part of the green network. The boundary of P2, as shown on the settlement map, includes the recent, small housing development at St Congan’s Circle. I find that this is inconsistent with the purpose of the P2 designation. The boundary of area P2 should be altered so that it excludes St Congan’s Circle.

Turriff - site OP1: Adjacent to Wood of Delgaty

2. Text associated with site OP1 refers to a “bypass/distributor road”. The representor wishes to know whether the road is to be a distributor road or a bypass road as this affects the standard of construction. To address this, the Council suggests an amendment to text under Services and Infrastructure. I agree that this is necessary so that the clarification provided by the Council is incorporated into the proposed plan. To ensure that the text under Services and Infrastructure is consistent with the text associated with OP1, the latter should also be amended.

3. Regarding Wood of Delgaty, I note that most of this wood is ancient woodland and that a large proportion of the wood is within the boundary of the OP1 site. In the proposed plan, the text associated with OP1 says that the distributor road will need to be designed to minimise any damage to the wood. I also note that there is no objection from the Forestry Commission or from Scottish Natural Heritage and that the principal of development on this site was relatively recently examined and endorsed as part of the Aberdeenshire Local Development Plan 2012.

4. Ancient woodland is an important resource which should be protected and enhanced (Scottish Planning Policy, paragraph 194). Proposals which adversely affect such woodland should not normally be permitted. In the present case, I find that site OP1 provides the chief area for meeting the need for new housing at Turriff. No alternative, more suitable area on which to meet this need has been put forward. The 2012 Local Plan examination report found that the site “is strategically well placed to incorporate the planned new distributor road that is required to relieve traffic congestion in the town centre – with the potential for upgrading to a bypass in future.” No change in circumstances since 2012 has been drawn to my attention. In my view, the finding in the 2012 report remains valid.

5. Taking into account all of the foregoing considerations, I find that any adverse effect on ancient woodland, if minimised as required by the proposed plan, is justified by the need for development within site OP1.

6. Regarding open space provision, the proposed plan says that retention and expansion of the wood should be a significant part of the open space obligations on the site. It does
not say that this would be the only open space. The extent to which open space should be provided on other parts of the site would be identified during preparation of the required master plan.

7. The spelling of “distributor” should be corrected.

8. My overall conclusion is that, apart from the minor changes identified above, the proposed plan need not be altered.

Turriff - site OP2: North of Shannock’s View

9. The Council’s response to representation 332 seems to imply that the representation seeks extensions to site OP2. My reading of the representation is that it is not seeking extensions to OP2. It simply says that the design of development within site OP2 should provide for future extension into areas to the north-east and west.

10. I find that, at some future date, beyond the period which is addressed in the proposed plan, a need for more housing land at Turriff might be identified. During my inspection, I saw no obvious physical obstacle to some extension of development on OP2 on to land to the north-east and west. Whether such extension would in fact be supported in a future plan would depend on the outcome of detailed site appraisals and the availability of other, perhaps better located, sites.

11. One of the qualities of a successful place is that it is easy to move around (Scottish Planning Policy, paragraph 46). The planning system should support patterns of development which provide convenient opportunities for walking and cycling and which facilitate travel by public transport (Scottish Planning Policy, paragraph 270). While this guidance is primarily directed to connectivity between the existing urban area and identified development sites, it also implies that new development should not unnecessarily create barriers to possible longer-term development beyond the existing urban area.

12. From the foregoing, I find that there is considerable uncertainty as to whether there would ever be further development beyond the boundary of OP2. The design of development on OP2 should take this into account, and provide for boundary treatment that gives a satisfactory edge to the built-up area. On the other hand, development within OP2 should not unnecessarily act as a barrier to possible further extension of the built-up area in this locality.

13. My conclusion is that the proposed plan should make some reference to providing for possible development to the north-east and west of site OP2. As this could require review of the master plan that has been prepared, the text under OP2 should not refer to this master plan. The proposed plan should be altered accordingly.

Turriff - settlement boundary at Kinnaird House

14. On the south-east side of the A947 in the vicinity of Kinnaird House there is a large commercial site. Notwithstanding this, the setting of Kinnaird House and other residential properties to the north-west of the A947 is distinctly rural - development has not yet taken place on sites OP5 and BUS3. In view of this, I find it appropriate that Kinnaird House and adjacent land should be subject to rural development policies, rather than policies for development within settlement boundaries.
15. My conclusion is that the proposed plan need not be altered.

**Reporter's recommendations:**

1. In the Turriff section of appendix 8, under Services and Infrastructure, the first bullet point should be deleted and in its place the following should be inserted:

   “Local transportation: A distributor road, with the potential to upgrade to a bypass, will be required to the east of the settlement to relieve congestion in the town centre. All sites will be required to contribute proportionally to the first stages of this road.”

2. In the Turriff section of appendix 8, in the text associated with site OP1 delete the sentence that begins “Access via Banff Road…..” In its place put the following:

   “Access via Banff Road (A947) and Balmellie Road may provide logical access points to the development through a new distributor road. (See the Services and Infrastructure section, above.) The road must be designed to minimise any damage to the Woods of Delgaty. Compensatory planting may be required.”

3. In the Turriff section of appendix 8, in line 10 of the text associated with site OP1 delete “distributer” and put instead “distributor”.

4. In the Turriff section of appendix 8, in the text associated with site OP2 delete the sentence “A masterplan has been approved by Aberdeenshire Council.” In its place put the following:

   “In the masterplan, development on OP2 must be designed so that it creates a satisfactory edge to the built-up area. At the same time, the masterplan should seek a layout design that does not unnecessarily act as a barrier to possible further extension of the built-up area in this locality.”

5. On the Turriff Keymap and on Turriff Map 2, the houses at St Congan’s Circle should be excluded from the area designated as P2.
## Issue 40

**Shaping Formartine – Udny Station**

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<thead>
<tr>
<th>Development Plan reference:</th>
<th>Appendix 8, Page Formartine 78</th>
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<tbody>
<tr>
<td>Reporter:</td>
<td>R W Maslin</td>
</tr>
</tbody>
</table>

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Irvine Christie (303)
- Various Landowners in the Aberdeen Housing Market Area (Local Growth) (304)
- Charles and Myra Simmers (306)
- NHS Grampian (610)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

### Services and Infrastructure

The NHS advised that there is no reference to healthcare contributions in Udny Station and this should be amended with contributions going towards healthcare provision at Balmedie (610).

### Additional Sites

**Bid Site FM076**

Case Consulting argued for three clients for the inclusion of bid site FM076 for 37 houses, employment land and provision of a football pitch and trim trail at Udny Station (303, 304, 306). The allocations in the Aberdeen Housing Market Area local growth area are inadequate and augmentation of the supply is necessary. It is suggested that the Members of the Infrastructure Services Committee failed to support the inclusion of the site because they were wrongly advised there was no requirement to allocate additional sites and that subsequently another 13 sites with a total capacity of 1022 houses were slipped into the LDP without any prior consultation or authorisation by Elected Members (303).

The existing allocation is not effective as the landowner has been trying to sell the site for nearly two years. Scottish Planning Policy (SPP) (paragraph 119) requires confidence that the allocation will deliver housing in the relevant Plan period. There is no evidence that the landowner is minded to deliver housing over the first Plan period to 2016. SPP would, therefore, require an appropriate assessment of the allocation and consideration of a reasonable alternative (303).

It is also suggested that a detailed analysis of the access issues relating to the existing allocation and a copy of the Schedule of Particulars of the existing allocation submitted in support of the new bid have been ignored by officials. This Schedule of Particulars...
contained an indicative site layout which confirmed that the area and shape of the site ruled out any possibility of delivering the required number of houses or any of the employment land (303).

**Modifications sought by those submitting representations:**

**Services and Infrastructure**

The Settlement Statement should be amended to include contributions to healthcare facilities in Balmedie (610).

**Additional Sites**

**Bid Site FM076**

Allocate bid site FM076 for 37 houses, employment land and provision of football pitch and trim trail at Udny Station (303).

Allocate additional sites in the AHMA (local growth area) (304).

**Summary of response (including reasons) by Planning Authority:**

Udny Station is located in the Aberdeen Housing Market Area within a “local growth and diversification area”. In accordance with paragraph 3.43 of the Aberdeen City and Shire Strategic Development Plan (SDP) 2014, the town is, therefore, appropriate for a level of growth related to local needs. The proposed land allocations are essentially unchanged from the Udny Station Settlement Statement of the Local Development Plan (LDP) 2012 (see LDP 2012, Supplementary Guidance Volume F: Udny Station). The proposed allocations were considered in full in the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 78 and the subsequent MIR 2013, Issues and Actions Paper 103 – Udny Station).

As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are necessary.

**Services and Infrastructure**

In discussions with the NHS during the preparation of the Proposed LDP 2015, guidance was requested from the NHS as to where contributions were required for health services. At the time, there was no instruction that contributions were needed in Udny Station towards Balmedie Health Centre. The Proposed LDP 2015 reflects the information that was provided at the time. However, based on this new information provided by NHS Grampian, text will be substituted under Health Facilities. As a non-notifiable modification, the wording under Health Facilities should be amended to read: “All residential development must contribute to a new health centre at Balmedie” as a non-notifiable modification. Aberdeenshire Council will not be opposed to the Reporter making the above modification, or a variation thereof.
Additional Sites

Bid Site FM076

The various concerns about the housing allowances in the Plan are acknowledged and a full discussion of the issues raised are discussed in Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy. As demonstrated in that Schedule 4, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area.

It is not agreed that the Infrastructure Services Committee was wrongly advised on site allocations. Throughout the Plan preparation process, appropriate recommendations were made both to Area Committees and to Infrastructure Services Committee regarding housing land supply. Members also thoroughly scrutinised all the Settlement Statements in early 2015 when they discussed these documents at the Area Committees.

Additionally, the MIR is not a draft version of the Plan, its purpose being to engage the public and other stakeholders and concentrates on key changes that have occurred since the previous Plan was adopted and that all housing allocations contained in the Proposed Plan do not have to be contained in the Main Issues Report. This is consistent with Planning Circular 6/2013 Development Planning. Some sites have been included in the Proposed LDP 2015 without the benefit of inclusion as a preferred site in the MIR 2013 but, as these were options within the MIR 2013, adequate publicity was given. Even if sites are not included in the MIR 2013, the LDP Examination will consider any responses received to the subsequent Neighbour Notification and other publicity associated with their inclusion in the LDP and will make a judgement on that basis. There is no impact on natural justice for those who may wish to object to the inclusion of the sites.

Furthermore, the MIR 2013 was written prior to the publication of Planning Circular 6/2013. Subsequently, Planning Circular 6/2013 stated in paragraph 81 “the Plan should … include all the allocated site and committed sites”. As a result of this, committed sites have been added into the Proposed LDP 2015. Such sites would not have been included in the MIR as there had been no changes to their circumstances since the last Plan. These sites were not added to augment the housing land supply, but rather to fulfil the requirements of Planning Circular 6/2013. This was explained to Members at a meeting of Aberdeenshire Council when considering the Proposed LDP 2015, where it was presented that “All sites that are available for development, including those that currently have planning permission, but on which a start on site has not yet been made, have been included as “opportunity” sites” (Report to Aberdeenshire Council 22 January 2015 – Proposed Aberdeenshire Local Development Plan 2016, paragraph 2.7).

Additional sites were added by Elected Members when the Issues and Actions papers were presented to the Area Committees. These were then endorsed by the Infrastructure Services Committee. These actions were conducted in an open and public manner and were not “slipped into” the Proposed LDP 2015. Only changes which were more significant, and which might result in disadvantage to an existing development or were in conflict with national policy, were highlighted at Infrastructure Services Committee.

It is not agreed that site OP1 is ineffective. The Action Programme 2015, page 104, produced with engagement with landowners and developers, shows that a Transport Assessment, Drainage Impact Assessment and Water Impact Assessment have been completed and a planning application is expected in 2015. The Housing Land Audit 2015,
Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 9 shows no constraints on the site either, contrary to the respondent’s claims. Indeed, the indicative plot layout of the land included in the Schedule of Particulars that was provided along with the response appears to indicate that the land is capable of accommodating 35 housing plots. That the land is being sold by a landowner prior to development is not an uncommon occurrence and is not a material matter for consideration.

Site FM076 was not recommended for inclusion in the MIR 2013 on the basis that there had been no material change since the last LDP Examination, where it was found that: “There is no reason at this time to consider allocating new land for housing in or around Udny Station… to meet either local needs or satisfy the requirements of the Structure Plan. …In summary, its deliverability and relative proximity to the local school are not sufficient reasons to merit the allocation of [the] site.” (Report of the Examination of the Local Development Plan, page 513-514) There has been no material change to the housing land requirements, nor to the effectiveness of the site at OP1. The comments made by the Reporter remain relevant and, therefore, there is no need to allocate this site. No change required.

**Reporter’s conclusions:**

**Udny Station - Services and Infrastructure**

1. I have no information as to what existing healthcare facilities there might be at Balmedie and whether they are unable to meet any additional demands arising from new housing at Udny Station. Nor do I have information about any plans and funding that might exist to upgrade or increase the capacity of healthcare facilities at Balmedie. Situations can change over time, and it might be that any present lack of necessary facilities in Balmedie would be made good prior to housing being built at Udny Station.

2. Matters relating to health-care provision are addressed in Issue 15: Responsibilities of Developers. The proposed plan recognises that the scale of proposed development may impact on other infrastructure including health and community facilities. The conclusion on that issue is that there is a current lack of information on the scale of such requirements and how this should be addressed. Whilst it may be appropriate to seek contributions for such provision any requirement would need to be considered on a case by case basis where a clear justification can be provided in the context of Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The feasibility of including such additional contributions and the impact on development viability would also have to be assessed.

3. Taking into account the foregoing, I find that it has not been demonstrated that there is bound to be a requirement for a healthcare contribution in relation to development at Udny Station. Nor has it been demonstrated that such a contribution would accord with the five tests in Circular 3/2012. For these reasons, in the text suggested by the Council “must” should be replaced by “may be required to”. With this change, I find that the Udny Station section of the proposed plan should be altered to make reference to healthcare.

**Udny Station - bid site FM076**

4. Need for land for more housing is addressed in issue 7. Udny Station is within the Aberdeen Housing Market Area where the strategic plan identifies a housing target of 9,965 houses to 2016 and a further 15,017 up to 2026. Through Issue 7 it is clear that
there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.

5. The strategic plan indicates that some of the housing allowance should be met in areas described as “Local Growth and diversification areas” in Aberdeenshire. Paragraph 3.43 explains that levels of growth in individual settlements should relate to local needs. Figure 5 indicates a housing allowance of 1,000 houses to 2016 and 1,350 in the remaining period to 2026.

6. Site FM076 is considerably larger than the Udny Station OP1 site. It could comfortably accommodate the maximum amount of development that the proposed plan envisages for OP1. This is shown by the Proposed Site Plan that accompanies representation 303. On this plan, as well as housing and employment use development, a football pitch, trim track and SUDS habitat feature are shown.

7. If both site FM076 and site OP1 were developed, Udny Station would be at least doubled in size. It has not been demonstrated that there is a local need for so great an amount of new development in this particular community.

8. Submissions do not indicate that local circumstances have changed significantly since the relatively recent examination of the 2012 local development plan. The 2012 local plan examination report found that while site FM076 is technically capable of being developed, it is located further from the village centre than site OP1 and so is more remote from most local services and facilities. The report found that site OP1 provides the better fit in wrapping round the eastern edge of the existing village envelope. In contrast site FM076 would only have a relatively limited contact with the eastern edge of the village. It would represent a large-scale and more prominent new extension of the village eastwards into the countryside, albeit in the direction of Cultercullen Primary School but still more than one kilometre from it. I see no reason to adopt a different view.

9. In a letter dated 1 February 2016, the agent for the representors submitted additional information. It is contended that the Udny Station OP1 site is constrained due to absence of adequate sight lines along the narrow frontage to the public road and due to the size and shape of the site.

10. During my inspection, I noted that the OP1 site adjoins a straight section of the public road. Although a summit has some limiting effect on visibility to the west, it was not immediately apparent to me that adequate visibility was unachievable. Submissions do not say what size of visibility splays is required. I have not seen any drawing that shows what visibility splays would be possible on either side of an access from the site to the public road. It is possible that necessary splays might require acquisition of a strip of land to the east of the site. If this is the case, there is no evidence to show that acquisition of such a strip would be a difficulty. From all of these considerations, I find that it has not been shown that access is a constraint to development of site OP1.

11. Regarding the size and shape of site OP1, the northwestern part of the site tapers to a sharp point. It would be of little use for built development, but could be put to some other worthwhile use such as a rear garden area, similar to what exists on the adjoining plots in Woodlea Gardens. Otherwise, I find that the size and shape of site OP1 is not a constraint to development.
12. Internal procedures of the Council are not within the remit of this examination.

13. Taking all these matters into account, I conclude that the size of site FM076 exceeds what is required to meet local needs and that development on it would not relate satisfactorily to the existing village. Site FM076 should not be allocated for development, and the proposed plan need not be altered.

**Reporter's recommendation:**

In the Udny Station section of appendix 8, under “Services and Infrastructure” add the following new bullet point:

“Health facilities: All residential development may be required to contribute to a new health centre at Balmedie.”
### Issue 41

<table>
<thead>
<tr>
<th>Shaping Formartine – Large Settlements Aberdeen Housing Market Area – Belhelvie and Udny Green</th>
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#### Development Plan reference:

Appendix 8, Page Formartine 8-9, & 76-77

**Reporter:**

R W Maslin

#### Body or person(s) submitting a representation raising the issue (including reference number):

- Donna Harvey (38)
- Lorraine Leslie-Bailey (82)
- Scotia Homes (115, 116)
- James & Audrey Mooney (171)
- Udny Green Planning Action Group (198, 311)
- James & Audrey Mooney (220)
- Margaret Williams (258)
- Peter Stephen (271, 272)
- Mr Leith (337)
- Bill Williams (398)
- Dr Hollie Capel (426)
- Udny Community Council (693)

#### Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

#### Planning Authority’s summary of the representation(s):

**Belhelvie**

**Allocated Sites**

**OP1 East End of Park Terrace**

Any development on site OP1 should include affordable homes, improved public transport and a safe walkway/pavement between Belhelvie and Balmedie & Poterton (38). Another respondent believes the site should be deleted and replaced with another allocation (116).

**Additional Sites**

**Bid Sites FM049 and FM050**

Site FM050 for 50 homes would be a logical and suitable expansion of the settlement. It would help to ensure a generous supply of housing land and concord with Scottish Planning Policy (SPP) (paragraphs 119-122). The representation also proposes that this site, along with site FM049, would form a more rounded off and coherent settlement edge and would allow more public benefit through increased developer obligations and by meeting local housing needs (115).
FM049 should be allocated for 20 homes, along with open space and landscaping to create a robust settlement edge to the village. The site would help to infill gaps left in the settlement between Cairntack Road and Cairntack Farm, helping to consolidate and round-off the settlement. It will link well to the existing development in Cairntack Road and help to complete and complement the houses there. It will provide flexibility and choice and respond to the existing local housing demand in Belhelvie. It is also argued that the site was favourably considered in the Main Issues Report (MIR) 2013 but not recommended for inclusion, with the respondent quoting the MIR 2013: “If a further housing allocation is required in future, a revised FM049 for 10 houses could be preferred as it is well related to the village and would constitute a proportionate and natural expansion” (see MIR 2013, Appendix Formartine, page 11). It is argued that this need exists and the site should be allocated, along with FM050 because together they would help to ensure a generous supply of housing land and concord with the SPP. The sites would help to deliver the strategic objectives of population growth and an increased level of house building and would maintain the supply of housing in light of new, higher population increase projections. It is also argued that upgrades to the local schools and drainage works have created additional capacity for these developments (116).

New Site to the East of Belhelvie

The site to the south of OP1 should be allocated as it relates well to the existing allocation and settlement. The site is more central than other proposals, and would be near to the existing playground and woodland without being visually prominent. Although children would go to the primary school in Balmedie only limited numbers of children would require schooling as a result of the development (337).

Udny Green

Allocated Sites

OP1 Opposite Bronie House

Common to all responses is the view that the two sites in the current Local Development Plan were incorrectly allocated for 45 homes instead of 30 homes. Permission was granted for 18 homes on Local Development Plan (LDP) 2012 site EH1.

The allocation for 30 homes on OP1 is, therefore, contrary to the objective of allocating 30 homes overall between site EH1 and OP1. Allocation of 30 homes would go beyond what was previously deemed acceptable by Aberdeenshire Council. Reassurance was given to the Udny Green Planning Association and local residents that the previous allocation would be reviewed and revised to what was believed appropriate before the adoption of the next Proposed LDP 2015 (82, 171, 198, 220, 258, 271, 272, 311, 426).

On this basis one respondent has requested that the OP1 allocation is deleted (82).

8 respondents have proposed that 30 homes is inappropriate and the allocation should be reduced to 12 (171, 198, 220, 258, 271, 272, 311, 426) as this allocation would result in overdevelopment of the village (48 homes in a village of only 66 homes) and would destroy its character and the environment of the village (82, 171, 220, 258, 272, 398). The village has poor access (single track in places) and extra traffic could cause a safety hazard through increased traffic flow and deterioration of the driving surface (82, 171, 220, 693).
The site was not included as a bid in the Main Issues Report (MIR) 2013 and so should not be taken forward (82, 271, 272) and the area of the site is inadequately small to accommodate 30 houses (220). Another respondent has used this argument to justify that the site allocation should be reduced to 20 homes (693).

Settlement Map

Two respondents highlighted a suggested mistake in the map. The map should be amended to exclude an area of land in ownership of Udny and Dudwick Estate (198). The map should be amended to reflect the approved planning application APP/2014/1180 (311).

Public Consultation

One objection was raised to the process of public consultation regarding the allocation of this site (398).

Modifications sought by those submitting representations:

Belhelvie

Allocated Sites

OP1 East End of Park Terrace

The supporting text for Site OP1 and/or infrastructure requirements should include affordable homes, improved public transport, and a safe walk way/pavement between Belhelvie and Balmedie & Potterton (38). There was also a submission to have these sites removed (116).

Additional Sites

Bid Sites FM049 and FM050

Site FM050 should be allocated for the development of 50 housing units, along with new open space and landscaping, including the creation of a robust settlement edge to the south (115). Site FM049 should be allocated for the development of c.20 housing units, along with new open space and landscaping, including the creation of a robust settlement edge to the south. This would replace the currently allocated OP1 site which is not deliverable (116).

New Site to the East of Belhelvie

There should be an allocation of land for housing development adjacent to OP1 (337).

Udny Green - Allocated Sites

OP1 Opposite Bronie House

Delete site OP1 (82).
Reduce OP1 allocation from 30 to 12 (171, 198, 220, 258, 271, 272, 311, 426).

Reduced OP1 allocation from 30 to 20 (693).

**Settlement Map**

Amend map to exclude land in ownership of Udny and Dudwick Estate (198).

The map should be amended to reflect the approved planning application APP/2014/1180 (311).

**Summary of response (including reasons) by Planning Authority:**

**Belhelvie**

Belhelvie is a small village within commuting distance of Aberdeen. Belhelvie is located within the Aberdeen to Peterhead Strategic Growth Area, which the Aberdeen City and Shire Strategic Development Plan (SDP) identifies as significant potential for development (see SDP 2014, page 16, paragraph 3.25). The allocations proposed for Belhelvie were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Formartine, page 3). At this stage it was proposed to carry forward the allocations from the Belhelvie settlement statement (see LDP 2012, Supplementary Guidance Volume F: Balmedie).

There are multiple requests for more land to be allocated in Belhelvie, but as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and appropriate allocations have been made in the Aberdeen to Peterhead Strategic Growth Area. No additional allocations are required.

**Allocated Sites**

**OP1 East End of Park Terrace**

It is already stated in the site development brief that 2 affordable homes must be provided which is in line with national policy and Policy H2 Affordable Housing of the Local Development Plan. Public transport matters are not related to policy decisions on this development, however, it is noted that the MIR 2013, Appendix Formartine, page 8 states that there are already existing public transport connections in Belhelvie. The request for provision of a pathway from Belhelvie to Balmedie and another from Belhelvie to Pottermore is acknowledged. Policy P2 Open Space and Access in New Development recommends that new developments must include appropriate opportunities for informal recreation and promote walking or cycling as a means of transport. However, in this site, connection to the existing footpaths would be adequate to fulfil this policy. The provision of an additional two footpaths over a distance of roughly 1.5 miles each to Pottermore and Balmedie would be unlikely to meet the tests set out in Planning Circular 3/2012 Developer Obligations and Good Neighbour Agreements, paragraph 14, particularly in regards to necessity, fairness, proportionality and relationship to the proposed development. No change is required.
Additional Sites

Bid Sites FM049 and FM050

Sites FM050 and FM049 were appraised in the MIR 2013 (see MIR 2013, Appendix Formartine, page 10) and were found to have some positives in terms of their relationship to the existing village and to the new developments there. FM049 in particular would be a proportionate expansion of the village and the argument that it would enhance the settlement boundary is well made. Both site representations are also accompanied by a Planning Statement, Accessibility Appraisal and an indicative Masterplan. However, the sites were previously considered to be poorly located in relation to key services and would increase car reliance. Contrary to the respondent’s comments, the infrastructure in Belhelvie remains constrained. Balmedie Primary School is forecast to be at or over capacity from 2016 onwards (see School Roll Forecasts Ellon Network) and an upgrade will still be required to the Balmedie Waste Water Treatment Works. New developments would exacerbate pressure on both of these.

No shortfall exists in the housing land supply within the Housing Market Area or within the strategic growth area. Site OP1 remains deliverable and effective in the Housing Land Audit 2015, Appendix 2, Table Aberdeenshire Part of Aberdeen Housing Market Area, page 1 and Proposed Action Programme 2015, page 79. This is confirmed in the representation from the site developer who states that the site is coming forward and that work is ongoing to submit a planning application by the end of 2015. As such, there is no identified strategic or local need for further housing land allocations. Therefore, while it is acknowledged that the proposals are well related to the village and would constitute a proportionate expansion, the allocation of these sites is not supported as there is no identified need for further housing allocations in Belhelvie and because the sites will have detrimental impact on infrastructure. No change is required.

New Site to the east of Belhelvie

The Main Issues Report (MIR 2013, Issues and Actions 078 – Belhelvie) acknowledged a bid for a site south of OP1, named NB1314. However, at the time there was found to be no strategic or clear local need for the allocation of further houses. As discussed above, there have been no material changes since then and there remains no local or strategic need for further housing land allocations. Also, the allocation of further housing would impact on infrastructure, as explained above. The representation has also failed to provide further supporting information (such as an Environmental Assessment, indicative Masterplan or Access Statement) that would allow a greater analysis and public scrutiny of the impact and viability of the proposed development. Therefore, the allocation of this site is not supported as there is no identified need for further housing allocations in Belhelvie because the site will have detrimental impact on infrastructure and because there has not enough information provided to ensure a complete analysis of the impacts and viability can be made. No change is required.

Udny Green

Udny Green is located in the Aberdeen Housing Market Area within a “local growth and diversification area”. In accordance with paragraph 3.43 of the Aberdeen City and Shire Strategic Development Plan (SDP) 2014, the town is, therefore, appropriate for a level of growth related to local needs. The proposed land allocations are essentially unchanged from the Udny Green Settlement Statement of the 2012 Local Development Plan (see

There is some demand for development in the village due to its proximity to Aberdeen and its attractive setting. Previous allocations were made in the LDP 2012 which totalled 45 houses in total. 15 houses were allocated for site EH1 and up to 30 on site H1. Site EH1 is fully developed, delivering 18 homes. Site H1 has been carried forward into the Proposed LDP 2015 as site OP1. 12 houses were granted consent on appeal on part of site H1 in July 2015 (DPEA PPA-110-2240). A Development Brief proposed a further 8 homes as a second phase of development. Across both sites the total number of homes provided is, therefore, likely to be 41 homes, with the reporter noting that “nothing excessive” was proposed (see paragraph 7 of DPEA PPA-110-2240).

Allocated Sites

OP1 Opposite Bronie House

The size of the development has a long history and continues to be misunderstood. To clarify, the MIR 2009 proposed an allocation of 20 houses on the H1 site and the Formartine Area Committee approved the higher allocation to 30 houses in 2010. Subsequently the Proposed LDP 2010 and the adopted LDP 2012, which were subject to public scrutiny, both show the allocation on site H1 as up to 30 houses. While it is accepted that there was some confusion amongst the local community about the level of housing proposed for OP1, due process was followed for its introduction. The site was included in the Main Issues Report 2013 and responses were received regarding the site (see Issues and Actions Paper 102 – Udny Green). Following consideration of Issues and Actions Paper 102 – Udny Green, it was recommended for inclusion in the 2016 LDP as site OP1, allocated for up to 30 homes. This decision was approved by the Formartine Area Committee, Infrastructure Services Committee and Aberdeenshire Council. Review of the allocations through the MIR and Committee processes has not identified a change in circumstances that would justify removal of the site or a reduction in the size of the allocation. No change is required.

Issues of the adequacy of roads and accessibility have not been raised by the Council’s Roads Service or by the Reporter in their consideration of appeal reference PPA-110-2240. It is also not considered that development of the site would constitute overdevelopment, as the site would fill a gap site within the village, rounding off the eastern edge of the settlement. A range of housing types may be provided to meet the allocation number, as long as the density and scale of the buildings are respectful of the neighbouring houses. No change is required.

A non-notifiable modification should be introduced to include reference to the planning consent APP/2014/1180, approved on appeal (PPA-110-2240) in July 2015. This change will not affect the strategy of the Plan. The following wording should be added to the development brief for site OP1: “Planning permission has been approved on appeal for the development of 12 houses on this site (APP/2014/1180)”. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

A further technical change will be made to the level of affordable housing required on site OP1 to 7 homes instead of the erroneously identified 3. This represents 25% of the site in
line with the Plan's policy on affordable housing. The last sentence of the Development Brief will be amended to read: “It is expected that at least 7 affordable homes will be provided integrated within the site.”

Settlement Map

Amendments to the map are not considered justified. The approved consent does not fulfil the full capacity of the site, in either area or housing numbers. Therefore, the site still has potential for more housing development, should Udny and Dudwick Estate wish to pursue this. Reducing the size of the allocation boundary would be misrepresenting the allocation and would act to restrict the capacity of the site. For the reasons stated above, it would not be appropriate to reduce the size of the allocation and, therefore, the allocation boundaries should remain in their current form. As stated above, reference should be made to the consented planning permission in the text of the Settlement Statement, which is the most appropriate place to make such a reference. No request to reduce the allocation has been received from the landowner directly and, therefore, there is no justified reason to remove the land at this point. No change is required.

Public Consultation

Issues raised regarding the process of public engagement in the Plan preparation process are addressed in the Participation Statement.

Reporter's conclusions:

Belhelvie - strategic context

1. Belhelvie is within the Aberdeen to Peterhead strategic growth area. The basis on which “bid” sites and “new” sites are assessed in this examination is set out in Issue 7. This follows the conclusion that there is a sufficient supply of housing land that is effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites. I also recognise that Belhelvie is relatively close to Aberdeen and that new houses in the village are likely to be more attractive to purchasers than new houses in locations further from the city.

Belhelvie - site OP1, east end of Park Terrace

2. Representation 38 does not seek deletion of the housing allocation on site OP1, but wishes the proposed plan to ensure that development includes affordable homes and is accompanied by improved public transport and safe walking routes to Balmedie and Potterton.

3. The concern about affordable homes is addressed in the proposed plan, in which the text associated with site OP1 says that at least two affordable homes should be provided.

4. Regarding improved public transport, no information is provided to show what provision exists at present and what additional provision is sought. I find it unlikely that the proposed development of up to ten houses could in practical terms make a contribution to public transport that would significantly improve what is currently available.
5. Similarly with walking routes to nearby villages. While provision of these would be desirable, cost is likely to be wholly out of proportion to the scale of development on OP1.

6. My conclusion is that the proposed plan need not be altered.

7. Representation 116 says that development on site OP1 is not deliverable. Site OP1 should be replaced by housing development on site FM049.

8. I note that text in the proposed plan indicates that land ownership may constrain development. From this, I take it that land required for access to the site is in ownership that is different from that of the site itself. I am not aware of any representation from the relevant landowner or landowners opposing development on OP1.

9. The proposed plan says that early resolution of the ownership issue will be promoted. From this, I take it that there is some prospect of OP1 becoming available for development in the near future.

10. My conclusion is that site OP1 should be retained in the proposed plan, on the basis that there will be an early resolution of the ownership issue.

Belhelvie - site FM049, land at Cairntack (east)

11. With regard to need for land for more housing, the strategic context is set out in paragraph 1, above.

12. I find that Belhelvie is a small community lacking facilities such as schools, shops and healthcare. The Council’s Main Issues Report indicates that public transport connections are very limited. Local employment includes the nearby Balmedie Quarry, but appears to be quite limited. I am not aware of any likelihood that that will be a significant increase in local employment in the plan period. From these considerations, I find that new development is likely to be car-dependent and unlikely to reduce the need to travel. Reducing need to travel is a policy principle in Scottish Planning Policy (paragraph 270). For these reasons, I find that Belhelvie is not a satisfactory location for new housing development on a significant scale.

13. Development on site FM049 is described as a logical expansion of the village. It is contended that the development would represent infill between the Cairntack Road houses and Cairntack Farm steading. It would round-off the settlement, provide new open space and create a robust settlement edge.

14. From my inspection, I find that development on site FM049 would be barely visible, if visible at all, from the public roads that approach and go through the village. Development would adjoin the houses to the west and would be a reasonably logical location for any expansion of the village.

15. Development on FM049 would not be infill, in that it would not be on ground that is surrounded, or largely surrounded, by built development. The presence of the farm steading beside part of the east boundary of the site is a possible disadvantage in that farming activities in the steading buildings and their curtilage might adversely affect the amenity of new houses on the adjacent part of FM049.

16. I note that development on FM049 would provide new open space. From my
inspection, I note that there is an attractive area of open space between Cairntack Road and Cairn View. I am not aware of any deficiency in open space provision in the village.

17. Regarding creation of a robust settlement edge, I note that to the south of FM049 ground rises and provides some containment. On the other hand, the farm access on the north and north-east boundaries of the site is not marked by any feature of landscape significance. Development on FM049 in conjunction with development on OP1 would create something of a gap between the two and it could then be argued that development on the gap would be infill or rounding-off. Development interest in this gap is indicated by a representation that has been made. (See “New site to the east of Belhelvie”, below.) Taking all these considerations into account, I find that development on FM049 would not create a robust settlement edge.

18. Representation 116 refers to constraints affecting Belhelvie site OP1 and asks that site FM049 be allocated as a replacement. My conclusion (above) regarding site OP1 is that it should be retained in the proposed plan.

19. In summary, site FM049 is not required to meet the established demand for housing land, it is not required as a replacement for Belhelvie site OP1, Belhelvie is not a satisfactory location for new housing development on a significant scale and the resultant settlement boundary would not be robust. My conclusion is that site FM049 should not be allocated for development. The proposed plan need not be altered.

Belhelvie - site FM050, land at Cairntack (west)

20. With regard to need for land for more housing, the strategic context is set out in paragraph 1, above.

21. I find that Belhelvie is a small community lacking facilities such as schools, shops and healthcare. The Council’s Main Issues Report indicates that public transport connections are very limited. Local employment includes the nearby Balmedie Quarry, but appears to be quite limited. I am not aware of any likelihood that that will be a significant increase in local employment in the plan period. From these considerations, I find that new development is likely to be car-dependent and unlikely to reduce the need to travel. Reducing need to travel is a policy principle in Scottish Planning Policy (paragraph 270). For these reasons, I find that Belhelvie is not a satisfactory location for new housing development on a significant scale.

22. Development on site FM050 is described as infill, rounding off the settlement and creating a robust settlement edge.

23. From my inspection, I find that the Cairntack Road houses that adjoin the east side of the site are set well back from the Potterton road. They are relatively unobtrusive when seen on the approach to Belhelvie from Potterton. Development on FM050 would have a considerable impact on the landscape setting of the village as seen from this approach. The spacing of the roadside trees on the west side of the site is such that the site is readily visible from the road. Some trees would have to be removed to allow for access into the site.

24. There is reference to creation of a robust settlement edge to the south. I note that at present the southern boundary of FM050 is not marked by any ground feature of landscape significance. In contrast, the existing settlement boundary to the north of the
site is marked by a thickly-wooded hillock and is extremely robust.

25. From the foregoing, I find that development on site FM050 would not be infill, in that it would not be on ground that is already surrounded, or largely surrounded, by built development and it would not be unobtrusive. Rather than rounding off the village, it would be a significant extension of the village into the surrounding countryside.

26. The Indicative Masterplan drawing shows access from the south-west corner of the site to the Potterton road. From my inspection, I note that the Potterton road has a relatively narrow carriageway and no footway. I appreciate that the drawing is for illustration purposes only, but it does raise a question as to whether development on FM050 could be served by adequate provision for journeys on foot. It is a policy principle of Scottish Planning Policy that the planning system should support patterns of development that provide safe and convenient opportunities for walking (paragraph 270).

27. From all of the above considerations, I conclude that site FM050 should not be allocated for development and the proposed plan should not be altered.

New site to the east of Belhelvie

28. This is the site to which I have made reference when considering site FM049.

29. With regard to need for land for more housing, the strategic context is set out in paragraph 1, above.

30. As already noted, Belhelvie is a small community lacking facilities such as schools, shops and healthcare. The Council’s Main Issues Report indicates that public transport connections are very limited. Local employment includes the nearby Balmedie Quarry, but appears to be quite limited. I am not aware of any likelihood that that will be a significant increase in local employment in the plan period. From these considerations, I find that new development is likely to be car-dependent and unlikely to reduce the need to travel. Reducing need to travel is a policy principle in Scottish Planning Policy (paragraph 270). For these reasons, I find that Belhelvie is not a satisfactory location for new housing development beyond that which is identified in the proposed plan.

31. Neither the representation nor the Council’s response demonstrates that a structured environmental assessment process has been undertaken with regard to the development proposed on this site. Nor is there evidence of public engagement. Circular 6/2013: Development Planning, at paragraph 118, says: “Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.” In the present instance, I find that I do not have this information and evidence.

32. Bearing in mind the foregoing considerations, my conclusion is that the new site east of Belhelvie should not be allocated for development. The proposed plan need not be altered.

Udny Green - site OP1, opposite Bronie House

33. Regarding concern about the process of public consultation, an examination of conformity with the Council’s participation statement has been carried out. This found
that the Council has consulted on the proposed plan and involved the public in the way it said it would in its participation statement. With regard to Udny Green, I note that sites for development at Udny Green were included in the Main issues Report. I conclude that required consultation procedures have been carried out.

34. The chief point in representations concerning site OP1 in Udny Green is that the allocation permits up to 30 dwellings and this is excessive. Some representations wish the allocation to be for 12 dwellings. One suggests it should be for a maximum of 20 dwellings.

35. In the current adopted local development plan, two adjacent sites, EH1 and H1, are allocated for housing. Text says that site EH1 has planning permission for 15 houses and that site H1 is allocated for up to 30 houses. Regarding the latter, “Up to 15 houses will be delivered in the first phase with the remaining 15 delivered in the second phase, subject to review of the plan.” Development of up to 45 houses is thus envisaged, though 15 of these are subject to review.

36. On site EH1, 18 houses have now been built. The street that serves them is named Fleeman Park. Planning permission for 12 houses on a site that covers most of H1 has been granted. This planning permission site does not include the easternmost part of site OP1. It is contended that this easternmost part of OP1 is in separate ownership, has not been the subject of a developer bid and should not be included in OP1.

37. I find that development of 45 dwellings in a village that originally had 66 dwellings represents a considerable increase in the size of the village. This is not necessarily unacceptable in the context of the proposed plan as a whole if there is need to increase the housing land supply and no other, more suitable sites are available.

38. Need for land for more housing is addressed in issue 7. Udny Green is within the Aberdeen Housing Market Area where the strategic plan identifies a housing target of 9,965 houses to 2016 and a further 15,017 up to 2026. Through Issue 7 it is clear that there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.

39. The strategic plan indicates that some of the housing allowance should be met in areas described as “Local Growth and diversification areas” in Aberdeenshire. Paragraph 3.43 explains that levels of growth in individual settlements should relate to local needs. Figure 5 indicates a housing allowance of 1,000 houses to 2016 and 1,350 in the remaining period to 2026.

40. From the foregoing, I find that there is no specific housing land requirement for Udny Green or need to replace any reduction in the capacity of the OP1 site.

41. I note that the Council’s transport officer raises no objection to the proposed level of new development at Udny Green, but from my inspection I find that the roads that give access to the village are indeed narrow in width and so are less convenient for car-drivers than full-width roads.

42. Regarding the boundary of site OP1, I note that the recent Fleeman Park development has an open amenity area between the cemetery and the nearest house
plots. This area is part of the P6 designation in the proposed plan. The layout of the
twelve-house development that has been approved on a site that covers most of OP1
shows the open amenity area extended southwards, behind plots 6 and 7. I find that
development east of this extension, in the easternmost part of site OP1, is not likely to
relate satisfactorily to the twelve-house development combined with the Fleeman Park
development.

43. The eastern boundary of OP1 adjoins a substantial woodland strip. It would not be
appropriate in terms of residential amenity and in terms of safeguarding the continued
integrity of the woodland to permit any new houses close to the eastern boundary of OP1.

44. I note that the layout of the twelve-house development shows land immediately to
the south as “Future Development (Outwith Application)”. Much of this land is within OP1.
Some appears to extend beyond OP1 into PO5. It appears to me that there may be
scope for about three houses on this land.

45. Drawing together all of the preceding considerations, I conclude that the boundary of
OP1 should be altered so that its eastern side is defined by a line that is a continuation of
the line that defines the western side of the cemetery. Instead of “up to 30 homes”, the
allocation should be “15 homes”.

46. Representation 198 seeks alterations to the text associated with OP1. In view of the
fact that a layout has now been approved for most of OP1, I find no need to insert
references to “Designing for Streets”, a “Home Zone” and off-site traffic-calming
measures. The proposed plan need not be altered in response to this aspect of
representation 198.

**Reporter’s recommendations:**

1. In the Udny Green section of appendix 8, under Allocated Sites, after “Allocation:”
delete “Up to 30 homes” and put instead “15 homes”.

2. In the Udny Green section of appendix 8, in the Udny Green proposals map, redraw
the boundary of site OP1 so that its eastern boundary is defined by a line that is in line
with the western boundary of the cemetery that lies to the north of OP1.
Shaping Formartine – Other Settlements in the Aberdeen Housing Market Area – Barthol Chapel, Collieston, Tipperty, Ythanbank and Other Formartine Settlements

Body or person(s) submitting a representation raising the issue (including reference number):

- Bob Walker (37)
- Shell UK Limited (45)
- Anna Leslie (80)
- Sarah Duncan (284)
- Irvine Christie (303)
- Various Landowners in the Aberdeen Housing Market Area (304)
- Charles and Myra Simmers (306)
- R Watson & D P Watson (308)
- Neil Robertson (335)
- BP Midstream Pipelines (376)
- Scottish Natural Heritage (656)

Provision of the Development Plan to which the issue relates:

- Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

Barthol Chapel

A respondent has suggested a site in Barthol Chapel for development. They argue that development would help to support the school and help to progress the settlement rather than have it stagnate. Classifying Barthol Chapel as an identified settlement would also facilitate minor growth (335).

Collieston

Scottish Natural heritage have requested that text should be added under Natural and Historic Environment to refer to Sands of Forvie Special Area of Conservation (SAC), which is located to the south west of the settlement, and the Buchan Ness to Collieston SAC, which is located to the north east of the settlement. This is to ensure that natural assets in and adjacent to the settlement are correctly identified (656).

Tipperty

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to Site BUS (45, 376).
Ythanbank

Vision

One respondent raised concerns regarding any further development of Ythanbank in the future. The arguments included that there was a lack of clarity as to the long term vision for the settlement due to Appendix 5 New Housing Land Allocations failing to reflect the significant number of additional planning applications which have been approved to date in Ythanbank.

The respondent also would like it to be made clear in the Settlement Statement that any further development would be restricted and that back land development behind existing houses will not be accepted. The respondent also sought clarity over the position of Ythanbank under Policy R2 Housing and Business Development Elsewhere in the Countryside. The respondent believes that the policy restricts organic growth to 20% in the Plan period. It is not clear whether this restriction is still in place or indeed what restrictions there are for development outside the settlements in Appendix 4 and rural clusters (284).

Additional Sites

New Site Land to the North of Ythanbank

A respondent proposed that Ythanbank should expand to the north with executive houses overlooking the River Ythan. It is argued that, if the settlement was larger, it would justify more commercial infrastructure and would enhance the diversity of the inhabitants. It would be a more vibrant community and be more cohesive in nature (80).

New Site Land at Wellpark

A respondent sought the allocation of 18 housing units, a hall/community hub, retail facilities and sports facilities in land to the rear of the Hall and Wellpark. Ythanbank has experienced considerable growth during the current Plan period on Site OP1 in the Proposed Local Development Plan (LDP) 2015 and by organic growth. The zoned land will be completed considerably sooner than expected. This, together with the removal of Ythanbank from the settlements eligible for organic growth in Appendix 4 of Policy R2, causes concern that there is no opportunity for new housing in the village. The proposed modification is for the inclusion of a mixed use development enhancing the existing village hall/community hub whilst providing sufficient level of facilities for the existing and future population. The inclusion of a retail facility and sport/leisure facilities would be appropriate for the scale of the existing settlement. The viability of any development requires a blend of retail, public space and leisure facilities alongside appropriate housing. The planning objectives of providing housing opportunities in the Aberdeen Housing Market Area and dealing with development pressure in Ythanbank will not be deliverable without additional allocation (308).

Other Formartine Settlements - Additional Sites

Bid Site FM069 Land at Hattoncrook

Bid site FM069 should be allocated in the Plan to meet housing targets as the landowner is committed to ensuring early delivery of housing (303, 304, 306). Development of the
site would support the local shop, it has transportation links to major employment centres such as Dyce and Oldmeldrum, thus meeting Scottish Government objectives and employment opportunities, and would assist in delivering the need for more allocations in the Aberdeen Housing Market Area. The Main Issues Report (MIR) 2013 was wrong in that Hattoncrook is a settlement in itself and that consequently not 4km away from the nearest settlement. It has urban characteristics of a shop, bus services and street lights. Rural retailing should be supported through the Plan. (306).

**New Site Land at Monteach**

A key planning objective for Methlick is to provide local housing opportunities. Monteach, a hamlet of 16 houses, is in the immediate locality of Methlick (2 miles away). Allocating 4 houses in Monteach, which is adjacent to where planning permission has already been granted for 4 houses (APP/2009/2688), could help achieve the Council's planning objectives for the area. Access would be from Monteach Road (37).

**Modifications sought by those submitting representations:**

**Barthol Chapel**

Land highlighted to the east of Barthol Chapel should be allocated for housing in the Proposed Local Development Plan 2015 and the settlement boundary should be adjusted accordingly (335).

**Collieston**

Text should be added under Natural and Historic Environment to refer to Sands of Forvie SAC and the Buchan Ness to Collieston SAC (656).

**Tipperty**

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the text for BUS (45, 376).

**Ythanbank - Vision**

The Settlement Statement for Ythanbank should be amended to ensure that any further development would be restricted and that back land development will not be accepted (284).

**Additional Sites**

**New Site Land to the North of Ythanbank**

Ythanbank should expand to the north with executive houses overlooking the River Ythan (80).

**New Site Land at Wellpark**

An allocation should be included for 18 housing units, a retail unit and community facilities including leisure and recreation space on land to the rear of Wellpark (308).
Other Formartine Settlements

Additional Sites

Bid Site FM069 Land at Hattoncrook

Bid site FM069 at Hattoncrook should be included in the Plan (303, 304, 306).

New Site Land at Monteach

4 houses should be allocated in Monteach (37).

Summary of response (including reasons) by Planning Authority:

Barthol Chapel

Barthol Chapel is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, page 16, paragraph 3.25).

Although there is capacity for more pupils in Barthol Chapel Primary School, there is forecast to be limited capacity at Meldrum Academy in 2019 (see School Roll Forecasts Meldrum Network). In any case, available capacity is not sufficient justification to allocate land which, within the Meldrum Academy catchment, should be done on the basis of the Settlement Strategy for the area and not on the basis of individual sites.

As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. There is no strategic or local need to allocate any sites in Barthol Chapel. Had such need been identified, the village would have been identified for growth in Appendix 4 of the Proposed Local Development Plan irrespective of this bid. Aside from an indicative Masterplan, the representation has also failed to provide detailed supporting information (such as an Environmental Assessment or Access Statement) that would allow a greater analysis and public scrutiny of the impact and viability of the proposed development. No change is required.

Collieston

The suggested modification is a reasonable one. As a non-notifiable modification the following wording should be added to the Natural and Historic Environment section: “The Sands of Forvie SAC is to the west of the village and the Buchan Ness to Collieston SAC to the east.” Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Tipperty

It is acknowledged that part of Site BUS lies within a pipeline consultation zone. A non-notifiable modification is, therefore, proposed to add a reference to this and the requirement for affected developments to comply with the Health and Safety Executive’s PADHI guidance in the supporting text. Please see the Schedule 4, Issue 10: Hazardous
Development and Contaminated Land for more information and details of the proposed non-notifiable modification. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Ythanbank

Ythanbank is located in the Aberdeen Housing Market Area (AHMA) within a “local growth and diversification area”. In accordance with paragraph 3.43 of the Aberdeen City and Shire Strategic Development Plan (SDP) 2014, the town is, therefore, appropriate for a level of growth related to local needs. The proposed land allocations are essentially unchanged from the Ythanbank Settlement Statement of the LDP 2012 (see LDP 2012, Supplementary Guidance Volume F: Ythanbank). The proposed allocations were considered in full at the Main Issues Report (MIR) 2013 stage (see MIR 2013 Appendix Formartine, page 85 and the subsequent MIR 2013, Issues and Actions Paper 106 – Ythanbank). Substantial development has been proposed within the village in response to the LDP 2012 Policy 3 Supplementary Guidance Rural Development 1 Housing and Business Development in the Countryside since the publication of the MIR 2013, resulting in the decision to now omit this settlement from Appendix 4 “Identified Settlements under Policy R2”. In addition to the 9 homes proposed on site OP1, a further 8 homes are proposed under the Policy R2 as “organic growth”. This represents a 36% increase in the size of the settlement in the space of three years.

Vision

The planning objective for the settlement is to provide local opportunities for housing in the AHMA, which will be met on site OP1. The comments regarding the omission of information regarding extant planning consents in Ythanbank is noted. At the time of writing, the houses had received consent but construction had not yet begun and, therefore, the site OP1 remains an effective, deliverable but incomplete site. Although planning permission has been granted, the development may lapse and, therefore, it is still appropriate to retain the allocation in the Proposed LDP 2015. It is not appropriate or necessary to exclude Ythanbank from back land developments in gardens. For such developments to occur, the applicant would be required to satisfy the Planning Authority that the layout, siting and design of the proposed development was appropriate and met the design and access principles set out in Policy P1 Layout, Siting and Design, Policy P2 Open Space and Access in New Development and Policy P3 Infill and Householder Developments Within Settlements (Including Home and Work Proposals), which may prove challenging on certain small sites. This should provide adequate protection from overdevelopment through backfill. No change is required.

Additional Sites

New Site Land to the North of Ythanbank

Modifying the Plan at this stage to include a further housing allocation is inappropriate. Planning Circular 6/2013 Development Planning, paragraph 64, is clear that making a bid at this late stage without public engagement and Strategic Environmental Assessment means that the Reporter may not be furnished with the necessary information to reach a conclusion. Housing supply concerns are noted, however, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. As no specific site to the north of Ythanbank has been
indicated for development, there has been no direct engagement with stakeholders or neighbours and not enough information has been provided to ensure a complete analysis of the impacts and viability can be made. No change is required.

New Site Land at Wellpark

With regard to the new allocation at Wellpark, this is the first time such a proposal has been put forward. It is acknowledged that the development includes a number of community services and facilities, which the respondent has included to provide a local context for housing development, and that the representation is compatible with regard to these facilities and the potential environmental impact of the development. However, while it is noted that delivery could be phased appropriately to ensure the sustainable and sensitive growth of Ythanbank, it is considered the scale of the development within the context of Ythanbank is inappropriate at this time. Current allocations and consents in Ythanbank are deliverable and sufficient to meet the settlement's planning objectives and there is no strategic or local need for the extension of this allocation, as noted above. There is no supporting evidence that demonstrates the viability of the development and it is not assured that this land will be suitable for development. Therefore, it is not appropriate to include this proposed allocation. No change is required.

Other Formartine Settlements

Additional Sites

Bid Site FM069 Land at Hattoncrook

The various concerns about the housing allowances in the Proposed Local Development Plan (LDP) 2015 are acknowledged. As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and so there is no local or strategic need for housing in this area. The site was considered as part of MIR 2013, Issues and Actions Paper 107 – Formartine Landward. Specific comments regarding the distance to services and other settlements were considered in that paper. It was highlighted that unsustainable forms of development are against the vision of Aberdeenshire Council and Scottish Planning Policy. Concerns about the sustainability of the site were not fully addressed at that time. While it is accepted that bus services do run through Hattoncrook, it is likely that the main form of transport would remain private car transport due to its remote location. Deliverable and effective allocations have already been made to support the schools and services in Oldmeldrum. The loss of prime agricultural land has not been addressed. Finally, the issue of scale is not adequately addressed either as 30 houses would more than double the size of Hattoncrook over the Plan period. Regardless of phasing, this would result in a substantial change in the size and character of Hattoncrook. No change is required.

New Site Land at Monteach

Monteach is a hamlet of 16 houses surrounded by agricultural land and woodland 2 miles north of Methlick. It is not classed as a settlement in the Plan. It is not necessary to allocate the site in the Proposed LDP 2015. It is not the purpose of the Proposed LDP 2015 to reflect all outstanding planning permissions in Aberdeenshire. The allocated sites in Methlick are logical and sustainable locations for further development in the area and so development is directed there. There is no local or strategic need that would require
further allocations in this area. No change is required.

**Reporter's conclusions:**

**Barthol Chapel**

1. Inclusion of Barthol Chapel in the list of identified settlements in appendix 4 of the proposed plan would mean that policy R2 would apply. This says that small-scale growth of identified settlements is promoted where a particular need for development has been identified.

2. In the present case, it is contended that a small area of development would help support the local primary school. I note that there is capacity in the school, but there is no suggestion that the school requires additional pupils to ensure its continuance. If the school were under threat of closure, it is not clear to me that building another five houses in Barthol Chapel would be likely to have a decisive influence on any decision about the school’s future.

3. I also note that there may be a capacity issue regarding Meldrum Academy.

4. It is contended that the alternative to a small area of development is to have Barthol Chapel stagnate. From my inspection, I note that the existing twenty or so houses in the village, many of which are of relatively recent construction, appear well-maintained. It is not clear to me how the continuing well-being of the community is dependent on construction of further new houses.

5. From the foregoing, I find that it has not been demonstrated that there is a need for further new houses in Barthol Chapel.

6. From my inspection, I note that, as well as the primary school, Barthol Chapel has a church. Apart from these two facilities, submissions do not indicate that the village has other important facilities and services such as shops, employment, public transport and healthcare. From this I find that new housing development in the village is likely to be highly car-dependent. This suggests to me that Barthol Chapel is not a sustainable location for additional residential development, bearing in mind what is said in paragraph 270 of Scottish Planning Policy.

7. The representation proposes an eastwards extension of the settlement boundary. The plan that has been submitted shows ground for five house plots on the east side of the village. From my inspection, I note that, when approaching from the east, the village is very fully screened from view by tree and shrub planting. No feature of any landscape significance defines the proposed new eastern boundary of the settlement.

8. I find that the proposed five houses would not be well-related to the existing built-up area. They would be prominently visible on the eastern approach to the village. Any new screen planting would take time to become effective.

9. The Council’s response indicates that a structured environmental assessment process has not been undertaken with regard to the proposed additional development at Barthol Chapel. Nor is there evidence of public engagement. Circular 6/2013: *Development Planning*, at paragraph 118, says: “Reporters require adequate
environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.” In the present instance, I find that I do not have this information and evidence.

10. Drawing together all the foregoing considerations, my conclusions are that altering the status of Barthol Chapel and extending its settlement boundary are not justified. The proposed plan need not be modified.

Collieston

11. The representation indicates that reference to two important designations has been omitted from the text under the heading “Natural and Historic Environment”. I find that the proposed plan should be altered to include the missing references.

Tipperty

12. Representations indicate that the Tipperty BUS site is within a pipeline consultation zone. It would be helpful to prospective developers for this to be stated in the proposed plan. The plan should be altered accordingly.

Ythanbank - vision

13. Ythanbank is a small community which has seen recent significant growth and now contains approximately 60 dwellings. Ythanbank lacks facilities such as schools, shops, sources of employment and health care. In view of this, additional residential development is likely to be highly car-dependent. This suggests to me that Ythanbank is not a sustainable location for additional residential development, bearing in mind what is said in paragraph 270 of Scottish Planning Policy. For this reason, I find that Ythanbank is not a suitable location for further significant growth beyond that envisaged in the current, 2012, local development plan.

14. The vision statement says that local opportunities for housing will be met on the Ythanbank OP1 site. During my inspection, I found that site OP1 was fully-developed with some eight completed houses and one under construction. I also noted that, on the south-east side of the Bridge of Aucheldy road, outwith the settlement boundary, two houses had been recently built and one other was under construction.

15. I find that any need for local opportunities for housing at Ythanbank appears to be in the process of being well satisfied.

16. From the foregoing considerations, I find that there is justification for including in the vision statement a note to the effect that further development will be restricted. This would accord with the fact that Ythanbank is not included in the list of identified settlements in appendix 4 of the plan.

17. Whether a proposal for backland development is acceptable is likely to depend on individual circumstances relating to plot size, privacy, townscape and so on. Matters of this kind are addressed in the proposed plan by policies P1 and P3. In view of this, I find no need to make reference to backland development in the Ythanbank section of the plan.
Ythanbank - land to the north

18. I find that an expansion of Ythanbank is likely to have to be on a considerable scale if it is to lead to the provision of more infrastructure. Such expansion would require extensive investigation before it could be said to be feasible and preferable to locating development in or beside communities that already have infrastructure available.

19. From the submissions, it appears that no structured environmental assessment process has been undertaken with regard to a northern expansion of Ythanbank. Nor is there evidence of public engagement. Circular 6/2013: Development Planning, at paragraph 118, says: “Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.” In the present instance, I find that I do not have this information and evidence.

20. Taking the foregoing considerations into account, my conclusion is that the proposed plan should not include a proposal that Ythanbank expand to the north. There is no need to alter the plan.

Ythanbank - land at Wellpark

21. I note that the drawing entitled “Initial design concept - overview” shows a layout in which some 18 dwellings might be erected, along with a multi-purpose sports court, a public play area and a site for business/employment. The site for business/employment has an area of approximately 650 square metres.

22. As noted in the “Ythanbank Vision” section above, Ythanbank lacks facilities. I find that this situation is not likely to be significantly altered by the limited scale of business/employment development envisaged in the representation. Nor has it been demonstrated that there is demand for business/employment development at Ythanbank and that a site for such use is likely to be developed.

23. With regard to provision of opportunities for housing in the Aberdeen housing market area, I note that Ythanbank is not within a strategic growth area. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the disadvantages associated with residential development in a location that lacks services and facilities.

24. The Council’s response indicates that a structured environmental assessment process has not been undertaken with regard to the proposed development at Wellpark. There is no evidence of public engagement. Circular 6/2013: Development Planning, at paragraph 118, says: “Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.” In the present instance, I find that I do not have this information and evidence.

25. Drawing together all the foregoing considerations, my conclusions are that land should not be allocated for development at Wellpark and that the proposed plan need not be altered.
Hattoncrook

26. From my inspection, I find that Hattoncrook is a small hamlet astride the Newmachar to Oldmeldrum road (A947). It is about four kilometres south-east of Oldmeldrum. It consists of about twenty houses and a small shop. Hattoncrook is not one of the identified settlements that are listed in appendix 4 of the proposed plan. It is within the Aberdeen housing market area, but it is not within a strategic growth area. Any strategic scale of development is focused on Oldmeldrum.

27. The representation refers to the local shop and to need for the development plan to support rural retail outlets. I agree that such support should be forthcoming where possible. In the present case, I find it likely that the shop is primarily dependent on passing trade. While it would be likely to benefit from increased trade if the proposed development were to proceed, other factors must also be taken into account.

28. From submissions and my inspection, it appears that Hattoncrook does not have important facilities and services such as employment, a school and healthcare. Residents’ main shopping would take place in one of the larger communities in the wider surrounding area. I note that there is a bus service along the A947. Notwithstanding this last point, I find it likely that new housing development in the village is likely to be highly car-dependent. This suggests to me that Hattoncrook is not a sustainable location for additional residential development, bearing in mind what is said in paragraph 270 of Scottish Planning Policy.

29. The council’s response indicates that the proposed development would be on prime agricultural land. I note that policy PR1 in the proposed plan says that prime agricultural land should not normally be developed. Scottish Planning Policy (paragraph 80) says development on prime agricultural land should not be permitted except in certain limited circumstances. I find that, as there is no clear justification for additional housing land in this location, development on site FM011 would not accord with the need to conserve prime agricultural land.

30. I also note that the proposed development would more than double the size of Hattoncrook. Hattoncrook, due to its current small size, is reasonably unobtrusive in the landscape. The proposed development could well result in a village that had the appearance of a suburban development thrust into an area of open countryside. This would not be appropriate to the character of the surrounding rural area.

31. The representation contends that there is a need to allocate more land for housing because allocations in the proposed plan are inadequate. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the disadvantages associated with residential development in a location that lacks services and facilities and on a site that is prime agricultural land and where development would not be appropriate to the character of the surrounding area.

32. Taking account of all the preceding considerations, my conclusions are that the representation site should not be allocated for development and that the proposed plan need not be altered.
Monteach

33. From my inspection, I find that Monteach consists of a row of about a dozen houses on the north side of Monteach Road and two houses on the south side of the road, behind which four houses have recently been built. Monteach is not one of the identified settlements that are listed in appendix 4 of the proposed plan. It is not within a strategic growth area.

34. A drawing shows the representation site laid out with four house plots. It is contended that the proposed development would assist in meeting the objective of providing local housing opportunities in Methlick, which is two miles to the south. In the fullness of time, planting within the site would soften the appearance of the development and bring privacy.

35. I find that the boundary of the representation site is not defined by any features of landscape significance. The site is set in an area of open countryside, apart from the group of six houses on its east side. By adding to this group, the result is likely to have the appearance of a small enclave of suburban-style housing within the countryside. This would not be appropriate to the character of the surrounding rural area.

36. From submissions and my inspection, it appears that Monteach does not have important facilities and services such as shops, employment, a school, and healthcare. I note that there is a bus service on the B9170, but the service does not appear to be very frequent. From this I find that new housing development in the village is likely to be highly car-dependent. This suggests to me that Monteach is not a sustainable location for additional residential development, bearing in mind what is said in paragraph 270 of Scottish Planning Policy.

37. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the disadvantages associated with residential development in a location that lacks services and facilities and on a site where development would not be appropriate to the character of the surrounding area.

38. Neither the representation nor the Council’s response demonstrates that a structured environmental assessment process has been undertaken with regard to the proposed development at Monteach. Nor is there evidence of public engagement. Circular 6/2013: Development Planning, at paragraph 118, says: “Reporters require adequate environmental information to be provided to them, together with evidence arising from public engagement, without this they will be unable to recommend modifications to the plan on particular sites.” In the present instance, I find that I do not have this information and evidence.

39. Taking account of all the preceding considerations, my conclusions are that the representation site should not be allocated for development and that the proposed plan need not be altered.
Reporter's recommendations:

1. In the Collieston section of appendix 8, under “Natural and Historic Environment” add the following new paragraph.

   “The Sands of Forvie SAC is to the south-west of the village and the Buchan Ness to Collieston SAC is to the north-east.”

2. In the Tipperty section of appendix 8, under “Other Designations” insert the following text in the BUS section.

   “The site lies within a pipeline consultation zone. The consultation response must be taken into account when proposals for development are being prepared.”

3. In the Ythanbank section of appendix 8, under “Vision” delete the last sentence and put in its place the following.

   “Local opportunities for housing in the Aberdeen housing market area are being met on site OP1 and on individual plots on the south-east side of the Bridge of Aucheldy road. Lack of local facilities and services means that further development will be restricted.”
Shaping Formartine – Other Settlements in the Rural Housing Market Area – Cuminestown, Daviot, Fyvie, Rothienorman, St Katherines, Woodhead


Body or person(s) submitting a representation raising the issue (including reference number):

<table>
<thead>
<tr>
<th>Marion Ewenson (24)</th>
<th>William Sinclair (302)</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Philip (91)</td>
<td>Alexandra Morrow (350)</td>
</tr>
<tr>
<td>Charles Leggat (167)</td>
<td>Heather Mullan (425)</td>
</tr>
<tr>
<td>John Farquharson (227)</td>
<td>Lorraine Kemp (484)</td>
</tr>
<tr>
<td>Robert Ironside (228)</td>
<td>Mary Cormack (486)</td>
</tr>
<tr>
<td>Sarah Robson (232)</td>
<td>Nigel and Sarah Bell (528)</td>
</tr>
<tr>
<td>Gordon Shea (233)</td>
<td>Margaret Robertson (539)</td>
</tr>
<tr>
<td>Grace Forrest (235)</td>
<td>Nicola Davidson (568)</td>
</tr>
<tr>
<td>Kerry Marr (253)</td>
<td>Sport Scotland (674)</td>
</tr>
<tr>
<td>Meldrum Bourtie &amp; Daviot Community Council (259)</td>
<td>Tarves Community Council (684)</td>
</tr>
</tbody>
</table>

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority's summary of the representation(s):

Cuminestown

Settlement Features

The BUS site should not be included in the Proposed Local Development Plan (LDP) 2015 as Chapel Park housing estate's privacy and amenity would be affected. Noise levels can already be heard through the night and if the industrial estate was brought any closer to Chapel Park housing estate there would be a possible danger to children (232, 233).

Allocated Sites

OP1 Chapel Brae West

The viability of site OP1 is questioned as development has not begun and is identified as constrained in the 2012 Housing Land Audit (228).

Additional Sites

Bid Site FM057

Bid site FM057 should be allocated in the Proposed LDP 2015 for residential development. The site represents a logical area for the expansion of Cuminestown and
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

... will provide housing for local needs. There will be no areas at risk of flood built on and an area for wildlife will be created. The site would support a falling school roll. As such to comply with Scottish Planning Policy its allocation of site OP1 should be transferred to site FM057. Several further arguments are outlined in the attached Main Issues Report (MIR) response (228).

Daviot

Settlement Features

The majority of respondents sought to protect land in Daviot against development in the future. The land included in the former bid sites FM071/FM072 (167, 259, 302, 425, 528, 539), the land between the Loanhead Stone Circle and the cluster of houses and Pitblain (259, 302, 425, 528, 539), the area of land adjacent to the church (259, 302), the play park at Kirkton Park (259, 302, 528, 539) and the area of open space within the OP1 designation (259, 302, 528, 539) were all supported for protection.

Protecting site FM071/FM072 would complement an ongoing project by Daviot Community Trust and the Forestry Commission to develop the land as an education and recreation facility for local residents with woodland and walkways (167, 528, 539) and would protect prime agricultural land (302, 528, 539).

The setting of the historic monument at the Loanhead Stone Circle should be protected from development (302, 425, 528, 539).

Further development in the village would be overdevelopment and would ruin its character and attractiveness (259, 302, 425, 528, 539). It is suggested that the views of local residents are not being taken into consideration and that these sites for protection were requested for inclusion, and rejected, during the Main Issues Report (MIR) consultation process (259, 302). Other concerns were to protect scenic views of the countryside (425, 528, 539), to prevent a townscape being visible from the Rothienorman Road (425), to prevent further development in the OP1 site in the future (528, 539), to protect the setting of the historic monument at the Loanhead Stone Circle (302, 425, 528, 539); to protect scenic views of the countryside (425, 528, 539); to prevent a townscape being visible from the Rothienorman Road (425); and to prevent further development in the OP1 site in the future (528, 539).

Settlement Boundary

One respondent wished to see the extension of the settlement boundary for Daviot to include the Pitblain House cluster to preserve the current size of that cluster. Further development would be over-development as the roads are single track, lack street lighting and because the houses would have no access to mains sewers (235).

Rural Development Policy

A number of respondents expressed their support and expectation that Daviot would be excluded from the Rural Development Policy, as indicated in the Main Issues Report (167, 259, 302, 425).
Fyvie

The bowling green to the west of Site P1 should be designated as Protected Land. It is an outdoor sports facility and the Proposals Maps should reflect this and apply the appropriate policy protection (674).

Rothienorman

Settlement Features

A number of respondents query whether there is a need for the BUS site (24, 486, 568). There have recently been both retail and industrial units made available to residents with the company providing these struggling to fill them (568). A number of units stand empty within the village (486). Another brownfield site has not yet been developed which indicates there is little or no demand for industrial units in Rothienorman (24). It is also contended that the size of the site is very large in proportion to the size of the village (486, 568).

There are also concerns with the options given for accessing the BUS site (24, 486, 568). Access from Forgue Road is difficult as there are issues regarding the ownership of the grass verge (24) and there are possible hazards of accessing an increasingly busy road in the middle of the village near the school turn off (24, 486, 568). Residents already find it difficult to exit their drives onto Forgue Road during busy times (568). Access via Blackford Avenue could also cause disruption as it is a quiet residential street with family housing of both social and low cost housing types (24, 568). The other option north of Blackford Avenue has a further issue concerning access as the road narrows and would be inaccessible to heavy goods vehicles or heavier traffic volumes (568).

Additional Sites

Bid Site FM028

Site FM028 should be allocated in the Plan. The site is a logical area for expansion to provide housing for local needs. It is not accepted that there is a flooding constraint because the topography of the site protects any housing development. Relevant services and infrastructure previously identified as lacking can be provided along with the development (227).

St Katherines

Vision

One respondent would prefer Barthol Chapel Primary School is supported by development in St Katherines instead of Fyvie Primary School (684).

Allocated Sites

OP2 Land North of St Katherines

It is queried why the decisions of the Reporter were not relevant any longer (253, 350) and why issues raised in the Main Issues Report 2013 are no longer considered relevant (484). It is argued that all the reasons given by the Reporter in the Examination of the
Local Development Plan (LDP) 2012 remain relevant, in particular: reliance on car transport; new access onto the A947 is “not acceptable on grounds of poor visibility”; and that there are no sufficient reasons, individually or in combination, to justify an allocation of this scale (see Examination Report – Aberdeenshire Local Development Plan 2012, pages 783-787) (253). Any development should be in keeping with the size and character of St. Katherines which is only 5 houses, as stated by the Reporter (484).

The A947 has a poor safety record with a significant number of fatalities. The road survey undertaken by the promoter does not accurately report the volume of commuter traffic (253). The promoter’s suggestion of creating a southbound right-turn stacking lane is unsafe. It is not clear how residents would re-enter their property when there is stationary traffic stacked in a right-turn lane opposing the driveway (253). This location is completely unsuitable for any social housing or one car households as there is no cost effective public transport service to Oldmeldrum (253). Creating communities with facilities, schools and leisure facilities close enough to walk to should be preferred (350).

Drainage issues and concerns about private waste water treatment were also raised (253, 350, 484), as was the lack of shops and services (253, 350, 484). St. Katherines is a small, compact settlement with no services and to more than double it in size would totally ruin its character (253, 484), and it is the experience of both residents and estate agents that houses there do not sell easily (253). There is also no need for any industrial units as already there are many lying empty locally (350). It was queried if the falling school roll in Fyvie is justification enough for more housing land to be allocated (253).

Woodhead

A respondent wants site FM011 allocated for 5 houses. SEPA have confirmed that they have no objection to bid site FM011 being included in the Plan on the grounds of foul drainage (a letter from SEPA is attached to the representation) - past negativity towards the drainage can, therefore, be considered unfounded. Bid FM011 is for 5 sites and so would be of interest to local contractors. Although the site lies to the west of the 'settlement', it does not form a gateway so the visual impact would not be too onerous. The development would suit the existing housing along the south side of the B9005 public road, giving a balanced appearance. The Vision for Woodhead noted in the Plan acknowledges the need to sustain the community facilities of Woodhead and Fyvie while aiming to preserve the appearance of the settlement. The localised small scale growth that the site promotes matches those targets (91).

Modifications sought by those submitting representations:

Cuminestown - Settlement Features

The area earmarked for business development at Cuminestown Industrial Estate/Chapel Park (BUS site) should be relocated to a more suitable site or removed from the Plan (232, 233).

Allocated Sites - OP1 Chapel Brae West

Delete site OP1 (228).
<table>
<thead>
<tr>
<th>Additional Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid Site FM057</td>
</tr>
<tr>
<td>Transfer the allocation for site OP1 to bid site FM057 (228).</td>
</tr>
</tbody>
</table>

Daviot

Settlement Features

Protection should be given to the following sites:
- the entire field previously included in bid sites FM071/FM072 (167, 259, 302, 425, 528, 539);
- the land between the Loanhead Stone Circle and the cluster of houses and Pitblain (259, 302, 425, 528, 539);
- the area of land adjacent to the church (259, 302);
- the play park at Kirkton Park (259, 302, 528, 539); and
- the area of open space within the OP1 designation (259, 302, 528, 539).

Settlement Boundary

Amend the settlement boundary to include the Pitblain House cluster (235).

Rural Development Policy

Daviot should be excluded from the Rural Development Policy, as indicated in the Main Issues Report (167, 259, 302, 425).

Fyvie

The bowling green to the west of Site P1 should be designated as Protected Land (674).

Rothienorman

Settlement Features

Clarification on vehicular access into the BUS1 site should be provided in the Plan (24, 486) and the need for business development allocation in Rothienorman should be reviewed (24, 486).

The BUS1 site should be removed from the Plan (568).

Additional Sites

Bid Site FM028

Bid site FM028 from the Main Issues Report should be allocated in the Plan for residential development and Table 4 in Appendix 5 updated to reflect this (227).

St Katherines

Although not explicitly stated by any of the respondents, it can be inferred that the
modifications sought are as follows:

Vision

Replace Fyvie Primary School with Barthol Chapel Primary School in the Vision (684).

Allocated Sites

OP2 Land North of St. Katherines

Remove the OP2 allocation from the LDP (253, 350, 484).

Woodhead

Site FM011 in Woodhead, Fyvie, should be allocated for 5 houses (91).

Summary of response (including reasons) by Planning Authority:

Cuminestown

Cuminestown is located within the Rural Housing Market Area within a “local growth and diversification area”. In accordance with the Strategic Development Plan (SDP), the village is appropriate for a level of growth related to local needs (see SDP 2014, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Cuminestown Settlement Statement in LDP 2012 (see LDP 2012, Supplementary Guidance Volume F: Cuminestown). The proposed allocations were considered in full in the MIR 2013 (see MIR 2013, Appendix Formartine, page 16 and the subsequent MIR 2013, Issues and Actions Paper 082 – Cuminestown).

Settlement Features

This is an existing employment land site with business already occupying and operating out of the units. Policy B1 Employment and Business Land advises that BUS sites will be retained for this use unless there is a constraint on the site whereby there is no reasonable prospect of it ever becoming marketable for business development or it is poorly located for employment use. It is considered that it is still appropriate for business development. Policy B1 requires any development to respect the character of the area and be compatible with nearby uses. There is nothing to suggest that the principle of allowing potential business uses would constitute a hazard to children and this matter would be considered as part of a planning application. No change is required.

Allocated Sites

OP1 Chapel Brae West

The 2015 Action Programme shows that site OP1 is actively being marketed and is characterised by a “marketability” constraint. There is no other reason why the site cannot be brought forward when market demand picks up. Allocating an alternative site is unlikely to remove this constraint from the village. No change is required.
Additional Sites

Bid Site FM057

The issue of site FM057 arose previously in the Main Issues Report (See MIR 2013, Issues and Actions Paper 082 – Cuminestown), when it was concluded that the site should not be allocated. It is acknowledged that a Flood Risk Assessment may show that the development is technically deliverable and it is located reasonably close to local services. However, as discussed in MIR 2013, Issues and Actions Paper 082 – Cuminestown, the marketability constraint on OP1 does not justify allocation of an alternative site such as FM057 as it could be similarly constrained. As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area and, therefore, no additional local need exist to justify adding the allocation. No change is required.

Daviot

Daviot is located within the Rural Housing Market Area within a “local growth and diversification area. In accordance with the Strategic Development Plan (SDP), the village is appropriate for a level of growth related to local needs (see SDP 2014, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Daviot Settlement Statement in support of Local Development Plan (LDP) 2012 (see LDP 2012, Supplementary Guidance Volume F: Daviot). The proposed allocations were considered in full in the MIR 2013 (see MIR 2013, Report Appendix Formartine, page 18 and the subsequent MIR 2013, Issues and Actions Paper 083 – Daviot). The OP1 development will meet local demand for housing.

Settlement Features

The issue of protecting land outside the settlement boundary was considered in MIR 2013, Issues and Actions Paper 083 – Daviot. While requests for valued views to be protected were acknowledged, it was assessed that the most appropriate way to develop Daviot would be through allocated sites in the LDP and to remove Daviot from the list of settlements shown in Appendix 4 “Identified Settlements under Policy R2”. This would provide adequate protection for these sites as the Rural Development Policies (Policies R1 Special Rural Areas and R2 Housing and Business Development Elsewhere in the Countryside) place significant restrictions on development outside the village boundary. No new information has been provided to suggest that this level of protection would be inadequate.

The fields previously included in the bids FM071 and FM072 and between Loanhead Stone Circle and Pitblain House are currently outwith the settlement boundary and contain large proportions of prime agricultural land. Development in these fields would not normally be permissible. An application in 2013 (APP/2013/3374) tested this principal at appeal PPA-110-2218 (see Appeal Decision Notice PPA-110-2218) and the decision not to grant permission due to the loss of prime agricultural land was sustained, demonstrating the adequacy of the protection afforded by this approach.

In addition to the protections of Policies R1 and R2, the field between Loanhead Stone Circle and Pitblain House is also subject to Policy HE1 Protecting Historic Buildings, Sites and Monuments which protects the setting of scheduled monuments. The views
"overlooking the rolling landscape of the Garioch" and its "atmospheric site in the rolling hills above Oldmeldrum" are particularly highlighted by Historic Scotland. Thus protecting this setting would be an important consideration should any planning application be made in the vicinity of the Loanhead Stone Circle (see Loanhead Stone Circle, (see website extract, http://www.historic-scotland.gov.uk, Places to visit, Property Detail, Loanhead Stone Circle). Similarly, as outlined in Issues and Actions Paper 083 Daviot, both the church and churchyard are listed and so the land adjacent is subject to restrictions that would impede development that would compromise the setting of the listed buildings, as stated in Policy HE1.

The open space within site OP1 and the play park in Kirkton Park are also afforded protection through Policy P3 Infill and Householder Developments Within Settlements. The loss of open space and the play park would be contrary to this policy.

Protection of domestic views is not a material consideration in planning decisions. However, it is acknowledged that certain views from Daviot are key to the sense of place, as stated in the Settlement Statement.

Due to the high level of protection already afforded to these sites identified above through alternative proposed policies, there is no need to designate any land as "P sites" under Policy PR2 Protecting Important Development Sites. No change is required.

Settlement Boundary

While the concerns over the developments at Pitblain House are noted, the addition of the Pitblain House cluster to the settlement boundary would likely exacerbate the perceived problem of overdevelopment in the cluster due to the elongation of the settlement boundary to the east allowing more infill development to occur under Policy P3. The removal of Daviot from the Appendix 4 Settlement of Rural Development Policy R2, as discussed above, will result in a reduction in the number of circumstances where development could be permissible. In the Pitblain House cluster new development will result in 5 houses being present, making it qualify as an existing cluster under Policy R2 of the Proposed Plan. This would then result in only one additional house being permitted within this group over the Plan period. This is an appropriate level of growth for this site. No change is required.

Rural Development Policy

MIR 2013, Issues and Actions Paper 083 – Daviot notes that a significant weight of objection to organic growth under the Rural Development Policy was received during the Main Issues Report consultation. It is clear that site allocation is the most appropriate means of delivering additional growth in Daviot, should this be required. This will allow the principles of the location and scale of development proposals to be consulted on and identified in the Plan. It would also help ensure that the character of the settlement is retained and any infrastructure needs are identified and addressed. No change is required.

Fyvie

It is acknowledged that the bowling green nearby the P1 site is an important recreational amenity within the settlement. As such, it would be offered a level of protection from inappropriate development by Policy P3 Infill and Householder Developments within
Settlements, which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is, therefore, not necessary to prevent inappropriate development from taking place on this site. Nevertheless, Aberdeenshire Council would have no objection to the proposed extension of the P1 designation to include the bowling green if the Reporter deems this appropriate.

Rothienorman

Rothienorman is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Strategic Development Plan (SDP) 2014 Spatial Strategy identifies in paragraph 3.43 that levels of growth in individual settlements within this area should relate to local needs. The proposed land allocations are essentially unchanged from the Rothienorman Settlement Statement of the Local Development Plan (LDP) 2012 (see LDP 2012, Supplementary Guidance Volume F: Rothienorman). The proposed allocations were considered in full during the Main Issues Report (MIR) 2013 (see MIR 2013, Appendix Formartine, page 61 and the subsequent MIR 2013, Issues and Actions Paper 097 – Rothienorman). The planning objectives for Rothienorman are to preserve the amenity of the settlement and to provide local employment opportunities.

As demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. No additional allocations are required.

Settlement Features

The BUS1 site was in the LDP 2012 and there were no issues raised with its inclusion in this Proposed LDP 2015 when considered during the MIR 2013. The site is safeguarded to fulfil the planning objective of providing local employment opportunities. Concerns regarding access are noted and will be dealt with at the planning application stage. The design of any development will be subject to Policy RD1 Providing Suitable Services. Developers will be aware of the need for Roads Construction Consent and the possible requirement for Transport Assessment at the planning application stage. No change is required.

Additional Sites

Bid Site FM028

The decision not to allocate the site was taken on the basis that no development was required to support services, the local schools are functioning close to capacity and Rothienorman is identified as suitable for small scale organic growth under the Policy R2 Housing and Business Development Elsewhere in the Countryside. No evidence for local need has been provided by the respondent. As noted above, no shortfall has been identified in the housing land supply within the Rural Housing Market Area local growth and diversification area. No change is required.

St Katherines

Vision

Pupils in St Katherines fall within the catchment of Fyvie Primary School. Therefore, any
development would be required to mitigate the effects of their development against school capacity there. To ask for contributions or support from development in St. Katherines for Barthol Chapel Primary School would fail the tests set out in Planning Circular 3/2012 Planning Obligations and Good neighbour Agreements, paragraphs 17-19, regarding relation to the proposed development. No change is required.

Allocated Sites

OP2 Land North of St. Katherines

The points raised regarding the decision of the Reporter and the Main Issues Report are acknowledged. It is not the case that the decisions of the Reporter are no longer relevant. However, it was decided in the final analysis that the need to support the local primary school (which has a declining school roll from 54% to 46% capacity in the 2016-2019 period) was a suitable justification for allocating the site. This will support local services and promote sustainability in the rural catchment area of Fyvie Primary School. The catchment of Fyvie Primary School contains relatively few settlements and none of a scale that can support large allocations. Fyvie is itself constrained for development by the Fyvie Castle Designed Landscape and the inventory Battlefield of Fyvie to the north, east and encompassing most of the village. There are few potential development sites as a result and no bids were promoted through the Local Development Plan process. Woodhead is similarly constrained by Local Nature Conservation Areas to the north and south and the Battlefield of Fyvie to the west. As a result of constraints in Woodhead and Fyvie, allocations were required elsewhere in the catchment area. St. Katherines is well located to develop, with few physical constraints bar the A947. The village also has regular bus services to Aberdeen and Elgin/Banff via the 35 and 35A buses, and also across Aberdeenshire via the 248, reducing the reliance on cars. The Reporter’s comments can be incorporated into development management decisions and appropriate conditions may be made to mitigate the problems of access onto the A947. No change is required.

Woodhead

Woodhead is a small hamlet with a hall and a bus stop and no other services, and lies near Fyvie in the Local Growth and Diversification Area and the Rural Housing Market Area. There are two Sites of Special Scientific Interest (SSSI) near Woodhead, to the north and south.

Site FM011 was last discussed in the Main Issues Report 2013, Issues and Actions Paper 105 - Woodhead. At that time, it had not been confirmed that issues with drainage and a possible shallow groundwater table were able to be overlooked and the site was not allocated. It is appreciated that SEPA have confirmed these concerns have been lifted. However, issues regarding car reliance and impact on the Local Nature Conservation Sites are not adequately addressed in this representation and still remain valid. In addition to these, the site is also within an area of Prime Agricultural Land which is protected under PR1 Protecting Important Resources and nationally as part of Scottish Planning Policy.

Furthermore, as demonstrated in the Schedule 4, Issues 7 and 8: Housing Land Supply and Housing Land Spatial Strategy there is no local or strategic need for further housing in this area. Support for local services, such as Fyvie Primary School, will be provided from the allocations in St. Katherines. No change is required.
Cuminestown - BUS site

1. Two sides of the undeveloped part of the Cuminestown BUS site adjoin residential areas. I note that the Glossary in the proposed plan says that employment uses are normally classes 4, 5 and 6 of the Use Classes Order. Class 4 is “business” and covers uses that can be carried on in a residential area without detriment to the amenity of the area. Class 5 is “general industrial” and class 6 is “storage or distribution” and are not limited to uses that would have no detriment to residential amenity.

2. The relatively limited size of the undeveloped part of the Cuminestown BUS site suggests to me that there would be limited scope to provide buffer strips or other boundary features to protect adjoining dwellings from disturbance arising from class 5 or class 6 development.

3. I note that some noise disturbance is experienced in relation to activity on the developed part of the industrial estate.

4. The Council refers to policy B1 and the statement “It must respect the character of the area and be compatible with nearby uses.” From my reading of policy B1, this statement refers to alternative uses, not to uses in the business category.

5. Taking into account all the foregoing, my conclusion is that the undeveloped part of the Cuminestown BUS site is suitable for class 4 use but is not suitable for class 5 or class 6 use. The proposed plan should be altered accordingly.

Cuminestown - site OP1, Chapel Brae West and site FM057, West Cuminestown

6. Representation 228 says that the Housing Land Audit 2012 identifies site OP1, Chapel Brae West, as constrained due to marketing. It is contended that the allocation proposed on OP1 should be transferred to a site at the west side of the village (site FM057, West Cuminestown). Development in Cuminestown will help meet requirements for housing land.

7. I note the arguments in favour of the West Cuminestown site, including landscape fit, defensible boundaries, proximity to the existing built-up area and availability of services. I find that the factors favouring development at west Cuminestown are factors that also apply to site OP1. I find that development on OP1 would have a better landscape fit, would have a better relationship to the built form of the village and would be closer to the primary school.

8. OP1 is said to be constrained solely by marketability. The representation does not demonstrate that the west Cuminestown site is more marketable than OP1. Thus, transferring the allocation from OP1 to FM057 is not likely to be of benefit.

9. During my inspection, I noted that some development had commenced on OP1. The sub-base of an access from Chapel Brae had been constructed into the site. At the far end of this access erection of a house was at a fairly advanced stage.

10. The representation refers to assisting in delivering requirements for housing. There
is no suggestion that both OP1 and FM057 are required to meet the established need for housing land. In addition, I note that Cuminestown is not within a strategic growth area. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification for site FM057 is outweighed by the fact that site OP1 is better suited to development by reason of better landscape fit, better relationship to the built form of the village and proximity to the primary school.

11. From the foregoing, I conclude that it would not be appropriate to allocate site FM057 and that the Cuminestown site OP1 should be retained in the proposed plan.

Daviot - protected land

12. Within the settlement boundary for Daviot and Daviot Estate, the proposed plan includes eight areas designated as protected land. Representations seek additional protected land designations.

13. Regarding the former bid sites FM071 and FM072, I note that a planning application for the erection of two houses in the south-east corner of site FM072 was refused planning permission and that the subsequent appeal was dismissed.

14. I also note that Daviot is not included in the lists of identified settlements in appendix 4 of the proposed plan. This means that the section of policy R2 that promotes small-scale growth to meet a particular need does not apply to Daviot.

15. Finally, I note that the two former bid sites FM071 and FM072 are outwith the settlement boundary as shown in the proposed plan. All of the protected land that is designated in the proposed plan is within the settlement boundary. To me this suggests that the intention of the protected land designation is to control development that might otherwise be permitted by reason of being in the settlement boundary. Outwith the settlement boundary, control is exercised through the countryside policies in section 12 of the proposed plan.

16. The foregoing points lead me to conclude that there is no need to designate former bid sites FM071 and FM072 as protected land.

17. For the same reasons, I conclude that land between Loanhead Stone Circle and Pitblain need not be designated as protected land. In this case there is the added point that the stone circle is a scheduled monument and that policy HE1 in the proposed plan says that development will not be allowed if it would have a negative effect on the setting of a scheduled monument.

18. Representations 259 and 302 seek a protected land designation for the area of land which is at the bus stop and adjacent to the church annex and which is used as a car park. I do not find that this request comes into the category of requests that cannot be given proper consideration because a specific area or purpose was not identified (Main Issues Report 2013, Issues and Actions paper 083, Daviot, page 8/154). The description in the representations makes it clear that the area in question is bounded on the south-west by the main road through the village, on the north-west by the road to Pitblain, on the north-east by the boundary wall of an adjacent house and on the south-east by the church annex and the churchyard boundary. The representations also refer to use of the site as a car park, from which it is reasonable to infer that the desire is to preserve this
19. The Council’s response includes reference to development that might compromise the setting of the listed church and churchyard, although this is not expressly mentioned as a concern in representations 259 and 302.

20. I note that, in the proposed plan, policy PR1 says “Development will not normally be permitted on land identified as “protected” within the settlement statements, unless the new use is ancillary to the use as open space.” In the glossary, open space is “Any open space which provides … social … benefits to communities … It includes … hard landscaped areas, with a civic function …” From this I find that, in principle, an area used for car parking may appropriately be designated as protected land.

21. In the present case, I find that the car park serves a useful function in providing off-street parking beside two of the village facilities. My conclusion is that it is therefore worthy of protection and should be designated accordingly.

22. With regard to the play park at Kirkton Park, I note that policy P3 says that sites that have no specific land use designation within settlements may provide development opportunities. The policy goes on to qualify this, but does not provide the same level of protection as is given to sites that are designated as protected land and thus are subject to Policy PR1.

23. As noted above, other areas of open space in Daviot are designated as protected land, although none is as small in extent as the Kirkton Park site.

24. From my inspection, I find that the site at Kirkton Park makes a useful contribution to the amenity of the locality. It is worthy of the greater level of protection that is afforded by the protected land designation, and the proposed plan should be altered accordingly.

25. With regard to open space in the OP1 site, at the time of my inspection, development on this site was incomplete. There is as yet no open space to protect. It is therefore not appropriate to consider a protected land designation within this site at present.

Daviot - the Pitblain cluster

26. Daviot is not included in the lists of identified settlements in appendix 4 of the proposed plan. As explained in the Council’s response, policy R2 would restrict further development at the Pitblain cluster to no more than one additional dwelling during the plan period. I find that this adequately meets the concern regarding excessive development at Pitblain. The proposed plan need not be altered.

Daviot - rural development policy

27. Concerns regarding rural development policy are met by the fact that Daviot is not included in the lists of identified settlements in appendix 4 of the proposed plan. The proposed plan need not be altered.

Fyvie

28. I agree that the bowling green is a recreational amenity worthy of protection. The
section of Policy P3 that is quoted by the Council in its response appears to be directed to safeguarding the amenity of the surrounding area rather than the bowling green itself. To avoid any uncertainty, I find that the bowling green should be designated as protected land. The proposed plan should be altered accordingly.

Rothienorman - BUS site

29. From my inspection, I note Rothienorman is set in an extensive rural area dominated by agriculture. The village contains several business operations. In Smithy Road there were business premises that appeared not to be in use at present. The Fraser Court development appears to be largely complete.

30. I find that the Rothienorman BUS site provides opportunity for business development entailing new-build premises. This would add to existing opportunities for residents to work locally and, in accordance with Scottish Planning Policy (paragraph 270) would reduce need to travel. The provision of additional local jobs is particularly desirable to complement the recent new housing development on the north side of the village.

31. The size of the Rothienorman BUS site would accommodate one business requiring a reasonably large site or two or more smaller businesses.

32. From the preceding considerations, I find that allocation of the Rothienorman BUS site for employment uses is justified in terms of need and the site is not of excessive size.

33. No details have been given as to how land ownership might be an impediment to development. I am not aware of any objection from anyone with an ownership interest.

34. Regarding possible traffic hazards, from my inspection I note that Forgue Road, where it passes the site, is reasonably straight with good forward visibility. There appears to be scope to position any new access so that it is not too close to the Smithy Road junction.

35. I note that traffic flow along Forgue Road has been increasing. During my inspection, the road carried no more than a light flow of traffic. While this may not have been typical, evidence does not demonstrate that traffic flow is at times so great as to make undesirable the creation of an access into the Rothienorman BUS site.

36. I note that Blackford Avenue is a residential street with no through traffic. It would not be suitable for use as an access to the Rothienorman BUS site. The site should be accessed directly from Forgue Road.

37. Drawing together all these matters, my conclusions are that the Rothienorman BUS site should be retained in the proposed plan and that the plan need not be altered.

Rothienorman - bid site FM028

38. The submission in support of development on site FM028 includes the following significant points: new allocations should be identified to meet the inevitable shortfall in housing land supply; the site is well-contained in the landscape and is a logical area for the expansion of Rothienorman; the site is well-related to the centre of the village; development on the site would make a positive contribution to climate change targets in that it is close to various facilities; and the proposed plan allocates no land for new
housing at Rothienorman.

39. I agree that rising land beyond the southern boundary of the site helps to contain the site in the wider landscape. I am less convinced of the landscape merits at a more local scale. The site extends out into the countryside, with open fields on three sides. Development on the site, especially as illustrated by the Indicative Layout, would not be in keeping with the compact form of the existing village.

40. With regard to the site being a logical area for expansion of the village, no comparative assessment of other possible sites has been drawn to my attention. If it were to be shown that there is a local need for more housing at Rothienorman, other sites adjacent to the village might be more worthy of being allocated for development. Other sites might be well-related to the centre of the village.

41. I accept that residential development on site FM028 would be close to the post office, primary school, football pitch and bus stops, and that these facilities are well within walking distance. However, it appears to me that Rothienorman does not have other important facilities and services such as a supermarket for main weekly shopping, a range and choice of employment, a secondary school and healthcare facilities. From this I find that new housing development in the village is likely to be car-dependent. This suggests to me that Rothienorman is not a sustainable location for significant new residential development, bearing in mind what is said in paragraph 270 of Scottish Planning Policy.

42. Regarding lack of an allocation for new housing at Rothienorman, the Council points out that some small-scale growth may be permissible, but local schools are functioning close to capacity. I note that Rothienorman is not in a strategic growth area.

43. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the foregoing concerns that I have with regard to landscape and townscape, sustainability and school provision.

44. Taking account of all the foregoing considerations, my conclusion is that site FM028 should not be allocated for development. The proposed plan need not be altered.

St Katherines - site OP2

45. St Katherines consists of a small group of houses and a modern workshop premises set in open countryside beside the Oldmeldrum to Turriff road, A947. A number of concerns are expressed about the allocation of development to site OP2 at St Katherines.

46. From submissions and from my inspection, I find that the only services available at St Katherines are a public water supply, a half-hourly bus service on the adjacent main road and the hydraulics business in the workshop premises. St Katherines has no public drainage system. It has no school, shop, healthcare provision, choice and range of employment, leisure facility or any of the other services and facilities convenient access to which is essential for everyday living.

47. From this, I find that any residential development at St Katherines would be car-dependent. Residents of new development would be likely to use car transport to access necessary services and facilities. This is contrary to important parts of Scottish Planning Policy and the Aberdeen City and Shire Strategic Development Plan.
48. Paragraph 270 of Scottish Planning Policy says that the planning system should support patterns of development which reduce the need to travel and provide safe and convenient opportunities for walking and cycling for both active travel and recreation.

49. One of the aims of the Aberdeen City and Shire Strategic Development Plan is to “make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices” (page 6). One of the objectives of the Strategic Development Plan is creation of sustainable mixed communities. “Retail, employment, education, health, leisure, open space and transport as well as housing are all vital for successful development” (page 36, paragraph 4.34). Another objective is accessibility: “To make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices” (page 38). Under the latter, one of the targets is: “To reduce the percentage of journeys made by car” (page 38).

50. From the foregoing, I find that concerns about reliance on car transport are fully justified.

51. A further concern is lack of demand for houses. In connection with this, I note that the Aberdeen City and Shire Strategic Development Plan, under “Local growth and diversification areas” says that “Levels of growth in individual settlements should relate to local needs....” (page 22, paragraph 3.43). The submissions do not demonstrate that, at St Katherines, there is a need for new housing beyond that which might be provided on site OP1.

52. The proposed plan includes in site OP2 a hectare of employment land. Submissions do not demonstrate that there is a need and demand for employment land in this countryside location. In the proposed plan, employment land is allocated in or adjoining towns in Formartine, where supporting services are available. I find it unlikely that the proposed employment land, if developed and if employing persons living in houses on the residential part of OP2, would significantly reduce car journeys. Some employees would be likely to travel from places of residence further afield and most working residents on OP2 would be likely to travel to places of employment elsewhere.

53. Concern is also expressed about road safety. The A947 road is said to have a poor safety record. From my inspection, I note that the A947 at St Katherines is subject only to the national speed limit. The existing side road and the frontage of OP2 are on the inside of a slight bend. This restricts forward visibility for travellers on the main road. During my inspection, I noted that the speed of passing traffic was fairly high. Both approaches to the side road (the Crichneyled road) junction have “reduce speed now” warning signs. There is no footway on the A947, except for a standing area beside the bus stop lay by for south-bound buses. There appears to be no designated bus stop for north-bound buses.

54. In the interests of safety and free-flow of traffic, it is generally accepted that the number and usage of accesses to major roads in rural areas should be kept to a minimum. I find that development on site OP2 would either increase use of the existing access to A947 from the Crichneyled road or would require a new access direct to A947.

55. One particular concern in the representations is the effect of development on the safety of the access to Greenacres. From my inspection, I note that, in addition to the
access to Greenacres, on adjoining land to the north there is an access to the premises of an engineering business. I find that the presence of these existing accesses means that any direct access to OP2 would be adding to slowing and turning movements on a relatively short stretch of road. This would be contrary to the interests of the safe and free flow of traffic on the main road.

56. From the considerations in the preceding paragraphs, I find that OP2 is poorly-located in terms of obtaining access to the road network.

57. I note that Fyvie Primary School has a roll that is below its capacity, that pupil numbers are expected to reduce and that at Fyvie there are “few potential development sites”. Submissions do not demonstrate that there has been a thorough search for development sites in Fyvie or in any other communities that might exist within the catchment area of Fyvie Primary School. Even if there are no other development sites, I find that seeking to increase the number of primary school children does not justify encouraging development on a site that is so poorly located as is OP2 at St Katherines.

58. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the foregoing concerns that I have with regard to lack of services and reliance on car transport. Any local need for new houses can be met by development on the St Katherines OP1 site.

59. Taking into account all the preceding matters, my conclusion is that OP2 is an unsatisfactory site for residential and employment development. The site should be deleted from the proposed plan.

St Katherines - site OP1

60. Representation 484 says that any development at St Katherines should be in keeping with the size and character of the community. This means five houses only on site OP1. In the proposed plan, site OP1 is allocated for “up to 15 homes”.

61. I note that site OP1 is allocated for housing development in the current, 2012 local development plan. The plan says that the site is allocated for “up to 5 houses”.

62. Representation 350 says that planning permission in principle has been granted for 15 houses on OP1.

63. I find that existence of a planning permission does not necessarily prevent consideration being given to the appropriateness of the 15-home limit contained in the proposed plan. There are two reasons for this. First, the permission might not be implemented and might lapse. Second, the information before this examination might indicate that the 15-home limit is inappropriate.

64. As already stated in relation to the OP2 site at St Katherines, the local community lacks nearly all the services that meet everyday needs. New housing development at St Katherines would be almost entirely car-dependent. This is contrary to national and strategic planning policies. I therefore find that, if there is to be some new housing development at St Katherines to meet possible local needs, it should be on a very modest scale. Submissions do not demonstrate that the limit of five houses in the current plan is too restrictive in relation to local needs.
65. From my inspection, I find that the density of existing housing at St Katherines may be characterised as medium. Development on the OP1 site should be at a similar density to maintain the character of the hamlet. This would be achieved by a development of five dwellings, especially when bearing in mind the landscaping and screening required by the OP1 text in the proposed plan.

66. My conclusion is that the allocation for site OP1 should be five homes. In line with the recommendation made under issue 7 regarding the third paragraph of policy H1, the words “up to” should not be used. The proposed plan should be altered accordingly.

Woodhead

67. I note that the appraisal of site FM011 gave weight to concerns regarding drainage. The Scottish Environment Protection Agency, in its letter of 29 January 2015, says that it has no objection on grounds of foul drainage to site FM011 being included in the local development plan. The Council maintains its opposition to development on FM011.

68. Woodhead is said to have a hall and a bus stop and no other services. During my inspection, I noted that the village also has a church with a service once a month. I find that lack of facilities and services such as shops, employment, a school and healthcare means that new housing development in the village is likely to be highly car-dependent.

69. In the Aberdeen City and Shire Strategic Development Plan, the accessibility objective is “To make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices” (page 38). One of the targets is “To reduce the percentage of journeys made by car” (page 38).

70. Scottish Planning Policy (paragraph 270) says that the planning system should support patterns of development which reduce the need to travel and which provide safe and convenient opportunities for walking and cycling for both active travel and recreation and which facilitate travel by public transport.

71. The Council points out that the site is within an area of prime agricultural land. I note that policy PR1 in the proposed plan says that prime agricultural land should not normally be developed. Scottish Planning Policy (paragraph 80) says development on prime agricultural land should not be permitted except in certain limited circumstances. I find that, as there is no clear justification for additional housing land in this location, development on site FM011 would not accord with the need to conserve prime agricultural land.

72. I note the Council’s reference to allocations in St Katherines. I am recommending a much-reduced amount of new housing in St Katherines. In view of my observations (in relation to site OP2 at St Katherines) regarding searching for development sites in and around Fyvie, I do not find that reduced housing at St Katherines necessarily justifies additional housing at Woodhead.

73. With regard to any wider need for land for more housing, this is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the foregoing concerns about sustainability and prime agricultural land. I also note that Woodhead is not in a strategic growth area.
74. The Council refers to impact on local nature conservation sites. No details about this have been submitted and I give no weight to this concern. I have not requested further information because other considerations point to rejection of the proposal that FM011 be allocated for residential development.

75. From all the above considerations, my conclusion is that site FM011 should not be allocated for housing. The proposed plan need not be altered.

**Reporter’s recommendations:**

1. In the Cuminsettown section of appendix 8, under “Other Designations” and after “Safeguarded for employment uses” add the following.

   “The western, undeveloped part of the site shall be used only for class 4 uses.”

2. In the Glossary, add the following.

   **Class 4 uses:** (a) use as an office other than an office where services are provided principally to visiting members of the public;
   (b) use for research and development of products or processes;
   (c) use for any industrial process;
   in every case being 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.”

3. In the Daviot section of appendix 8, under “Settlement Features” add a new entry in the “Protected Land” table:

   “P4  To conserve the car park area as an off-street parking area.”

4. In appendix 8, on the proposals map for Daviot show the car parking area that is bounded on the south-west by the main road through the village, on the north-west by the road to Pitblain, on the north-east by the boundary wall of an adjacent house and on the south-east by the church annex and the churchyard boundary as protected land with the reference P4.

5. In appendix 8, on the proposals map for Daviot show the grassed area with children’s play equipment that is located in Kirkton Park as protected land with the designation P3.

6. In the Fyvie section of appendix 8, under “Settlement Features” add a new entry in the “Protected Land” table:

   “P3  To conserve the bowling green as a local amenity.”

7. In appendix 8, on the proposals map for Fyvie show the bowling green as protected land with the reference P3.

8. In the St Katherines section of appendix 8, make the following changes.

   In the last line of the Vision section, delete “and new housing allocations” and put instead “housing allocation”.

541
In the second bullet point under Services and Infrastructure, delete “sites OP1 and OP2” and put instead “site OP1”.

In the section headed Allocated Sites, in the entry for OP1:

(a) delete “Up to 15 homes”, put instead “5 homes”;

(b) delete the two sentences “Active travel routes to ….. integration of the village.”; and

(c) delete “at least three” and put instead “at least one”.

In the section headed Allocated Sites, delete the entry for OP2.

On the proposals map for St Katherines, delete site OP2 and redraw the settlement boundary so that it does not take in site OP2.
## Issue 44: Shaping Garioch – Blackburn

<table>
<thead>
<tr>
<th>Development Plan reference:</th>
<th>Appendix 8, Page Garioch 3</th>
<th>Reporter: R W Maslin</th>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

- Faye-Marie Adams (57)
- Marshall Farms Ltd (90)
- National Grid (162)
- Sarah Tweddle (285)
- Doug Grant (369)
- Martin Hunter (416)
- Hatton of Fintray and Kinellar Community Council (417)
- Mr & Mrs Teri Brebner (497)
- Blackburn Consortium (545)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority's summary of the representation(s):**

### Support

Agree with the plans for the reserved areas, additional housing and new school (285).

### Vision

It should be stated that the commitment to delivering the new school should be entirely independent of the timescales of any new housing development on site OP1 (416, 417). The new school should be built sooner if possible (369).

### Settlement Features

Conservation of the landscape areas contributing to the green network around Blackburn is essential and these should be enhanced (416, 417). The provision of footpaths and rights of way access tracks should receive attention to provide safe walking, traffic free areas (369). A full route round the protected areas would be supported by locals (285).

The development of new community facilities on the R1 site, as referenced in the Vision, is supported (369, 416, 417).

The BUS area is of concern. The development of new business in Blackburn is supported but Blackburn is in need of new small retail/business outlets (285).

The BUS site is crossed by the FM12 – St. Fergus to Aberdeen pipeline. The developer
should be made aware of the Health and Safety Executive's (HSE) Planning Advice for Development near to Hazardous Installations (PADHI) process (162).

Services and Infrastructure

It is noted that residential development obligations may include contributing to sports, recreation and learning facilities. This statement should be amended to include protection, enhancement and development of new green spaces to conserve the village landscape and rural setting and maintain the amenity of the area. It would also be preferable if this could be amended to 'must contribute' (416, 417).

Support the inclusion of a developer obligation to contribute towards a new health centre in Bucksburn or Blackburn itself (416, 417).

Allocated Sites

OP1 Caskieben

Concern was raised about the possible impact of the OP1 site on adjoining properties through loss of views and light, security, privacy, overlooking and noise (57, 497). Respondents requested that the proposed development should provide rear access for existing adjoining properties if possible (57, 497).

It would be helpful to see the potential access route through the Blackburn Garage site marked on the map. The planned housing mix deemed to be most appropriate should be clarified - no reference is made to whether the proposed houses are to be single, one and a half or two storeys (416, 417).

Additional Sites

Bid Site Ga041

This site is a viable and logical extension to adjoining sites OP1 and P5. It will help to sustain services and will exploit Blackburn's strategic location. It connects well to the rest of the town by footpaths, could contribute to a green network by integrating the Black Burn and creating paths to link with the settlement, and would optimise the use of existing infrastructure. The site would be less prominent than the new school site (P5) and the south facing slope would benefit from passive solar gain (90).

Bid Site Ga045

A single site (OP1) is allocated in Blackburn. This is exactly the same allocation as in the Aberdeenshire Local Development Plan 2012 (LDP). We are not aware of the submission of a Proposal of Application Notice (POAN) for the OP1 site. Unless development is progressed on OP1, the Local Development Plan will not allow any other development to take place in Blackburn to the detriment of the delivery of a new primary school, community facilities and meeting housing land targets. The Ga045 site is deliverable, suitable for development and can address the current issue with the lack of progress with the OP1 site. It should, therefore, be allocated as a future mixed use development comprising residential, employment and community uses (545).
## Modifications sought by those submitting representations:

<table>
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<td>Conserve and enhance the landscape areas contributing to the green network around Blackburn, for example, by creating new walkways (416, 417). Footpaths and right of way tracks in the area should receive attention to provide safe walking, traffic free areas (369). Provide a full route around the protected areas (285).</td>
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<td>Make provision for new small retail/business outlets to encourage new shops/chemist or similar (285).</td>
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<tr>
<td>Ensure that developers of the BUS site are made aware of the Health and Safety Executive’s PADHI guidance (162).</td>
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<td>The statement on sports, recreation and learning facilities should be amended to include protection, enhancement and development of new green spaces to conserve the village landscape and rural setting and maintain the amenity of the area. It would also be preferable if this could be amended to ‘must contribute’ (416, 471).</td>
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<td><strong>OP1 Caskieben</strong></td>
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<tr>
<td>Ensure that development does not have an adverse impact in terms of privacy, overlooking, overshadowing or security, and provide an opportunity for rear access to existing properties adjoining the site (57, 497).</td>
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<tr>
<td>Show the potential access via Blackburn Garage on the plan. Clarify whether the most appropriate housing mix would be one, one and a half or two storeys (416, 417).</td>
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<td><strong>Bid Site Ga041</strong></td>
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<tr>
<td>Include 2013 bid site Ga041 at Caskieben, east of Blackburn for 50 houses (90).</td>
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<td>Allocate site Ga045 as a future mixed use development comprising residential, employment and community uses (545).</td>
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</table>
Blackburn is located within the Aberdeen to Huntly Strategic Growth Area, which the Strategic Development Plan (SDP) 2014 identifies as appropriate for significant development (see SDP 2014, Spatial Strategy, paragraph 3.31). However, opportunities for growth at Blackburn are somewhat limited by the prominent nature of much of the surrounding land and the presence of pipelines which particularly constrain development to the west of the town. The allocations and other development designations proposed for the settlement have been carried forward from the Blackburn Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Blackburn). The proposed allocations were subject to consideration at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, pages 4-6).

The support for the Settlement Statement is welcomed.

Vision

Proposals for a new primary school are being taken forward by the Council independently of development on the adjoining OP1 site. The Council is currently advancing a Compulsory Purchase Order (CPO) to acquire the land required for the school and its associated access. The Vision text makes clear that the school proposals are already in progress, and the Proposed Action Programme monitors the delivery of the new school separately from the delivery of housing on the adjoining OP1 site (see pages 108 and 109 of the Proposed Action Programme 2015). The inclusion of additional text to state that the school is to be delivered independently would add no particular value to the Plan and, therefore, no change is required.

Settlement Features

The landscape areas that contribute to the green network around Blackburn are identified as ‘protected’ sites. They will, therefore, be protected from inappropriate development by virtue of policy PR1 (Protecting Important Resources). The provision of new footpaths and access routes through these areas is not a matter that the Local Development Plan is able to directly address. Consideration could be given to extending the P2 and P6 areas and the settlement boundary to encompass all of the green network areas around the village, particularly west of Norman Gray Park, west of Brockwood park, north of Badger Rise, north of Scotsmill Drive and east of Scotsmill Crescent.

It is acknowledged that the current provision of shops and facilities within Blackburn is limited. However, it is anticipated that the development of the new school will provide redevelopment opportunities on the former school site. This site is reserved as a redevelopment opportunity (site R1) and the vision text indicates that this could provide opportunities for the development of the facilities described by respondent 285. No further modification is required.

The BUS site is largely developed out and the primary purpose of this designation is to protect the existing employment uses. However, it is accepted that any further development within this area would need to comply with the HSE’s PADHI guidance. As a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter including the following sentence, or a variation thereof, at the end of the existing text.
within the table of Other Designations relating to the BUS site: “Any further development proposals will need to accord with HSE Planning Advice for Developments near Hazardous Installations."

**Services and Infrastructure**

The protection of existing green spaces is already addressed through policy PR1 (Protecting Important Resources). New green spaces, and improvements to existing open spaces in appropriate cases, will also be secured within new developments through the application of policy P2 (Open Space and Access in New Developments). There is, therefore, no requirement to modify the Plan in order to achieve the objectives stated by respondents 416 and 417.

**Allocated Sites**

**OP1 Caskieben**

Site OP1 has been carried forward from the Blackburn Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Blackburn). The principle of development in this location was deemed appropriate at the Examination of the 2012 Local Development Plan and is, therefore, already established.

The concerns of respondents 57 and 497 about the potential impacts of development on site OP1 are noted. However, the issues raised, along with the requests for rear access to be made available for existing adjoining properties, are matters of detail that will require to be addressed through the development management process when a planning application is submitted.

In terms of the access arrangements, the supporting text for the OP1 allocation states that “Consideration should be given to taking access through the Blackburn Garage site...”. It should be noted that Aberdeenshire Council are currently using compulsory purchase powers to secure a route through the garage site to serve the proposed new primary school. A non-notifiable modification will be made to the Plan to show this access arrangement in the event that purchase is confirmed by the time of Plan publication. In relation to housing mix, whilst the supporting text indicates that “a mix of house sizes should be provided”, it would not be appropriate to prescribe whether the development should consist of one, one and a half or two storey properties. These are matters of detail which are best addressed at the planning application stage.

For the avoidance of doubt, the new primary school will sit on a site considerably larger than the area identified as P5 and the Settlement Statement acknowledges that part of the OP1 site will also be required for the school. Whilst not the subject of a specific representation, a technical change will be made to delete the wording “and a 3ha site for a primary school” from the site allocation, and to reflect the actual size and boundary between sites OP1 and P5 on the Settlement Statement Proposals Map, if purchase is confirmed by the time of Plan publication.
Additional Sites

Bid Site Ga041

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 6). The MIR assessment acknowledged that it would provide a logical extension to the adjoining allocation and is relatively well connected to the rest of the town. However, it raised particular concerns regarding the prominence of the site.

Whilst the site promoter’s comments are noted, it is maintained that the concerns raised within the MIR’s assessment of this site are valid. Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy demonstrate that there is an adequate supply of appropriate and deliverable housing sites within the Aberdeen Housing Market Area and there is therefore no over-riding justification for allocating this site for development within the Plan. No change is required.

Bid Site Ga045

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 6). The MIR considered the site to be inappropriate for development because of its prominence and the existence of a pipeline running through the site. It is maintained that these are valid concerns which outweigh the arguments put forward by the site promoter.

In any event, there is no need to allocate additional housing or employment land on this scale in order to satisfy the Strategic Development Plan’s requirements (see Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, and Schedule 4 Issue 5: Shaping Business Development). The OP1 site is deliverable and appropriate. Although the OP1 site is allocated in the 2012 Local Development Plan, it is specifically identified for development post 2017. Contrary to the suggestion of respondent 545, it is therefore unreasonable to expect significant progress to have been made in delivering the OP1 site at this stage. No change is required.

Reporter’s conclusions:

Blackburn - Vision

1. The Vision says that proposals to construct a new primary school to the east of Blackburn are in progress. This is reflected in the Blackburn proposals map, which designates a site as P5. The text relating to P5 says “For the provision of a replacement primary school.”

2. The Vision section for Blackburn also says that proposals to construct a new primary school will “provide an appropriate focus for limited new development”. I presume that the “new development” is a reference to site OP1. In the proposed plan, site OP1 is allocated for “up to 50 homes and a 3ha site for a primary school”. The text does not say that progress with the new school is dependent on or is to follow development on the remainder of site OP1. This suggests to me that there is no need to alter the Vision in response to representations 416 and 417.

3. During my consideration of site Ga041, Caskieben, I asked for more information (further information request FIR 15). In its reply to that request, the council says that it
has decided to construct a new primary school on the site of the existing school and on part of the playing field on the west side of Fintray Road.

4. My conclusion is that the Vision text does not place any restriction on the speed with which the new primary school can be constructed, but as the council’s intention with regard to a new school has changed, the Vision text should be amended accordingly.

Blackburn - Settlement Features - landscape and footpaths

5. Representations seek conservation and enhancement of the landscape areas that contribute to the green network around Blackburn. They also seek improvement of existing footpaths and provision of a walking route around the whole of the town.

6. The council says that consideration could be given to extending the P2 and P6 areas. I note that details of extension areas, including plans showing boundaries of such areas, have not been submitted.

7. I note that on the proposals map for Blackburn land around much of the town is designated as protected for its landscape value.

8. I find that the protected land designations shown in the proposed plan appear adequately to address the concern about conservation. Without details of any extensions, it is not possible to give favourable consideration to extending the designations.

9. Regarding enhancement and footpath work, these are worthwhile objectives. They accord with the accessibility objective in the Aberdeen City and Shire Strategic Development Plan (page 38). They also accord with Scottish Planning Policy (paragraph 270) which refers to providing safe and convenient opportunities for walking. I find that the Vision text should make reference to these objectives. The proposed plan should be altered accordingly.

Blackburn - Settlement Features - Protected Land (site P5) and Reserved Land (site R1)

10. As already noted, the council no longer intends to construct the proposed primary school on site P5. This raises questions about the future use of site P5. For example, should site P5 be allocated for some other kind of development? Or should the settlement boundary be redrawn to exclude site P5? Addressing such questions is outwith the scope of the present examination. The most that can be done is to amend the P5 text to say that the council now intends to construct the school elsewhere and that future use of site P5 will require a review of development opportunities at Blackburn.

11. Representations seek community use on the site of the existing primary school. In the proposed plan, the site of the existing primary school is designated R1. The associated text refers to a “redevelopment opportunity”. Now that the council’s intention is to use the site of the existing school as part of the land for the new school, it would not be appropriate to alter the proposed plan in response to the representations. Instead, the R1 text should say that the council intends to use the site and other nearby ground for erection of a new primary school.
12. One representation suggests that the BUS site should be used for small retail/business outlets. I find that business outlets would accord with the employment uses that are mentioned in the text for the BUS site. Regarding need for more shops, the council refers to redevelopment opportunities on site R1. As noted above, site R1 is part of the site on which the council now intends to build the new primary school.

13. From submissions and from my inspection I find that the current provision of shops within Blackburn is limited. From my inspection, I also note that much of the BUS site is now developed. Any retail development on the remainder of the BUS site would be very poorly related to Blackburn’s residential areas and would not accord with policy B1. My conclusion is that the proposed plan should not support retail development on the BUS site.

14. Regarding the high-pressure gas transmission pipeline that crosses the BUS site, I consider this a significant feature which should be mentioned in the text for the site. The proposed plan should be altered accordingly.

15. Representations seek an addition to the bullet point that deals with sports and recreation facilities. The addition would require protection, enhancement and development of new green spaces. I note that policy P2 in the proposed plan says that all new developments should be accompanied by adequate open space. Policy P1 provides protection for open space. I find that these provisions address the concerns in the representations. The proposed plan need not be altered.

16. Privacy and sunlight are planning matters, in that new development should not have an unacceptably adverse effect on the privacy and amount of light enjoyed by neighbouring development. These are matters that should be taken into account when considering any development proposal. I find that there is no need to make particular reference to them in relation to the OP1 site at Blackburn.

17. The proposed plan must provide for the growth of communities. This growth often requires extension of built-up areas into adjacent countryside, radically affecting views from properties on the existing edge of the built-up area. Loss of view is unfortunate but unavoidable and not generally a reason for preventing new development.

18. Representations include references to obtaining rear access to adjoining houses and a rear garden extension. I find that these are not matters of wider public interest. They are matters that individual neighbouring proprietors could raise with the site developer, but they are not appropriate for inclusion in the proposed plan.

19. Whether provision of a six feet high fence would be necessary or desirable would depend on the design of the layout for OP1. It is thus a matter for consideration at the stage when an application for planning permission is made.

20. Representations say that it would be helpful if the potential route into site OP1 through the Blackburn Garage site were clearly marked on the proposals map. I note that
the Blackburn Garage site is included in site OP1. It is not general practice to show points of access on the proposals maps. My attention has not been drawn to any detailed investigation of how access to OP1 might best be provided. There is nothing to suggest that an acceptable access solution could not be found. Access through the garage site might not be the only option. In view of all these considerations, I find that it would not be appropriate to show any particular access on the Blackburn proposals map.

21. Regarding the height of houses, I note that the text for OP1 says that a range of detached and semi-detached houses is likely to be most appropriate "so as to echo the design theme provided by the adjacent Dalrymple Circle". From my inspection, I see that adjacent houses in Dalrymple Circle are of one-and-a-half storeys - in other words, single-storey plus rooms in the roof space lit by dormer windows. I find that the OP1 text gives adequate and suitable guidance regarding the style of housing that may be acceptable on the site.

22. My overall conclusion is that the proposed plan need not be altered in response to representations regarding site OP1 at Blackburn. In reaching this conclusion, I am aware of the changed circumstances arising from the council’s decision not to seek to locate a new primary school on sites P5 and OP1. My remit is confined to assessing issues raised in unresolved representations, so the changed circumstances are not a matter to which I can give consideration in relation to site OP1.

Blackburn - Bid Site Ga041, Caskieben

23. As already noted, during my consideration of site Ga041, I asked for more information (further information request FIR 15). In its reply to that request, the council says that it has decided to construct a new primary school on the site of the existing school and on part of the playing field on the west side of Fintray Road. The council is no longer seeking to build a new primary school on site P5 and part of site OP1.

24. The council’s decision means that site P5 and the north-western part of site OP1 will not be developed with a new primary school. I find that the 50 homes envisaged for site OP1 could be provided on the south-east part of the site. All of this means that development on Ga041 would not be an extension of development on OP1 and P5. Instead, there would be a considerable gap between Ga041 and any housing development on the south-east part of OP1. I find that this would not be a satisfactory arrangement.

25. The council says that sites OP1 and P5 have an area of 7.4 hectares, indicating a capacity of 220 dwellings. I find that whether more dwellings than the 50 envisaged in the proposed plan should be erected within these sites is a matter that requires to be given consideration at a future date. It is not a matter on which I can come to a conclusion because it has not been raised in an unresolved representation and it has not been subjected to a structured environmental assessment process with public engagement. Nevertheless, the new situation does open up the possibility that a development of 150 or more dwellings could take place within the OP1 and P5 sites.

26. Site Ga041 has an area of approximately 9.8 hectares. The representation does not appear to give an estimate of the number of dwellings that the site might accommodate. I note that a relatively small part of the site might be at risk of flooding, that much of the site has significant gradients and that a density of 30 dwellings per hectare is used by the council. From this, I find that residential development on site Ga041 might, very roughly
and purely for present purposes, be of the order of 150 dwellings.

27. From the two preceding paragraphs, I find that residential development on Ga041 could well be part of residential development of 300 dwellings or more on the east side of Blackburn. I note that development on this scale: has not been appraised in relation to traffic impacts, including impacts on trunk road A96; would require at least two points of access and these have not been identified; and would be likely to include as residents more children of primary school age than could be accommodated in the proposed new primary school. For these reasons, I find that the proposed plan should not be altered to include site Ga041 as a site for new houses.

28. I have noted what the council, in its reply to further information request 15, says about redrawing the proposals map. Any such redrawing is outwith the scope of my remit.

Blackburn - Bid Site Ga045

29. The representation says that site OP1 is allocated for development in the current 2012 local development plan and there is no sign of development coming forward. Other housing sites in the proposed plan are also failing to come forward. Commercial development on the BUS site “is now complete. The fast take up of the commercial premises in this location confirm the feasibility and demand for this type of development.” The representation says that site Ga045 has potential for residential, commercial or community-based development (including a new primary school), or a mix of these uses.

30. I find that the council’s decision to locate the proposed new primary school on Fintray Road has a major effect on identifying land for new housing in Blackburn. This is evident from the above sections relating to sites OP1 and Ga041. The possibility now exists of identifying land on the east side of the town for more than the 50 dwellings that the proposed plan allocates to OP1.

31. If land for as many as 150 dwellings were identified on the east side of Blackburn, this might well take up all spare capacity in the proposed new primary school.

32. From my inspection, I note that there are fine, mature trees on parts of the southern boundary of Ga045 where it adjoins the B979 and there is a substantial tree belt on the west side of the site. The site rises up markedly from the B979. From the northern part of the site there are extensive views to the south. So far as I am aware, a comprehensive landscape appraisal has not been carried out, but it seems to me that development on site Ga045 is likely to have a greater landscape impact than development on the east side of Blackburn.

33. From my inspection, I note that development on the BUS site is well-advanced, if not quite complete. I am not convinced that this necessarily means that site Ga045 would be attractive to similar commercial development. Site GA045 has a significantly steeper gradient than land within the BUS site. I find that this is likely to require considerable earthworks when providing one or more accesses into the site from the B979 and when creating level platforms on which to construct large commercial buildings. This would add to the cost of development and might be a deterrent to would-be developers.

34. Regarding the pipeline, I note that the Main Issues Report simply says “The existence of a pipeline running through the site also constrains development.” I note that
representation 162 contains a map showing that the pipeline crosses the narrower part of
the site on a north-south alignment. Submissions neither indicate whether there are “no
development” zones on each side of the pipeline nor what the width of any such zones
might be. I am therefore not able to assess the extent to which the pipeline is a constraint
to development. I therefore give little weight to its presence within Ga045.

35. Housing land supply is considered under issue 7. The conclusion under issue 7 is
that there is a sufficient supply of land effective or capable of becoming effective in the
plan period. Nevertheless completions to 2016 have fallen behind the target set out in the
strategic plan and this provides some justification for the inclusion of appropriate
additional housing sites.

36. In the present case I do not consider inclusion of Ga045 as a housing site or as a
mixed use site is justified. Identification of additional land for housing at Blackburn
requires fresh appraisal in the light of the decision to construct the proposed new primary
school on land at Fintray Road. It is possible that land for as much new housing as is
compatible with the capacity of the proposed new school could be found on the east side
of Blackburn. This would preclude housing development on Ga045. Development on the
east side of the town is likely to have less landscape impact than development on Ga045.

37. I find that the case for commercial development on site Ga045 has not been
established. Cost of development on a sloping site might be a deterrent to would-be
developers and landscape impact could be significant.

38. My overall conclusion is that site Ga045 should not be allocated for development.
The proposed plan need not be altered.

Reporter’s recommendations:

1. In the Blackburn section of appendix 8, under “Vision” delete the last two sentences
and put instead the following.

“Proposals to construct a new primary school are in progress. The council had
intended that the new school would be erected on a site on the east side of the
town and that the site of the existing school would be reserved as a redevelopment
opportunity. At a late stage in the preparation of this plan, the council decided that
the new school should be on the site of the existing school and on land on the west
side of Fintray Road.

The landscape setting of Blackburn should be conserved and improved. Footpaths
should be improved and extended, with a long-term objective of providing a
walking route around the whole of the town.”

2. In the Blackburn section of appendix 8, under “Settlement Features” delete the text for
P5 and put instead the following.

“This site was to have been reserved for provision of a replacement primary
school: see “Vision”, above. Determining the future use of site P5 will require a
review of development opportunities at Blackburn.”
3. In the Blackburn section of appendix 8, under “Settlement Features” delete the text for R1 and put instead the following.

   “This site was to have been reserved as a development opportunity: see “Vision”, above. The council now intends to use the site and other nearby ground for erection of a new primary school.”

4. In the Blackburn section of appendix 8, under “Settlement Features” at the end of the text for site BUS insert the following additional text.

   “A high-pressure gas transmission pipeline crosses part of the site. The design of development must take into account need to safeguard the pipeline and safety advice from the Health and Safety Executive.”
**Issue 45**  
Shaping Garioch – Insch

| Development Plan reference: | Appendix 8, Page Garioch 19 | Reporter: R W Maslin |

**Body or person(s) submitting a representation raising the issue (including reference number):**

Scotia Homes Ltd (117)  
James Renfrew (203)  
David Dix (313)  
Bennachie Community Council (413)  
Nestrans (566)  
Drumrossie Land Development Company Ltd (608)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

The Local Development Plan (LDP) identifies that the provision of disabled access to the railway station is an important objective for Insch but there are no proposals to enable this to be implemented (566).

**Services and Infrastructure**

The current household waste and recycling facility causes problems in terms of noise, smell and access. The village has outgrown the current single access site. Housing is progressing and villagers are finding the existing site inappropriate to their needs (313).

**Allocated Sites**

**OP3 Hillview, South Road**

The plans for the site would be overdevelopment. The site adjoins an important gateway to the village, which has iconic views of Bennachie and should be developed sensitively. Any properties should be single storey on the grounds of privacy and to avoid obstruction of light to existing properties. The existing tree belt running into the site should be maintained. Any homes should be built parallel to South Road due to the narrowness of the site. The need for a pavement on this side of the road will further restrict the development. Access to Ladywell Farm is the only point with good sightlines east and west. Access to OP3 should be via a new parking area at this narrow end of the site (203).
OP5 North of Insch Business Park

Object to site OP5 on the grounds that it is located on prime agricultural land (413).

Additional Sites

Bid Site Ga035

Site Ga035 is a logical and natural expansion of the recently completed development. It was a preferred site in the Main Issues Report (MIR). The allocation of this site would help to ensure a generous supply of effective housing land and a wide range and choice of new housing sites. It would also provide added flexibility and deliverability of new housing sites. The site is suitable, viable, effective and deliverable and its development would help meet local housing needs. Its development would not affect the viability of any farm unit. The removal of current education capacity constraints, which is being addressed through the building of a new primary school, allows this proposed small scale expansion to be favourably reassessed (117).

Bid Site Ga039

New sites should be allocated in Insch to address a shortfall in supply and lack of delivery of existing allocations in the Huntly-Pitcaple Strategic Growth Area. Site Ga039 is a logical expansion to the adjacent OP4 site. It will provide a mix of uses and promote new development around the employment opportunities at Insch Business Park and proposed primary school. It is within walking distance of facilities and the town centre. This would contribute towards sustainable development. The site will enable population growth and can also function as a commuter location due to the rail and road access to Aberdeen (608).

Bid Site Ga040

New sites should be allocated in Insch to address a shortfall in supply and lack of delivery of existing allocations in the Huntly-Pitcaple Strategic Growth Area. Site Ga035 was considered a "good option" for further development in Insch. As Ga040 adjoins this, it should also be considered a good option as it follows a similar pattern of growth and has many of the same attributes. Its development as an extension of the former EH2 site would be in line with Scottish Planning Policy (SPP) by optimising existing infrastructure and services. The site is effective and deliverable. It is well placed to allow sustainable growth and deliver place making. The site is also well located to the town centre and accessible. Concerns over the nearby listed building are unfounded due to landscaping buffers and site design (608).

New Site Former Roads Depot

The former roads depot on Commerce Street has been unused for several years and lies derelict. It detracts from the village and is an action point in the Insch Community Action Plan (2013). It may be a suitable site for affordable and sheltered housing. Other uses that have been suggested include access to the proposed new hospital, or a railway station overspill car park which could also be used by parents picking up children from school (413).
**Modifications sought by those submitting representations:**

**Vision**
A site should be reserved for the expansion of the car parking facilities at Insch railway station (566).

**Services and Infrastructure**
The position of a new household waste disposal site in Insch must be included in the Proposed Local Development Plan (313).

**Allocated Sites**

**OP3 Hillview, South Road**
Delete site OP3 or give consideration to limiting the site to sheltered housing with allotments and community composting as identified in the Insch Community Action Plan, or alternatively using the east end of the site as a car park (203).

**OP5 North of Insch Business Park**
Delete site OP5 for 5ha of employment land (413).

**Additional Sites**

**Bid Site Ga035**
Allocate site Ga035 (Land at Drumrossie - Phase 3) for the development of 30 houses, together with new landscaping and open space (117).

**Bid Site Ga039**
Site Ga039 should be identified in the Plan for 70 units in phase 1 and a further 190 units in phase 2, with the Settlement Statements and table 5 of appendix 5 updated accordingly (608).

**Bid Site Ga040**
Site Ga040 should be identified in the Plan for residential development and the Settlement Statements, and table 5 of appendix 5 updated accordingly (608).

**New Site Former Roads Depot**
The Settlement Statement should include an objective for the clean-up of the former depot site and its conversion into affordable and sheltered housing, or overspill car park for the railway station (and primary school) (413).

**Summary of response (including reasons) by Planning Authority:**

Insch is located within the Aberdeen to Huntly Strategic Growth Area, which the Strategic
Development Plan (SDP) 2014 identifies as appropriate for significant development (see SDP 2014, Spatial Strategy, paragraph 3.31). The development allocations within the settlement have been carried forward from the Insch Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Insch). The proposed allocations were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, pages 19-23).

Vision

The provision of disabled access to the railway station at Insch was discussed by the Garioch Area Committee following the MIR stage. The possibility of safeguarding land around the station to provide disabled access to the platforms was considered. However, whilst this forms an important objective in the long term, it was determined not to reserve a specific site within the Plan as there are currently no firm proposals for delivering these improvements (see Garioch Area Committee Minute, 27 and 28 May 2014, Item 116). It is also significant to note that the land to the immediate south of the station is located outside of the Insch settlement boundary and would therefore be protected from developments that could otherwise prejudice the delivery of any such future improvements by the Proposed Plan’s rural development policies. No change is required.

Services and Infrastructure

The concerns regarding the current household waste and recycling centre (HWRC) in Insch are acknowledged. The Council is currently considering options for the development of a new HWRC that will better serve the needs of the community. A number of sites are being considered for the new facility, including the employment allocations within Insch (sites BUS and OP5). Policy PR3 (Waste Facilities) identifies that waste management facilities will generally be supported on land allocated for business use within the Plan, so these sites would be appropriate in principle for such a use. As the final proposals have yet to be determined, it is not appropriate to reserve a specific site for the HWRC at this time. However, this will not prejudice the delivery of a new facility during the lifetime of the Plan as policy PR3 provides a mechanism for assessing any subsequent detailed proposals through the development management process. No change is required.

Allocated Sites

OP3 Hillview, South Road

Site OP3 has been carried forward unaltered from the 2012 Local Development Plan. The acceptability of the site for housing development was considered at the Examination of the 2012 Plan, when the Reporter concluded that “there are no over-riding reasons to dismiss the site, in principle, as being suitable for housing” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 242, paragraph 2). The Council’s Roads Service has not identified any concerns about the allocation in relation to road safety or access. The remaining concerns raised by respondent 203 relate to matters of detail that will be addressed through the subsequent development management process. No change is required.
OP5 North of Insch Business Park

Site OP5 has been carried forward unaltered from the 2012 Local Development Plan. The principle of employment development in this location is, therefore, already established.

It is acknowledged that the OP5 site is classified as prime agricultural land. However, it is significant to note that the majority of Insch is surrounded by prime agricultural land. For example, the adjoining BUS allocation, along with the OP4 site and recent residential development in the north-eastern part of the settlement are also located on prime agricultural land. The Strategic Development Plan requires employment land to be provided within the Huntly-Aberdeen Strategic Growth Area (SGA). The provision of land for business development is also necessary to ensure a mixed community and the creation of local employment opportunities forms an important part of the settlement vision for Insch. Whilst generally not supportive of development on prime agricultural land, guidance in paragraph 80 of Scottish Planning Policy (SPP) allows for this when it is essential as a component of the settlement strategy or necessary to meet an established need. The OP5 allocation is consistent with this guidance. Therefore, no modification of the Plan is required.

Additional Sites

There are several requests for more land to be allocated in Insch but, as demonstrated in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area and appropriate allocations have been made in the Huntly - Pitcaple Strategic Growth Area. No additional allocations are required.

Bid Site Ga035

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 21). The assessment acknowledged that the site is well located and close to the town centre and that development in this location would be compatible with its surroundings. The MIR, therefore, identified this location as a preferred site should further development be required. However, this is not the case and there is no shortfall in the land supply.

There are also significant issues in relation to primary school capacity within Insch. The most recent 2013 based school roll forecasts show that the primary school will be operating at over 150% capacity by 2017. An extension has recently been constructed and this will increase the total capacity of the school to 333 pupils from August 2015. However, the additional capacity is expected to be taken up once existing consented developments are completed. As such, it is not expected that there will be capacity to accommodate any further new development by 2017. The Reporter at the Examination of the 2012 Local Development Plan acknowledged that the existing school is landlocked and has no significant capacity for further extension. He noted that the replacement of the school is not in the Council’s Capital Plan and concluded that: “…the lack of school capacity is a severe constraint on any additional development and it is considered, for this reason alone, that there should be no further allocations of housing land at Insch in this Plan” (see Examination Report – Aberdeenshire Local Development Plan 2012, pages 243-244, paragraphs 11, 12 and 16). There has been no significant change of circumstances in the meantime and these concerns remain valid. No change is required.
### Bid Site Ga039

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 22). The assessment concluded that the site is not as well located as other sites and that the scale and location of the proposal would have a potentially detrimental impact on the setting and character of the town. It is maintained that these concerns remain valid. The lack of primary school capacity also means that the allocation of further development land in Insch would not be appropriate at the present time (see the comments on Bid Site Ga035 above). No change is required.

### Bid Site Ga040

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 22). The assessment concluded that whilst the site is well located and close to the town centre, there is concern about the scale of development proposed in terms of further altering the character of the settlement. These concerns remain valid. The lack of primary school capacity also means that the allocation of further development land in Insch would not be appropriate at the present time (see the comments on Bid Site Ga035 above). No change is required.

### New Site Former Roads Depot

The former roads depot was not subject to a development bid at the MIR stage and it has, therefore, not been subject to public consultation or strategic environmental assessment. Paragraph 64 of Circular 6/2013: Development Planning identifies the difficulties of including a site within the Local Development Plan where these statutory procedures have not been undertaken. There are also likely to be contamination issues resulting from the former use of the site that would require resolution and this may affect the viability of any redevelopment proposals - particularly for affordable housing. In any event, the Council’s Property Service are not currently seeking the allocation of this site within the Plan. No change is required.

### Reporter's conclusions:

**Insch - Vision - disabled access to the railway station**

1. The Vision text highlights that provision of disabled access to the railway station is an important objective. The representation says that consideration should be given to whether a site south of the station could be suitable for expansion of car parking facilities.

2. From my inspection, I note that there is a car park on the north side of the railway line, and that there appears to be suitably convenient access from the car park to the station platform on the north side of the line. Access to the platform on the south side of the line is by means of a pedestrian overbridge with steep flights of steps. This means that disabled persons cannot gain access to the south platform.

3. I agree that there should be some means of providing disabled access to the south platform, but how this might be achieved has not been established. A car park on the south side of the line might be one solution, but I have no information as to whether this is a feasible proposition. Another solution might be provision of a new pedestrian overbridge with ramps instead of steps, though it would be unfortunate if this entailed loss
of the existing footbridge, which is an integral part of what is an attractive, traditional station design.

4. The council’s response indicates that there is no certainty that proposals for disabled access would come forward during the period covered by the proposed plan.

5. My conclusion is that, however worthwhile proposals for improved disabled access to the railway station might be, in the absence of detailed proposals and a commitment to implementation it would not be appropriate to alter the proposed plan and go beyond the statement already contained in the Vision section.

Insch - Services and Infrastructure - household waste and recycling centre

6. The council does not dispute that the current household waste and recycling centre is unsatisfactory. The council is considering options for a new facility. Its investigations are not complete.

7. In terms of policy PR3, land allocated for business use might be used for a new centre, and I note the existence of a BUS allocation on Denwell Road. Until a site suitable for a new centre has been identified, it is not possible to include a safeguarding designation on the proposals map.

8. What is possible is for need for a new centre to be an item that is highlighted in the Vision section. The text of the Vision section should be expanded accordingly.

Insch - site OP3 - Hillview, South Road

9. The representation contends that ten houses on site OP3 would be overdevelopment. From my inspection, I note that four houses have been constructed on the west part of the site. The east part of the site is narrower, and it may be that it could not satisfactorily accommodate as many as six dwellings. However, this would depend very much on the design of further dwellings.

10. A general concern about capacities of sites is addressed under issue 7. A change to the third paragraph of policy H1 is recommended. This change means that capacities of sites shown in the settlement statements are to be treated as indicative. In line with this recommendation, the “Allocation” for OP3 should simply read “10 homes”. The proposed plan should be altered accordingly.

11. The representation raises a number of other matters, including the effect of development on outward views, the height of new buildings, site layout, landscaping, access and parking. I find nothing at this stage to demonstrate that these matters could not be satisfactorily addressed during the planning application process, in the context of the relevant policies of the plan. In view of this, I find that there is no need to alter or add to the OP3 text contained in the proposed plan.

Insch - site OP5 - North of Insch Business Park

12. Site OP5 adjoins the north side of Insch Business Park. During my inspection, I noted that the Insch Business Park site appeared to be almost fully developed. My attention has not been drawn to the existence of any other land that is allocated for new business and employment development at Insch.
13. I find that the proposed plan should ensure that there is an on-going supply of employment land at Insch so that business development may continue to expand and local people may have increased opportunity to work locally.

14. The council contends that the majority of Insch is surrounded by prime agricultural land. The representation does not suggest that there is any non-prime land that might be suitable for employment development at Insch.

15. I note that Scottish Planning Policy (paragraph 80) seeks to protect prime agricultural land. In the present case, I find that the proposed allocation of site OP5 is an essential component of the settlement strategy. The proposed allocation is therefore one of the exceptions to the general discouragement of development of prime agricultural land.

16. All of the foregoing considerations lead me to the conclusion that site OP5 should be retained. The proposed plan need not be altered.

**Insch - bid site Ga035 - Drumrossie West**

17. The council says that site Ga035 is well-located and close to the village centre. Development on it would be compatible with its surroundings. I see no reason to disagree with this assessment. The council’s opposition to development on Ga035 arises from concern that Insch primary school would be unable to accommodate pupils from additional housing development. The representation says that planning permission for a new school was granted in November 2013 and the school will be developed prior to commencement of work on site Ga035.

18. In a request for further information, I asked the council about a new primary school in Insch. The council said that no planning permission has been granted for a new school. Planning permission has been granted for an extension to the existing school. The extension has been built and has been in use since August 2015. There is now some spare capacity in the school. This spare capacity is expected to diminish as new development takes place. It is expected that the capacity of the school will be exceeded by 2021. The council has no plans for a new school.

19. In response to this, the representor says that it is only in the medium term (five and more years hence) that education capacity becomes an issue. In a worst-case scenario, there would be a roll of 382 pupils against a notional capacity of 368. The over-capacity would be less than 4% and would be manageable and not excessive. A longer-term solution would be construction of a new school on the site that is reserved for the purpose (site P3 in the proposed plan).

20. In reply to a second request for further information, the council provided more details of the basis of its forecast of pupil numbers. In response, the representor maintained that there is scope to accommodate pupils from a development of 30 dwellings on site Ga035.

21. Submissions indicate that the council uses information from NHS data, past ratios of pupils to houses and likely rates of future house-building as part of its forecasting methodology. I agree that forecasting pupil numbers is not an exact science. Nevertheless, I find that the council’s forecasts in the present case are credible.

22. I note the council’s statement that the primary school has a maximum capacity...
of 368 pupils (my emphasis). I note that the actual capacity may be less if, for example, there is need for more composite classes. I also note that full use of all available capacity may restrict space for activities such as music teaching. From this, I find that planning in relation to school capacity should seek not only to avoid any situation where pupil numbers exceed the maximum capacity but also to keep pupil numbers slightly below the maximum capacity.

23. In the council’s original response to the representation, there is reference to the primary school being “landlocked”, with “no significant capacity for further extension”. This description has not been challenged and, from a cursory look during my inspection, I find no reason to dispute the accuracy of this description.

24. Regarding reservation of site P3 for a replacement primary school and construction of a new school, I find that it is sensible to reserve a site if, in the medium to long term, it is clear that a new school will be needed and if a particular site is clearly the best location for a new school. Reservation of a site does not mean that funding is currently available to construct a new school. Any funding from developer contributions would normally only be directed to providing necessary additional capacity. I find it unlikely that developer contributions could cover the cost of replacing the existing school with an enlarged school on site P3.

25. In response to the first request for further information, the council says that any new primary school would have a capacity for at least 200 pupils. A new school on site P3 “may replace the existing primary school entirely and does not necessarily provide increased capacity for development other than that which may be agreed for implementation in the period 2021-2031 associated with the next Local Development Plan.”

26. Taking account all of the preceding considerations, I find that the development proposed on site Ga035 would be likely to result in there being more primary school age children than can be satisfactorily accommodated in the existing primary school. There is no assurance as to when a replacement school might be built and whether it would have capacity greater than that of the existing school.

27. I note that Insch is within the Aberdeen to Huntly strategic growth area. From my inspection and from submissions, I find that there has been a significant demand for new houses in Insch. I accept that there is a continuing demand for new houses. The representation concerning site Ga035 and representations concerning other sites where additional housing allocations are being sought indicate that there is significant pressure for more housing at Insch.

28. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the lack of space in the primary school. This is unfortunate because lack of such space appears to be the only constraint to development on Ga035. The council has referred to the next local development plan, and it may be that when the next plan comes to be prepared a commitment can be made to construction of a new and enlarged school.

29. My conclusion is that site Ga035 should not be allocated for housing. The proposed plan need not be altered.
30. I consider site Ga040 next (ahead of site Ga039) because it adjoins site Ga035 and shares some of its characteristics. The council says that site Ga040 is well-located and close to the village centre. I see no reason to disagree with this assessment.

31. On its south-west side, site Ga040 is separated from the existing built-up area by site Ga035. If Ga040 were allocated for development, I find it virtually inevitable that site Ga035 would also be allocated for development. I note that Ga040 is said to be capable of accommodating 186 dwellings. Adding to this the 30 dwellings proposed on Ga035 gives a total of 216 dwellings.

32. In relation to site Ga040, the council expresses concern about the scale of development “in terms of altering the character of the settlement”. I find that development of 216 dwellings would continue an existing trend whereby Insch is becoming a very large village. I have no evidence to show that a continuation of past growth (the 2012 local development plan allocates land for 165 dwellings) would have an adverse effect on the character of Insch. One advantage of a larger population is that it might support a wider range of facilities and services within the village.

33. The council refers to lack of primary school capacity. In relation to my first request for further information regarding school capacity, the representor’s comments include reference to a pupils/household ratio of 0.35, the possibility of replacing the primary school with a two-stream school and phasing development. In relation to the second request for further information, comments include reference to lack of sites to meet ongoing demand for new houses in Insch, developer contributions to a further extension to the primary school or to provision of a replacement school and constraints on development of other sites in the strategic growth area.

34. As already indicated, if site Ga040 were allocated for housing development, I find it virtually inevitable that site Ga035 would also be allocated for development. If development on Ga040 preceded development on Ga035, development on the latter would involve construction work on a site that had existing residential development on three sides. This suggests to me that, to minimise disturbance to residents, development on Ga035 should precede or be simultaneous with development on Ga040.

35. In the preceding section (bid site Ga035), the following findings are relevant:

   a 30-dwelling development on site Ga035 would be likely to result in there being more primary school age children than can be satisfactorily accommodated in the primary school;

   the existing school has no significant capacity for further extension; and

   there is no assurance as to when a replacement school might be built and whether it would have capacity greater than that of the existing school.

36. From the considerations in the two preceding paragraphs, I find that development on Ga040 would create education difficulties greater than those associated with development on site Ga035, even if a pupil/household ration of 0.35 were applied.

37. I note that Insch is within the Aberdeen to Huntly strategic growth area. From my
inspection and from submissions, I find that there has been a significant demand for new houses in Insch. I accept that there is a continuing demand for new houses. The representation concerning site Ga040 and representations concerning other sites where additional housing allocations are being sought indicate that there is significant pressure for more housing at Insch.

38. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the lack of space in the primary school. The council has referred to the next local development plan, and it may be that when the next plan comes to be prepared a commitment can be made to construction of a new and enlarged school. The desirability of allocating development to site Ga040 could then be reviewed.

39. My conclusion is that site Ga040 should not be allocated for housing. The proposed plan need not be altered.

Insch - bid site Ga039 - Denwell Farm

40. Site Ga039 is further from the village centre and the railway station than sites Ga035 and Ga040. It is also on rising ground, making journeys to it from the rest of the village less convenient for walking and cycling. On the other hand, it is close to Insch Business Park and is reasonably close to site P3, which is safeguarded for a replacement primary school.

41. The council says that development on Ga039 would have a potentially detrimental effect on the setting and character of the village. I note that the site occupies a “gateway” position beside the main northern approach to Insch. Whether development would in fact have the possible detrimental effects mentioned by the council would depend very much on the design of such development. During my inspection, I noted the good quality of design achieved in recent housing developments to the south. I find that concerns about possible detrimental effects are of limited weight, and, if necessary, might be reduced if development were confined to that part of the site to the south of the access to Denwell.

42. The council refers to lack of primary school capacity. In relation to my first request for further information regarding school capacity, the representor’s comments include reference to a pupils/household ratio of 0.35, the possibility of replacing the primary school with a two-stream school and phasing development. In relation to the second request for further information, comments include reference to lack of sites to meet ongoing demand for new houses in Insch, developer contributions to a further extension to the primary school or to provision of a replacement school and constraints on development of other sites in the strategic growth area.

43. In the section regarding site Ga035, the following findings are relevant:
   a 30-dwelling development on site Ga035 would be likely to result in there being more primary school age children than can be satisfactorily accommodated in the primary school;
   the existing school has no significant capacity for further extension; and
   there is no assurance as to when a replacement school might be built and whether it would have capacity greater than that of the existing school.

44. The present representation indicates that the whole of Ga039 could accommodate 260 dwellings. It seeks an initial allocation of 70 dwellings. These would
be in effect a continuation of the now completed development on OP4. From the considerations in the preceding paragraph, I find that development of 70 dwellings on Ga039 would create education difficulties greater than those associated with development on site Ga035, even if a pupil/household ration of 0.35 were applied.

45. I note that Insch is within the Aberdeen to Huntly strategic growth area. From my inspection and from submissions, I find that there has been a significant demand for new houses in Insch. I accept that there is a continuing demand for new houses. The representation concerning site Ga039 and representations concerning other sites where additional housing allocations are being sought indicate that there is significant pressure for more housing at Insch.

46. The need for land for more housing is addressed in issue 7. While there is limited justification for identifying additional housing land, in the present case any such justification is outweighed by the lack of space in the primary school. The council has referred to the next local development plan, and it may be that when the next plan comes to be prepared a commitment can be made to construction of a new and enlarged school. The desirability of allocating development to at least part of site Ga039 could then be reviewed.

47. My conclusion is that site Ga039 should not be allocated for housing. The proposed plan need not be altered.

Insch - new site - former roads depot

48. The council points out that a new use for the former roads depot has not been subject to public consultation and strategic environmental assessment. I agree that this precludes allocating the site for a specific new use.

49. It is clear from the representation that what is being sought is not one particular new use for the site, but a use that will result in removal of dereliction and, at the same time, provide some benefit to the community. I note that action regarding the site is included in the Insch Community Action Plan.

50. The depot is within the settlement boundary. Policy P3 says that development on vacant sites and changes of use of existing buildings within a settlement boundary will be supported, subject to a number of requirements. From this, I find that lack of a specific allocation for the depot site would not prevent proposals for redevelopment being brought forward.

51. I find that a new use for the site could improve its appearance and be of community benefit. Finding a new use should therefore be encouraged. This may be done by adding text to the “Vision” section for Insch. The proposed plan should be altered accordingly.

Reporter’s recommendation:

1. In the Insch section of appendix 8, under “Vision” add the following at the end of the paragraph of text.

“A site for a new household waste and recycling centre is required. The Council is
in the process of identifying a site suitable for a new centre. Consideration will be given to possible new uses for the site of the former roads depot off Commercial Road, in order to improve the appearance of the site and provide some benefit to the community."

2. In the Insch section of appendix 8, in the text relating to site OP3: Hillview, South Road after “Allocation” delete the words “Up to”.

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**Body or person(s) submitting a representation raising the issue (including reference number):**

- Elevator UK (17)
- Keltic Accounting Ltd (19, 21, 23)
- House Proud (Grampian) Ltd (22)
- Sheena Martin (25)
- The Owner, Chapel Cottage (29)
- Aberdeen Wealth Management (62)
- Drillmar (110, 134)
- Astrimar Ltd (139)
- Kenneth & Laura Gray (140)
- Kirkwood Commercial Park Ltd (145)
- Blue Manta International Ltd (155)
- Steve & Elaine Cruickshank (193)
- Leon Zeegers (211)
- Mitchells (262)
- Derek Moran (263)
- Graeme Hay on behalf of all residents within the Mill Road, Port Elphinston area (316)
- John Sorrie (329)
- Mr Sandy Anderson (334)
- RCM and RD Maitland (336)
- Graham Coe (342)
- Kilbride Resources Ltd & International Paper Landholdings (365)
- Taylor Wimpey/The Mitchell Partnership (368)
- Alan and Diane Duncan (394)
- Crerar Hotels (423)
- Inverurie Business Association (433)
- Inverurie Community Council (434)
- ANM Group Ltd (519, 522)
- Barratt North Scotland (523)
- Nestrans (566)
- Alison Rhind & Sandra Wilson (606)
- NHS Grampian (610)
- Scottish Enterprise (632)
- Scottish Government, Planning and Architecture Division (645)
- William Geddes (699)
- Bancon Developments Ltd (706)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities
Planning Authority's summary of the representation(s):

Support

Scottish Enterprise supports the approach taken towards development in the Proposed Plan. It supports employment and business allocations generally, including the role of the strategic growth corridors, in particular, Energetica and Inverurie (632).

Vision and General Issues

A96 and Local Transport Issues

The reference to the Scottish Government’s proposals to dual the A96 should be amended to read 'A96 Aberdeen to Inverness' to emphasise that the proposal will include upgrading the existing route between Inverurie and the Aberdeen Western Peripheral Route (AWPR). The dualling proposals will impact upon traffic at the Thainstone and Port Elphinstone junctions, which could impact upon the need for provision of a grade-separated junction to replace the existing roundabouts. It would seem prudent to limit the scale of development until there is a greater degree of certainty regarding the dualling proposal (566).

Aberdeenshire Council continues to place too much emphasis on the effects of the proposed dualling of the A96. The most recent traffic modelling indicates that, with grade separation to replace the Thainstone and Port Elphinstone junctions and no Keithhall Link Road, the congestion within the town centre was such that it queued back to the A96 and compromised the operation of the trunk road junction (see the Development Planning and Management Transport Appraisal Assessment 2015). It would appear that, as a consequence, traffic stays on the A96 up to the Blackhall roundabout, causing further congestion on the trunk road. No mention is made of these issues in either the Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG) or the settlement strategy (645).

The A96 dualling will not address local traffic congestion issues caused by traffic heading north of Inverurie from the A96 having to pass through the town centre (and vice versa). The only sustainable solution to this is the delivery of an Eastern Relief Road (ERR) at Inverurie. This would link from the south of Inverurie to the Rothienorman and Oldmeldrum roads. It would remove substantial amounts of through traffic from the town centre and facilitate future development. The release of additional land in Inverurie is essential to unlock the required land for the road. Sites totalling up to 2,700 houses on four sites are promoted on the basis that they will deliver the majority of the land for the ERR and provide substantial contributions towards it. Additional future development land, along with a new ERR, need to be identified in the Plan now to provide the necessary stakeholder confidence to ensure the delivery of the Strategic Development Plan (SDP) requirements from 2027-2035 (706).

Traffic congestion in Inverurie restricts the potential for development in the town, despite a very positive market (706, 433).

More parking is required (433, 434). Train commuters and employees use up the majority of the town centre parking leaving a limited supply for shoppers/visitors. The provision of a traffic interchange is a vital step. This, combined with the provision of a multi-storey car...
park behind Burn Lane, would go a long way to improving the situation (433).

**Housing Issues**

The shortage of deliverable land is driving up land values and having an adverse impact on the affordability of housing. Good housing, education and recreation facilities, along with supporting infrastructure, are extremely important (433).

Inverurie shows a bias towards ‘lower cost’ housing. This encourages incomers on lower incomes, who cannot afford to live where they work (Aberdeen). We wish to see affordable housing but clearly linked to local jobs so that people have the choice to live and work in their community (434).

**Business Land Issues**

While the area of business land has increased we are disheartened about the chosen locations and the lack of mixed use developments (434).

**Natural and Historic Features**

The Ury Floodplain is a potential major asset to the town but is left to a vague intention to develop via a community group. A more positive tone about the significant benefits of such sites and the associated Green Infrastructure would be good to see (434).

**Settlement Features**

**Sites P7 - P13**

We are happy to have these facilities protected but cannot agree that the presence of a playing field automatically contributes to the green network in any meaningful environmental sense (434).

**Site R1/OP3**

We would like to be assured that R1 will be the actual boundary for North Inverurie and would hope to see the approved OP3 site developed to leave a natural edge to the town, rather than a 6’ high fence barring access and vision (434).

**Site R2**

We are happy to see R2 area outlined, but are concerned it sits as an island without reference to the areas either upstream or downstream which are vital to both flood mitigation and environmental value. This omission sits poorly regarding the claims regarding green corridors elsewhere in the Plan. Any extension of BUS4 or BUS10 could compromise this green corridor (434).

**Site R3**

We would like to see more detail for this site, which clearly offers significant potential (434).
Sites BUS1-10 (General)

We note connections to the core paths “are encouraged”. This is good and we would be pleased to see how this will be achieved. A map of the current and proposed Core Path Network would add value to the Plan (434).

Site BUS9

BUS9 appears to be larger than in the previous Local Development Plan (LDP). The land is already developed and the large buildings on it can already be seen for some distance. To add to this would further impinge on the open countryside and would be highly visible (263).

Site BUS10

Concern about the BUS10 site is voiced from a number of respondents. There are concerns regarding the site on the grounds of: intrusion from noise and light pollution (140, 193, 211, 394, 699); flood risk (140, 211, 342, 394, 699); inadequate sewerage provision (140, 211, 699); impact on biodiversity (140, 211, 342, 699); and road safety and infrastructure (140, 193, 211, 394). A number of respondents suggested that the site is poorly located for employment use (140, 193, 211, 394), and one stated that it has no obvious access (342). Respondents also argued that removing this small allocation would have no adverse impact on the overall employment land supply (140, 193, 211, 342).

Site SR1

The part of SR1 immediately north of the Thainstone House access track should be brought into an earlier phase of the Plan to allow for the potential expansion of adjacent development on OP12 (519).

Site SR2

Site SR2 is extremely prominent. The development of this site would have a significant impact on the countryside (263).

Gypsy and Traveller Halting Provision

Concerns about the requirement for a halting site for gypsy/travellers within the Thainstone/Crichie employment area were voiced from a number of respondents (17, 19, 21, 22, 23, 25, 62, 110, 134, 139, 145, 155, 316, 365). Concerns were expressed about potential anti-social behaviour, illegal parking and security issues (17, 19, 21, 23, 25, 62, 139). Respondents also commented on the potential impact on the amenity and appearance of the area, which could affect existing and future business investment (19, 21, 22, 23, 25, 62, 110, 134, 145, 155, 316, 365). Some respondents considered the site to be inappropriate for the proposed use on the grounds that it would not provide occupants with appropriate access to schools and local services/facilities (145, 155, 316, 365), whilst respondent 365 highlighted environmental concerns about the potential for locating this use on the Council owned former landfill between sites BUS5 and BUS6. It was stated that the proposal had not been subject to sufficient consultation (145, 155, 316, 365), and that the Plan lacks detail about the specific location of the site and how it will be delivered (145, 155, 316). Respondents 145 and 155 indicated that, as landowners, they would be unwilling to make their land available for gypsy/traveller use.
Respondent 434 stated that they were aware of a current proposal to develop a travellers’ site in the region of BUS5/OP12 and were distressed to see no mention of this in the Plan.

Former Site BUS6

The Proposed Local Development Plan has deleted the former BUS6 allocation in the Local Development Plan 2012 without justification or reasoning. This contradicts the guidance in paragraph 101 of Scottish Planning Policy which states that Local Development Plans should allocate a range of sites for business. The site is marketable and well located for employment use (365).

Other Proposals

NHS Grampian request that the proposed new health centre at Inverurie Hospital is identified on the Inverurie Proposals Map (610).

Services and Infrastructure

General Issues

The principle of encouraging development so as to ensure infrastructure upgrades appears to be the cart leading the horse. Inverurie Community Council would maintain that the current infrastructural stresses and strains are the result of this policy. There are concerns not just about the provision of infrastructure in a way that helps the community to develop but also its maintenance (434).

Local Transportation Infrastructure

Object to the proposed requirement for sites BUS5-9 to contribute proportionally towards a new Grade Separated Interchange (GSI) on the A96. The proposed requirement will impede and slow down the delivery of these sites. As committed developments, these locations should be exempt from this requirement. Developer obligations sought to fund new strategic transport infrastructure should be sought only from newly allocated sites. The proposed approach is flawed in seeking payment from committed development and from business uses which generate a lower return and are acutely financially sensitive to strategic infrastructure led developer obligations (365).

The Proposed Plan states that sites OP12 and OP13 must contribute proportionally towards major improvements to the Thainstone and Port Elphinstone roundabouts / junctions, including the construction of a new GSI on the A96 to replace the Thainstone and Port Elphinstone roundabouts. The driver for delivery of the GSI is the Crichie housing development (site OP4) exceeding the completion of 300 houses. Transport studies to date for the Thainstone sites confirm that only grade improvements to the Thainstone A96 roundabout are necessary to deliver the allocated development. We appreciate that the situation will require to be reviewed as developments progress but we do not see what is to be gained by including the overly-restrictive wording in the Proposed Plan (519).

Allocated Sites

OP2 Inverurie Town Centre

Strong planning control is required if this site is not to weaken the town centre further. We
would like to see an open useable community space forming a considerable part of the town centre element of OP2 (434).

Nestrans and Aberdeenshire Council are currently progressing plans to develop a Transport Interchange at Inverurie Town Centre, to include an increase in car parking for Inverurie Station. This should be the focus of the text within proposal OP2 rather than the Inner Relief Road, which is not now expected to be brought forward (566).

OP4 Crichie

This site should not extend down to the river. We would prefer a more positive statement about the importance of this area in providing linkages between the river and other sites within the town, so would prefer it to be subject to a protected ‘P’ designation (434).

Sites OP7 (Uryside Phase 2, North), 8 (Uryside Phase 2) and 9 (Portstown Phase 1)

These sites are very prominent and require a wider vision for landscaping to soften their impact (434).

Site OP10 Blackhall Road, Westgate South

We are unable to see how OP10 links to Inverurie as a community, though it obviously works as a commuting parcel which will further encourage increased commuting both to the station and to Aberdeen (434).

Site OP11 Crichie

We note this is defined as employment land but are concerned that this area, along with OP4, shifts too far away from jobs to housing, thereby increasing the dormitory town feel and putting further strain on local infrastructure (434).

Site OP13 Thainstone

Site OP13 is adjacent to a quiet tree lined lane which is used by many walkers, cyclists and horse riders. Developing near this would be detrimental to the amenity it provides (263).

Site OP16 Kirkwood Commercial Park, Thainstone

We welcome this site as a natural growth zone for suitable employment, but are puzzled by the lack of any designation to the area shown north of OP16 and would suggest this be included as an environmental and recreational facility for the town to mitigate the level of development and loss of countryside access (434).

Additional Sites

Bid Site Ga007

Issues such as declining footfall, loss of trade, shortage of car parking, congested roads and a shortage of affordable homes in Inverurie would be addressed by allocating housing sites within walking distance of the town centre (e.g. MIR bid site Ga007, site F in 2012 LDP). MIR bid site Ga007 site should be released to help address housing demand and
immediate and long term infrastructure needs (e.g. a relief road, educational facilities and public and recreational space) (262).

Land at Souterford (Ga007) should be allocated for 220 residential units and a new primary school. This site is included in the ‘F’ allocation in the 2012 LDP. The site was included in the MIR as bid Ga007, and the principal reason against identifying the site for development related to the provision of an eastern bypass. This is completely erroneous. Extensive traffic modelling has shown that the delivery of the site is not linked with the eastern bypass, but with the construction of the northern link road. The northern link road is under construction and will be open before the Ga007 site would come on stream, thus removing any transport impediment to development. This position was confirmed in the proposed Committee Report for planning application APP/2011/4248 before the application was withdrawn. Concerns about the impact on the Keith Hall Designed Landscape and potential impact on otter populations have been addressed through a new Masterplan Framework and an updated Ecology Report. The site is deliverable and is compliant with the effectiveness tests in Planning Advice Note (PAN) 2/2010 (see PAN 2/2010: Affordable Housing and Housing Land Audits, paragraph 55) (368).

Bid Site Ga010

Issues such as declining footfall, loss of trade, shortage of car parking due to bus and rail users, congested roads and a shortage of affordable homes in Inverurie would be addressed by allocating housing sites within walking distance of the town centre (e.g. MIR bid site Ga010, site F in 2012 LDP). MIR bid site Ga010 site should be released to help address housing demand and immediate and long term infrastructure needs (e.g. a relief road, educational facilities and public and recreational space) (262).

Object to the non-allocation of land at Lofthillock for 180 residential units. This site is included in the ‘F’ allocation in the 2012 LDP. The site was included in the MIR as bid Ga010, and the principal reason against identifying the site for development related to the provision of an eastern bypass. This is completely erroneous. Extensive traffic modelling has shown that the delivery of the site is not linked with the eastern bypass, but with the construction of the northern link road. The northern link road is under construction and will be open before the site would come on stream, thus removing any transport impediment to development. Concerns about the impact on the Keith Hall Designed Landscape and potential impact on otter populations have been addressed through a new Masterplan Framework and an updated Ecology Report. The site is deliverable and is compliant with the effectiveness tests set out in PAN 2/2010 (see PAN 2/2010: Affordable Housing and Housing Land Audits, paragraph 55) (368).

Bid Site Ga019

Site Ga019 is a viable and logical extension to Site OP10 and will provide a long term opportunity for growth. The site was not allocated by the Reporter of the 2012 LDP due to concerns regarding impact on traffic on the Blackhall roundabout, but this has since been upgraded and would provide capacity to accommodate further development. Developer Obligations and the Strategic Transport Fund will further mitigate traffic and roads impacts. Reducing the size of the site to 110 dwellings, as suggested in response to the MIR, would ensure capacity at Strathburn Primary School would not be exceeded post 2016. The site is free from absolute constraints and is immediately effective and developable. It would also mitigate the loss of ‘F’ sites in the 2012 LDP. The site is well connected to local services. An underpass is routed under the A96 and the nearest
supermarket is 800m away. Substantial areas of strategic landscaping are proposed to
ensure the site is well contained within the landscape. The proposed vision statement
recognises that 'accessible housing is a priority for the town' and an extension to site
OP10 will ensure this objective is achieved (606).

Bid Site Ga047

The allocations for Thainstone remain unaltered from the 2012 LDP. This will result in an
unnecessary delay to the measured expansion of a key employment hub at Thainstone, a
key strategy for both the 2012 LDP and the Proposed 2016 LDP. Much work is being
undertaken at present to consolidate ANM Group's various operations at the Thainstone
Centre and to develop additional commercial and agricultural uses at this key strategic
location. Against this backdrop of progress, the 2016 LDP requires to allocate site Ga047
for future employment development (522).

Bid Site Ga055

Uryside is a long established development site. Phase 1 is complete, phase 2 is well
underway (zoned in the Proposed Plan as OP7 and OP8). Phase 3 (bid site Ga055) would
be an extension to those phases. All of this makes Uryside a sustainable location for new
housing development into the future. Site Ga055 will have a minimal landscape impact
and will include appropriate landscape treatment to make it a clear extension of the
existing development. It can take advantage of the planned and implemented local
infrastructure improvements. It has good connectivity and is very close to the planned new
primary school. It is a logical extension to an already agreed direction for growth and
should, therefore, be allocated for development (523).

Bid Site Ga077

This site is proposed for 100 houses ahead of the ERR. The initial 100 houses would be
an extension to the housing already located at Upperboat. Once the ERR is in place, the
full potential of the site can be realised with a further 900 houses proposed including local
services, shops and a primary school. The site will initially take access from St James’
Place, however over the long term, access would be by means of a new roundabout to the
south east of the site. Kellands Primary School has capacity to accommodate the initial
100 houses but the further development would require the provision of a new primary
school. The site would deliver community benefits in facilitating infrastructure projects
such as the ERR, which is not only key to facilitating new development but also to
reducing traffic congestion in the town centre. A Transport Assessment and a Landscape
and Visual Impact Assessment have been undertaken and show the site to be appropriate
(706).

Bid Site Ga078

This site is proposed for an initial phase of 200 houses, with further land for 300 houses
proposed following the delivery of the ERR. The site can be accessed directly from the
Rothienorman Road to the north of Inverurie and there will be an opportunity to go south
on the northern link road that has been delivered as part of sites EH2 and M3 in the 2012
Local Development Plan. The new school at Uryside is expected to provide a degree of
capacity to serve the development but a new school may be needed in the longer term.
Provision is therefore made for a new primary school which is planned within a
neighbourhood centre that will offer opportunities for retail and community facilities. The
site may appear detached from the settlement but the pattern of development is changing and the majority of new development is taking place on the east side of the Ury. The visual impact of the site is not significant and could be seen as an extension to the Uryside development. The site would deliver community benefits in facilitating infrastructure projects such as the ERR. A Transport Assessment, a Landscape and Visual Impact Assessment, and an Engineering Review have been undertaken and show the site to be appropriate (706).

Bid Site Ga079

This site was included in the 2012 LDP as a site for future development but then removed from the Proposed Plan. This was despite instruction from Councillors to identify the site immediately to the west of OP1 as zoned for 100 houses in the Proposed Plan. No evidence has been provided to substantiate the move to delete the site. The site will be accessed from the existing local road leading from Inverurie and is a logical extension to the settlement. An initial phase of around 100 houses is proposed. A further 400 houses and employment land could then be accommodated following the introduction of the ERR. The visual impact of the development will only affect very local receptors. Strathburn Primary School currently has some capacity until 2017 and there may continue to be capacity thereafter. Alternatively, the pupils generated could be accommodated through an extension to the school. The site would deliver community benefits in facilitating infrastructure projects such as the ERR. A Transport Assessment, a Landscape and Visual Impact Assessment, and an Engineering Review have been undertaken and show the site to be appropriate (706).

New Site NB1510, Upper Davah

This site would complement the OP10 site which is expected to be completed by 2018. It is a smaller site which would be deliverable in the shorter term and would offer an alternative development to the larger sites currently available. A precedent has already been set for development west of the A96 and the site will be well related to the existing settlement and adjoining development areas. The Blackhall roundabout has undergone significant upgrades and would be able to accommodate the traffic generated by this small scale development. There are excellent pedestrian links with Inverurie and the surrounding countryside. The site is not prominent in landscape terms and the presence of woodland to the south provides a backdrop for development (334).

New Site NB1525, Land Adjoining Thainstone House Hotel

Land around Thainstone House Hotel should be allocated for employment development. The Council have not provided any site specific reasons not to include this land. The site forms a natural extension to Thainstone Business Centre and would link to Thainstone Business Park. It will link sites OP13/BUS9 and OP12 with Thainstone Business Park to create a hub for economic activity within Inverurie. Sites OP12 and OP13 are currently allocated in the 2012 Local Development Plan and have not progressed. This site is an effective, economic site that can be delivered during the Plan period (423).

New Site Howford

This site is located to the north of the Howford bridge, which is due to be upgraded, and east of the B9001. It would be accessed in two locations from this road. The site offers a sensible location to 'fill in' with residential development. It is not an especially prominent
site and relates well to neighbouring existing and proposed development. The blanket allocation of all this land to provide the Riverside Park (R2) is unrealistic and not deliverable. Some of the land is outwith the flood plain and is developable. Part of the land in the R2 allocation should therefore be removed and allocated for residential development. The site would accommodate around 120 homes and would have little additional impact on the road network or town centre. It would be able to take advantage of infrastructure delivered as part of development at Uryside and Portstown and lies in close proximity to the site for the new Uryside Primary school (P14) (336).

New Site Dubston, Blackhall Road

This is a small site which could be delivered in the shorter term and would provide an alternative to the larger developments currently on offer. The adjacent OP10 site will be completed shortly, and this site represents a further phase of continued development. The Blackhall Roundabout has undergone recent upgrades and would be able to accommodate the small amount of additional traffic generated. The site has excellent pedestrian links and is not prominent in the landscape. The Dubston site would increase the supply of new homes on an appropriate and effective site, facilitate landscape change and provide a development site within 400m of public transport (329).

P12 and P13

An investigation into the significance of archaeological remains and the extent of their historical setting should be undertaken. This would allow the blanket P12 and P13 designations to be more clearly defined, with land outwith these areas coming forward for future residential development (365).

Modifications sought by those submitting representations:

Vision and General Issues

A96 and Local Transport Issues

The reference to the Scottish Government’s proposals to dual the A96 should be amended to read “A96 Aberdeen to Inverness…” (566).

The Plan should recognise the unresolved issues relating to existing and potential traffic queuing back from Inverurie town centre to approach roads and possibly the trunk road network as a result of proposed development exacerbating existing constraints. The Plan should also state that these issues will need to be addressed through further study and identification and delivery of mitigation on the local road network. Actions to appraise the problems, and identify and deliver local road solutions, should be included in the Plan and the Action Programme (645).

The Proposed Plan needs to be amended to include land for at least an additional 365 houses in the 2017-2026 Plan period to address the shortfall identified which is necessary to ensure the Plan complies with Scottish Planning Policy and the SDP (706).

Housing Issues

A broad thinking housing land development strategy is required. Parking issues in
Inverurie should be resolved by the construction of a multi-storey car park at Burn Lane (433).

We wish to see affordable housing but clearly linked to local jobs so that people have the choice to live and work in their community (434).

**Business Land Issues**

We approve of the theme that business land should not be allowed to be used for residential development, but suspect this will happen despite all our best intentions. We suggest a stronger themed requirement for mixed development may be more effective in the long term (434).

**Natural and Historic Features**

Additional benefits should be conferred on sites like the Ury Floodplain (434).

**Settlement Features**

**Sites P7 - P13**

Provide clarity over the proposed environmental enhancement on sites P7 to 13 (434).

**Site R1/OP3**

We would like to be assured that R1 will be the actual boundary for North Inverurie (434).

**Site R2**

Include reference to upstream and downstream areas, which are vital to both flood mitigation and environmental value (434).

**Site R3**

Provide more detail for this site, which clearly offers significant potential (434).

**Sites BUS1-10 (General)**

A map of the core path network should be included in the plan (434).

**Site BUS9**

Site BUS9 should not be any larger than in the previous Local Development Plan (263).

**Site BUS10**

Delete the BUS10 designation to enable it to continue to be agricultural land (140, 193, 211, 342, 394, 699).

**Site SR1**

Bring the part of SR1 owned by ANM Group immediately north of the Thainstone House
access track forward into an earlier phase of the Plan (519).

Site SR2

Serious consideration should be given to the prominence of development on this site and its impact on the countryside (263).

Gypsy and Traveller Halting Provision

The removal of any reference to a halting site for gypsy/travellers being required within the Thainstone/Crichie employment area, which is made up of sites OP12, OP13, and BUS6-9 or the area of unallocated land between sites BUS5 and BUS6 (17, 19, 21, 22, 23, 25, 62, 110, 134, 139, 145, 155, 316, 365).

Former Site BUS6

The site identified as BUS6 in the Local Development Plan 2012 should remain as an allocated business site within the Proposed Local Development Plan (365).

Other Proposals

NHS Grampian would specifically request that the proposed new health centre at Inverurie Hospital is identified on the Inverurie Proposals Map (610).

Services and Infrastructure

General Issues

A clear vision for infrastructure provision with milestones and targets for delivery is required (434).

Local Transportation Infrastructure

Committed development should be exempt from proportional funding towards a new GSI on the A96. As the main change proposed in the LDP is the Crichie development, this new proposed development should fund any improvements to the A96 junctions at this point in south Inverurie (365).

The LDP wording should be changed to be more flexible and match the wording in the 2012 LDP, which is: "The main requirements will be major improvements to the Thainstone and Port Elphinstone roundabouts / junctions beginning in phase 1." (519).

Allocated Sites

OP2 Inverurie Town Centre

Introduce a requirement for a town centre open space in the Town Centre element of OP2 (434).

The plans to develop a Transport Interchange at Inverurie Town Centre, to include an increase in car parking for Inverurie Station, should be the focus of the text within proposal OP2 rather than the Inner Relief Road which is not now expected to be brought forward.
### PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

<table>
<thead>
<tr>
<th>Site Code</th>
<th>Site Name</th>
<th>Development Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>OP4 Crichie</td>
<td>Designate part of OP4 adjoining the river as a ‘P’ designation (434).</td>
<td></td>
</tr>
<tr>
<td>Sites OP7 (Uryside Phase 2, North), 8 (Uryside Phase 2) and 9 (Portstown Phase 1)</td>
<td>The impact of development should be ameliorated with sensitive and effective planting (434).</td>
<td></td>
</tr>
<tr>
<td>Site OP10 Blackhall Road, Westgate South</td>
<td>Clarify how this site’s development contributes to the Plan’s main aims (434).</td>
<td></td>
</tr>
<tr>
<td>Site OP13 Thainstone</td>
<td>Serious consideration should be given to the detrimental impact of development on this site on the amenity of the adjoining tree lined lane, which is used by walkers, cyclists and horse riders (263).</td>
<td></td>
</tr>
<tr>
<td>Site OP16 Kirkwood Commercial Park, Thainstone</td>
<td>The area north of OP16 should be included as an environmental and recreational facility for the town to mitigate the level of development and loss of countryside access (434).</td>
<td></td>
</tr>
</tbody>
</table>

### Additional Sites

| Bid Site Ga007 | Release the F site at Souterford, north of Inverurie, for housing as identified in the 2012 ALDP (262). |
| Bid Site Ga007 | Identification of land at Souterford as a residential land allocation for circa 220 private and affordable/accessible units and a primary school (368). |
| Bid Site Ga010 | Release the F sites at Lofthillock, north of Inverurie, for housing as identified in the 2012 ALDP (262). |
| Bid Site Ga010 | Identification of land at Lofthillock for circa 180 private and affordable/accessible units (368). |
| Bid Site Ga019 | Allocate 2013 Bid site Ga019 (reduced in scale as intimated in the MIR (2013) for 110 houses and community facilities; and P15 is allocated for the relocation of St. Andrews Special School, if required. Amend Table 5 in Appendix 5 accordingly (606). |
Bid Site Ga047

Allocate additional employment land as proposed through bid Ga047 (522).

Bid Site Ga055

Uryside Phase 3 (MIR bid site Ga055) should be allocated for 500 houses in a future phase as part of a longer-term development strategy for Inverurie (523).

Bid Site Ga077

The site at Upperboat/Ardtannes to be included in the 2017 LDP for up to 100 houses in the 2017-2026 period, served by the existing road network. Bancon also submit that a further 900 houses are allocated as future development, to contribute towards the 4000 houses required by the SDP in 2027-2035 Plan period, including the delivery of an Eastern Relief Road (706).

Bid Site Ga078

The site at East Balhalgardy to be included in the 2017 LDP for up to 200 houses in the 2017-2026 period, served by the existing road network. Bancon also submit that a further 300 houses are allocated as future development, to contribute towards the 4000 houses required by the SDP in 2027-2035 Plan period, including the delivery of an Eastern Relief Road (706).

Bid Site Ga079

The site at Conglass to be included in the 2017 LDP for up to 100 houses in the 2017-2026 period, served by the existing road network. Bancon also submit that a further 400 houses are allocated as future development, to contribute towards the 4000 houses required by the SDP in 2027-2035 Plan period, including the delivery of an Eastern Relief Road (706).

New Site NB1510, Upper Davah

Inclusion of land for housing at Upper Davah (334).

New Site NB1525, Land Adjoining Thainstone House Hotel

Allocate land around Thainstone House Hotel for employment use (423).

New Site Howford

Removal of land from proposed R2 allocation and substitute allocation for housing at Howford (336).

New Site Dubston, Blackhall Road

Inclusion of land for housing at Dubston (329).
P12 and P13

Sites P12 and P13, Inverurie should be allocated for future residential development (365).

Summary of response (including reasons) by Planning Authority:

Inverurie is located in the Aberdeen to Huntly Strategic Growth Area, which the Strategic Development Plan (SDP) 2014 identifies as appropriate for significant growth (see SDP 2014, Spatial Strategy, paragraph 3.31).

The development strategy for Inverurie was subject to specific consideration at the Main Issues Report (MIR) stage (see MIR 2013, Main Issue 15). The proposed development allocations for the town were also considered in detail at the MIR stage (see MIR 2013, Appendix Garioch, page 24). The MIR outlined a preferred option to carry forward most of the development allocations from the Inverurie Settlement Statement published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Inverurie). However, it also proposed not to carry forward a number of sites that were subject to an ‘F’ designation in the 2012 Local Development Plan - these sites were identified as potential future development allocations dependent on the feasibility of an Inverurie Eastern Relief Road (ERR). The deletion of the ‘F’ site was identified as the preferred option due to uncertainties associated with the Scottish Government’s longer-term proposals for dualling the A96 from Aberdeen to Inverness and the implications of these on the justification and need for local transport solutions, including an ERR.

A significant number of comments were made in response to the MIR’s proposals for Inverurie, and these were subject to detailed consideration in MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone. This largely proposed to take forward the MIR’s preferred option. However, it also proposed to include a number of new development sites to compensate in part for the deletion of the ‘F’ sites. These included two new allocations within the existing settlement boundary (identified as sites OP14 and OP15 in the Proposed Local Development Plan) and a minor increase in the capacity of the OP2 site to reflect the expected relocation and redevelopment of the existing health centre building during the Plan period. In addition, it was proposed to allocate part of the former ‘F’ site at Conglass for up to 100 houses subject to evidence being provided to satisfy Transport Scotland that this level of development could be accommodated without significant adverse impacts on the trunk road network. However, subsequent transport analysis was undertaken through the Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG) and this concluded that the Conglass site allocation would not be appropriate on transport grounds. This proposal was therefore not taken forward into the Proposed Local Development Plan.

The general support for the Settlement Statement is welcomed.

Vision and General Issues

A96 and Local Transport Issues

It is accepted that the Scottish Government’s proposals to dual the A96 relate to the entire route from Aberdeen to Inverness, including upgrading the existing dual carriageway between Inverurie and the Aberdeen Western Peripheral Route (AWPR). The minor
wording amendment proposed by Nestrans would help to highlight this. As a non-notifiable modification to the Plan, Aberdeenshire Council would therefore not be opposed to the Reporter amending the third sentence in the second paragraph of the settlement statement ‘Vision’ to read: “…to dual the A96 Aberdeen to Inverness…”.

Nestrans’ remaining comments, which support the decision to limit the scale of further development in Inverurie until there is greater certainty regarding the A96 dualling proposals, are welcomed.

The potential impact of the Scottish Government’s longer term A96 dualling proposals on the development strategy for Inverurie was subject to detailed consideration at the MIR stage (see MIR 2013, Main Issue 15). The MIR outlined a preferred option not to carry forward a number of sites that were subject to an ‘F’ designation (potential future housing allocation) in the 2012 Local Development Plan owing to uncertainties associated with the A96 dualling proposals. This was because the ‘F’ sites were dependent on the feasibility of delivering an Inverurie ERR through the Keith Hall designed landscape. A preliminary assessment of the possible impacts of the ERR concluded that the Keith Hall designed landscape could potentially accommodate the road and preserve the setting of Keith Hall and related listed buildings, providing that appropriate mitigation measures were incorporated into the design of the road. However, it noted that “this is likely to be borderline, given the apparently unavoidable intrusion into the core parkland that forms the setting of the house” (see An Appraisal of the Potential Effects of a Proposed Inverurie Bypass upon Keith Hall Designed Landscape and Other Cultural Heritage Features, 2013, paragraph 7.22). Development of this nature through a designed landscape would be contrary to the guidance in paragraph 148 of Scottish Planning Policy (SPP) and could only be contemplated if no other option was available. The current uncertainty regarding the A96 dualling proposals has complicated this issue and means that the ERR would be difficult to justify in policy terms at present (see pages 8 and 9 of MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for a more detailed discussion of this issue).

It is important to emphasise that, contrary to the suggestions of Transport Scotland, the Council does not expect the A96 dualling scheme to resolve all of the existing traffic congestion issues that affect Inverurie. Although the A96 proposals are expected to address current traffic concerns to a significant degree, it is acknowledged that there is still likely to be a need for other local transport solutions. These are likely to be required in order to fully address congestion issues, particularly within the town centre, and to facilitate future phases of development within the town. However, until the preferred approach for the A96 dualling is known, it is not possible to determine the most appropriate local solution(s). For example, the A96 dualling proposals might remove the need for an ERR altogether and enable other local solutions to be pursued. Alternatively, in the event the ERR is required, it will not be possible to identify the most appropriate route and detailed junction arrangements for this until the preferred A96 solution is known.

Current work on the A96 dualling proposals has identified four broadly defined improvement options to be taken forward for further assessment (see A96 Dualling Inverness to Aberdeen Preliminary Engineering Assessment, May 2015). The options in relation to the Inverurie section include: utilising the existing A96 corridor; an off-line bypass to either the east or west of the town; an off-line route linking directly from Huntly to Blackburn; and an off-line route linking directly from the Glens of Foudland to north-west of Inverurie. These options are currently being assessed though the Design Manual for Roads and Bridges (DMRB) stage 2 process. It is understood that this process will be concluded by quarter 2 in 2018, by which time the preferred option for the Inverurie
section of the A96 corridor (along with relevant junction arrangements) will be finalised. The preferred option will therefore be known in sufficient time to inform the next review of the Local Development Plan.

The current development strategy for Inverurie is therefore not one of ignoring the issue of transport congestion. Rather, it represents a prudent approach which seeks to limit further development until such time as the most appropriate local transport solution(s) for the town can be determined on the basis of firm proposals for the A96 dualling. This will enable the most appropriate long-term growth options for the town to be identified in the next review of the Local Development Plan. In the meantime, the Proposed Plan identifies an appropriate supply of development sites for Inverurie. The transport implications of these developments have been assessed and can be mitigated during the Plan period. The allocated sites have all now reached an advanced stage with the required transport mitigation measures being agreed in principle with Transport Scotland. Whilst the proposed strategy means that the Proposed Plan does not allocate the full SDP housing allowance for the Blackburn-Inverurie Strategic Growth Area, this will not prejudice the maintenance of a 5 year effective housing land supply in the Aberdeen Housing Market Area throughout the Plan period (see Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy).

To progress with the allocation of the ERR and additional development allocations at this stage, as proposed by respondent 706, would be premature, might prejudice route options for the A96 dualling and would therefore not be an appropriate course of action.

The issues with car parking provision within Inverurie are acknowledged and it is accepted that long stay parking in the town centre is often taken up by commuters using the train station to travel into Aberdeen and elsewhere. However, Aberdeenshire Council and Nestrans have for some time been developing proposals for a new transport interchange and car park extension at Inverurie Rail Station.

The interchange will be located on the disused rail freight yard which is currently owned by Network Rail. It is being designed to meet operational needs over a 20 year period. A preferred option for the interchange has been identified and initial pre application discussions have been undertaken with the Council’s Planning Service. The interchange and car park extension will be located within the OP2 site and the supporting text for the OP2 allocation reflects and supports this. No further modification of the Plan is required in response to these comments.

Housing Issues

The provision of affordable housing is a concern for communities across Aberdeenshire, including Inverurie, and was identified as a main issue within the MIR (see MIR 2013, Main Issue 7). Policy H2 of the Proposed Local Development Plan requires all new development sites of 4 or more dwellings to include 25% affordable housing, whilst Policy P1 requires new housing developments to include a mix of dwelling sizes and tenures (including housing for people on modest incomes). There is no shortage of deliverable housing sites within Inverurie – Appendix 2 of the Housing Land Audit 2015 shows a total supply of just under 2,200 houses on effective housing sites in Inverurie. In any event, there is no significant empirical evidence to show that house prices are directly related to the provision of new development land, as new build properties tend to make up a relatively small proportion of the overall housing market at any one time.
In terms of the provision of jobs, supporting facilities and infrastructure, the Inverurie Settlement Statement already provides an appropriate supply of employment and mixed use development land. Sites for a new primary school and a replacement academy are protected/reserved, existing recreation facilities are protected, and a site for a new riverside park is identified. Future infrastructure requirements are also specifically identified. No further modifications are required in this respect.

**Business Land Uses**

In response to the concern regarding the chosen location of business sites, it should be noted that the proposed employment land allocations in Inverurie have largely been carried forward from the 2012 Local Development Plan. The principle of employment development in the vast majority of these locations is therefore already established and has been deemed appropriate through the previous Examination process. In respect of the comments regarding the lack of mixed use developments, it should also be noted that the existing allocations include a number of mixed use sites, along with wider development areas where housing and employment allocations are co-located (such as sites OP4 and OP11 at Crichie, and sites OP10 and BUS3 at Blackhall Road/Westgate). It is therefore not necessary to amend the Plan in response to this comment.

**Natural and Historic Features**

The Natural and Historic Features section of the Settlement Statement intends to draw attention to features within and around Inverurie which are subject to specific designations at national and/or local levels. The Ury floodplain, in itself, is not subject to any such designation and it would therefore not be appropriate to include reference to it within this section. However, much of the floodplain is specifically reserved for the proposed Uryside Park (site R2). Proposals for the Uryside Park are progressing and its delivery is expected during the Plan period. This will deliver significant benefits for the community.

**Settlement Features**

**Sites P7 - P13**

Sites P7 - P13 are protected for a range of purposes. They have been identified as forming part of the green network as these sites form an integral part of a wider corridor of connected green spaces which are of both recreation and biodiversity value. The reference to the contribution that these sites make to the wider green network is therefore appropriate and no modification of the Plan is required.

**Site R1/OP3**

There is currently no proposal for further development to the north of the R1 site, and the settlement boundary is drawn so that this will form the northern boundary of the town. In respect of the OP3 development, it should be noted that the planning consent for this site is subject to a condition requiring the approval of a scheme of hard and soft landscaping prior to the commencement of development (see Condition 12 of Planning Permission APP/2008/4145). The planning consent for the northern link road is also subject to a condition requiring the implementation of a landscaping scheme (see Condition 1 of Planning Permission APP/2006/0857). No modification of the Plan is required in response to the comments concerning these sites.
Site R2

The general support for the R2 designation is welcomed. In response to the comment that the R2 site sits as an island without reference being made to the areas either upstream or downstream it is noted that, with the exception of the south-eastern boundary of the R2 site (which adjoins the existing BUS4 area), the adjoining areas are located outside of the settlement boundary. The adjoining areas are therefore subject to protection from inappropriate development that might otherwise prejudice the wider green corridor within which the R2 site is located by the Plan’s rural development policies. The adjoining BUS4 site is already developed and there is currently no proposal to extend either this allocation or the BUS10 site which lies further to the south. Therefore, there is no requirement to modify the Plan as proposed by respondent 434.

Site R3

Site R3 has been reserved to enable the development of community and education facilities. This site has been identified as the preferred location for the provision of a new academy and community facilities, which are expected to be delivered within the lifetime of the Local Development Plan. However, as the final proposals for the site have yet to be confirmed, it is not possible to provide significant further detail in the Plan at this stage. Therefore no modification is required.

Sites BUS1-10 (General)

The support for the consideration of core path connections from developments within sites BUS1-10 is welcomed. This objective will be achieved through the application of Proposed Local Development Plan Policy P2 (Open Space and Access in New Development), which requires core paths to be protected and new developments to provide appropriate access opportunities for recreation and to promote walking and cycling as a means of transport.

It is not considered appropriate to show core paths on the Proposals Maps as this would not enable full coverage at the required level of detail. However, a map of the core paths can be viewed on the Council’s website. In order to draw attention to this webpage as a useful resource for developers, Aberdeenshire Council would not be opposed to the Reporter making a non-notifiable modification to include the following text at the end of the Core Path Plan definition within the Glossary: “The Core Path Plan can be viewed online at: http://www.aberdeenshire.gov.uk/paths-and-outdoor-access/core-paths-plan/core-paths-plan-maps/”.

Site BUS9

There has been no increase in the size of the BUS9 allocation, and this site has been carried forward unaltered from the Inverurie Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Inverurie). The site is partly developed, and the principle of employment uses within this location is established. No modification is required in response to the comments concerning this site.

Site BUS10

Site BUS10 has been carried forward unaltered from the Inverurie Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development
Plan. A larger employment allocation at this location was also included in the 2006 Local Plan (site EmpG). The principle of employment development in this location has therefore been established for some time, and the current smaller allocation was deemed appropriate through the examination of the 2012 Local Development Plan. There has been no significant change in circumstances in the interim that would justify the deletion of this allocation. SEPA has not objected to the allocation on flood risk grounds. Remaining concerns in respect of noise, light pollution, sewerage provision, impact on biodiversity, road safety and road capacity would be addressed by other policies in the Plan and will be subject to detailed consideration at the subsequent planning application stage.

Site SR1

As demonstrated in Schedule 4 Issue 5: Shaping Business Development, the Proposed Plan identifies an appropriate and sufficient supply of employment land which satisfies the Strategic Development Plan’s allowances. In particular, it should be noted that the Proposed Plan makes provision for some 41.5ha of employment land within the Inverurie - Blackburn part of the Strategic Growth Area (see Proposed Local Development Plan Appendix 1). This compares with the Strategic Development Plan’s 42ha allowance for the entire Huntly - Blackburn Strategic Growth Area (see SDP 2014, Spatial Strategy, Figure 3). It is also significant to note that the Proposed Plan carries forward the SR1 and adjoining OP11 sites from the 2012 Local Development Plan with amended boundaries. These boundary amendments have already resulted in a greater level of employment land being allocated in the 2017-2026 period (see MIR 2013, Appendix Garioch, page 31 [bid site Ga060] and MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for more detail on the rationale for the boundary changes).

For these reasons, there is no requirement to release further employment land from the SR1 strategic reserve supply into an earlier phase of development and no change is required.

Site SR2

Site SR2 has been carried forward unaltered from the Inverurie Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan. The landscape and environmental acceptability of the site was considered at the examination of the 2012 Plan, when it was concluded that these matters would require to be considered in the detailed masterplanning of the area. It is maintained that the SR2 site is appropriate and that landscape issues can be satisfactorily addressed through the subsequent development management process. No modification of the Plan is required.

Gypsy and Traveller Halting Provision

Paragraph 133 of SPP requires Development Plans to address any identified need for sites for gypsy/travellers. It goes on to state that, where there is a need, Local Development Plans should identify suitable sites for these communities.

Research undertaken by Craigforth in 2009 identified a requirement for 12 additional pitches for gypsy/travellers within Aberdeenshire (see Accommodation Needs Assessment of Gypsies/Travellers in Grampian, Outcome 2, page 109). The Settlement Statements that were published as Supplementary Guidance in support of the 2012 Local Development Plan identified four gypsy/traveller sites in order to address this pitch requirement. These were located at Thainstone/Crichie, Blackdog, Chapelton, and Ellon.
The proposed gypsy/traveller halting site in the Thainstone/Crichie employment area has been carried forward from the 2012 Supplementary Guidance with only a minor modification (the inclusion of a reference to the unallocated Council-owned land between allocations BUS 5 and BUS6 as an additional potentially suitable location for the halting site).

The provision of a halting site within the Thainstone/Crichie employment area is therefore required to meet an established need for gypsy/traveller accommodation, and the overall principle of this use at this location has already been established through the 2012 Development Plan. The proposal has been subject to relevant statutory notification processes and, as it has been carried forward from the 2012 Development Plan with no significant modification, there was no requirement to specifically identify this proposal within the MIR.

Contrary to the comments of some respondents, the areas that are identified as potentially suitable options for the halting site are considered to be well related to the existing settlement and will provide occupants with appropriate access to facilities and services. Many of the further concerns raised by respondents relate to matters of detail that will be addressed at the subsequent planning application stage (the provision of appropriate security for the site, impact on amenity and character of the area, and environmental concerns). Others relate to factors that are either not material planning considerations or cannot be controlled through the Local Development Plan (potential for anti-social behaviour, illegal parking, and the potential impact on business investment decisions). In respect of the comments regarding the delivery of the site, it should be noted that this will be fully monitored through subsequent updates of the Action Programme. No further modification of the Plan is required.

Former Site BUS6

The former BUS6 allocation in the Local Development Plan 2012 was removed from the Proposed Local Development Plan as it is considered unlikely to be deliverable for employment development. The Action Programme Update 2014 (which is associated with the Local Development Plan 2012) notes that the agreed Inverurie South Development Framework identifies a Grade Separated Interchange with associated link roads at this location (see Action Programme Update 2014, page 87 and Inverurie South Development Framework, page 3). The site remains within the settlement boundary and, therefore, the deletion of the allocation does not preclude its development. However, it would not be appropriate to reinstate the allocation given that part of the site is likely to be required for roads infrastructure upgrades during the Plan period. The deletion of the former BUS6 allocation has no adverse impact on the supply of employment land within the Huntly – Laurencekirk SGA, as there is an over-supply of employment allocations in this SGA (see Schedule 4 Issue 5: Shaping Business Development). No change is required.

Other Proposals

Discussions with NHS Grampian during the production of the Proposed Plan have indicated that the proposed new health centre at Inverurie Hospital is expected to be completed during the lifetime of the Local Development Plan (page 14 of the Proposed Action Programme 2015 provides a summary of the position and expected completion dates for this project). Aberdeenshire Council would therefore not be opposed to the Reporter including a non-notifiable modification to the Plan to introduce the following text to the Settlement Features section: “P16 - Safeguarded for developments related to
healthcare facilities” and to identify this site on the Proposals Map.

Services and Infrastructure

General Issues

The current infrastructure issues in Inverurie are complex. The Proposed Plan does not “encourage development in Inverurie in order to ensure infrastructure provision”. Rather, it identifies an appropriate level of development for the town which satisfies the objectives of the Strategic Development Plan and takes full account of infrastructure capacity issues. Large scale new development, as proposed for Inverurie, will inevitably place pressure on existing infrastructure, but the development strategy proposed makes efficient use of existing capacity where available. It also provides a level of development in appropriate locations that will enable the provision of new infrastructure where required. Further detail is provided in relation to specific sites below. No modification of the Plan is required in response to this comment.

Local Transportation Infrastructure

The Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG) was undertaken to inform the content of the Proposed Local Development Plan. One of the key purposes of this study was to undertake a qualitative appraisal of the access arrangements for the allocations proposed for inclusion within the plan against transport planning objectives, implementability criteria and Government transport appraisal criteria.

Paragraph 6.5.1 of the DPMTAG report identifies that two of the most significant new development allocations in Inverurie which have the potential to impact on the strategic transport network are sites OP12 and OP13 (previously allocated as sites E2 and E3 in the 2012 Local Development Plan). The DPMTAG assessed two options in relation to the OP12 and OP13 sites: an assessment without the provision of a Grade Separated Interchange (GSI) at Crichie to replace the existing roundabouts at Port Elphinstone and Thainstone; and an assessment with the provision of a GSI. The first option (no GSI) was shown to perform poorly against transport planning objectives, particularly in terms of the efficient operation of the strategic transport network in the vicinity of the development, efficient and effective use of the wider strategic network, and efficient and effective freight movements. The second option (with GSI) was shown to perform better overall.

Paragraph 6.5.7 of the DPMTAG therefore recommended that allocations OP12 and OP13 should be linked to the provision of the GSI at Crichie. For this reason, the wording of the Proposed Plan in respect of the requirement for sites OP12 and OP13 to contribute towards major improvements to the Thainstone and Port Elphinstone roundabouts/junctions, including the construction of a new GSI, is considered reasonable and appropriate. Negotiation of appropriate development obligations will be undertaken at the subsequent planning application stage and this requirement could be amended in the event that more detailed transport assessments show it to be unnecessary.

The Proposed Plan also takes a similar approach in respect of sites BUS5-9. It is acknowledged that a number of these sites are either already developed or have planning consents. However, any further development and/or revised development proposals for these sites would have the potential to significantly impact on the trunk road network. The Proposed Plan requires any such development proposals for these sites to contribute
Propositionally to the provision of a GSI. The proportionality test in this instance would relate to the level of impact from the sites on the road network, and in particular at the Port Elphinstone and Thainstone roundabouts. The requirement could therefore be set aside during the development management process in the event that more detailed transport assessments show it to be unnecessary. The Proposed Plan text in respect of these sites is therefore also reasonable and appropriate and no change is required.

Allocated Sites

OP2 Inverurie Town Centre

All new development proposals for the OP2 site will need to accord with Policy P2 (Open Space and Access in New Development) of the Proposed Plan, which requires the provision of an appropriate level of public open space. Therefore, no modification is necessary in response to the comments regarding the provision of usable community open space within the site.

In respect of the comments from Nestrans, it is acknowledged that, whilst the proposals to develop a new transport interchange within the OP2 site are now well advanced, former proposals for an inner relief road are now unlikely to be brought forward during the Plan period. As a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter amending the OP2 supporting text as follows to delete the reference to protected land requirements for an inner relief road and substitute: “Protected land requirements for a transport interchange are carried forward ...”.

OP4 Crichie

Built development on this site is not expected to extend down to the river. A Masterplan for the OP4 site was agreed by the Garioch Area Committee on 25 June 2013 (see Crichie Masterplan, Version 4, revised June 2013). The Crichie Masterplan (which is shown indicatively on the last page of the Settlement Statement) shows a number of areas of open space provision including a ‘natural park’ along the River Don, together with foot and cycle paths extending from the developed areas down to and alongside the river. The Proposed Plan makes clear that development proposals for the OP4 site must accord with the Masterplan and this will ensure the implementation of the agreed open space principles. No further modification is required.

Sites OP7 (Urside Phase 2, North), 8 (Urside Phase 2) and 9 (Portstown Phase 1)

Sites OP7, 8 and 9 have full planning permission and form part of the effective housing land supply (see the decision notices for planning applications APP/2009/2542, APP/2006/0866 and APP/2010/3002). The overall principles of development on these sites have therefore been established. Notwithstanding, it should be noted that each of the planning consents imposes conditions to secure the agreement and implementation of appropriate landscaping schemes. No further modification of the Plan is necessary in respect of these issues.

Site OP10 Blackhall Road, Westgate South

Site OP10 has planning permission and forms part of the effective housing land supply (see the decision notice for planning application APP/2011/2682). The overall principle of development on this site has therefore been established. The site is well related to the
existing residential development off John Sorrie Drive, and pedestrian links to facilities in Inverurie are provided via the existing underpass beneath the A96. Paragraph 6.3 of the Committee Report for planning application APP/2011/2682 concluded that the development contains “…a good network of footpaths connecting each neighbourhood to the next, and indeed connecting the site to the wider development at Westgate and to the amenities of Inverurie”. Transport issues were addressed to the satisfaction of both the Council’s Transportation Department and Transport Scotland prior to the grant of planning permission. The site is therefore appropriate and no modification of the Plan is required in response to the comments regarding this allocation.

Site OP11 Crichie

The comment that this site, along with the adjoining OP4 site, shifts too far away from jobs to housing is not accepted. Site OP11 is allocated specifically for employment purposes, and both this site and the adjoining OP4 site were deemed appropriate during the examination of the 2012 Local Development Plan. Moreover, the OP11 site has been carried forward from the 2012 Local Development Plan with amended boundaries which result in a greater level of employment land being allocated in the 2017-2026 period (see MIR 2013, Appendix Garioch, page 31 [bid site Ga060] and MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for more detail on the rationale for the boundary changes). No modification of the Plan is required in response to this comment.

Site OP13 Thainstone

Site OP13 has been carried forward unaltered from the Inverurie Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan. The acceptability of the site from an amenity, landscape and environment perspective was considered at the examination of the 2012 Plan, when it was concluded that these matters would require to be considered in the detailed masterplanning of the area. It is maintained that the OP13 site is appropriate and that any detailed amenity impacts can be satisfactorily addressed through the subsequent development management process. No modification of the Plan is required.

Site OP16 Kirkwood Commercial Park, Thainstone

The general support for the inclusion of site OP16 is welcomed. In respect of the request to designate the area to the north of this site as an environmental and recreational facility for the town it is noted that there are currently no known proposals for such a facility. Reserving this area in the absence of any firm proposals for delivery would not be an appropriate course of action. The fact that the area lies outside the settlement boundary also means there is unlikely to be pressure for developments that would preclude such facilities in the future. In the event that any specific proposals for environmental/recreational facilities emerge during the Plan period, they would also benefit from the general policy support for recreational uses within policies R1 and R2 of the Proposed Local Development Plan. Therefore no modification is required in response to this comment.

Additional Sites

There are several requests for more land to be allocated in Inverurie but, as demonstrated in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the
Aberdeen Housing Market Area. Appropriate allocations have also been made in the Inverurie - Blackburn Strategic Growth Area taking into account the constraints on further allocations in this area at present. There is also an appropriate employment land supply, as demonstrated in Schedule 4 Issue 5: Shaping Business Development. No additional allocations are required.

**Bid Site Ga007 (Souterford)**

The arguments in support of this site are noted. This site was identified as an ‘F’ site (potential future housing site) in the 2012 Local Development Plan. However, following detailed consideration at the MIR stage it was resolved to delete the ‘F’ sites (see MIR 2013, Main Issue 15 and the subsequent MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for a more detailed justification for this decision).

It is accepted that the site is located in close proximity to the town centre and rail station. It is also accepted that Transport Scotland and the Council’s Transportation Team in respect of planning application APP/2011/4248 (which proposed the development of 335 houses, access roads, infrastructure and a community park on this site) identified that, from a transport perspective, this site is unlikely to be technically dependent on the delivery of an ERR (it should be noted that the application was withdrawn prior to determination) (see correspondence from Transport Scotland and Aberdeenshire Council Transportation Service on APP/2011/4248). However, this correspondence is now around 2 years old and an updated transport appraisal would be required to confirm whether this is still the case taking into account current traffic flows and more recent development consents.

Nevertheless, the potential impact of development in this location on the Keith Hall designed landscape remains a significant concern. The Keith Hall designed landscape is included in the Inventory of Gardens and Designed Landscapes in Scotland in recognition of its national importance. It also forms the setting for the Category A listed Keith Hall. Historic Scotland’s response to the MIR specifically supported the proposal to delete this and other ‘F’ sites from the plan on the basis that this would limit development within the designed landscape (see MIR Submission No: 1811). Historic Scotland also had an unresolved objection to planning application APP/2011/4248 at the time of its withdrawal of the grounds of adverse impact on the designed landscape (see correspondence from Historic Scotland on APP/2011/4248). Their response to the planning application highlights the significance and importance of the Keith Hall designed landscape at a national level and describes it as being “in the first rank of designed landscapes in Scotland”.

It is maintained that any significant level of development in this location is likely to have an adverse impact on the character of the designed landscape and the integral setting of Keith Hall. This would be contrary to the guidance in paragraph 148 of SPP and should, therefore, only be pursued in exceptional circumstances. The development of this site would also result in the loss of a large area of prime agricultural land, contrary to the objectives of paragraph 80 of SPP. Finally, in response to the arguments that development is required to support the town centre, it should be noted that the recent town centre health checks demonstrate Inverurie’s continued buoyancy despite harsh economic times, with key indicators showing a successful town centre (see the Draft Town Centre Health Check 2015).
### Bid Site Ga010 (Lofthillock)

This site was identified as an ‘F’ site (potential future housing site) in the 2012 Local Development Plan. However, following detailed consideration at the MIR stage it was resolved to delete the ‘F’ sites (see MIR 2013, Main Issue 15 and the subsequent MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for a more detailed justification for this decision).

It is accepted that the site is located in close proximity to the town centre and rail station. However, the potential impact of development in this location on the Keith Hall designed landscape remains a significant concern. The Keith Hall designed landscape is included in the Inventory of Gardens and Designed Landscapes in Scotland in recognition of its national importance. It also forms the setting for the Category A listed Keith Hall. Historic Scotland’s response to the MIR specifically supported the proposal to delete this and other ‘F’ sites from the plan on the basis that this would limit development within the designed landscape (see MIR Submission No: 1811).

It is maintained that any significant level of development in this location is likely to have an adverse impact on the character of the designed landscape and the integral setting of Keith Hall. This would be contrary to the guidance in paragraph 148 of SPP and should only be pursued in exceptional circumstances. The development of this site would also result in the loss of a large area of prime agricultural land, contrary to the objectives of paragraph 80 of SPP. Finally, in response to the arguments that development is required to support the town centre, it should be noted that the recent town centre health checks demonstrate Inverurie’s continued buoyancy despite harsh economic times, with key indicators showing a successful town centre (see the Draft Town Centre Health Check 2015). There is consequently no overriding justification for allocating this site for development at the current time.

### Bid Site Ga019 (Blackhall Road)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 32). The MIR concluded that the site is fairly well contained by the landscape and is free from absolute constraints. However, it raised a number of concerns about the additional congestion that the development could cause on the A96 and in the town centre, and the potential for development in this location to prejudice route options if a new western bypass route is selected as the preferred approach for the A96 dualling. These concerns remain valid.

Whilst the promoter of the site indicates that the recently upgraded Blackhall roundabout would provide capacity to accommodate the proposed development no transport assessment has been carried out to confirm this. Moreover, development at this location would also be expected to exacerbate existing capacity issues at the Port Elphinstone and Thainstone roundabouts and no assessment has been undertaken of this impact.

In addition, the development would extend beyond the line of pylons which currently provides a landscape boundary to residential development to the west of Inverurie, and development on the western slope of the Hill of Ardtannes would appear visually divorced from the remainder of the town. No change is required.
Bid Site Ga047 (Thainstone)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 34). Whilst the assessment recognised that the proposal would constitute a logical extension to the Thainstone Business Park, it raised a number of concerns about the site. In particular, it noted that the most substantial part of the site to the west of Thainstone Business Park could prejudice potential route options if a western bypass is ultimately selected as the preferred approach for the A96 dualling. The subsequent MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone considered alternative proposals to allocate part of the Ga047 site for development (the two smaller land parcels in the southern part of the bid site). However, it concluded that this would be inappropriate because of the presence of a local gas pipeline which affects the western of the two land parcels and the visual prominence of the eastern parcel. Whilst the comments in support of the site are noted, these concerns remain valid.

As demonstrated in Schedule 4 Issue 5: Shaping Business Development, the Proposed Plan identifies an appropriate and sufficient supply of employment land which satisfies the Strategic Development Plan’s allowances. In particular, it should be noted that the Proposed Plan makes provision for some 41.5ha of employment land within the Inverurie - Blackburn part of the Strategic Growth Area (see Proposed Local Development Plan, Appendix 1). This compares with the Strategic Development Plan’s allowance of 42ha for the entire Huntly - Blackburn Strategic Growth Area (see SDP 2014, Spatial Strategy, Figure 3). There is therefore no over-riding reason to allocate this site for employment development within the Local Development Plan.

Bid Site Ga055 (Uryside Phase 3)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 32). Although the comments in support of the site are noted, it is maintained that development in this location would not be appropriate.

In particular, there remain concerns regarding the potential for development to exacerbate congestion issues within the town centre and on the strategic road network. No assessment has been undertaken of this potential impact. In addition, in their response to the MIR, Historic Scotland raised concerns about the potential for development on this site to have an adverse impact on the setting of the nearby Category A listed Bourtie House (see MIR Submission No: 1811). They therefore supported the decision not to identify this as a preferred location for development. Furthermore, the site is classified almost entirely as prime agricultural land and its development would therefore be contrary to the objectives of paragraph 80 of SPP.

The site promoter’s submission requests that this site be allocated for development in a future phase as part of a longer-term development strategy for Inverurie. As outlined in Schedule 4 Issue 7: Housing Land Supply, the Proposed Plan identifies allocations to meet the Strategic Development Plan’s allowances for the 2017-2026 period. This accords with guidance in paragraph 119 of SPP, which requires Local Development Plans in city regions to allocate sites to meet the housing land requirement of the Strategic Development Plan up to year 10 from the expected year of adoption. Future land releases for the period beyond 2026 will be made in the next review of the Local Development Plan. As such, no modification of the Plan is required.
Bid Site Ga077 (Ardtannes/Upperboat)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 33). Whilst the comments in support of the site are noted, it is maintained that development would not be appropriate in this location due to the prominent nature of the site, particularly on the approach to Inverurie from Kemnay on the B993. There also remain concerns that development at this location is likely to exacerbate existing capacity issues on the A96, particularly at the Port Elphinstone and Thainstone roundabouts. The site promoter has provided a transport assessment which shows that an initial phase of 100 houses could be accommodated ahead of the provision of an ERR. However, this assessment was undertaken in 2010 to support a bid for a number of sites to be allocated for development as an alternative to the strategy identified in the 2010 Proposed Plan. As such, it does not take account of the developments that were finally allocated in the 2012 Local Development Plan. It is therefore not certain that the conclusions of this assessment are still valid. In addition, longer term development aspirations for this site are dependent on the delivery of an ERR and, for the reasons set out in the section headed ‘A96 and Local Transport Issues’ above, this is not a justifiable proposal at the current time. No change is required.

Bid Site Ga078 (East Balhalgardy)

This site was identified as an ‘F’ site (potential future housing site) in the 2012 Local Development Plan. However, following detailed consideration at the MIR stage it was resolved to delete the ‘F’ sites (see MIR 2013, Main Issue 15 and the subsequent MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone for a more detailed justification for this decision).

The arguments in support of this site are noted. However, there remain concerns that the development of the site is likely to exacerbate existing congestion issues both within the town centre and on the A96 and the Blackhall, Port Elphinstone and Thainstone junctions. Whilst the site promoter has provided a transport assessment which shows that an initial phase of 200 houses could be accommodated ahead of the provision of an ERR, this assessment was undertaken in 2010 and it is not certain that its conclusions are still valid. Longer term development aspirations for this site are also dependent on the delivery of an ERR and, for the reasons set out in the section headed ‘A96 and Local Transport Issues’ above, this is not a justifiable proposal at the current time. No change is required.

In addition, this site is located entirely within the Harlaw Inventory Battlefield designation. In their response to the MIR, Historic Scotland raised concerns over the potential for development at this site to impact on the battlefield. Therefore, they supported the decision to not identify this site as a preferred location for development (see MIR Submission No: 1811). The development of the site would also result in the loss of a large area of prime agricultural land, contrary to the objectives of paragraph 80 of SPP.

Bid Site Ga079 (Conglass)

This site was identified as an ‘F’ site (potential future housing site) in the 2012 Local Development Plan. At the MIR stage it was proposed not to carry forward any of the ‘F’ sites into the Proposed Plan. However, following consideration of the MIR responses, it was determined to allocate the southern part of the former ‘F’ site at Conglass (the part of the Ga079 bid site that lies to the west of site OP1) for the development of up to 100 houses. This was subject to evidence being provided to satisfy Transport Scotland that
this level of development could be accommodated within significant adverse impacts on
the trunk road network (see MIR 2013, Main Issue 15 and the subsequent MIR 2013,
Issues and Actions Paper 117: Inverurie and Port Elphinstone for a more detailed
justification for this decision).

However, subsequent analysis of the impacts of developing 100 houses at the Ga079 site
was undertaken through the DPMTAG study. Paragraph 6.5.6 of the DPMTAG report
noted that the site would take access onto the trunk road network at the Blackhall
roundabout and that, although this has recently been extended, any additional capacity at
this junction is anticipated to be utilised when existing consented developments are fully
built out. It went on to identify that the impact of development at the Ga079 site would be
to place further operational stress on the Port Elphinstone and Thainstone roundabouts in
addition to the impact at the Blackhall roundabout. Paragraph 6.5.7 of the report therefore
recommended that if development of this site was preferred, it should be deferred to the
latter period of the Strategic Development Plan (i.e. post 2026). For these reasons, the
southern part of the Ga079 site was not allocated for development within the Proposed
Plan.

In addition to the above concerns, it should be noted that a large part of the northern part
of the Ga079 site is located within the Harlaw Inventory Battlefield designation. In their
response to the MIR, Historic Scotland raised concerns over the potential for development
on this part of the site to impact on the battlefield. They therefore supported the decision
not to identify this site as a preferred location for development (see MIR Submission No:
1811). Furthermore, much of the northern part of the site is also potentially at risk of
flooding from the River Ury. Longer term development aspirations for this site are also
dependent on the delivery of an ERR, and for the reasons set out above this is not a
justifiable proposal at the current time. No change is required.

New Site NB1510, Upper Davah

Whilst the promoter of this site indicates that the recently upgraded Blackhall roundabout
would provide capacity to accommodate this development proposal, no transport
assessment has been carried out to confirm this. In any event, paragraph 6.5.6 of the
DPMTAG report indicates that this is unlikely to be the case as it states that although the
Blackhall roundabout has recently been extended, any additional capacity at this junction
is anticipated to be utilised when existing consented developments are fully built out.
Development at this location would also be expected to exacerbate existing capacity
issues at the Port Elphinstone and Thainstone roundabouts and no assessment of this
impact has been undertaken.

In addition, it should be noted that this development proposal was not submitted at the call
for sites stage. It was, therefore, not included as a development bid within the MIR and
has not been subject to any formal public consultation or Strategic Environmental
Assessment. Paragraph 64 of Circular 6/2013: Development Planning identifies the
difficulties of including a site within a Local Development Plan where these statutory
procedures have not been undertaken. For these reasons, it is not considered appropriate
to modify the Plan to identify this site for development.

New Site NB1525, Land Adjoining Thainstone House Hotel

The comments in support of this site are noted. However, as demonstrated in Schedule 4
Issue 5: Shaping Business Development, the Proposed Plan identifies an appropriate and
sufficient supply of employment land which satisfies the Strategic Development Plan’s allowances. In particular, it should be noted that the Proposed Plan makes provision for some 41.5ha of employment land within the Inverurie - Blackburn part of the Strategic Growth Area (see Proposed Local Development Plan, Appendix 1). This compares with the Strategic Development Plan’s 42ha allowance for the entire Huntly - Blackburn Strategic Growth Area (see SDP 2014, Spatial Strategy, Figure 3). There is therefore no over-riding reason to allocate this site for employment development within the Local Development Plan.

In addition, as this development proposal was not submitted at the call for sites stage it has not been subject to any formal public consultation or Strategic Environmental Assessment. For these reasons, it is not considered appropriate to modify the Plan to include this site for development.

New Site Howford

This development proposal was not submitted at the call for sites stage. It was therefore not included as a development bid within the MIR and has not been subject to any formal public consultation or strategic environmental assessment during the development of the Proposed Plan. Paragraph 64 of Circular 6/2013: Development Planning identifies the difficulties of including a site within a Local Development Plan where these statutory procedures have not been undertaken.

It is also significant to note that the site was considered during the examination of the 2012 Local Development Plan. At that time it was concluded to be inappropriate for allocation on the grounds that a substantial proportion of the site is subject to flood risk from the River Ury, and that housing development on the part of the site identified as being outwith the flood risk area would be somewhat isolated from the rest of the built-up area are Uryside and Portstown. There has been no significant change in circumstances in the interim and these concerns remain relevant. It should also be noted that a large proportion of the part of the site that is located outwith the flood risk area is classified as prime agricultural land. The development of this area would therefore be contrary to the objectives of paragraph 80 of SPP. Furthermore, no assessment of the transport impacts of development in this location has been undertaken. No change is required.

New Site Dubston, Blackhall Road

Whilst the promoter of this site indicates that the recently upgraded Blackhall roundabout would provide capacity to accommodate this development proposal, no transport assessment has been carried out to confirm this. In any event, paragraph 6.5.6 of the DPMTAG report indicates that this is unlikely to be the case as it states that although the Blackhall roundabout has recently been extended any additional capacity at this junction is anticipated to be utilised when existing consented developments are fully built out. Development at this location would also be expected to exacerbate existing capacity issues at the Port Elphinstone and Thainstone roundabouts and no assessment of this impact has been undertaken.

In addition, as this development proposal was not submitted at the call for sites stage it has not been subject to any formal public consultation or Strategic Environmental Assessment. For these reasons, it is not considered appropriate to modify the plan to include this site for development.
The P12 and P13 sites have been carried forward unaltered from the Inverurie and Port Elphinstone Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan. The sites are designated to allow for environmental improvements and to conserve the historic setting of the settlement.

A large proportion of the P13 site is designated as a Scheduled Monument (the Broomend, henge, standing stones and symbol stone). The Entry in the Schedule of Monuments schedule states that the site comprises a henge and avenue of prehistoric date, probably late 3rd to early 2nd millennia BC (see Entry in the Schedule of Monuments, reference 18). Development of these sites is unlikely to be acceptable to Historic Scotland and no evidence has been provided to indicate that any review of the historical interest of the site has been undertaken by the prospective developer. In addition, these sites form an integral part of the green network, which comprises a wider corridor of connected green spaces which are of both recreation and biodiversity value. Development in this location is therefore not considered appropriate and no modification of the Plan is required.

Other Issues

Whilst not the subject of any representation, it should be noted that the text “TC - Inverurie Town Centre” should have been included within the table of ‘Other designations’ under the ‘Settlement Features’ section of the settlement statement, but was omitted from the Proposed Plan in error. A technical change is proposed to address this omission.

Reporter’s conclusions:

General

1. The strategic growth area extending from Aberdeen to Huntly is recognised in the Aberdeen City and Shire Strategic Development Plan as a focus for employment and housing growth. An allowance for land to accommodate a further 1500 houses is indicated as required over and above the supply indicated up to 2016 (Figure 3 page 18 of the strategic plan) in the area referenced as Inverurie-Blackburn.

Vision and General Issues

A96 and Local Transport Issues

2. Paragraph 3.33 explains the Scottish Government’s commitment to dual the A96 between Inverurie and Inverness. Proposals also include upgrading the dual carriageway between the town and the Aberdeen Western Peripheral Route. The settlement statement for Inverurie includes a section on Vision which references the Scottish Government’s proposals to dual the A96 to Inverness. To provide further clarity, I agree with the council and Nestrans that this should be amended to make it clear the whole route between Aberdeen and Inverness is to be upgraded. My recommendation reflects this.

3. The Main Issues Report 2013 (MIR) states, through Issue 15, that traffic congestion in Inverurie is reaching acute levels with impacts on the A96 trunk road at Port Elphinstone and Blackhall Road. Roads infrastructure is recognised as a constraint. The longer term
housing allocation, identified in the current local development plan as “F” sites, are stated to be dependent on an eastern bypass of the town. Traffic management was recognised as a main issue which would influence the approach to be taken in the proposed plan.

4. I note the uncertainties about the routing of the A96 and the potential options for a “bypass” to the east or west of the town. This has potential implications on development proposals on the eastern side of Inverurie. However, representations suggest there is some disagreement about the extent of reliance on the A96 proposals and the need for an eastern bypass. There are also concerns about the adequacy of the council’s approach to managing congestion in the town centre.

5. In this context, I sought further information from the relevant parties. From the council’s response I understand that the trunk and local road networks in and around Inverurie, Port Elphinstone, and the surrounding trunk road network operate in excess of capacity during the peak periods, with significant queuing being experienced on the approaches to Inverurie, and within Inverurie/Port Elphinstone during the pm peak.

6. Given that a lot of the proposed development is carried forward from the current plan these are not new issues. I note the conclusions of the 2012 local development plan examination in this respect. Some short term detriment was accepted in order to realise the strategy of the development plan and as it was not considered appropriate for Inverurie to be closed to development. On 5th February 2013 the council agreed a long term development framework for Inverurie South. This included the provision of a grade separated junction to replace both the Port Elphinstone and Thainstone Roundabouts.

7. There is now some considerable uncertainty about this given the current commitment to dual the A96. On one hand the council are advocating a wait and see approach depending on the outcome of the A96 option appraisal process. On the other hand Transport Scotland and others advocate an approach whereby the council should not delay delivery of transport mitigation sufficient to enable the development strategy. Bancon Developments consider the council should act now if delay in delivering the substantial longer term allocations for this strategic growth area are to be avoided.

8. From the submissions there is agreement that the preferred option for the A96 will not be confirmed for another 3 years with delivery some 10 years away. The council assume that the additional traffic loading made by the LDP 2012 allocations (and which were carried forward into the proposed plan) could be taken into account in the base case for the A96. The council states that “it is reasonably expected that dualling the A96, with full grade separation, would provide approximately 30% additional capacity on the Trunk Road network through Inverurie.” Fairhursts refer to this figure in paragraph 3.6.14 of R13-02 (Proposed Development at Thainstone Park, Inverurie, Aberdeenshire Transport Assessment, TA03 Addendum). However from the evidence to this examination I have no real certainty on these assumptions.

9. My understanding is that the council considers that limited first phases of development can be progressed to the west of the A96. The anticipated programming in the 2016 housing land audit reflects this. However this does not resolve uncertainty and the impact this may have on developers attitudes to risk. Nor does it negate the need to arrive at a longer term solution. The council indicate a number of options in this respect assuming that the A96 improvements will progress:

   a) Using the existing route alignment. This could result in Transport Scotland resolving
trunk road conflicts associated with existing commitments, including the provision of a grade separated junction at Port Elphinstone and Thainstone. A link road would still be required to reduce traffic flows in Inverurie Town Centre to provide further capacity for growth. This link could be either north or south of the town although south might offer a shorter route.

b) To the east of Inverurie. This would provide an additional 30% capacity on the existing trunk road and remove the need for an eastern link road. It would provide capacity for growth in Inverurie.

c) To the west of Inverurie. This would provide an additional 30% capacity on the existing trunk road. It would provide capacity for growth, but not to the extent of an option to the east so this might still require an eastern link road or an extension of the northern link road from a western link to the B9001 to the north of Inverurie (i.e. through the Harlaw / Conglass area, a nationally important battlefield).

10. The council considers the obligations included in the proposed plan in relation to a grade separated interchange on the A96 represent the worst case scenario. It recognises that all development allocated on sites OP4: Crichie (beyond 300 units), OP11: Crichie, OP12: Adjacent to Axis Business Centre, OP13: Thainstone, OP14: Pineshaw and OP16 Kirkwood Commercial Centre along with any further capacity for growth of the town, could be compromised, without a significant transport intervention. I note the comments of Bancon Developments that an expensive “sticking plaster” approach should be avoided.

11. Transport Scotland is of the view that it would be possible to model options (assuming an appropriate model exists) and that scenario testing and phasing could be built into the modelling as the preferred scheme for the A96 emerges. In the absence of a Keithhall Link Road Transport Scotland considers there is a lack of clarity in the proposed plan about any alternative measures to address town centre congestion and that progress in addressing this should not be delayed. In the absence of any firm plans (other than a suspensive condition on the Crichie development) to bring forward a scheme of grade separation on the A96, Transport Scotland has taken as flexible and pragmatic an approach as possible to consider short term interim improvement to the existing A96 roundabouts to address development impact.

12. Bancon Developments and others with development interests largely support the view of Transport Scotland but with the added specific support for an eastern relief road. Bancon Developments state that the bulk of the new housing requirement is to be accommodated in the 2027-35 plan period. It states that sufficiently large housing allocations, looking further into the future than the 5-10 years of the current plan would enable confidence to allow landowners and developers to sign up to a cumulative contribution towards delivering the Eastern Link Road, across 4-5,000 houses. It considers the cost of this could be borne reasonably and achievable. It suggests the current position casts significant doubt over the validity of other Housing Land Audit figures for the town.

13. The ANM group who have interests at Thainstone and on some of the currently allocated sites consider the proposal for a Grade Separated Junction as a ‘red herring’. It is not considered to be a realistic proposition in relation to cost, availability of land and the physical constraints of delivering the junction. Other transport interventions, such as the A96 dualling or an eastern relief road would have to be taken into account. The council refer to the Crichie development funding the delivery of the grade separated junction.
after 300 houses are built. Submissions raise concern that it may be the case that only 300 houses are built as the demand and viability of any further housing development is cast into doubt due to the infrastructure requirements.

14. Taking all of this into account I consider that the grade separated junction may not be the appropriate or only solution. Consequently, some flexibility in this respect should be included in the plan. I believe this would be addressed through a variation of the council’s suggested rewording in the context of OP4: Crichie and other relevant sites. This would revise the existing text to state that the site must contribute proportionally towards major improvements in relation to the required road and junction capacity possibly including the construction of a new grade separated interchange to replace the Thainstone and Port Elphinstone roundabouts to facilitate later stages of development. I note that the text associated with BUS5-9 areas also requires a contribution in this respect. Concerns are raised regarding the impact of this obligation on long standing land allocations. Bearing in mind that any such obligation would have to comply with Policy RD2, I consider that the reference should include some flexibility by replacing “will” by “may”. My recommendations reflects this.

15. Taylor Wimpey/The Mitchell Partnership respond in relation to the position taken by the council and Transport Scotland in response to the planning application for 335 units at Souterford in 2013. Documents FIR TW 003 and 004 provide the council’s and Transport Scotland’s further responses; both of which confirm no objection on transport grounds.

16. The council’s recent submissions to the examination appear to contradict the earlier expressed view on APP/2011/4284. Submissions on that application indicate the Northern link road provides some further capacity for development. The council now states that there is no additional capacity at the trunk road junctions and precludes further significant development. The northern link road was constructed as a developer obligation to allow the housing and business development north of the Ury in compliance with Circular 3/2012. I agree that location relative to the railway station and other transport choices would optimise the potential for modal shift and alleviate any identified transport impacts. However, I note the wider issues raised in the context of this application particularly in relation to the objection from Historic Environment Scotland.

17. Drawing all of this together my conclusion is that there is considerable uncertainty and a degree of conflicting advice regarding the longer term transport solution for Inverurie. There may have been opportunities to include at least some additional options without an unacceptable transport impact. However, I consider this runs considerable risk of prejudicing an optimal solution in the longer term and perpetuating a “sticking plaster” approach. Timeous resolution of these matters will be important to avoid any significant impact on the role that Inverurie is anticipated to play in delivering growth.

18. It is unfortunate that the transport solution referred to through the last examination has not been clarified. Ideally the proposals for the A96 would have dovetailed with this local development plan so that an integrated approach could have been progressed. From the submissions it appears to me unlikely that the A96 upgrade will alone address congestion issues in the town centre given the necessary strategic focus of the trunk road network. There may remain a strong case for finding a transport solution in the form of a relief road or other local intervention. In this context, I note the study prepared for Aberdeenshire Council in October 2013 (submission IR14- 02) “An Appraisal of the Potential Effects of a Proposed Inverurie Bypass upon Keith Hall Designed Landscape and other Cultural Heritage features”. This considered the acceptability of a link road in
19. The report concluded that “it would appear possible that Keith Hall designed landscape could potentially accommodate the link road and preserve the setting of Keith Hall and related listed buildings – provided that appropriate mitigation measures were incorporated into the design of the road”. The conclusions did however recognise that “it was borderline” in meeting the policy tests (see paragraph 7.2.2.). The report did not list the mitigations required that would allow a possible route to an acceptable scheme. In the absence of further detailed assessment I am unable, through this examination, to conclude as to whether an acceptable scheme could be achieved through sensitive routing and design.

20. However, I recognise that the scale of investment and environmental impact of new road building would be better managed in full knowledge of the A96 option that is to be progressed. This would achieve the most efficient use of resources and minimise disruption. On balance, my conclusion is that the link road should not be included as a firm proposal at this time. The detail of a preferred transport solution and any consequent proposals for longer term growth of the town should now be progressed through the next local development plan. This would allow the strategy to take into account the preferred option for the A96. However, I accept that this is not ideal and that a pro-active approach by the council in partnership with others will be required to ensure that these matters are resolved to avoid any consequent delay in delivery of the development strategy.

21. In the meantime I am satisfied through my conclusions on Issue 7 and 8 that there is sufficient land effective or capable of becoming effective to meet the housing target for the Aberdeen Housing Market Area. The Housing Land Audit 2016 demonstrates a continued supply of land in Inverurie programmed through the plan period to reflect assumptions about some delivery of housing to the west of the A96 in advance of any major interventions. Scottish Planning Policy requires the local development plan to look forward to a period of 10 years. Whilst I accept the benefits of certainty I do not consider this plan need fully address the targets in the longer term post 2027. This remains a matter for the next local development plan and a new strategic plan. However, in addition to the changes referenced above I have recommended some additional text in the vision section to clarify the need for progress towards a transport solution and to determine future growth options for Inverurie through the next development plan.

Housing Issues

22. The 2011 Housing Need and Demand Assessment identified a considerable requirement for affordable housing. Meeting this need in full would require around 38% of all housing to be affordable. The realities of the housing market and constraints on funding mean that this figure is unlikely to be achieved. Scottish Planning Policy recognises that the extent to which affordable housing needs can be met should be considered in terms of what is deliverable in the current economic climate. With this in mind national policy indicates that the extent of affordable housing, on a market site, should generally be 25% of the total number of houses. I consider this objective is appropriately reflected in the wording recommended through Issue 9 that all new housing developments of four or more houses must include 25% of the service plots for affordable housing.

23. Given the identified need for affordable housing I have nothing to suggest that there is an over-emphasis on low-cost housing in Inverurie. The housing need and demand
study identified a shortage rather than a surplus of affordable housing. The plan identifies a number of employment sites although I recognise that this does not alone provide for more employment. However, this is a land use plan and the focus is on policies and proposals relating to land use planning. Other plans and strategies, of the council and others, also have an important role in enabling housing and economic development. I am satisfied that the plan generally recognises the need for development to be accompanied by the appropriate infrastructure and recreational provision. The responsibilities of developers are addressed in Section 19 of the plan and through Policies RD1 and RD2.

Business Land Issues

24. I understand that as for housing the majority of the business sites are carried forward from the current local plan. I note that a number of the sites referenced in the proposed plan are for mixed use development including OP 10 Blackhall Road, OP11 Chrichie, and OP15 North Street. The supply includes a range and choice of sites and locations including mixed use and I find no reason to find the plan is insufficient in this respect.

Natural and Historic Features

25. The Ury floodplain is an important resource but this section of the plan references designations such as Historic Designed Landscapes, Scheduled Ancient Monuments and Local Nature Conservation Sites. The floodplain does not fall into any of these more formal designations. The area is reserved as site R2 (Uryside Park) in the section under the heading “Settlement Features”. Consequently I do not consider this suggested change would be appropriate or necessary.

Settlement Features

Sites P7-P13

26. I note that these sites have a range of functions including playing fields, amenity open space, a site identified for environmental improvement and one which has a role in conserving historic setting. Common to all these designations is that they contribute to the green network and are protected from development to preserve their amenity, biodiversity and/or recreational function. I consider this is an appropriate planning objective. In the interests of brevity and clarity I do not consider that any further details are required in this section of the plan.

Site R1/OP3

27. The Northern Link Road, which is currently under construction, would form the northern limit of the town. I consider that proposed landscaping improvements should help re-enforce this boundary. The housing site referenced as OP3 is identified in the current local development plan as M3 and is bounded by the proposed link road. There are no current proposals to extend development beyond the line of the road. For these reasons, I do not consider any change to the proposed plan is required to address these matters.

Site R2

28. R2 seeks to protect this land as a park. Whilst reference is made to extension of BUS4 and BUS10 this is not proposed through this plan. The council recognises, in the
section under the heading “Flood Risk”, that BUS 4 is within the 1:200 year flood risk area. A detailed risk assessment would be required to accompany any future development proposals. The BUS10 allocation is adjacent to the 1:200 flood risk area and further assessment may be required if this site were to be progressed. In this context, I do not consider that a change to the plan is required to address this representation.

Site R3

29. This site is protected to enable development of community and education facilities. I understand from the council’s response that this is the potential location for a new academy and associated community facilities. However, proposals for this have not progressed sufficiently to include further detail in the plan. I agree that it would have been helpful to provide further reference to the potential of the site. However in the absence of such detail, at this stage, I consider that safeguarding for education and community purposes represents a sensible response.

Sites BUS1-10 (General)

30. Local Development Plan Policy P2 (Open Space and Access in New Development) requires core paths to be protected and new developments to provide appropriate access, opportunities for recreation and to promote walking and cycling as a means of transport. This policy would apply to these business sites. The table under the heading “Settlement Features” makes it clear that connections to the core path network from these business sites is encouraged.

31. I agree with the council that there is a limit to the information that can be shown on the proposals map without loss of detail and legibility. However, given the importance of the core path network and the provisions of Policy P2, I consider the plan should be cross-referenced to the core path plan. I find this could be achieved, as suggested by the council, through reference in the glossary. My recommended modification reflects this.

Site BUS9

32. This site is carried forward without change from the current local development plan. My site visit confirmed the extent of development that has already taken place. There has been no change in circumstances from the last plan, development has commenced and the site boundaries are unaltered. Consequently I find no reason to change the business designation of this site or the extent of the site area.

Site BUS10

33. This is another site that is carried forward unaltered from the current local development plan although with a different reference. I note there are a number of concerns about this site including the impacts of noise and light pollution, flooding, road safety and use of the Suterford Bridge. It is notable that this is a long standing allocation that has not progressed. I must consider its continued relevance in the light of the matters raised in representation.

34. There may be some merit in allowing an existing site to expand but the proposed extension is relatively small. Balanced against this it brings the employment uses much closer to adjacent residential properties. I consider that such neighbouring proximity would inevitably have implications on residential amenity. I can understand the concerns
of the adjoining residents in this respect. Reference is made to some disturbance issues arising from the existing site although I have no substantive evidence of this. SEPA has not objected to the allocation on flood risk grounds but I note concerns raised in this respect. From my site visit my impression is that the configuration of the access onto the main road is less than ideal in the context of visibility and road safety. The council reference an already generous supply of employment land without the need for this site.

35. The development plan provides a policy framework for the detailed assessment of specific proposals. However a site should only be included or retained in the plan if it is considered that there is a reasonable prospect that it is effective and that an acceptable development can be secured. In this case, on the relevant balance of considerations, I do not consider that the site merits continued recognition in the plan. Consequently my recommendation is that the BUS10 designation be removed.

Site SR1

36. SR1 is referenced in the table on settlement features as a strategic reserve of employment land for the period 2027-2035. The strategic development plan has a 42 hectare allowance for the entire Huntly - Blackburn Strategic Growth Area. In this context the proposed Plan makes provision for some 41.5ha of employment land within the Inverurie - Blackburn part of the Strategic Growth Area alone. Consequently, I appreciate that there is no immediate strategic requirement for the release of additional land. If monitoring were to show a quicker than expected uptake of employment land provision then there would be an opportunity to review the status of this site through the next round of development plans.

Site SR2

37. Site SR2 is another area which is reserved for the longer term post 2027. I agree that this site and the proposed OP13 allocation, as considered below, are a major incursion into the countryside. From my observations on site I consider that development of these areas would have a locally significant landscape impact. Mitigation through appropriate structural landscaping, layout and design will be important in securing the acceptability of development.

38. Had this land been identified to come forward in the timescale of this plan then I would have recommended that text should be included to clarify the need for such mitigation and a master-planned approach. This reflects my conclusions below regarding additional text to be included in relation to OP13. However as this is a safeguarding at this stage. I consider that these matters can be left to be addressed through the next local development plan should the site be required to maintain a sufficient supply of employment land.

Gypsy and Traveller Halting Provision

39. Scottish Planning Policy states that where a need is identified local development plans should identify suitable sites for these communities. This is not a new allocation as it is carried forward from the 2012 local development plan and responds to the need identified through a study that was undertaken in 2009. A slight amendment is proposed to reference council owned land which lies between the BUS5 and BUS6 allocations.

40. I note that there are a number of concerns about this proposal. However a need has
been established. The details of site form, layout and landscaping could be addressed at the detailed planning stage so that appropriate integration with neighbouring uses can be achieved. Any matters of anti-social behaviour would fall to be addressed through the usual channels and these matters, including any impact on potential business decisions, are not relevant planning considerations.

41. I find no reason to conclude that the identified Thainstone/Crichie employment area would be an unsuitable location or that the halting provision could not co-exist with existing and future uses.

Former Site BUS6

42. I agree that the site is well located for business use and there is nothing to suggest that it would not be marketable or otherwise appropriate for this use. I have no reason to doubt, as stated above, that there is a more than adequate supply of business land identified in the proposed plan. However, this does not negate the contribution that this accessible site could make to enhancing that provision by providing for a range and choice of sites.

43. I recognise that the site may be required for a Grade Separated Interchange with associated link roads at this location. Details of this are set out in the council’s Action Programme Update 2014 as part of the Inverurie South Development Framework. However, my conclusions above indicate a degree of uncertainty in this respect. It is not clear at this stage if all of the site would be required. The site is within the settlement boundary so there is scope to consider proposals for employment and other use in the context of the plan’s policies.

44. However, in the interests of clarity I consider that the likely future use of the site should be clarified along with its remaining potential for business use if alternative options for roads infrastructure are not progressed. Consequently, I consider the BUS6 designation should be retained but caveated to clarify that the site is likely to be required to accommodate proposed transport improvements. My recommendation reflects this.

Other Proposals

45. Given progress in plans for a new health centre at Inverurie Hospital and the intention that this is progressed over the life-time of the plan it would be sensible to clarify this. Consequently, I agree with the council’s suggestion that it should be included as an additional protected site “P16” safeguarded for health-care facilities.

Services and Infrastructure

46. Delivery of the infrastructure required to support the plan’s strategy is an important issue. The traffic impacts of development should be addressed and appropriate provision should be made for schools and other facilities. For this plan much of the approach and strategy has been established through the current local development plan.

47. The plan recognises the need for major improvements to the trunk road network through roundabout and junction improvements as well as the need for additional primary and secondary schools capacity. These measures are set out in the Services and Infrastructure Section of the proposed plan. It will be incumbent upon the council to secure the timeous delivery of the necessary infrastructure and progress will be monitored
and managed through the Action Programme.

48. The action programme is required to support the plan and is updated by the council on an annual basis. Section 19 of the plan sets out the responsibilities of developers to address the impacts of proposals but this can only apply to those additional impacts that can be attributed to the development. Such contributions can make provision for future maintenance but again this would be restricted to contributions that were proportionate and related to the development.

49. The scale of development is established through the strategic plan. There is nothing to suggest at this stage that the council’s approach to optimising the use of existing infrastructure and proposing other development at a scale which could support new infrastructure delivery is insufficient. I have considered above the considerable uncertainty surrounding a longer term transport solution for the town and I have recommended further wording in the plan to address this. Consequently, my conclusion is that no further change is required to address these matters.

School Capacity

50. Taylor Wimpey and the Mitchell Partnership suggests that new information, in the Report to Aberdeenshire Council’s ‘Education, Learning & Leisure Committee’ (26 May 2016) on “2015 Based School Roll Forecasts”, supports their contention that the new Uryside Primary School will be insufficient in capacity to meet the pupil numbers generated from housing allocated for Inverurie within the second half of the Local Development Plan period.

51. In response the council confirms that it has been advised by Education & Children’s Services that recent model runs carried out using up to date Housing Land Audit information and other data, has confirmed their continuing confidence that there is sufficient primary school capacity to meet future demand.

52. It is acknowledged that there are limited opportunities at Uryside Primary School to physically extend the new school to provide additional capacity. However, the new school building is being designed with sufficient flexibility to expand the core facility of the school at a later date if required, without the need to add temporary accommodation. There are also opportunities to expand other primary schools serving the Inverurie catchment.

53. There are a number of primary schools serving the Inverurie catchment and these are: Chapel of Garioch, Kellands, Strathburn and Port Elphinstone primary schools. The council state these would be ‘managed’ to meet forecast demand along with the new Uryside Primary School. Of these, a number provide the opportunity for expansion should that be considered necessary. The council is also committed to a review of catchments and rezoning in 2017/2018, with implementation in 2018 (as set out in IR08-03 Report to Education Learning and Leisure Committee, 26 May Appendix 2).

54. I note the concerns raised in the subsequent response that it is incumbent on the council to make provision up to 2026 and that support cannot be drawn for the Education Scotland response. However, taking all of the above into account I find insufficient reason to doubt the opinion of the council as education authority. However, I accept that education capacity issues would have to be revisited through the next development plan if significant longer term growth, as anticipated by the strategic plan, is to be progressed.
Allocated Sites: General

55. Most of these allocations are carried forward unchanged from the current local development plan. Many have approved master-plans or have progressed through approved planning applications. However where sites remain undeveloped I consider that it remains relevant that the plan address site specific mitigation and other issues in so far as these are required to secure the acceptability of the proposed development.

OP2 Inverurie Town Centre

56. Policy P2 sets out requirements for new development to be accompanied by adequate public open space. Standards for this are set out in the Aberdeenshire Parks and Open Spaces Strategy. The policy states that at least 40% of each major development site should be devoted to open space. As the plan should be read as a whole I do not consider that the requirement for open space need be repeated in the text associated with the allocation for Inverurie Town Centre.

57. On the matter of the proposals for a new transport interchange I understand that these are now well advanced and that it remains reasonable to retain reference to safeguarding for this proposal. Any proposals for associated car parking could be assessed in this context but I have insufficient detail or certainty to include specific proposals in this respect. The interchange is referenced in the text relating to Proposal OP2. However, this protection is also extended to an Inner Relief Road. Given my conclusions above and as there is no current commitment to this proposal I agree with the council that this reference is appropriately deleted. My recommendation reflects this.

OP4 Crichie

58. I accept the progress made on this site and its current status as an allocated site in the local development plan 2012. I consider that it would be sensible to reference the approved master-plan but with some amendment to the council’s proposed wording. This would clarify that consistency with the master-plan is a consideration rather than a requirement. In my view this better reflects the status of the master-plan as a separate document which is not part of the development plan.

59. In any event, I do not consider that reference to the master-plan negates the need to reference other development principles within the plan if these were considered necessary to address the matters raised in representation.

60. In this context, my site visit confirmed the sensitivity of the lower lying area of the site along the river. Retention and enhancement of this as a natural corridor would secure the setting of the river as well as providing opportunities for enhanced recreational linkages. This view is consistent with that expressed in the approved master plan which indicates a ‘natural park’ along the River Don, together with foot and cycle paths extending from the developed areas down to and alongside the river. I have accepted above that the text supporting sites need not repeat matters addressed by other policies such as that on open space. However, the riverside area is a feature specific to this site. I consider that protection and enhancement should be a stated principle of any development. To allow some flexibility, enable a master-planned approach and account for the extent of flood risk avoidance I do not consider this reference need extend to identification as a protected site at this stage. My recommendation reflects these conclusions.
Sites OP7 (Uryside Phase 2, North), 8 (Uryside Phase 2) and 9 (Portstown Phase 1)

61. In a similar vein I consider that due to the scale and location of these sites the establishment of an appropriate landscape framework will be fundamental in securing the acceptability of future development proposals on these sensitive and prominent sites. I note that this is already referenced in the supporting text for OP7 and OP8. For consistency I consider a similar reference should be added in the context of site OP9. My recommendation reflects this.

Site OP10 Blackhall Road, Westgate South

62. I note that this site has now progressed through the planning process and that further detail has been considered through the approved planning application. All the sites on this side of the A96 are dislocated to some extent from the town and its associated services and amenities. However the site is in walking distance of the town and I consider that appropriate linkages can be achieved including by means of the existing underpass beneath the A96. Employment use is established on adjacent land and there is also an established residential area to the north. In any event as development has already commenced on the site I see no merit in making any change to the plan in this respect.

Site OP11 Crichie

63. The land allocations respond to requirements set out in the strategic development plan. Consistency is required between the two plans. In addition, the proposals for housing and employment land are carried forward from the local development plan which was approved in 2012. As explained above the plan allocates a generous supply of employment land. I am not convinced that further provision would be justified in this respect. I have addressed the issue of infrastructure provision in my conclusions above. I consider the plan is sufficient in these respects and find no reason to recommend any modification to address these matters.

Site OP13 Thainstone

64. My conclusions above on site SR2 are also of relevance here. As this site is a current allocation I consider that necessary development principles, as required to secure the acceptability of development, should be reflected in the supporting text. In this respect I recognise the locally significant landscape impact of the site particularly in relation to the established rural setting of the tree lined minor road to the north. The plan references the importance of strategic landscaping in relation to other sites and I consider this is an equally important consideration for this site. This should take into account existing access routes and established landscape features. My recommendation reflects this.

Site OP16 Kirkwood Commercial Park, Thainstone

65. The site is identified for employment purposes and the council’s open space requirements, as referenced above, would also apply here. It is less clear at this stage how any proposals for the parcel of land to the north, which do not form part of this site, would be progressed. I consider this area remains appropriately excluded from the settlement boundary. As such it remains subject to policies relating to development in the countryside. In the absence of any more concrete proposals for an environmental or recreational use of this land I do not consider that it would be appropriate to include it as proposal within the plan at this stage.
Additional Sites

66. These sites are suggested in addition to the land already identified to meet requirements of the strategic development plan. The case for inclusion of additional housing sites is examined through Issue 7. My conclusion through that issue is that there is some limited justification for the consideration of sites which are effective and could contribute to securing an increase in the programmed rate of completions.

67. For Inverurie delivery of a number of sites has been slower than anticipated and there is some remaining uncertainty as discussed above regarding a transport solution for Inverurie and the implications for the longer term. However my conclusions on this matter support the approach of the council in delaying full consideration of these options and approaches until the preferred A96 solution is clear. This should enable a coherent and optimal approach to be progressed through the next local development plan.

Bid Site Ga007 (Souterford)

68. In coming to my conclusions on Ga007 and Ga010 I have taken into account all the developers submissions including the masterplan framework (which includes a section on the impact on the designed landscape) and the transport and access appraisal.

69. The council recognises the merit of this site through its inclusion as a potential future housing site through the 2012 local development plan. In particular, I note the merit of the location in close proximity to the town centre and rail station. As referenced above there appears to be uncertainty as to the dependency of this proposal on an eastern relief road given the conclusions reached in the context of consultation responses on a relatively recent planning application. I have considered these matters in detail above.

70. In addition, there are also concerns about the potential impact on the historic designed landscape associated with Keith Hall. I note that this is described by Historic Environment Scotland as being within the first rank of designed landscapes in Scotland. I also note the developers response to these concerns, through its master-planning document, to avoid sensitive areas and key views and to retain woodland and trees. The sites are undoubtedly well located and could increase footfall in the town centre and access to public transport. Additional housing sites would enable an increase in the provision of affordable housing. I have addressed the matters raised regarding provision of a new primary school above.

71. Taking all of this into account my conclusion is that even if acceptable mitigation of the impacts on the designed landscape could be secured, I have remaining concerns regarding the potential cumulative transport impacts. Whilst the previous planning application demonstrated that there may have been capacity in the road network it is not clear to me the extent to which cumulative effects would have been taken into account and whether the same assumptions would continue to apply. I consider that it is more appropriate to await an assessment of the relevant future growth options and a transport solution for the town in light of any decision to be taken on the A96. Consequently, I do not consider the site should be allocated at this time even if reserved for the longer term.

Bid Site Ga010 (Lofthillock)

72. This site was also included as a potential future site in the current local development plan but is proposed for deletion for similar reasons. Similar conclusions to those outlined
above apply in relation to the historic designed landscape and as to how cumulative transport effects would be addressed. I consider that any future expansion in this location raises issues more appropriately considered through the next development plan.

Bid Site Ga019 (Blackhall Road)

73. I understand the site was promoted through the current local development plan but was not taken forward due to capacity issues at Blackhall roundabout. The roundabout has been upgraded but the council raises remaining concerns about traffic impacts in relation to the A96 and the town centre. There is potential conflict with an option for a western bypass. The representation states that inclusion would mitigate for the proposed loss of “F” sites and address the backlog in anticipated completions as well as assisting in the delivery of a new primary school if required. Indicative layouts for the site suggest development could be retained below the 130 metre contour and containment could be further re-enforced by landscaping. The submissions suggest a phased development of 110 homes and an indicative master-plan has been prepared.

74. I agree that the area to the north is relatively contained wrapping around the existing farm buildings particularly given that the settlement boundary is already extended to the south to accommodate the area referenced as P15. This is identified for the potential relocation of St Andrews School. However, the larger site area extends the settlement further to the west. I consider this area is not well related to the existing urban form due to distance and slope and would represent a significant additional incursion of development into the countryside.

75. Whilst landscaping and mitigation would be possible I consider this scale of peripheral development would not be justified or appropriate at this time given the impact on the countryside setting along this urban edge, uncertainty about the cumulative effects of this scale of development on the road network and potential conflict with a future road alignment. I consider that any future expansion in this location raises issues more appropriately considered through the next development plan. Consequently I do not consider this area is suitable for inclusion in the proposed plan at this time.

Bid Site Ga055 (Uryside Phase 3)

76. This is a significant extension to the existing phases at Uryside. Development to date shows that this has proved a marketable location and I have no reason to doubt that this further extension could prove effective over the plan period. I also note that the development could take advantage of the infrastructure delivered through the earlier phases. I accept that due to landform the site is relatively discreet and avoids ridgeline development. However this visual containment in a peripheral countryside location would in my opinion create a development that would prove difficult to relate well to the existing urban form. Added to uncertainties about future road proposals and cumulative transport impacts and the need to protect the setting of a Category A Listed Building (Bourtie House) I am not convinced that allocation of this significant urban extension would be justified at this time.

77. Whilst I note the site is prime agricultural land Scottish Planning Policy also recognises that development may be acceptable as a component of the settlement strategy or where necessary to meet an established need. I do not consider this matter alone would rule out consideration of the site if required to address the areas future housing needs. I note that some of the area with planning permission already extends
into the Ga055 site area.

78. Drawing all of the above together and given that the current land supply position is sufficient overall I consider that additional release of land on this scale is more appropriately considered through the future development plan process.

Bid Site Ga077

79. I consider this is a prominent location and a significant urban expansion into the countryside. The existing row of houses enjoy a semi-rural location and the rising land to the north is prominent as it slopes up towards the golf course to the north. A hundred houses are proposed ahead of an eastern relief road but the site has significant capacity for longer term growth. I have considered the transport and landscape submissions made on this proposal. However, in a similar vein to my conclusions above I consider smaller additions from a number of first phases of sites would have a cumulative impact on the road network. Such an approach may also pre-empt proper consideration of the optimal options for longer term growth in light of a preferred transport solution. Taking all of this into account leads me to the conclusion that this site should not be allocated at this time.

Bid Site Ga047 (Thainstone)

80. As stated above I find no deficiency in the supply of economic development land or inconsistency with the terms of the strategic plan. I also note the significant longer term allocations post 2027 identified as SR1 and SR2. I note the various constraints referenced by the council and the potential for conflict with future road alignment proposals. In this context whilst I recognise the important future role of Thainstone as an employment hub I find insufficient justification to include these additional areas at this time.

Bid Site Ga078 (East Balhalgardy)

81. This site was also included in the current local development plan as a site for potential in the longer term. The nature of the landform and the relationship of the site to the adjacent OP3 allocation along with the associated northern bypass indicate some potential as a future development site.

82. Both this site and the bid site referenced below as Ga079 are promoted as part of a longer term masterplan for housing and associated infrastructure delivery. The overall capacity of the sites is significant although smaller first phases are promoted over the 2017-2026 including 200 houses for this site with a further capacity of 300 houses.

83. I note the battle-field designation of the site and the response of Historic Environment Scotland in this respect. However, the submissions point to the potential for a sensitive layout and design to retain the integrity of the site including important views through the site and to the monument. As with other sites in Inverurie uncertainty about future transport infrastructure and traffic congestion within the town centre is also a significant constraint. I note the assertion that an initial phase could be progressed now. However, in the absence of any pressing need for further release over the plan period I consider inclusion now could prejudice the proper assessment of longer term growth options in light of a preferred transport solution.
Bid Site Ga079 (Conglass)

84. This site is also partially within the battlefield designation. In my view this is a more sensitive site than that at East Balhalgardy as it extends on both sides of a main approach to Inverurie and abuts the A96. The nature of the landform means that this would represent a prominent elongation of the town with a consequent impact on the established landscape setting of Inverurie. It is contained by the road network and the rising land to the north and it may be that a sensitive layout and design could achieve an acceptable urban expansion. However the scale of the site in the longer term, with capacity of 400-500 houses particularly if viewed in combination with the further residential units which could be brought forward at East Balhalgardy, indicates a significant cumulative traffic impact.

85. The council’s transport assessment (The DPMTAG Assessment of the Proposed Aberdeenshire Local Development Plan 2016 Report) identified the full development of this site as high risk to network operational capacity. This study identified concerns regarding the allocation of the site “due to likely impact at Blackhall junction, and cumulative impacts at Port Elphinstone, and Thainstone junctions.” It also highlights the need for progress regarding strategic route options stating that “in the meantime, completion of current studies to assess future options for the A96 Trunk Road in the vicinity of Inverurie is considered a priority.”

86. A smaller first phase could have been considered and I note that by implication 100 houses would have a less significant traffic impact. However there is no over-riding need in this respect. Even this scale of development would contribute to cumulative effects on the trunk road junctions which have already been subject to at-grade improvements to their full extent. As stated above I consider it is preferable to address these matters in the round through the next development plan.

New Sites

87. A number of new sites are suggested. However these were not considered through the Main Issues stage nor have they been subject to any formal strategic environmental assessment proposal. Consequently following the advice set out in Circular 6/2103 and in the absence of alternate evidence on public consultation or environmental effects inclusion of these sites would fall outwith the scope of this examination. Nevertheless I have responded below to specific matters as raised in representations.

New Site NB1510, Upper Davah

88. I understand from the DPMTAG report that whilst the Blackhall roundabout has been upgraded the additional capacity caters only for the extent of existing consented developments. In the absence of any assessment to demonstrate otherwise I would share these concerns. Development to the north east is near completion and demonstrates the marketability of this location. However, in combination with OP10 this site would have an additional cumulative traffic impact. My conclusions above do not support further expansion of the settlement until a comprehensive options appraisal, in light of the preferred transport solution, has been carried out through the next local development plan.

New Site NB1525, Land Adjoining Thainstone House Hotel

89. I consider the site contributes to the open setting and policies of Thainstone House
and that development would be to the detriment of this attractive landscape setting. In any event given my conclusions above regarding the extent of the employment land supply and current traffic constraints I find no clear justification for further allocations at this time.

New Site Howford

90. I understand from the conclusions at the last local development plan examination that a proportion of the site is liable to flood risk. The consequences of flood risk avoidance were considered likely to fragment the site from the rest of the built up area. Given the scale of the site and its location it could result in cumulative traffic impacts as indicated above for the bid sites referenced as Ga78 and 79. I would have particular concerns regarding the impact on the already congested town centre even although the submissions refer to the relatively limited capacity of the site for around 120 houses. My conclusion is that the site should continue to be reserved within the settlement under R2 for a Uryside park and points of access to Uryside. In the future it may prove untenable to retain the whole area as a park and it may have some remaining development potential. However, I also consider this raises matters for the next local development plan.

New Site Dubston, Blackhall Road

91. As for the site at Upper Davah this location also raises issues regarding the potential impact on the recently upgraded Blackhall roundabout. No evidence has been submitted sufficient to address my concern that the cumulative impact of this site would exceed the capacity at this roundabout. In any event, given my conclusion on the bid site above, referenced as Ga019 I do not consider this site could be brought forward in isolation from this much larger urban expansion. Consequently, I consider this site also raises matters more appropriately considered through the next development plan.

P12 and P13

92. I consider these sites make an important contribution not only to the historic setting of the settlement and in particular to the Scheduled Monument (the Broomend, henge, standing stones and symbol stone) but also to the green network. I note the Schedule of Monuments states that the site comprises a henge and avenue of prehistoric date, probably late 3rd to early 2nd millennia BC (see Entry in the Schedule of Monuments, reference 18). The green network is protected for its recreational and biodiversity value. There is nothing in the submissions to indicate that an acceptable development could be achieved whilst protecting these interests. Consequently, I consider the existing protection of these sites should be retained.

Other Issues

93. The examination can only address matters raised in representation and any other consequent changes raise matters for the council to consider.

Reporter's recommendations:

1. Amend the third sentence in the second paragraph of the settlement statement ‘Vision’ to read: “to dual the A96 Aberdeen to Inverness...”.
2. Include the following text at the end of the Core Path Plan definition within the Glossary: “The Core Path Plan can be viewed online at http://www.aberdeenshire.gov.uk/paths-and-outdoor-access/core-paths-plan/core-paths-plan-maps”.

3. For OP4: Crichie and other relevant allocated sites revise the text on a grade separated junction on the A96 to read:

The site must contribute proportionally towards major improvements in relation to the required road and junction capacity possibly including the construction of a new grade separated interchange to replace the Thainstone and Port Elphinstone roundabouts to facilitate later stages of development.

4. Amend the text associated with Bus1-10 under the heading settlement features to read:

Sites BUS5-9 may be required to contribute proportionally in relation to the required road and junction capacity possibly including the construction of a new grade separated interchange to replace the Thainstone and Port Elphinstone roundabouts.

5. Amend the text in the vision section to replace the sentence “The resolution of these issues will be required to enable future development to take place over the longer term” to read as follows:

The council recognise the need to address town centre congestion and junction capacity issues. This will be required to avoid delay in delivery of housing and employment land and to enable long term growth. This approach will be clarified as a matter of priority through the next development plan.

6. Delete site BUS10 from the proposals map and all references elsewhere in the plan including in the table on settlement features.

7. Retain the former BUS6 allocation as referred to in representations. Add to the proposals map and to the table on settlement features with associated text to read:

Whilst reserved for employment use the site may be required to facilitate necessary road improvements.

8. Include an existing protected site in the section on settlement features with the following associated text:

“P16” safeguarded for health-care facilities.

9. In the text relating to Proposal OP2 remove the reference to an Inner Relief Road.

10. In the text associated with OP4 Crichie revise the reference to the master-plan to read future development proposals should take account of these documents.

11. In the text associated with OP4 Crichie add a second paragraph to read:

The lower lying area of the site along the river should be retained and enhanced as a natural corridor to secure the setting of the River as well as to provide opportunities for
enhanced recreational linkages.

12. In the text associated with OP9 add the following at the end of the first paragraph:

Given the sensitivity of the location strategic landscaping is necessary to mitigate the impact of development.

13. In the text associated with OP13 add an additional second sentence to read:

Layout, design and landscaping should take into account existing access routes and established features.
<table>
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<tr>
<th>Issue 47</th>
<th>Shaping Garioch – Kemnay</th>
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</table>

**Development Plan reference:** Appendix 8, Page Garioch 44  
**Reporter:** Allison Coard

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Erica Cruickshank (85)
- Ian Thomas (87)
- Kelly Bowie (109)
- Louise Graham (112)
- Sally Wilkinson (125)
- S Forbes (135)
- Russell & Marion Ingram (136)
- Martin & Christele Fowlie (160)
- Darren Johnston (242)
- Kathleen Morrison (251)
- Kemnay Community Council (252)
- Bill Elrick (361)
- Barratt North Scotland (397)
- Lee Willetts (482)
- Clare Johnson (533, 534)
- Deveron Homes Ltd (558)
- Robert Bain (590)
- Wendy Kidd (698)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Settlement Features**

**Site R1**

Several floods have been witnessed on the R1 site. Development of the area, which would require raising the level of the land, would have a knock on effect on the water level at the Kemnay Don Bridge and vulnerable houses both up and downstream during periods of flooding (136, 361). Site R1 may be appropriate for allotments for which there is local demand (251, 252).

**Other Sites - Birley Bush**

The area of Birley Bush (opposite site P9) is of interest as an area for future allotments, community composting and a community garden (251), and should be identified as a protected site (252).
Allocated Sites

OP1 East of Greystone Road

Support is given for the continued allocation of site OP1. A minor amendment to the wording is requested to acknowledge that a Masterplan has been approved for the site. It is considered that future development proposals should adhere to the principles set out within the approved Masterplan (397).

Concern about the OP1 allocation is voiced from a number of respondents. There are concerns that the site will generate additional traffic and lead to road safety issues on Bogbeth Road (87, 109, 112, 160, 252, 482, 590, 698). Concern is also raised about the proposed access arrangements via Bogbeth Rise/Greystone Road on safety and congestion grounds (85, 109, 125, 135, 160, 242, 482, 534, 590). Some respondents suggest that alternative access arrangements using Leschangie Road should be pursued (109, 135, 160). A number of respondents consider that the development will place strain on services including schools and health facilities (125, 135, 533, 590). Others object to the allocation on the grounds of its impact on the natural environment (590), visual impact (87), and impact on privacy for adjoining properties (590). One respondent considers the proposed density of development to be too high (87).

Additional Sites

Support is given for the exclusion of Main Issues Report (MIR) bid sites Ga044, Ga053 and Ga042 (252).

Bid Site Ga042

Deveron Homes have successfully delivered 54 homes at Cairn View, Kemnay (Fyfe Park Phase 1) which is due for completion in June 2015. MIR site Ga042 is proposed for development. It represents an obvious extension to the existing development. The site is proposed for 49 units, of which 24 would be affordable. The site has good access and opportunities to link to the existing core paths and open space. The site would enable a planned boundary to the settlement to be formed (558).

Modifications sought by those submitting representations:

Settlement Features

Site R1

A full FRA should be undertaken prior to development of site R1 (136, 361). In addition, an Environmental Impact Assessment should be conducted (136), and a structural assessment of the Don Bridge should be undertaken (361).

Site R1 should be identified as an area for future allotments, community composting and a community garden (251, 252) and the south-east section of this site identified on the Plan as "dismantled railway line" for pedestrian footpath use (252).
Other Sites - Birley Bush

Identify the area of Birley Bush for future allotments, community composting and a community garden (251).

Include Birley Bush Depot and plant/shrub nursery site as a protected site (252).

Allocated Sites

OP1 East of Greystone Road

Amend the wording of the OP1 allocation to acknowledge that a Masterplan has been approved for the site (397).

Delete site OP1 (87, 112, 533, 534, 590, 698).

Remove site OP1 unless further requirements are included within the site development brief (125).

Traffic problems on Bogbeth Road require to be addressed by site OP1 and the associated Masterplan (252). Remove site OP1 or include an access road that does not allow cars through the Bogbeth Rise area and the Leschangie Road (112). The reference to providing a primary point of access to OP1 through Bogbeth Rise/Greystones Road should be removed (85, 109, 242) and replaced with an alternative route (482). The primary access should be from Leschangie Road, not Bogbeth Rise (160). Amend the settlement statement for OP1 stating pedestrian links should be provided from the ‘Parklands’ development to site OP1 (109).

Additional Sites

Bid Site Ga042

Land at Fyfe Park (MIR site Ga042) should be allocated for the development of 49 units (of which 24 will be affordable) (558).

Summary of response (including reasons) by Planning Authority:

Kemnay is located in the Aberdeen Housing Market Area within a “local growth and diversification area”. The Strategic Development Plan (SDP) 2014 identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43).

The proposed land allocations are essentially unchanged from the Kemnay Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Kemnay). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 41, and the subsequent MIR 2013, Issues and Actions Paper 119: Kemnay).
Settlement Features

Site R1

Whilst it is acknowledged that the majority of site R1 is located within SEPA’s indicative 1 in 200 flood zone, it should be noted that the site is reserved for sports pitches. Paragraph 263 of Scottish Planning Policy (SPP) identifies that medium to high risk flood areas may be suitable for recreation and sport uses providing that appropriate evacuation procedures are in place. The provision of sports pitches on the R1 site therefore accords with SPP guidance. However, it is accepted that any associated built development within the flood plain, along with any proposals to re-profile the ground, would require a detailed FRA. SEPA has proposed wording that will draw attention to this requirement and a non-notifiable modification is proposed to include this text within the Plan (see Schedule 4 Issue 16: Settlement Statements). The inclusion of this wording would help to address the concerns raised by other respondents in respect of flood risk.

In response to the requests that part of the site be reserved for allotments and other community uses, it should be noted that another site has also been promoted for these uses (see comments in relation to the Birley Bush site below). There are currently no firm proposals for delivering allotments and other community uses on the R1 site and reserving the site for this purpose would therefore not be appropriate at present. In the event that more detailed proposals emerge during the Plan period, they could benefit from the general policy support for community facilities set out in policy P5 of the Proposed Plan providing that they are designed so as not to prejudice the use of the site for outdoor sports provision. No modification is required in response to this comment.

Other Sites - Birley Bush

In response to the comment that the Birley Bush site should be subject to a protected designation, it should be noted that the site is located outside of the Kemnay settlement boundary. The site is therefore afforded protection from inappropriate development through the rural development policies of the Proposed Plan. It is therefore unnecessary to apply any further level of protection.

In respect of the requests for the site to be reserved for uses such as allotments and community composting, it is noted that there are currently no firm proposals for such uses. Reserving the site in the absence of firm proposals for delivery would not be an appropriate course of action. Furthermore, the fact that the site lies outside the settlement boundary means there is unlikely to be pressure for developments that would preclude such community uses in the future. In the event that any more detailed proposals for a community garden/allotment on the site emerge during the Plan period, they would also benefit from the general policy support for recreational uses within policies R1 and R2 of the Proposed Local Development Plan. No further modification is required in response to this comment.

Allocated Sites

OP1 East of Greystone Road

The support for the continued allocation of site OP1 (formerly site H1 in the 2012 Local Development Plan) is welcomed. It is noted that a Masterplan has now been approved for the site (see Kemnay Masterplan, September 2014). Aberdeenshire Council would
therefore not be opposed to the Reporter including a non-notifiable modification to refer to the Masterplan within the supporting text for the OP1 allocation. The following additional sentence, or a variation thereof, is suggested to replace the third sentence of the first paragraph of the supporting text: “A Masterplan has been agreed for the site and future development proposals should accord with the principles outlined within this document.”

In response to the objections to the OP1 allocation, it should be noted that the principle of development has already been accepted through the inclusion of the site within the 2012 Local Development Plan and the subsequent approval of a Masterplan. The Council’s Transportation Service has not raised any significant transport or road safety concerns, and detailed matters in relation to access associated with Bogbeth Road and local road improvements can be addressed at the subsequent development management stage. Any impacts in relation to local services will be addressed through developer obligations, and provision is made for these within the Proposed Plan. No objections to the allocation have been raised from the Council’s Education Service or NHS Grampian. Other issues in terms of landscape and visual impact were considered at the Examination of the 2012 Local Development Plan, when the Reporter concluded that the impact of this site would be “relatively limited to the immediately surrounding area” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 573, paragraph 3). The site is capable of accommodating the proposed level of housing, along with an allowance for 40% open space, and the density of development is therefore also appropriate. More detailed issues in relation to preserving privacy for neighbouring properties will be addressed through the subsequent development management process. No change is required to the allocation in response to these comments.

Additional Sites

Bid Site Ga042

Site Ga042 was considered at the MIR stage (see MIR 2013, Appendix Garioch, page 43). The MIR acknowledged that development on this site would form a logical extension to an existing residential area and would be able to utilise infrastructure delivered during the earlier phase of development. However, it concluded that development in this location was subject to the previous Examination and was removed from the 2012 Local Development Plan owing to the Reporter’s concerns over the impact of the development on the adjoining ‘Place of Origin’ site (see Examination Report – Aberdeenshire Local Development Plan 2012, page 573, paragraph 2).

It is maintained that there has been no significant change in circumstances since this site was considered at the examination of the previous Local Development Plan and found to be unsuitable for development. Whilst the enhanced level of affordable housing being offered by the site promoter is noted, this does not provide sufficient justification to allocate the site for development.

Reporter’s conclusions:

Settlement Features

Site R1

1. This site is reserved for Sports Pitches. I recognise it is at medium to high risk of
flooding. However, the nature of the proposed use would not require the same level of assessment or flood risk avoidance as would be required for housing or other built development. Paragraph 263 of Scottish Planning Policy confirms that such areas may be appropriate for some sports use. I agree with the Scottish Environment Protection Agency that reference to the limitations on development of the site should be included in the section on flood risk for Kemnay. The council propose wording in this respect and this is accepted through my recommendations on Issue 16. Assessment is likely to preclude any options for land raising and the details of any associated works would fall to be considered at the planning application stage.

2. I have nothing to suggest that the sports use of the site is not required or that there are any firm proposals for an alternate community use such as allotments. There are no specific details of demand for such facilities. I note the reference to the Birley Bush site as another option for allotment provision.

3. In the event that other community, uses were to come forward then the current allocation would not preclude this provided sufficient and appropriate sports pitch provision was retained. Policy P5 provides a framework for consideration of proposals for community facilities. Consequently, my conclusion is that no change is required.

Other Sites - Birley Bush

4. Scottish Planning Policy through paragraph 227 states that local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide for allotments where there is proven demand.

5. This site is outwith the settlement boundary and policies relevant to development in the countryside would apply. This would not necessarily preclude allotment use if demand was proven and the site was available for this use. I note reference to a recent local survey which has identified a desire for community allotments. If this is the case then this is perhaps a matter best pursued through the next local development plan so that available options, including sites within the settlement, can be properly considered. I do not consider there is sufficient justification for allocation of this site at this time.

Allocated Sites

OP1 East of Greystone Road

6. This site is allocated for housing through the 2012 local development plan. I understand that a masterplan has been prepared. Generally the principles of development, where necessary to secure appropriate mitigation of any identified impacts, are established through the local development plan. I note that the plan includes some text in this respect in relation to the need for strategic landscaping, the likely access and road layout and the need for a full Sustainable Urban Drainage Scheme.

7. I accept the progress made on this site and its current status as an allocated site in the local development plan 2012. I consider that it would be sensible to reference the approved masterplan but with some amendment to the council’s proposed wording. This would clarify that consistency with the master-plan is a consideration rather than a requirement. In my view this better reflects the status of the master-plan as a separate document which is not part of this proposed plan. In any event I do not consider that reference to the master-plan negates the need to reference other development principles.
within the plan if these were considered necessary to address the matters raised in representation.

8. In this context, I have carefully considered the other matters raised in representation including specific concerns about traffic and on street parking, residential amenity and the necessary schools and medical provision.

9. In terms of access I note that the masterplan refers to access from Bogbeth Rise as well as the major site access from Bogbeth Road (section 3.5 on page 12). However this is then at odds with the detail included later in the document where the main access is from Bogbeth Rise. I appreciate that it is important to secure appropriate integration with the adjoining residential area. Movement along Bogbeth Road is recognised as an issue in the master-plan and the need for additional passing places along and adjacent to the site frontage is noted. The proposed plan accords with the latter conclusions of the master-plan referencing the primary access via Bogbeth Rise and the possible need for a second point of access.

10. My site visit did not co-inside with an event in the park. However, I note the submitted photographs showing the extent of on street parking and recognise concerns raised in this respect. The detail of any mitigation and pedestrian links will inevitably fall to the development management process. However, I consider it is relevant in the circumstances to include a requirement for the scheme to address any consequent local traffic management and access issues which may arise as a result of the development and to provide for additional passing places along the street frontage.

11. As explained through Issue 7 the housing densities are indicative and any layout assessed through the development management process would be assessed in the context of Policy P1 on layout, siting and design. This includes considerations such as privacy and amenity.

12. In relation to local facilities such as schools and medical facilities I note there are no concerns raised by the National Health Service who were consulted on the plan or by the council as education authority. The masterplan document states that an extension of the secondary school is currently underway. As a site already included in the current local development plan the capacity assumptions for this school should have taken the development of this site into account. The settlement statement for Kemnay explains that contributions will be required to capacity at Kemnay Academy and that development cannot commence until constraints have been resolved. Contributions may also be sought for community facilities including sports and health care. These are matters that would have to be further detailed in terms of any requirement arising from the development in accordance with Policy RD2 on developer contributions.

13. The site is relatively well contained on this edge of Kemnay and I find no change in circumstances to suggest that it should no longer be considered as a suitable housing site to be retained within the proposed plan.

14. Drawing all of the above together I consider that the allocation should be retained. However, some change is required to the supporting text to clarify progress with the master-plan and the need for proposals to address local traffic management and access. I consider this should also reference appropriate provision of two points of access, passing place provision and pedestrian links in the interests of road safety, amenity and integration with the neighbouring residential area.
Additional Sites

Bid Site Ga042

15. I note the council accepts some merit in the site as it would form a logical extension to an existing residential area and could utilise established infrastructure. I do not disagree with this view or that there could be benefit in the enhanced provision of affordable housing. In addition my conclusion on Issue 7 accepts some justification for the release of additional sites which might contribute to an increase in completions in the short to medium term. The successful completion of the site to the south at Cairn View suggests to me the proposed site is likely to prove effective in the plan period. I note the site has some council support and was included in the previous proposed plan although subsequently deleted in response to the findings of the reporter at the last local development plan examination. The submissions refer to the lack of progress on the identified sites OP1 (65 homes) and OP2 (20 homes).

16. From my site visit I noted the location of the site extending onto higher ground above the existing relatively recent residential development. The site lies to the east of the area protected under P2 with the objective of conserving the “Place of Origin” and its setting.

17. The developer’s submissions clarify that the developable area would not extend into the area identified under P2 other than to accommodate the access from the existing hammer-head. The triangular site includes the land to the north east of the relatively recent residential development along Fyvie Park and to the north west of the BUS2 site. I note the BUS2 site already extends the settlement boundary out along the B993. The planting along the roadside here provides some screening off views into the site when viewed on this approach to Kemnay. The site is protected by its inclusion in the countryside beyond the settlement boundary. I consider it lacks any distinguishable boundary to the north to signal its logical inclusion within the settlement. The indicated boundary treatment would take considerable time to establish.

18. Whilst the place of origin has no statutory or wider protection I consider it is an important local feature which contributes to the character, amenity and setting of the settlement. Expansion of development onto the higher ground extending to the north of the established settlement boundary would in my opinion intrude on the open countryside setting of this feature. This agricultural land contributes to the prominence, open rural setting and amenity of this landmark feature and its associated recreational routes.

19. I have carefully considered the landscape analysis provided in support of the representation but my own assessment on site, as explained above, leads me to a different conclusion regarding the acceptability of development in this area. Had there been a more pressing need for housing in the settlement then the balance of considerations may have indicated inclusion. However some progress has been made in progressing OP1 and development is anticipated to commence in the near future.

20. Consequently, my conclusion is that this site should not be recommended for inclusion at this time.

Reporter's recommendations:

1. In the text associated with the allocated site OP1 East of Greystone Road replace the
second sentence which references a master-plan with:

Proposals should take account of the further detail set out in the master-plan which has now been approved for the site.

2. In the text associated with the allocated site OP1 East of Greystone Road delete the third paragraph and replace with-

The scale of development and integration with the neighbouring residential area requires consideration of two vehicle access points from Bogbeth Rise and Bogbeth Road. Proposals should also address any consequent local traffic management and parking issues including the provision of necessary passing places. Pedestrian linkages will also be important including to the core path along the south-western boundary of the site. The road layout is likely to require meandering in order to accommodate the site gradient.
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<th>Issue 48</th>
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<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Garioch 52</td>
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<tr>
<td>Reporter:</td>
<td>Allison Coard</td>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

Keith Work (11)  
The Kintore Consortium (156)  
Castleglen Investments Ltd (191)  
Kintore & District Community Council (255)  
C & M McDonald (466)  
Nestrans (566)  
Archibald Grant (704)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Settlement Features**

**Site R2**

The identification of a site for a new railway station (R2) is welcomed. As this facility will be partly funded through the Strategic Transport Fund (STF), references to the role of STF contributions would be beneficial (566).

The track-bed for the old Kintore to Alford railway line should be removed from the R2 designation so that, should the line be reinstated in the future, it does not pass through the car park of the new station at Kintore (704).

**Site BUS3**

The site identified in the plan attached to the representation (on the eastern side of the B987, opposite Woodside Croft) is currently under re-development with anchor tenant Sainsbury's secured. The site has been part of a larger consented parcel for a number of years, the timescale of which was extended more recently (see the decision notice for application APP/2013/1658). It should therefore be afforded the appropriate policy protection. This needs to be taken into account when considering other future and emerging allocations in terms of the Proposed 2016 Plan for Kintore (191).

**Allocated Sites**

Kintore & District Community Council are pleased to see the Kintore Settlement Statement including sites OP1 through to OP5. They are particularly pleased that the South Kintore
development (site OP5) is included as this will give the opportunity for facilities which are not currently met in the town or by future planned 'top up' shopping facilities (255).

OP1 Kintore East

The continued allocation of site OP1 (formerly M1) is welcomed. However, the number of houses allocated to the site should be increased. The Kintore East Development Framework, the Main Issues Report (MIR), and the 2012 LDP Examination Report all recognise that the site could reasonably accommodate up to 400 additional houses if required. The approved Masterplan also identifies a future phase of the development. Bringing forward the current allocation requires heavy investment. Securing finance and reducing the risk for these major costs would be assisted by the future capacity of the site being greater than 600 houses. Further development will also deliver major sustainability benefits (156).

Site OP2 Woodside Croft, Town Park

Site OP2 has been incorrectly drawn to include a part of a residential garden (11).

Additional Sites

The settlement boundary has remained the same since the 2012 LDP but this is outdated due to recent development. It does not follow the obvious physical boundaries, namely the A96 trunk road and the Broomhill Roundabout. It should therefore be re-drawn to encompass the land between the OP3 designation and the Broomhill Roundabout. This would allow the existing C&M McDonald business to expand northwards onto land south of OP3. In addition, it may satisfy the community's desire for a small-scale retail/commercial development (e.g. a potential garden centre). The land is within a main public transport corridor and within walking distance of Kintore making it highly sustainable. It is also well contained within the landscape. Flood risk is not a constraint to development on the higher (southern) parts of the site with suitable provision for SUDS (466).

**Modifications sought by those submitting representations:**

**Settlement Features**

**Site R2**

Include references to the role of contributions to the STF in the Kintore Settlement Statement (566).

Amend the R2 designation to remove the track-bed of the former Kintore to Alford railway line from the car park for the new station (704).

**Site BUS3**

The site identified on the plan in the representation, and currently shown as part of allocation BUS3, should be allocated for a local neighbourhood centre (191).
Allocated Sites

OP1 Kintore East

The text for site OP1 should be amended to recognise that the site allocation has capacity to accommodate additional housing in excess of the current 600 houses and this should be established through further masterplanning and technical analysis, for future incorporation under Kintore in the Garioch Settlement Statement and in Appendix 5 New Housing Land Allocations. It is suggested that up to 400 additional houses be referenced in the text (156).

Site OP2 Woodside Croft, Town Park

Omit the garden ground at Rockville, Kintore from the OP2 designation (11).

Additional Sites

Land to the south of OP3 and to the north of the Broomhill Roundabout should be identified for potential future development of a commercial nature e.g. proposals associated with the neighbouring car showroom and/or a possible garden centre and the settlement boundary amended (466).

Summary of response (including reasons) by Planning Authority:

Kintore is located within the Aberdeen to Huntly Strategic Growth Area, which the Strategic Development Plan (SDP) 2014 identifies as appropriate for significant development (see SDP 2014, Spatial Strategy, paragraph 3.31).

The allocations proposed for Kintore were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 48). At this stage it was proposed to carry forward the allocations from the Kintore Settlement Statement published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 without significant change (see Local Development Plan 2012, Supplementary Guidance Volume G: Kintore).

However, following the Council’s consideration of comments on the MIR, it was determined to allocate an additional mixed use development site (site OP5) to provide an opportunity for further employment and community facilities within the southern part of the settlement (see MIR 2013, Issues and Actions Paper 122: Kintore, and the Infrastructure Services Committee Minutes, 3 July 2014 and 27 November 2014).

The support for the Settlement Statement from the Kintore and District and Bennachie Community Councils is welcomed.

Settlement Features

Site R2

The support for the reservation of the site for the new Kintore railway station and transport interchange is welcomed.
The Strategic Transportation bullet point within the ‘Services and Infrastructure’ section of the Settlement Statement makes clear that developer contributions will be required for cumulative strategic transportation improvements, including the railway station. On this basis no modification is necessary in response to the request for references to the role of STF contributions in helping to deliver the rail station.

In respect of the comments concerning the removal of the Kintore to Alford track-bed from the R2 site, it should be noted that there are currently no proposals to reinstate the former Kintore to Alford rail line and that the former line is significantly compromised in a number of locations, including where it is crossed by the A96. While the protection of former railway lines remains an objective of the Plan, removing this area from the R2 site could prejudice the development of the Kintore rail station and interchange, which is itself a key strategic priority and is expected to be delivered by 2019. This would not be an appropriate course of action. In any case, the rail station and interchange proposals show that the former Kintore to Alford track-bed would be included within the proposed car parking area. As no significant buildings are currently proposed in this part of the site it is very unlikely that the interchange proposals would represent an absolute constraint to the reopening of the Kintore to Alford line even if this is proposed at some time in the future. No modification is necessary in response to this representation.

Site BUS3

Whilst the existing planning consent to which respondent 191 refers is acknowledged, it is not considered that designating this site as a neighbourhood centre would add any particular value to the Plan. Whilst Appendix 2 of the Proposed Plan identifies a number of Neighbourhood Centres, it makes clear that these will be considered ‘out-of-centre’ locations when applying the sequential approach to retail development (as outlined in paragraph 68 of Scottish Planning Policy). Designating this area as a neighbourhood centre would therefore not afford it any significant additional policy protection. Accordingly, no modification of the Plan is required.

Allocated Sites

OP1 Kintore East

A bid to increase the number of houses allocated to the OP1 site (formerly site M1 in the 2012 Local Development Plan) by a further 600 homes was considered at the MIR Stage (see site Ga037 in the MIR 2013, Appendix Garioch, page 51). The MIR identified the Ga037 proposal as an Officer’s preference in the event that the Strategic Development Plan required additional development land to be allocated.

However, the MIR ultimately concluded that additional development sites were not necessary. Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy demonstrate that there is currently an appropriate supply of deliverable housing sites within the Blackburn-Inverurie Strategic Growth Area, and that whilst this does not meet the full Strategic Development Plan requirement this will not prejudice the ability to maintain a 5 year effective land supply within the Aberdeen Housing Market Area during the Plan period. Whilst the arguments in favour of additional development at the OP1 site are noted, it is maintained that this is not required at present.
Site OP2 Woodside Croft, Town Park

It is acknowledged that the boundary of site OP2 includes part of a residential garden at the property known as Rockville. Aberdeenshire Council would therefore not be opposed to the Reporter making a non-notifiable modification to the Plan to exclude this area of private garden land from the OP2 site. This change would not have any impact on the overall capacity of the OP2 allocation.

Additional Sites

The majority of the land which respondent 466 proposes for inclusion within the Kintore settlement boundary was subject to a development bid in the MIR (see site Ga025 in the MIR 2013, Appendix Garioch, page 51). At that stage the site was proposed for 12 residential units. The MIR concluded that insufficient information had been submitted to demonstrate that flooding would not be a significant constraint to development. SEPA’s response to the MIR made clear that, as a large part of the site is located within their indicative flood risk zone, they would be unable to agree the principle of development at this location without further supporting evidence (see MIR Submission No: 1580). No further detailed evidence has been provided by the site promoter to demonstrate that flood risk issues can be addressed.

In their response to the MIR, the site promoter changed the original development bid and sought the allocation of the site for small scale retail and commercial development (see MIR Submission No: 859). The subsequent MIR 2013, Issues and Actions Paper 122: Kintore considered this alternative development bid but reiterated concerns regarding flood risk and concluded that the site should not be identified for development on this basis.

In response to the comment that this site may satisfy the community’s desire for a small scale retail/commercial development, it should be noted that site OP5 has been allocated for the provision of such uses. Site OP5 is supported by the Community Council and there is no requirement to identify additional land for retail/commercial facilities within the town. There is consequently no justification to modify the settlement boundary at this stage.

Reporter's conclusions:

Site R2

1. Policy RD2 on developer responsibilities references the need for developer contributions and the section on transport states that the need for contributions may also apply to rail infrastructure. When read in this context I consider the existing text is sufficient in clarifying the approach to developer contributions for a railway station.

2. I note there are no firm proposals to reinstate the Kintore to Alford railway line whereas the delivery of the rail station is viewed as a strategic priority. Whilst it is sensible to protect former rail lines it appears there would be an opportunity to take such future potential into account in the design of the station. This could avoid built development which could prejudice such potential in the longer term. For these reasons I do not consider that any change is required to remove the area of track bed from the R2 site.
Site BUS3

3. Whilst the site has permission for a supermarket I do not consider this alone would merit a designation as a neighbourhood centre. In any event as the council state this would in effect make little difference in terms of any policy protection or remove the need to consider town centre locations first.

OP1 Kintore East

4. There appears to be no disagreement that the site as allocated in the proposed plan has capacity significantly in excess of the 600 currently indicated and as set out in the approved masterplan. I note that planning permission in principle has been approved. The site is phased over the period up until 2023. In my conclusions on Issue 7 I accept that there has been some time lag in delivery of the land supply and that there is some consequent justification in the release of further land to secure an increased rate of completions.

5. My conclusions on Inverurie indicate some uncertainty given the need to address roads infrastructure issues and this has led to the deletion of some sites that were previously identified as having potential for development in the longer term. Taken together this all gives some justification to recognising the further capacity on this allocated site to enable an enhanced supply in this strategic growth area as envisaged by the Kintore East Development Framework. I note the approved masterplan identifies a further 12.5 hectares as a future phase and that access and infrastructure capacity is being brought forward to account for this.

6. The site has been considered through the issues stage and has been subject to strategic environmental assessment. The council’s assessment through the main issues report recognised this as a preferred alternative for conclusion. The submissions in support of the representation provide further detail as to how a capacity of up to 1000–1200 houses could be accommodated on the site.

7. However, balanced against all of this neither the council’s response or the submissions in support of the representation fully address the potential cumulative impacts on the road network or on other local infrastructure. Given the scale of the proposed increase and in the absence of such information, specifically in relation to the impact and proposed mitigation in relation to the A96, I do not consider it would be appropriate to go as far as allocating the total site capacity at this time.

8. In any event given the extent of the initial 600 houses phased up to 2023 I do not consider that further additions are likely to increase the build rate over the plan period. However, the entire site area is identified in the plan and I consider this gives some weight to the wider development potential of the entire area. In these circumstances it would be appropriate to give some greater transparency about the future potential of the site in the proposed plan. My recommendations reflect this. Future capacity of the site would be reserved to be assessed in further detail through the next local development plan.

Site OP2 Woodside Croft, Town Park

9. I note that the site allocation incorrectly includes an area of residential garden ground that would not form part of the allocation. Consequently I agree with the council that this should be addressed. My recommendation reflects this and I note the small reduction in
site area should not impact on the capacity of the site.

Additional Sites

10. The majority of the land was included in the MIR (Ga025 in the MIR 2013, Appendix Garioch, page 51) for 12 residential units but flooding was identified as a constraint. I note the response of SEPA at that stage and that a large part of the site is located within their indicative flood risk zone.

11. The representation suggests the suitability of the site for small scale retail and commercial development (see MIR Submission No: 859). However, given the potential flood risk and as OP5 has been allocated for the provision of such uses I find no basis for this allocation. Site OP5 is supported by the Community Council, there is no requirement to identify additional land for retail/commercial facilities within the town and the town centre first policy approach would apply. Consequently I do not recommend any change in this respect.

Reporter’s recommendations:

1. Amend the boundary of site Site OP2 Woodside Croft, Town Park to exclude that part of the private residential garden associated with Rockville as shown on the council’s submitted plan.

2. In the text associated with OP1 Kintore add the following text at the end of the first paragraph. The extent of the allocated land indicates considerable potential for additional development (around 400 additional dwellings) in the longer term subject to infrastructure and cumulative transport impacts being addressed. Given the capacity of the first phases, of up to 600 units plus employment land, it is not anticipated that any subsequent phases would be progressed in advance of the next local development plan.
### Issue 49
**Shaping Garioch - Newmachar**

**Development Plan reference:** Appendix 8, Page Garioch 69  
**Reporter:** Allison Coard

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Newmachar Community Council (89)
- Kirkwood Homes Limited (146, 147)
- Strategic Land (Scotland) Ltd (243, 269)
- Alan Buchan & Ian Buchan (598)

**Provision of the Development Plan to which the issue relates:**

- Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

In general we are happy with the content of the Plan. However, the Settlement Statement Vision should be amended to reflect the topography and setting of the village (89).

**Allocated Sites**

**OP3 Redwood Cottage**

An operator is interested in providing a local supermarket and complementary businesses on part of site OP3 which would be of a scale to serve the population of Newmachar as existing and proposed. There are no other sites of a suitable size within Newmachar and the village centre to accommodate this requirement in terms of both the size of store and car parking requirements. Site OP3 being identified as being suitable for retail use in the LDP would give reassurance as to the acceptability of retail use in this location (147).

**Additional Sites**

**Bid Site Ga008**

Site Ga008 to the south of “The Monument” (War Memorial), Corseduick Road should be allocated for residential uses. The strategy within the Proposed Local Development Plan (LDP) for Newmachar is confused. The scale of land required to allow the delivery of an ‘eastern bypass’ is not supported by the Strategic Development Plan (SDP). This must call into question the validity of the strategy being pursued and potentially prejudices the delivery of site OP1. Additional housing land is required to ensure there is a sufficient supply throughout the lifetime of the LDP. Additional housing land which meets the
strategy and outcomes sought by the SDP ought to be identified. Accordingly, site Ga008 ought to be allocated for residential uses comprising private and affordable housing with a development capacity of approximately 75 units. The site is effective and deliverable, and would provide flexibility and adaptability in the land supply (269).

Bid Site Ga009

Site Ga009 to the south of Corsediuick Road, Newmachar should be allocated for residential uses. The strategy within the Proposed LDP for Newmachar is confused. The scale of land required to allow the delivery of an ‘eastern bypass’ is not supported by the SDP. This must call into question the validity of the strategy being pursued and potentially prejudices the delivery of site OP1. Additional housing land is required to ensure there is a sufficient supply throughout the lifetime of the LDP. Additional housing land which meets the strategy and outcomes sought by the SDP ought to be identified. Consistent with the approach being delivered on land to the north of Corsediuick Road (OP2), land to the south (site Ga009) ought to be allocated for residential uses comprising private and affordable housing with a development capacity of approximately 150 units. The site is effective and deliverable, and would provide flexibility and adaptability in the land supply (243).

Bid Site Ga038

Allocation of site Ga038 is essential to meet housing need, support services and help to deliver a distributor road to improve environmental quality, safety and accessibility within the village. The proposal will also provide further opportunities for employment to complement the existing E1/OP3 allocation. The site was an Officer’s preference at the Main Issues Report (MIR) stage. It was also included in the Proposed LDP 2010 and was only removed from the Plan because it was considered premature to allocate substantial land until there was more certainty about the route of an eastern bypass for Newmachar and the timing of the Aberdeen Western Peripheral Route (AWPR). That situation has now changed. The preferred route of the eastern bypass has now been established through the Development Framework and the AWPR is due for completion in 2017. If the eastern bypass is to be delivered then land needs to be allocated now. If it is decided not to make additional housing allocations in Newmachar for the period 2017 to 2026, consideration should be given to identifying the Ga038 site as a preferred location suitable for future development and inclusion in the next review of the Plan (146).

Bid Site Ga067

There is no strategic limit on the amount of new allocations that can be made to settlements within the local growth areas. The SDP and LDP recognise that not all settlements in the local growth area have the same needs. Newmachar has an existing need for a distributor road and so should have additional development to fund this. The suitability of land at Mameulah has been accepted in the LDP 2012 Examination previously, and would be required to fund the northern leg of the distributor road. Land should be released for development at Mameulah to facilitate the road and support the transition of Newmachar into a sustainable settlement. The land is solely in the ownership of the objector so there is no ownership constraint (598).
### Modifications sought by those submitting representations:

**Vision**

Amend the Settlement Statement Vision to read: 'Newmachar lies on a relatively flat area of land, set in undulating ground which contains the settlement visually, within close proximity to Aberdeen and Dyce' (89).

**Allocated Sites**

**OP3 Redwood Cottage**

A change should be made to the wording of allocated site OP3 to make reference to the site being suitable for accommodating a range of employment and commercial uses including a supermarket (147).

**Additional Sites**

**Bid Site Ga008**

Allocate land to the south of The Monument/Corseduick Road, Newmachar as residential land for approximately 75 houses (269).

**Bid Site Ga009**

Identify land to the south of Corseduick Road, Newmachar (Ga009) as a residential land allocation for approximately 150 private and affordable units (243).

**Bid Site Ga038**

Identify an additional area of 30 hectares of land allocated for residential (190 houses) and employment use (9 hectares) on land at Newmachar South East in the Garioch Settlement Statement and in Appendix 1 Business Land Allocations and Appendix 5 New Housing Land Allocations (146).

**Bid Site Ga067**

Allocate MIR site Ga067, land at Mameulah, for mixed-use development (598).

### Summary of response (including reasons) by Planning Authority:

Newmachar is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The proposed land allocations are essentially unchanged from the Newmachar Settlement Statement which was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Newmachar). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 60 and the subsequent MIR 2013, Issues and Actions Paper 128: Newmachar).
Vision

It is acknowledged that the topography around Newmachar is such that the settlement is visually well contained. As a non-notifiable modification, Aberdeenshire Council would therefore not be opposed to the Reporter amending the first sentence in the settlement statement vision to read: “Newmachar lies on a relatively flat area of land, set in undulating ground which contains the settlement visually, within close proximity to Aberdeen and Dyce”.

Allocated Sites

OP3 Redwood Cottage

The proposal to develop a supermarket on the OP3 site was not submitted at any of the previous stages in the production of the Plan and has therefore not been subject to public consultation or strategic environmental assessment. Moreover, no specific detail has been provided about the scale of supermarket that is proposed and no assessment appears to have been undertaken of the likely impact of such a development on existing retail centres. It would not be an appropriate course of action to amend the Plan as requested in the absence of this information. Appendix 2 of the Proposed Local Development Plan identifies Newmachar as being appropriate for local retail provision and promotes such development in the town centre. No town centre is defined in the Plan but this is self-evidently within the area clustered on the existing stores between Station Road and Disblair Road. In the event that more detailed proposals emerge during the Plan period, these could be assessed through the development management process against relevant policies in the Plan (in particular Policy B2 Town Centres and Office Development).

Additional Sites

There are several requests for more land to be allocated in Newmachar but, as demonstrated in Schedule 4 Issues 7 & 8 Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Local Growth and Diversification part of the Aberdeen Housing Market Area. There is also an appropriate employment land supply, as demonstrated in Schedule 4 Issue 5: Shaping Business Development. No additional allocations are required.

Bid Site Ga008

This site was assessed at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 63). The assessment concluded that the site would be a logical location for development, being close to existing services, but identified some concern about its prominence in relation to surrounding development. In addition, it concluded that the site would not accord with the long term vision for Newmachar (as set out in the agreed Newmachar East Development Framework, November 2012), as it would not contribute to the creation of an eastern bypass.

Whilst it is accepted that the level of development required to deliver the eastern bypass in full cannot be supported at this stage, the bypass remains an appropriate long term aspiration for the settlement. It is therefore legitimate to conclude that sites which would not contribute towards this aspiration should not be preferred for development.

Contrary to the respondent’s claims, the OP1 site is making progress and planning
permission in principle for the site is currently pending a Section 75 legal agreement (see the Proposed Action Programme 2015, page 135). The OP1 site will therefore help to meet local demand during the Plan period.

Bid Site Ga009

This site was assessed at the MIR stage (see MIR Appendix Garioch, page 63). The MIR stated that the site is close to existing services but concluded that it is not suitable for development on the grounds that it does not accord with the agreed Newmachar Development Framework and does not support the creation of an eastern bypass. As outlined in relation to Bid Site Ga008 above, this remains a legitimate conclusion.

Bid Site Ga038

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 62). The MIR identified the site as an officers’ preference in the event that further development land is required. However, this is not the case and there is no shortfall in the housing land supply.

MIR 2013, Issues and Actions Paper 127: Newmachar examined in more detail the case for allocating this site, along with the overall issue of allocating all of the land that would be required to deliver the eastern bypass identified in the agreed Newmachar East Development Framework. It acknowledged that the eastern bypass cannot be delivered without releasing further development land within Newmachar. However, it concluded that, whilst the long term aspiration to deliver the bypass remains, there is no policy justification for releasing the scale of additional development land that would be necessary to deliver it at present as there is an adequate supply of appropriate housing and employment sites within the Aberdeen Housing Market Area. These conclusions remain valid.

The site promoter’s submission also requests that consideration be given to identifying this site as a preferred location for future development through the next review of the Plan. The Proposed Plan identifies allocations to meet the Strategic Development Plan’s allowances for the 2017-2026 period. This is in accordance with guidance in paragraph 119 of Scottish Planning Policy (SPP), which requires Local Development Plans in city regions to allocate sites to meet the housing land requirement of the Strategic Development Plan up to year 10 from the expected year of adoption. It is therefore not necessary to identify preferred locations for future development within this Local Development Plan.

Bid Site Ga067

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 62). The MIR identified the site as an Officer’s preference in the event that further development land is required. However, this is not the case and there is no shortfall in the housing land supply.

While the respondent is correct that there are no strategic limits on the amount of new allocations that can be made to settlements within the local growth areas, Aberdeenshire Council remains of the view that the current allocations in Newmachar are an appropriate level of growth related to local needs in the context of paragraph 3.43 of the Strategic Development Plan. Allocation of additional land at the scale proposed would make Newmachar comparable in scale of allocations to settlements within Strategic Growth
Areas. This would promote a rate of growth of the settlement that would be inappropriate.

**Reporter's conclusions:**

**Vision**

1. I agree that the settlement is set in a relatively flat area but is contained to some extent by the landform. However, I am not convinced that reference to this would contribute anything to the vision. I consider the proposed plan sufficiently describes the settlement.

**OP3 Redwood Cottage**

2. This is a 5 hectare site allocated for employment use. It is located on the south east edge of the settlement detached from the village centre. It may be the case that there are no suitable alternative sites available for retail use. The submissions do not evidence the capacity for additional retail provision in this locality. The settlement may have capacity to accommodate a local scale of store but a retail impact assessment would be required through Policy B2 for any proposal of a more significant scale. In any event, the employment use of the site would be protected through Policy B1 and new retail proposals would fall to be assessed through Policy B2: Town Centres and Office Development. This proposal has been introduced at a late stage in the preparation of the local development plan. It has not been subject to any public consultation process or to strategic environmental assessment. For all these reasons I do not consider that an allocation for retail use or reference to the suitability of this site to include a retail component would be appropriate.

**Additional Sites**

3. My conclusions on the need for additional housing land are set out in Issue 7. This is a local growth and diversification area within the Aberdeen Housing Market. The strategic plan is clear that such settlements are only envisaged to accommodate a scale of growth suitable to meet local needs. In addition there is no robust evidence to demonstrate that the 5 hectares of employment land allocated through OP3 is insufficient in the context of local needs.

**Bid Site Ga008**

4. The site would have a capacity of 75 houses. The submissions reference potential for delay on the allocated sites given the reliance on an Eastern Relief Road. The council places weight on the Newmachar East Development Framework 2012 and progress that has been made in relation to the OP1 allocation at Hillbrae Way.

5. I can see some benefits in terms of the potential early delivery of this site given its relatively small scale and its central location. However it is undoubtedly a sensitive and prominent location where appropriate layout and design would be vital to securing an acceptable scheme. It is not of a scale which would alone make any significant contribution to addressing identified traffic congestion issues.

6. The approach to further development was established through the previous plan and forms part of a longer term strategy. This has recognised potential to address a future
distributor road. The development framework was subject to public consultation and may be achievable in the longer term. For now the strategic plan promotes only limited further growth to meet local needs. I consider this can be fully addressed by the delivery of the allocated sites. Whilst progress on these sites may be slower than was expected I find no reason to suggest that they cannot become effective over the plan period. Consequently, given the extent of the existing allocation I am not convinced that there is sufficient case for inclusion of this additional housing site in Newmachar.

**Bid Site Ga009**

7. Given the extent of the allocations carried forward from the current local development plan and the role of Newmachar in the context of the spatial strategy my conclusions reflect those above in relation to Ga008. There is no clear case for the release of a site on this scale (150 houses) at this time particularly as this could dilute the potential longer term aspirations to deliver the eastern relief road.

**Bid Site Ga038 and Ga067**

8. These sites form part of a larger eastern expansion area that the council recognise would be required if the development framework is to be realised. Submissions in support of these sites make the case for a master planned approach to a level of growth which would facilitate the provision of a solution to current congestion issues through provision of an eastern relief road. Through assessment at the main issues stage both sites were identified as an officer’s preference in the event that further development land is required.

9. There is no numerical limit to the level of allocation commensurate to a local growth area. However, the text in the strategic plan at paragraph 3.43 clarifies that this should be proportionate to the scale of the settlement, its available services and locally generated housing demand. The council recognise the role of Newmachar as a commuting town and refer to a lack of local employment opportunities. The scale and nature of the settlement suggest it could accommodate more growth than other smaller settlements. However, I do not consider this could imply a scale of growth that compares with that identified for Strategic Growth Areas.

10. I consider there is some tension around the continuing aspiration to deliver the eastern bypass in accordance with the development framework. I appreciate the importance of certainty as the basis for investment decisions. However I do not see that this can be resolved in the context of a strategic plan that does not envisage such a strategic scale of growth. If anything the locational strategy would point to the release of the smaller scale sites referenced above rather than to sites on this scale. However, I accept the benefits of scale in relation to infrastructure delivery.

11. My conclusion is that these are not matters that can be resolved through this examination but rather through the future development plan process. In the meantime I consider the identified allocations are sufficient and proportionate in terms of scale to provide for local needs in Newmachar over the plan period.

**Reporter’s recommendations:**

None.
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<th>Issue 50</th>
<th>Shaping Garioch – Westhill</th>
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**Development Plan reference:** Appendix 8, Page Garioch 78  
**Reporter:** Allison Coard

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Shell UK Limited (45)
- Charles Taylor (84)
- George Rorie (86)
- Westhill & Elrick Community Council (137)
- Westhill Developments (Arnhall) Ltd (282)
- Freda Imrie (343)
- BP Midstream Pipelines (372, 377)
- Stewart Milne Homes (411)
- Stewart Milne Homes (515, 516)
- of ANM Group Ltd (521)
- CALA Homes (North) Limited (553)
- Nestrans (566)
- Aberdeen & Grampian Chamber of Commerce (584)
- Scottish Enterprise (632)
- Sport Scotland (674)
- The Stewart Family (685)
- Bancon Developments Ltd (709)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority's summary of the representation(s):**

**Vision and General Issues**

Westhill and Elrick Community Council (WECC) are in favour of the development of affordable housing to buy or rent within Westhill. There is also a shortage of very sheltered housing within the town (137).

Scottish Enterprise supports the business land allocations within the Proposed Plan for Westhill, provided that the Council is satisfied that it has responded to the requirements of the global sub-sea cluster and sufficient land is provided to enable its growth (632).

The amount of land allocated in the Proposed Plan for Westhill is insufficient to meet the needs of businesses in the future. Further business land should therefore be allocated in the final Plan (584).

Further examination of the interventions needed to improve road access at Westhill is essential. If no substantial transport improvements are delivered, particularly to improve
public transport access, it is likely that the benefits of releasing additional business land will not be realised (584).

The final Plan should include discussion of how the Council will enable the delivery of better digital infrastructure to the benefit of businesses and local residents (584).

Settlement Features

Site R1

Object to the development of R1 on the grounds of traffic congestion, lack of demand for extra office and industrial accommodation (as evidenced by the availability of 8,571 m² of offices to let in the existing business parks), and the potential for it to set a dangerous precedent for further expansion to the south of the B9119 (84).

WECC are satisfied with development on R1. However, they note flood risks on the site and are cautious about all developments south of the B9119 due to flooding that has taken place at Easter Ord. The proximity to the BP pipeline is also noted as a factor limiting development on the site (137).

Reference to the pipeline running through the site is supported (372, 377).

This allocation is incongruous as the settlement is not included within a Strategic Growth Area (SGA). The B9119 is currently unsuitable for additional traffic and the traffic implications of such development would need to be addressed. A contribution to the Strategic Transport Fund (STF) should be sought. Although the STF does not normally seek contributions outwith the SGAs, this site is not in conformity with the Strategic Development Plan and is therefore an exceptional circumstance (566).

Site R2

For consistency and clarity, specific reference should be made to the pipeline consultation zones and the Planning Advice for Development near Hazardous Installations (PADHI) for site R2 (as has already been done for sites OP3 and R1) (45).

WECC support the reservation of this land for future expansion of the health centre (137).

Site BUS

For consistency and clarity, specific reference should be made to the pipeline consultation zones and the PADHI guidelines for site BUS (as has already been done for sites OP3 and R1) (45).

Other Issues

Concern was expressed about the age and poor condition of Westhill Academy and the consequent need for a site to be reserved in the Plan for a replacement secondary school (86, 137). The land between the A944 and Old Skene Road, and to the west of Strawberry Field may be suitable (86).

The playing field south of Carnie Crescent should be identified as a protected site on the Proposals Map (674).
The trees outside the vet’s surgery in the Westhill Shopping Centre should be protected. They harbour many birds and will reduce the visual impact of the new shopping centre (343).

Additional Sites

Bid Site Ga022 (Mains of Kinmundy)

The development bid site at Mains of Kinmundy (Ga022) should be allocated within the LDP. There are no technical constraints that would preclude its delivery and it represents an ideal site for the measured expansion of an established residential area on the east side of the town. There are convincing strategic arguments for the allocation of additional land for housing in Westhill and the site would help address the recent imbalance of all housing development in Westhill taking place to the west. The site is well related to existing housing and facilities/services in the town centre (521).

Bid Site Ga034 (Arnhall Phase 4)

The full bid site should be allocated to meet the need for extra business land in the community as recognised in the Proposed LDP. This will help deliver infrastructure and relieve pressure on the roads. The site will have minimal impact on the setting of Westhill due to topography and the potential landscaping on site. Improvements which have taken place on the A944, B9119 and at the six mile fork roundabout, along with a Transport Assessment for any development, will alleviate traffic congestion and mitigate previous traffic concerns. The site is highly accessible by multiple modes of transportation, including active and public transport. It is not relevant that the BP pipeline runs under the site as Health and Safety Executive rules allow some development in the consultation zones, and existing buildings and consents have been granted in similar proximity. The site is effective and capable of delivery in the short term and can help to achieve targets for business land in this area, as set out in the Strategic Development Plan (282).

Bid Site Ga048 (Strawberry Fields)

Object to the non-allocation of land at Strawberry Fields (site Ga048) for residential development (150 houses). There is a significant need for effective new housing land in this area and this site will make a valuable contribution toward the delivery of housing in an area which is the focus of increasing employment activity. It is a logical and sustainable extension to Westhill with good access to employment opportunities and services, including public transport. An Accessibility Appraisal shows the impact on the local road network would be minimal, whilst a Landscape and Visual Appraisal shows the site is a logical location and will relate well to existing houses. The site is effective, free of absolute constraints and can be delivered quickly throughout the Plan period. The Westhill Capacity Study Update 2014 recommended the site as 'most suitable' for development (516).

Bid Site Ga050 (Broadshade North)

Object to the non-allocation of land at Broadshade North (site Ga050) for residential development (indicatively 150 houses). The lack of housing allocations is creating a significant imbalance of development in Westhill. The Westhill Capacity Study Update 2014 illustrates the potential for further development, with residential development required to support employment related growth. This allocation will make a valuable
contribution to delivery and will address a shortfall in the housing land supply. Although the Westhill Capacity Study Update 2014 finds the area to the north of OP1 "less suitable" for residential development, the arguments for that are no longer relevant (pipeline and visual impact). The pipeline that previously caused a constraint has been rerouted and upgraded, reducing the required standoff distance to only 6m. The MIR analysis that the site would be too visually prominent can be addressed through layout, siting and design changes, as demonstrated by a supporting Landscape and Visual Appraisal. The site is free from constraints and is deliverable (515).

Bid Site Ga051 (Cadgerford Farm)

Object to the failure of Aberdeenshire Council to allocate land for employment at Cadgerford. Allocations in Westhill do not meet local needs. The Ga051 site has good access from the B9119 and links well to the proposed site at Arnhall Phase 3. It is therefore a suitable site to include in the planned, sustainable growth of Westhill to the south. The land in Cadgerford was considered "Most Suitable" for the development of a mixed-use site in the Westhill Capacity Study Update 2014. A high-level development strategy for the expansion of Westhill to the south has been prepared by Optimised Environments and Fairhurst. It demonstrates how a Cadgerford/Backhill integrated site can help in the delivery of improvements to infrastructure and the provision of land to meet demand for employment and residential uses (NB the Backhill site, which adjoins site Ga051, is located within Aberdeen City and is being pursued for allocation within the Aberdeen Local Development Plan for 600-700 houses) (411).

Bid Site Ga054 (Souterhill Farm)

This site should be allocated for 70 homes (40% affordable), community parkland and a golf practice area. The proposal is well related to the adjacent housing and also the town centre, being located only 1km away. CALA have an established reputation of successfully delivering high quality homes throughout the local area and indeed in the past at the immediately surrounding lands adjacent. In addition, this proposal will deliver key facilities to allow Westhill to continue to thrive with a community park and golf club practice area - which the club no longer have available. This will enhance the existing golf course and improve this community facility (685).

We support Aberdeenshire Council's recognition that Westhill is a key settlement in maintaining the success of the region. However, we disagree with the current approach of relying on historic and windfall sites to deliver housing units. Further allocations are required to meet local needs and deliver much needed affordable housing. The site at Souterhill (Ga054) provides an opportunity to deliver a high quality successful development. It is well related to the adjacent housing and town centre. Furthermore, much needed community facilities will also be delivered with a community park and golf club. The developer is also committed to the continued provision of 40% affordable housing notwithstanding the changed policy requirement for 25% (553).

Bid Site Ga075 (Brodiach)

This site is proposed for 4 hectares of business land and around 60-70 houses. The proposed development will offer opportunities for business investment as an alternative to the Arnhall Business Park. The site is accessed from Westhill Road running along the northern boundary of the site. It has good connectivity with the settlement, the primary school is less than 700m from the site, the secondary around 900m away, and other
facilities less than 1km away. Westhill Academy appears to have peaked in the roll with a continued steady rate of development. It is forecast to remain below capacity in the future and there is therefore sufficient capacity to accommodate the development. Westhill Primary has considerable capacity. The proposed development is slightly detached from the built up area of Westhill but this is infilled with playing fields which cover the BP pipeline corridor (709).

Other Issues

Aberdeen City Allocations

Clarity should be introduced into the Local Development Plan where there may be overlap with the Aberdeen City Local Development Plan. Aberdeen City Council allocates an additional area of land at Westhill (OP34, under LR1) which adjoins the OP3 site. This, and any other allocations in Aberdeen City which adjoin allocated sites in the Aberdeenshire Council area, should be shown on the Proposals Map. This clarity could be provided in the final Local Development Plans of both Councils as the processes for each Council are running in parallel (632).

Modifications sought by those submitting representations:

Vision and General Issues

Review the Settlement Statement for Westhill to: allocate further business land; examine the transport interventions that need to be delivered; and include discussion of how the delivery of better digital infrastructure will be enabled (584).

Settlement Features

Site R1

Remove the reserved site R1 from the Local Development Plan (84).

The traffic implications of site R1 should be addressed and the Local Development Plan should commit to including a requirement for developer contributions to the Strategic Transport Fund (566).

Site R2

Specific reference should be made to the pipeline consultation zones and PADHI guidelines for site R2 (45).

Site BUS

Specific reference should be made to the pipeline consultation zones and PADHI guidelines for site BUS (45).

Other Issues

Reserved land should be identified to accommodate a future secondary school and playing fields (86, 137).
Identify the playing field to the south of Carnie Crescent as a protected site (674).

Protect the trees outside the vet’s surgery in the Westhill Shopping Centre (343).

Additional Sites

Bid Site Ga022 (Mains of Kinmundy)
Allocate site Ga022 for up to 120 houses (521).

Bid Site Ga034 (Arnhall Phase 4)
The full extent of bid Ga034 should be identified in the Local Development Plan for immediate business and industrial development (not Strategic Reserve) and the Settlement Statement, Proposals Map and Table 5 of Appendix 1: Business Land Allocations should be updated to reflect this (282).

Bid Site Ga048 (Strawberry Fields)
Allocate land at Strawberry Fields for an indicative 150 units in the first five years of the Plan or identify the site as a future housing site in the second phase of the Local Development Plan (516).

Bid Site Ga050 (Broadshade North)
Allocate land at Broadshade North for residential development of 150 homes, deliverable in the first 5 years of the Plan. Amend tables, maps and the Settlement Statement accordingly. Alternatively, allocate the site for future development in the second phase of the Local Development Plan (515).

Bid Site Ga051 (Cadgerford Farm)
Allocate 2ha of employment land in Cadgerford, Westhill (411).

Bid Site Ga054 (Souterhill Farm)
Allocate land at Souterhill Farm, Westhill (site Ga054) for 70 homes, a community park and a golf practice area (553, 685).

Bid Site Ga075 (Brodiach)
Land at Brodiach should be included in the 2016 Local Development Plan. The site can deliver around 70 houses in the 2017-2026 Plan period, and contribute towards the further sustainable expansion of Westhill. The site can also deliver business uses. The land should be removed from the green belt accordingly (709).

Other Issues

Aberdeen City Allocations

Include all plans of all allocations of land at Westhill, including OP3/Aberdeen City Council’s proposed OP34 (632).
Westhill has undergone rapid expansion linked strongly to the growth of the oil and gas sector. It is acknowledged as a global centre of excellence in sub-sea engineering. The Strategic Development Plan includes Westhill within a "local growth and diversification area", which it identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The requirement for further development within Westhill was subject to specific consideration at the Main Issues Report (MIR) stage (see MIR 2013, Main Issue 16). The proposed allocations for the town were also subject to specific consideration at the MIR stage (see MIR 2013, Appendix Garioch, pages 69-74).

The MIR identified a preferred option of allocating limited additional land for business development, specifically for use by the sub-sea sector. In terms of housing, it concluded that there was no case to be made for allocating additional land within the Local Development Plan. MIR 2013, Issues and Actions Paper 130: Westhill and Main Issue 16 subsequently considered the comments on the MIR. Following a detailed analysis of all comments, it identified that the MIR’s preferred option should be taken forward into the Proposed Plan.

The existing development allocations within the town have therefore been carried forward from the Westhill Settlement Statement that was published as Supplementary Guidance in support of the 2012 Local Development Plan (see Local Development Plan 2012, Supplementary Guidance Volume G: Westhill). However, these have been supplemented by a new allocation (site R1), which is reserved specifically for the expansion of sub-sea industries. The allocations represent an adequate and appropriate response to development needs within the town, and are justified in light of Westhill’s status as a local growth and diversification area within the Strategic Development Plan.

Vision and Other General Issues

The comments regarding the provision of affordable housing within Westhill are noted. This is an issue of concern for communities across Aberdeenshire (see MIR 2013, Main Issue 7) and will be addressed by the application of Policies H1, H2, and H3 of the Proposed Local Development Plan. No modification of the plan is required in response to these comments.

It is not accepted that the amount of land allocated in the Proposed Plan in Westhill is insufficient to meet the needs of businesses in the future. As outlined above, the proposed allocations were subject to detailed consideration through the MIR and represent an appropriate balance between supporting the town’s global status in respect of the sub-sea sector but also recognising the development constraints presented by both Westhill’s existing infrastructure (particularly the road network) and its designation as a local growth and diversification area within the Strategic Development Plan.

In terms of transport, work is currently in progress to examine the longer-term interventions needed to improve road and public transport access in Westhill. A Westhill Capacity Study Update 2014 was recently undertaken to establish a better understanding of the future long term growth potential of the settlement (i.e. beyond the current LDP review). Paragraph 4.2.2 of the study concludes that “a strategic solution to current congestion issues that would allow the long term expansion of Westhill has not yet been
identified". The study goes on to identify a number of potential significant improvements to the transport network around Westhill that are likely to be necessary to enable future growth (see Section 11.3). It concludes by recommending a series of further studies to inform future development, including a Transport Infrastructure Feasibility Study (see Section 11.5). The Transport Infrastructure Feasibility Study has recently been commissioned. This will inform the production of a Westhill Strategic Masterplan, which was also recommended by the Westhill Capacity Study Update, and this will in turn inform the next review of the Local Development Plan.

The issue of digital infrastructure and connectivity is discussed in more detail in Schedule 4 Issue 1: Omissions from the Plan.

Settlement Features

Site R1

As noted above, the R1 site was considered in detail at the MIR stage. Contrary to the assertions of respondent 84, there is clear demand for additional development to support the sub-sea sector and the allocation of land for this specific purpose is justified in principle. The volume of comments that were submitted in support of the preferred option at the MIR stage (see Issues and Actions paper 130 - “Westhill and Main Issue 16”), along with the number of development bids for additional sites to be included within the Plan, illustrate the level of demand for further development land in Westhill.

The traffic implications of the R1 site have been assessed through the Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG). Paragraph 7.4.6 of the DPMTAG notes that the R1 site has the potential to adversely impact on the operation of the strategic transport network in the vicinity of the development, and also on the wider strategic network at key junctions in and around Westhill. Importantly, however, it concludes that the site is considered to be broadly implementable. Whilst there will be a requirement for further detailed consideration of transport impacts and potential mitigation measures at the planning application stage, there are no over-riding transport issues that would justify the removal of this site from the Plan.

It is not accepted that the allocation of the R1 site will set a precedent for further development to the south of the B9119. It has been made clear throughout the production of the Proposed Plan that this site has only been identified for development because of the specific and exceptional need to retain Westhill’s status as a global centre of excellence in the sub-sea sector. Any future development proposals to the south of the B9119 will be assessed on their merit through subsequent reviews of the Local Development Plan. In any event, it should be noted that the Westhill Capacity Study Update 2014 identifies the R1 site as being within the ‘most suitable’ locations for the future expansion of the town.

The request for the R1 site to contribute to the Strategic Transport Fund (STF) is noted. The STF is normally only applicable to developments within the Strategic Growth Areas (SGAs) defined by the Strategic Development Plan. However, Appendix 3 of the Strategic Development Plan, Supplementary Guidance: Strategic Transport Fund 2015 identifies exceptions where windfall employment/commercial developments outwith the SGAs which exceed stated thresholds and where a cumulative impact on the strategic transport network has been identified may be required to contribute to the STF. As noted above, the DPMTAG report identifies that these preconditions may exist for the R1 site (see
paragraph 7.4.6). It also notes that further technical analysis will be required to determine the extent of transport issues, along with the possible consequential requirement for wider mitigation. However, the means of resolution of any strategic transportation impacts should follow the consideration of a detailed transport assessment at the planning application stage. It is therefore not appropriate to include specific reference to STF requirements within the Plan.

Site R2

The support for this site from Westhill and Elrick Community Council is welcomed.

It is acknowledged that this site lies within a pipeline consultation zone. A non-notifiable modification is therefore proposed to add a reference to this, along with the requirement for development to comply with the Health and Safety Executive’s Planning Advice for Development near Hazardous Installations (PADHI), within the supporting text. Please see Schedule 4 Issue 10: Shaping Places for more information and details of the proposed non-notifiable modification.

Site BUS

It is acknowledged that parts of this site lie within a pipeline consultation zone. A non-notifiable modification is therefore proposed to add a reference to this, along with the requirement for affected developments to comply with the Health and Safety Executive’s PADHI guidance, within the supporting text. Please see Schedule 4 Issue 10: Shaping Places for more information and details of the proposed non-notifiable modification.

Other Issues

The Council’s Education Service currently has no proposals to develop a new secondary school in Westhill. Accordingly, it would not be appropriate to reserve a site for a new academy within the Local Development Plan.

The playing field to the south of Carnie Crescent is an important recreational amenity within the settlement. As such, it would be offered a level of protection from inappropriate development by Policy P3 (Infill and Householder Developments within Settlements), which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is therefore unlikely to be necessary to prevent inappropriate development from taking place on this site. Nevertheless, it is accepted that applying a protected designation to this site would ensure consistency with the way in which other playing fields within the town are protected (see sites P3 - P8). Aberdeenshire Council would therefore not be opposed to the Reporter modifying the Plan to include an additional site “P11 – To conserve the playing field” within the table of Protected Land and to identify this site on the Proposals Map. However, it is understood that the Council’s land ownership only applies to the playing pitch and associated car park (i.e. not the adjoining area of open space). No consultation has been undertaken with the owner of the adjoining area of open space. Any protected designation would therefore need to be restricted to the sports pitch and car park only.

In respect of the request for the trees outside the vet’s surgery in the Westhill Shopping Centre to be protected, it should be noted that trees and woodlands are subject to protection from inappropriate development under Policy PR1 (Protecting Important
Additional Sites

There are several requests for more land to be allocated in Westhill but, as demonstrated in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Local Growth and Diversification part of the Aberdeen Housing Market Area. There is also an appropriate employment land supply, as demonstrated in Schedule 4 Issue 5: Shaping Business Development. No additional allocations are required.

Bid Site Ga022 (Mains of Kinmundy)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 73), when it was concluded that development on this site would be visually dominant and poorly related to the rest of the town. These concerns remain valid.

The Westhill Capacity Study Update 2014 does not identify the site as being one of the ‘most suitable’ locations for longer-term further expansion of the town, largely because of concerns that development in this location could weaken Westhill’s spatial identity and structure (see Westhill Capacity Study Update 2014, Appendix B: Area 4 Site Appraisal).

In any event, the level of development proposed is not of a scale aimed at meeting local needs and would therefore not accord with the Strategic Development Plan’s Spatial Strategy for the local growth and diversification area. Accordingly, it would not be appropriate to identify this site for housing development within the Plan. No change is required.

Bid Site Ga034 (Arnhall Phase 4)

This site was considered in detail at the MIR stage (see MIR 2013, Appendix Garioch, page 72). The MIR recommended that a limited part of the site should be included within the Plan to support the future growth of the sub-sea sector within Westhill. Further justification for allocating only a limited part of the site for development is set out in MIR 2013, Issues and Actions Paper 130: Westhill and Main Issue 16. Whilst the comments of the site promoter are noted, the presence of a pipeline to the east of the site would present a constraint to development in the eastern part of the site (albeit not an absolute one). The identification of only the western part of the site for development is appropriate in this context. No change is required.

Bid Site Ga048 (Strawberry Fields)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, pages 73-74). The assessment acknowledged that this site has a number of merits but also noted that the Examination of the 2012 Local Development Plan concluded that it would be unwise to support development in this location because of the lack of capacity in the roads network. This concern remains valid and it would not be appropriate to support further development until this issue has been subject to detailed consideration through the further studies recommended by the Westhill Capacity Study Update.

In any event, the level of development proposed is not of a scale aimed at meeting local needs and would therefore not accord with the Strategic Development Plan’s Spatial Strategy for the local growth and diversification area.
Strategy for the local growth and diversification area.

The site promoter has requested that consideration should also be given to identifying the site as a future development opportunity. As outlined in Schedule 4 Issue 7: Housing Land Supply, the Proposed Plan identifies allocations to meet the Strategic Development Plan’s allowances for the 2017-2026 period. This accords with guidance in paragraph 119 of Scottish Planning Policy (SPP). Future land releases for the period beyond 2026 will be made in the next review of the Local Development Plan. As such, no modification is required in this respect.

Bid Site Ga050 (Broadshade North)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 73). The assessment concluded that the site is unsuitable for development as it is both prominent and distant from existing services. These concerns remain valid. In terms of the prominence of the site, it is particularly relevant to note that, in their response to the MIR, Historic Scotland agreed with the decision not to identify this site as a preferred location for development on the basis of its potential impact on the setting of the Berryhill scheduled monument (an iron age enclosure located on the Hill of Keir).

It is also significant to note that the Westhill Capacity Study Update 2014 identifies this site as being amongst the ‘less suitable’ locations for the longer-term further expansion of the town. In particular, it should be noted that this site scored poorly against most of the strategic objectives against which the assessment was undertaken (see Westhill Capacity Study Update 2014, Appendix B: Area 9 Site Appraisal).

In any case, the level of development proposed is not of a scale aimed at meeting local needs and would therefore not accord with the Strategic Development Plan’s Spatial Strategy for the local growth and diversification area.

The site promoter has requested that consideration should also be given to identifying this site as a future development opportunity. As outlined in Schedule 4 Issue 7: Housing Land Supply, the Proposed Plan identifies allocations to meet the Strategic Development Plan’s allowances for the 2017-2026 period. This is in accordance with guidance in paragraph 119 of SPP. Future land releases for the period beyond 2026 will be made in the next review of the Local Development Plan. No further modification is required.

Bid Site Ga051 (Cadgerford Farm)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 74). The MIR assessment considered this site to be unsuitable for development on the grounds that there is no need for a development of this scale at present and that a resolution to road capacity issues within Westhill has not yet been identified. These concerns remain valid.

The scale of development proposed cannot be supported under the Strategic Development Plan’s Spatial Strategy for the local growth and diversification area as it is not of a scale aimed at meeting local needs. Furthermore, as identified in paragraph 4.2.2 of the Westhill Capacity Study Update 2014, a strategic solution to current congestion issues has not yet been identified. It would not be appropriate to support further development until these issues have been subject to more detailed consideration. For these reasons, it would not be appropriate to allocate this site for employment.
development within the Plan. No change is required.

Bid Site Ga054 (Souterhill Farm)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 73). The MIR raised concerns regarding the elevated and prominent nature of this site, along with its relative inaccessibility for pedestrians and cyclists. These concerns remain valid. In terms of the prominence of the site it is particularly relevant to note that, in their response to the MIR, Historic Scotland agreed with the decision not to identify this site as a preferred location for development on the basis of its potential impact on the setting of the Berryhill scheduled monument (an iron age enclosure located on the Hill of Keir).

Whilst it is noted that the site promoters have committed to delivering 40% affordable housing within the site, along with community facilities including a park and a golf practice area, these factors are not sufficient in themselves to justify the allocation of this site. No change is required.

Bid Site Ga075 (Brodiach)

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, pages 72 and 73). The assessment acknowledged that the site is relatively close to the town centre and that development in the east of Westhill would help to rebalance the school rolls. However, it concluded that this location is unsuitable for development as it is physically and visually divorced from the settlement. These concerns are maintained. In particular, it is maintained that the need to accommodate the residential component of this proposed mixed use scheme within the eastern part of the site, owing to the presence of the pipeline to the west, will result in a degree of physical and visual detachment from the remainder of the settlement. This issue was identified as a concern by the Reporter at the Examination of the 2012 Local Development Plan, who concluded that development at this location “would be physically detached from the built up area as a result of the open space corridor that has been retained along the length of the gas pipeline that passes to the east of Westhill” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 597, paragraph 14). No change is required.

Other Issues

Aberdeen City Allocations

Whilst it may be helpful to show adjoining allocations in Aberdeen City Council’s area, this might also confuse some readers. In addition, as acknowledged by respondent 632, the Aberdeen City Local Development Plan is still to be subject to examination so the allocations within it are not yet confirmed. It would therefore be inappropriate to identify any such allocations on the Aberdeenshire Proposals Maps. However, in order to assist the reader, a non-notifiable modification could be made to ‘grey-out’ all areas on the Proposals Map which lie outside of Aberdeenshire Council’s administrative boundary. A reference to the appropriate Local Development Plan could also be included to direct the reader to the appropriate source of further information for the ‘greyed-out’ areas. Aberdeenshire Council would not be opposed to the Reporter making these modifications, or a variation thereof.
1. Policy H2 on page 38 of the proposed plan references the 2011 Housing Need and Demand Assessment. This identified a requirement for around 38% of new homes to be affordable. Scottish Planning Policy recognises that it may not always be possible to meet such needs in full but that it may be appropriate for housing sites to contribute 25% of total capacity as affordable housing. Policy H3 supports provision of special needs housing. This makes provision to enable such housing on the edge of the settlement if no suitable sites are identified in the town. Consequently, I consider these matters are appropriately addressed in the proposed plan.

2. Reference is made to the need for more business land and to local support for this. However, despite its proximity to Aberdeen and obvious recent growth as a housing and employment centre Westhill is not identified as a Strategic Growth Area. The development plan strategy is therefore one of consolidating recent growth. I recognise the specialist role of Arnhall Business Park as a focus for subsea engineering businesses. I note that there are a number of specific constraints to further significant expansion of Westhill particularly in terms of transport congestion. I return to the detailed consideration of specific sites below. However, bearing in mind the locational strategy established by the strategic plan I consider there is limited scope for anything more than a localised extent of growth over the plan period. In this context I consider that the existing BUS allocation, OP3 and the additional reservation of site R1 for future expansion makes sufficient provision for business land.

3. A number of additional housing sites are proposed in representation. I accept the marketability of sites in Westhill. My overall conclusions on the housing land supply in the Aberdeen Housing Market Area are set out in Issue 7. Conclusions on Issue 8 address matters relating to the spatial strategy. I accept that the identified supply provided by Broadshade and Strawberry Field Road does not optimise the potential for housing completions in Westhill over the plan period. The 2016 housing land audit shows that there is no currently identified effective supply of housing land in the settlement beyond 2017. However a significant scale of further release is not currently supported by the strategic plan. In addition there is no clear strategy as to how cumulative transport impacts would be addressed.

4. The council has progressed some assessment of future options and transport solutions for Westhill. The Westhill Capacity Study Update 2014 study identifies a number of potential significant improvements to the transport network around Westhill that are likely to be necessary to enable future growth (see Section 11.3). It recommends a Transport Infrastructure Feasibility Study (see Section 11.5) and I understand this has now been commissioned. This is to inform the production of a Westhill Strategic Masterplan which would then inform the next review of the Local Development Plan. The issue of digital infrastructure and connectivity is considered through Issue 1: Omissions from the Plan.

Site R1

5. I note that the B9119 provides a strong boundary to the south of Westhill and an effective limit to growth in light of recognised constraints on the surrounding road network.
There is some remaining capacity in the identified business land supply. However uptake of the land to the north and the successful establishment of a hub for sub-sea service businesses indicate that some additional provision is supportable over the plan period. I note that a larger site was promoted in representations at the main issues stage. However, the council has decided to restrict this to a smaller area of land to the west of the existing minor road.

6. Paragraph 7.4.6 of the Development Planning and Management Transport Appraisal Assessment 2015 (DPMTAG) states that the R1 site has the potential to adversely impact on the operation of the strategic transport network and also on the wider strategic network at key junctions in and around Westhill. There will be a requirement for further detailed consideration of transport impacts and potential mitigation measures at the planning application stage. The Westhill Capacity Study Update 2014 identifies the R1 site as being within the 'most suitable' locations for the future expansion of the town.

7. This additional site is likely to have some consequent impact on the road network. The scale and nature of such impact would not be identified until further detailed assessment of the transport implications of any specific proposals is undertaken. This would be required as part of a transport assessment at the planning application stage. Policy RD2 details the potential need for wider contributions to the strategic road network where commensurate and required in order to enable the development.

8. I have carefully considered the matters raised by NESTRANS that the council’s decision to include this site appears incongruous with its approach to other sites in Westhill and to the south of the B9119. On balance I consider the concerns raised are outweighed by the potential employment benefits of enabling some, albeit limited, expansion of employment land in this location. I am satisfied that there is sufficient policy provision to address any identified traffic impacts at least in the shorter term without the need to specifically reference the strategic transport fund in relation to this site. However I recognise some uncertainty in this respect so I consider it is sensible to retain the site as reserved land. In addition I consider reference should be added to the need to address localised and potentially wider strategic transport impacts.

9. I note concerns raised by the community council about flooding on sites to the south of the B9119 and I noted some signs of surface water on my site visits. However, no specific issues have been raised by the Scottish Environment Protection Agency. Any associated risks can be addressed at the planning application stage. Consequently I do not consider that any changes are required to address this.

Site R2 and BUS

10. I note that both these sites are within a pipeline consultation zone and that this matter is addressed through the conclusions and recommendations in Issue 10 of this report. This explains why it is not considered appropriate to show the specific corridors on the mapping which is included in the proposed plan.

11. The community council refer to a planning application on the site but I understand this was refused by the council. The site is retained in the proposed plan for the future expansion of the health centre.
Other Issues

12. For consistency and to offer clear protection to this playing field I agree that rather than relying solely on Policy P3 it should be specifically referenced as P11. Whilst protection could be afforded to areas of open space regardless of ownership I am content that there is sufficient policy protection for the adjacent area of open space. The P11 safeguard can appropriately focus on the area associated with the playing field.

13. I consider that trees are offered sufficient policy protection through Policy PR1 without the need for any specific protection to specific groups of trees in Westhill. Such an approach would not be consistent with that applied in other settlements.

14. In relation to schooling I note potential capacity issues in relation to any further significant expansion. However based on the current allocation there are no specific plans to develop a new secondary school in Westhill. Consequently, I agree with the council that it would not be appropriate to identify a site for such provision. This is a matter more appropriately considered in terms of the longer term expansion of the town taking into account local concerns about the age and condition of the existing Westhill Academy.

Bid Site Ga022 (Mains of Kinmundy)

15. This would be a significant area of expansion to the east of Westhills (for approximately 120 houses). I have no reason to doubt the effectiveness of the site or its accessibility to the town and benefits in terms of utilising schools capacity. I note that the trees could be retained by an appropriate layout and design and that the pipeline does not represent an insurmountable constraint on development.

16. However I consider this site must be considered in the context of the full range of options for future expansion. In addition consistency with the strategic plan precludes more than a localised scale of growth. Of the available options I do not consider this would be preferred. My assessment is that there is more limited scope to address landscape impact and integration with the town given that this would be a significant incursion into the countryside on land which is designated as green belt. This reflects the conclusions of the council through its main issues consultation and the Westhill Capacity Update 2014. Bearing in mind my concerns about cumulative traffic impact I consider any further expansion is more appropriately assessed through the future development plan process.

Bid Site Ga034 (Arnhall Phase 4)

17. This is the larger site referenced above under R1. In combination it would extend to 11.6 hectares. The pipeline constraint would reduce the developable area but I understand this would not be an absolute constraint on development. Some upgrading of the local road network has already been undertaken as part of the development progressed to the north. Given the access from the existing roundabout, the use of the site for spoil storage during the construction phase for Arnhall, the relative containment and location relative to R2 I do not consider this site is without planning merit. However, I consider that any further release of land to the south of the B9119 should be addressed through the future development plan process in light of the further studies recommended through the Westhill Capacity Study Update.
Bid Site Ga048 (Strawberry Fields)

18. Development to the north is currently under construction and this site would provide additional capacity of 150 houses in what is undoubtedly a marketable location. I find no reason to differ from the conclusions of the Westhill Capacity Study which identify the area as most suitable to accommodate any future expansion needs in Westhill. Submissions in support of this site include a masterplan report, accessibility appraisal and the landscape and visual appraisal.

19. The site has some merit in presenting an effective option to secure a potential uplift in the rate of completions over the period to 2026. The site is relatively accessible to public transport and to employment its relatively contained setting would enable effective integration with the urban area. However, as referenced above there are remaining matters relating the capacity of the road network and current levels of congestion. Whilst I accept there may be scope for local mitigation of transport impacts in the shorter term this could undermine the detailed studies referenced in the Westhill Capacity Study Update 2014. Consequently, I do not consider the site is appropriate for inclusion at this time.

20. I have considered whether the site could be included as a longer term allocation. On balance I consider the future status of the site is more appropriately reconsidered through the next development plan in association with the full range of options for any future expansion of Westhill.

Bid Site Ga050 (Broadshade North)

21. This is a significant extension to the north and is proposed for around 150 houses. I understand that due to re-routing the pipeline is no longer a significant constraint to development on this site. I have considered the various submissions made in support of this site including the masterplan report, accessibility appraisal and the landscape and visual appraisal. The Westhill Capacity Study Update 2014 identifies this site as being amongst the 'less suitable' locations for the longer-term further expansion of the town. I have no reason to doubt the effectiveness of the site.

22. When viewed in isolation development on this scale could feasibly, with appropriate mitigation, be accommodated on the road network. I note the potential to avoid development on the more sensitive parts of the site relative to the setting of the Hill of Keir and to mitigate landscape effects through appropriate landscaping. However I consider the location of the site relative to the setting of the Berryhill Scheduled Ancient Monument remains a constraint. I note that Historic Environment Scotland supported the council’s decision not to support inclusion of the site on this basis.

23. My conclusion is that inclusion of the site would exceed the local scale of development envisaged by the strategic plan particularly as there may be other more coherent approaches to the future expansion of Westhill. There are potentially preferable locations for instance (bid site Ga048) and consequent cumulative transport effects if more than one additional site were to be included. Consequently, I do not consider there is a clear case for inclusion of this site or that it would be appropriate to pre-empt the development plan process by identifying the site for release in the longer term.
Bid Site Ga051 (Cadgerford Farm)

24. This site to the south of the B9119 is somewhat dislocated from the settlement. However it does offer a degree of visual containment which would reduce its impact on the landscape setting of the settlement. The B9119 provides a strong settlement boundary in this location. I note that the Westhill Capacity Study, recognised this area as being in the short list of most suitable locations for development. For similar reasons as stated above uncertainty regarding the capacity of the road network leads me to the conclusion that the site is not appropriate for allocation at this time. I note that this site was proposed to provide 2 hectares of employment land in association with a larger scheme in the Aberdeen City Local Development Plan Area (including a further 6 hectares of employment land and 600-700 houses).

25. I have taken account of the various submissions made in support of this site and the associated larger scale southerly expansion of Westhill. The examination of the Aberdeen City Local Development Plan has now concluded and I am unable to revisit proposals in another council area. I note the conclusions of Fairhurst in respect of the accessibility appraisal for the site. This included the potential for road improvements drawing on those already identified through the Westhill Capacity Study. Shorter term solutions are proposed to allow development to proceed but it is accepted that this would not fully address a longer term access solution. Drawing on my reasoning above regarding R1 and GA034 and in the context of the more limited extent of future growth currently envisaged by the strategic plan I find that any larger scale extension of Westhill raises matters for the future development plan process.

Bid Site Ga054 (Souterhill Farm)

26. The site to the north of the settlement is elevated and is relatively prominent in the context of the established landscape setting of the town. Connection to the housing area to the east would be possible but the site otherwise has a relatively rural character. This setting is of particular importance relative to the Hill of Keir and the setting it provides for the Berryhill Scheduled Ancient Monument (an iron age enclosure located on the Hill of Keir). I consider there is scope for some appropriate mitigation of the identified impacts on landscape and on Keir Hill as referenced in the submissions. I note the proposed layout contains housing to the east with parkland and a golf driving range to the west.

27. I have no reason to doubt the effectiveness and marketability of the site, the benefits of a range and choice of sites in promoting an enhanced rate of completions including a 40% affordable housing contribution. However, I consider there is at least one preferable location which affords better opportunities to integrate with the urban area (site Ga048). Including a number of options at this stage would accentuate my concerns regarding traffic impact bearing in mind the more limited context for growth applied through the strategic plan. These conclusions do not support allocation of this site for housing but rather the need to revisit the strategy for Westhill through the next development plan.

Bid Site Ga075 (Brodiach)

28. I understand that the pipeline is not a constraint to development of the site and that it could accommodate around 70 houses and 4 hectares of business space. I also note that the Westhill Capacity Study gives some support for development on this edge of Westhill. However, the site lacks direct connection and integration with the settlement to the west.
given the open space corridor reserved for the pipeline. My concerns expressed above regarding the cumulative transport implications of further land releases in Westhill would also apply here even although I accept this site could access the A944 from Westhill Road. In the absence of any over-riding strategic need for housing land release in this location I consider that any review of the green belt is more appropriately addressed in a consistent manner through the next development plan.

Aberdeen City Allocations

29. Given the proximity of Westhill to Aberdeen City I can understand the benefits of relating the proposals map to developments in the adjacent council area. However this could also prove confusing. There are timing issues relating to the process of adoption of the respective plans. The council’s suggestion to grey out the adjacent council area and include a reference to the Aberdeen City Local Development Plan appears sensible.

Reporter’s recommendations:

1. In the Westhill Settlement Statement for Site R1 under the Settlement Features add the following text:

A transport assessment will be required and mitigation of localised and potentially wider strategic traffic impacts should be addressed.

2. In the Westhill Settlement Statement add an additional area of protected land referenced as P11: To conserve the playing field. Add this area to the corresponding mapping.

3. On the relevant mapping identify by shading the areas out with the Aberdeenshire Council area with corresponding reference in the key to the relevant local development plan.
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**Body or person(s) submitting a representation raising the issue (including reference number):**

Hatton of Fintray

Charlotte Lane (414)
Hatton of Fintray and Kinellar Community Council (417)
Aperimus Communications Limited (565)

Keithhall

Bancon Developments Ltd (706)

Kinmuck

John McIntosh (562)

Goval Junction (Bid Site Ga057)

J McIntosh (561)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority's summary of the representation(s):**

Hatton of Fintray

Vision

There is only one tennis court in Hatton of Fintray and the Vision text should be corrected to reflect this (it currently refers to tennis courts) (417).

The final sentence of the Vision states that housing growth will 'help sustain local services'. Further population growth in the near future would put additional pressure on some local services especially healthcare by GPs. The sentence should be amended to state 'help to sustain some local services' (417, 565).
Natural and Historic Environment

Jasmine Cottage is mentioned in the Natural and Historic Environment section of the Settlement Statement but is not marked on the Proposals Map (417, 565).

Services and Infrastructure

In the Services and Infrastructure Section - Local Transportation Infrastructure (first bullet point) - site H1 should be called site OP1. There should be a clear statement on the location of the requirements for a footway connection between site OP1 and the primary school. There should be a footway from the site along the B977 and a pedestrian connection to Hatton Court (thence to the school). The B977 is narrow and dangerous for pedestrian use without a footway (417, 565).

The community facilities requirement in the Services and Infrastructure section should be more flexible (417, 565).

The sports and recreation facilities requirement in the Services and Infrastructure section should be more flexible (417, 565).

As a location for a new health centre in Kintore has not been identified, it might be appropriate for contributions for health facilities from any development in Hatton of Fintray to support or develop facilities in locations other than Kintore accessible to the Hatton of Fintray population (417, 565).

Allocated Sites

OP1 North of B977

The allocation for up to 8 homes on site OP1 is acceptable but this should not be increased to more than 8 houses. The development should consist of single storey or no higher than one and a half storey dwellings. It would be unsafe to have additional traffic using Hatton Court to access the site; the vehicular access should be directly from the B977 and vehicle calming should be introduced. There should be a pedestrian link from site OP1 to Hatton Court, a pedestrian footway from the site along the B977 to the school, the playground on site P3 and other parts of the village, and a footpath along the eastern boundary. Strategic landscaping is required along the western boundary (417, 565).

Additional Sites

An additional housing site should be identified south of the village at the cross roads of Station Road and Forbes Place. The site is an obvious location for development. It is contiguous with the settlement boundary, would help meet local needs, would relate well to the existing settlement, is deliverable within 5 years and would provide housing choice in the market area (414).

Keithhall - Additional Sites

Bid Site Ga076

This site is proposed as a ‘future’ site for the development of up to 700 houses after 2026,
along with an Eastern Relief Road (ERR), to contribute towards the 4,000 houses required by the Strategic Development Plan in the 2027-2035 period. A golf course within the Keithhall designed landscape is also proposed as part of the development. The site is key to delivery of the ERR and will facilitate the delivery of a long stretch of the ERR, which itself will thereafter provide an access to the housing land. The site has excellent links to the town centre and, with the ERR, the whole of Inverurie. A site for a primary school can be designed into the layout if necessary. The ERR is not only key to facilitating new development but also key to reducing traffic congestion in Inverurie town centre (706).

**Kinmuck - Additional Sites**

**Bid Site Ga056**

Main Issues Report site Ga056 should be allocated for the development of up to 10 houses. The site is deliverable, represents the measured expansion of a defined settlement, and will bring benefits to the community through expansion of housing choice and enhancement of the deliverable housing supply as well as supporting local facilities. It has no constraints and reflects the existing character of Kinmuck at this location (562).

**Goval Junction (Bid Site Ga057)**

Site Ga057 (Goval Junction, North of Dyce) should be reserved for a park and ride facility and associated uses. The site is viable and deliverable (561).

**Modifications sought by those submitting representations:**

**Hatton of Fintray**

**Vision**

Amendments to the Vision in the Settlement Statement for Hatton of Fintray - the first sentence should include "one tennis court" in place of "tennis courts" and the last sentence should include "help to sustain some local services" in place of "help to sustain local services." (417, 565).

**Natural and Historic Environment**

Show Jasmine Cottage on the Proposals Map in the Settlement Statement for Hatton of Fintray (417, 565).

**Services and Infrastructure**

Site H1 should be renamed site OP1 in the first bullet point (Local Transportation Infrastructure) of the Services and Infrastructure section (417, 565). A clear statement should be added on the location of the requirements for a footway connection between site OP1 and the primary school. There should be a footway from the site along the B977 and a pedestrian connection to Hatton Court (thence to the school) (417, 565).

Amend the fourth bullet point (Community Facilities) in the Services and Infrastructure section to "All residential development may be required to contribute towards facilities that serve the community in Hatton of Fintray and be located within the village and / or within
Amend the fifth bullet point (Sports and Recreation Facilities) in the Services and Infrastructure section to "All residential development may be required to contribute to indoor and outdoor sports and learning facilities located in Hatton of Fintray and / or within the wider catchment area." (417, 565).

Amend the first sentence of the seventh bullet point (Health Facilities) in the Services and Infrastructure section to: "All residential development must contribute towards a new health centre in Kintore or other appropriate locations within the local catchment area." (417, 565).

Allocated Sites

OP1 North of B977

Amend statement for site OP1 in the Settlement Statement as follows: to ensure that the development consists of single storey or no higher than one and a half storey dwellings; to ensure that vehicular access to the site is directly from the B977 and is not through Hatton Court; to require a pedestrian link from site OP1 to Hatton Court, a pedestrian footway from the site along the B977 to the school, the playground on site P3 and other parts of the village, and a footpath along the eastern boundary of the site; to require vehicle calming on the B977 starting at the western boundary of site OP1; and to require strategic landscaping along the western boundary of the site and located outwith private garden areas (417, 565).

Additional Sites

Remove land from within the Aberdeen Green Belt east of Station Road and allocate the site for 40 houses. Amend appendix 5 accordingly (414).

Keithhall - Additional Sites

Bid Site Ga076

Identify site Ga076 for the delivery of up to 700 houses as a ‘future’ site, along with the ERR, to contribute towards the 4,000 houses required by the Strategic Development Plan in the 2027-2035 period (706).

Kinnock

Additional Sites

Bid Site Ga056

Allocate site Ga056 for up to 10 houses (562).

Goval Junction (Bid Site Ga057)

Reserve site Ga057 for a park and ride facility and associated uses (561).
Summary of response (including reasons) by Planning Authority:

Hatton of Fintray

Hatton of Fintray is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The land allocations proposed for the settlement are unchanged from the Hatton of Fintray Settlement Statement published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Hatton of Fintray). The proposed allocations were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 17).

Vision

It is acknowledged that there is only one tennis court within Hatton of Fintray. As a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter making the change proposed by respondent 417 to refer to "a tennis court" rather than "tennis courts" within the Settlement Statement vision.

In respect of the comments relating to sustaining local services, it is acknowledged that development may place additional pressure on some local services such as GPs. However, the Plan requires contributions towards such facilities where new development would result in the need for additional capacity. It is not considered that the proposed amendment to state that housing growth will "help to sustain some local services" would add any overall value to the Plan strategy.

Natural and Historic Environment

In common with other scheduled monuments, the Jasmine Cottage, cursus monument and barrows is not identified on the proposals map. The proposals maps are not intended to be constraints maps and, in any case, do not enable all scheduled monuments across Aberdeenshire to be identified in the level of detail required. The presence of the monument is clearly referenced within the Natural and Historic Environment section, which notes that it is located in close proximity to site OP1. Policy HE1 will ensure that this feature is afforded appropriate protection from development that would affect its character, integrity or setting. No further modification of the Plan is required.

Services and Infrastructure

It is acknowledged that the text under the ‘Local Transportation Infrastructure’ bullet should refer to site “OP1” rather than site “H1”. As a non-notifiable modification, Aberdeenshire Council would not be opposed to the Reporter modifying the text to correct this.

In response to the comments concerning the flexibility of the text under the ‘Community Facilities’, ‘Sports and Recreation Facilities’, and ‘Health Facilities’ bullet points, it should be noted that the proposed wording has been drafted following significant engagement with key stakeholders and infrastructure providers. Paragraph 139 of Planning Circular 6/2013: Development Planning requires a level of precision and detail within the Plan.
which would not be satisfied through more flexible wording. In practice, the inclusion of greater flexibility within the Plan wording is likely to prejudice the ability to secure developer obligations rather than making it easier. It is therefore inappropriate to modify the ‘Services and Infrastructure’ section of the Settlement Statement in response to these comments. No change is required.

Allocated Sites

OP1 North of B977

The OP1 allocation makes clear that the site is appropriate for the development of up to 8 homes. In addition, policy H1 states that the capacities of housing allocations are maximum limits to promote confidence and certainty in decision making and that approval will only be given for a greater number of homes in exceptional circumstances. There is consequently no need to modify the Plan in response to the comments that the allocation should not be increased to more than 8 houses. No change is required.

The remaining comments from respondents 417 and 565 relate to detailed matters that are more appropriately addressed through the development management process and therefore do not require specific reference within the Local Development Plan.

Additional Sites

The proposal for an additional housing site at the cross roads of Station Road and Forbes Place was not submitted as a development bid at the MIR stage, nor was it identified following the MIR consultation. The site has therefore not been subject to formal public engagement or Strategic Environmental Assessment. Paragraph 64 of Planning Circular 6/2013: Development Planning identifies the difficulties in allocating a site within the Plan which has not been subject to these formal and statutory processes. There is also no overall need to identify further housing allocations within the Plan (see Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, which demonstrate an adequate and appropriate supply of deliverable housing allocations). For these reasons, there is no justification for removing this site from the green belt or identifying it for housing development at this time.

Keithhall

Keithhall is a small village which is subject to considerable development pressure because of its proximity to Inverurie, but where development opportunities are significantly constrained owing to the presence of the Keithhall designed landscape.

The development allocations within Keithhall have been carried forward from the settlement-based Supplementary Guidance that was published to support the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Keithhall). The allocations include site OP1 which is identified for up to 15 homes to meet local housing need and support local services. The inclusion of the OP1 allocation was supported by the promoter of the site in their response to the Main Issues Report.
Additional Sites
Bid Site Ga076

Site Ga076 was assessed at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 39). The assessment considered the site to be poorly related to Inverurie and completely out of scale with Keithhall. It also noted that both the housing (Ga076a) and golf course (Ga076b) proposals would be inappropriate in landscape and historical terms because of their impact on the Keithhall designed landscape. Furthermore, it concluded that an ERR through Keithhall is no longer a proposal as Transport Scotland’s project to upgrade the A96 to a dual carriageway may make other transport solutions more desirable or may indeed solve congestion issues in Inverurie town centre and on the A96.

In their response to the Main Issues Report consultation, Historic Scotland made clear that they would not support either the housing (Ga076a) or golf course (Ga076b) components of this development proposal because of their detrimental impact in landscape and historic environment terms (see MIR Submission No: 1811). In light of these comments, it is maintained that the development of these sites would be contrary to the guidance in paragraph 148 of Scottish Planning Policy (SPP) regarding the need to protect and, where appropriate, seek to enhance gardens and designed landscapes.

Furthermore, it is maintained that pursuing an ERR through the Keithhall designed landscape would be contrary to national policy, and would therefore only be an appropriate course of action if no other reasonable option was available. The preliminary assessment of a possible ERR stated that the acceptability of such a road is likely to be borderline “given the apparently unavoidable intrusion into the core parkland that forms the setting of the house” (see An Appraisal of the Potential Effects of a Proposed Inverurie By-pass upon Keith Hall Designed Landscape and Other Cultural Heritage Features, page 50). This issue was subject to specific consideration at the MIR stage, when it was concluded that progressing such a proposal would currently appear not to be a defensible position given the longer-term objectives for dualling the A96, as these might ultimately remove the justification for the ERR (see MIR 2013, Main Issue 15, and the subsequent MIR 2013, Issues and Actions Paper 117: Inverurie and Port Elphinstone, page 9, 2nd paragraph). This provides a further argument against the allocation of the Ga076 sites at the present time, since they are effectively dependent on the delivery of an ERR for which there are no firm proposals, funding, or agreement with Historic Scotland over acceptability of impacts. (Schedule 4 Issue 46: Inverurie includes further detail on transport constraints in Inverurie more widely, including considering the case for an ERR).

In any event, it is not considered necessary for the 2016 Local Development Plan to allocate land to meet the Strategic Development Plan’s allowances for the 2027-2035 period. Paragraph 119 of SPP requires Local Development Plans in city regions to allocate sites to meet the housing land requirement of the Strategic Development Plan up to year ten from the expected date of adoption. As the Local Development Plan covers the ten year period to the end of 2026, there is no requirement to allocate sites for the 2027-2035 period (this issue was considered following the MIR stage - see MIR 2013, Issues and Actions Paper 013: Main Issue 12 Land Supply, page 12). Allocations to meet the Strategic Development Plan’s housing allowances post 2027 will be made within the next Local Development Plan.

For the reasons outlined above, it is not considered appropriate to allocate site Ga076 for
development or to identify an ERR within the Local Development Plan.

**Kinnmuck**

Kinnmuck is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The settlement has grown rapidly for its size over the recent past. The Proposed Local Development Plan therefore proposes only a modest level of further growth to meet local housing need and help support services whilst ensuring that the character and nature of the village is maintained.

**Additional Sites**

**Bid Site Ga056**

Site Ga056 was assessed at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 46). The assessment concluded that the site would be exposed and prominent and that its development would further elongate the village. This site was also previously considered at the 2012 Local Development Plan Examination, albeit for a larger proposal of 20 houses. The Reporter concluded that the site occupies rising ground to the west of the settlement and that its development would be visually intrusive and bear no relationship to the existing form of the settlement (see Examination Report – Aberdeenshire Local Development Plan 2012, page 563, paragraph 4). It is maintained that these concerns remain valid despite the lower level of development now proposed.

The Ga056 site is also located within the outer consultation zone of a pipeline. Whilst it is acknowledged that this is unlikely to represent an absolute constraint on development, the Proposed Local Development Plan has sought to demonstrate the avoidance of risk by carefully considering sites that are within pipeline consultation zones and favouring alternative sites where possible. As demonstrated in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. In addition, the OP1 allocation, which was granted full planning permission in March 2015 (see the decision notice for application APP/2013/1164), will meet local housing need and help support local services at an appropriate level. As such, there is no over-riding justification to support development on the Ga056 site at this time. No change is required.

**Goval Junction (Bid Site Ga057)**

This site was assessed at the MIR stage (see MIR 2013, Appendix Garioch, page 83). The assessment concluded that a park and ride in this location is not considered viable in conjunction with other planned park and ride facilities associated with the Aberdeen Western Peripheral Route (AWPR). This remains the case. Planning permission has recently been granted for a new 999 space Park and Ride facility in Aberdeen City. This is located in close proximity to site Ga057 at the new junction between the A96 and the AWPR to the south-west of Dyce (see site OP24 in the Proposed Aberdeen Local Development Plan and the Decision Notice for planning application ref PL-100771). In addition, an extension to the rail station car park at Dyce is included within the Proposed Aberdeen City Local Development Plan. This will provide increased capacity for rail based park and ride, again in close proximity to site Ga057 (see site OP86 in the Proposed Aberdeen Local Development Plan). There is consequently no justification for allocating
site Ga057 for additional park and ride provision.

No change is required in response to this comment.

**Reporter's conclusions:**

**Hatton of Fintray**

**Vision**

1. I note there is only one tennis court and accept that further development may only support certain local services. These are relatively minor changes, supported by the council, and are reflected in my recommendation below.

**Natural and Historic Environment**

2. Given the extent of such features throughout the area I agree that it would be unwieldy to show all Scheduled Ancient Monuments on the proposals map. I consider that Policy HE1 provides sufficient protection for such features and that this monument need not be included within the settlement boundary. I note the map on page 53 of the plan references the location of the areas Scheduled Ancient Monuments and there is also a reference to Jasmine Cottage and its proximity to site OP1 in the settlement statement. Consequently, I consider the feature is sufficiently referenced and protected without any change to the proposed plan.

**Services and Infrastructure**

3. I agree that the site should be referenced as OP1 rather than H1 to reflect the referencing of the allocated site. There is already a reference in the text under the heading Services and Infrastructure to a footpath link between OP1 and the primary school. Given the identified capacity constraints at the high school I consider it is legitimate to reference “must” contribute to a new Garioch Academy.

4. The reference to community facilities, sports and recreation is referenced as “may be required to contribute” whereas the reference to health states “must contribute towards a new health centre in Kintore”. I consider use of “may” is appropriate and sufficient where there is a lack of certainty or detail about the extent and nature of any provision and the consequent justification in terms of Circular 4/1998. To reflect my conclusion through Issue 7 I agree that a similar degree of flexibility is also appropriately applied to the potential contribution to health care provision in Kintore. Subject to this change I find no justification for any additional references as suggested in the representations to reference local and wider catchment areas.

**Allocated Sites: OP1 North of B977**

5. The local development plan allocations reference sites with recognised potential to accommodate the areas future development needs. In the absence of detailed layouts and design, which would only be progressed at the planning application stage, it is often appropriate to allow some flexibility for the consideration of an alternate means of access. In this respect the plan references the possibility of access from the B977 with an extension to the existing footpath. It also references potential for access from Hatton
Court. I can understand that this option would raise greater concerns regarding increased traffic movements through this residential area. However, the appropriateness or otherwise of this could be confirmed at the detailed planning stage.

6. The proposed plan also references strategic planting and the need to respect adjoining development which is largely single or one and a half storey. I consider this provides sufficient design guidance at this stage in the planning process. Through Issue 7, I recognise that densities are most appropriately confirmed at the detailed planning stage once an optimal layout is secured. Consequently I do not agree that a maximum capacity should be imposed but rather that the site should be referenced simply as “8 homes”. My recommendation reflects this.

Additional Sites

7. I have no reason to doubt the effectiveness of the site for 40 dwellings and note the various submissions made in support of this site which was subject to an earlier planning application (2014). The site relates well to the village but lacks any obvious sense of containment. It would change the existing form of the settlement by introducing further development to the south of Forbes Place and east of Station Road. The proposed landscaping would take some considerable time to establish and change the character and openness of this area. The site is in the green belt and I accept that there are no issues of coalescence. Landscape impact would be localised in nature. However I consider it is appropriate to exercise caution in promoting any piecemeal approach to encroachment into the green belt. There would be a consequent weakening in the boundary currently established by the road. In any event there is an existing allocation which I consider is commensurate to the scale of the village and to address local needs. In addition this site was introduced at a late stage in the planning process so has not been the subject of any public consultation or formal strategic environmental assessment. For all these reasons I do not consider this is a suitable site for allocation at this time.

Keithhall and Bid Site Ga076

8. This is a small village and I note the only allocation for 15 homes is carried forward from the existing local development plan. The additional site proposed is not of a scale compatible with the village. Instead the proposal is for a major expansion close to the edge of Inverurie extending out along the B993 to Keithhall. Its identification is linked to the potential provision of an eastern relief road. A number of submissions, including a transport assessment, landscape and visual assessment and assessment of the impact on the designed landscape, have been submitted as part of an overall Inverurie masterplan.

9. I have considered these matters in detail through my conclusions on Issue 46. Following on from these conclusions I accept there is considerable doubt about the provision of an eastern relief road. For this reason it is not relied upon in the context of the proposed plan and this factor alone would weigh heavily against inclusion of this site. I consider this linear development would be a form of ribbon development interrupting the clear separation and rural setting between Inverurie and Keithhall at odds with the locational strategy of the development plan. It could not be considered as an appropriate extension to Inverurie given its visual and physical separation. It is not of a scale or nature to be considered as a logical or proportionate extension to Keithhall. Taking all of these matters into account I do not consider the site should be allocated in the proposed plan.
Kinkuck and Bid Site Ga056

10. The locational strategy as established through the strategic plan recognises the role of the settlement in providing for local needs. In this respect I find no reason to disagree with the council’s approach to enabling only small scale growth over the plan period in the context of the OP1 allocation even although I accept this is likely to be built out early in the plan period.

11. The bid site is prominent on approach from the west and would elongate the village. I note the reduced capacity of the site since it was considered through the last examination. I consider this would go some way to securing an acceptable scheme by enabling landscaping and protecting the setting of the adjacent listed building. I note that the pipeline may not be an insurmountable constraint. In any event I consider that the current proposals are commensurate to the scale of the village and in the absence of any evidence to the contrary sufficient to meet local needs over the plan period. The examination can only consider the sufficiency of the proposed plan and not whether the allocated site is more or less preferable to the bid site.

Goval Junction (Bid Site Ga057)

12. I consider it would only be appropriate to identify this site for park and ride as part of an overall package of provision linked to the Aberdeen Western Peripheral Route (AWPR). In the absence of a clear case for this additional provision and in light of the council’s response on the extent of existing planned provision and the lack of any commitment to this proposal I do not consider the site should be allocated for this use.

Reporter's recommendations

1. In the Settlement Statement for Hatton of Fintray amend the first sentence to read "one tennis court" in place of "tennis courts" and the last sentence to read "help to sustain some local services".

2. In the Settlement Statement for Hatton of Fintray under the heading Services and Infrastructure in the first bullet point replace H1 with OP1 and in the final bullet point replace “must contribute” with “may be required to contribute”.

3. In the settlement statement in the text box referenced as OP1 North of the B977 amend the allocation form “Up to 8 homes” to “8 homes”.

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<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Garioch 12</td>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

- **Dunecht**
  - George Stewart (39, 40)
  - Cabardunn Development Company Limited and Dunecht Estates (276)

- **Echt**
  - Cabardunn Development Company Limited & Dunecht Estates (179)

- **Garlogie**
  - Cabardunn Development Company Limited & Dunecht Estates (180)

- **Kirkton of Skene**
  - Barratt North Scotland and Dunecht Estates (513)

- **Lyne of Skene**
  - Stewart Milne Homes (412)

**Provision of the Development Plan to which the issue relates:**

- Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

- **Dunecht**

  **Allocated Sites**

  **OP1 Land west of the school**

  The increase in the density of this site from 14 to 24 houses should be reconsidered. There is no need to impose such a dense layout of housing in a village where all existing houses have large surrounding garden areas. The area of this site which is planned to become a school playing field should be designated as a protected site to guarantee it is used for this purpose. A pedestrian crossing of the A955, approximately located at the post office, along with traffic calming at Dunecht Primary School, could be funded by developer contributions from the OP1 development (39, 40).
**Additional Sites**

**Bid Site Ga032**

Dunecht is a sustainable location and should have the ability to grow to meet local demand. Further allocations in addition to the OP1 site are required to sustain services in the long term. Main Issues Report (MIR) site Ga032 has been submitted twice as a bid to the Local Development Plan. The Council accepted the suitability of the site in landscape and visual terms and were supportive of it at the time of the Proposed Aberdeenshire Local Development Plan 2010 but it was removed at the subsequent Examination. Proximity of a pipeline is not a constraint. The site is not a significant intrusion into the open countryside and there is potential for strategic landscaping to the north to contain the development and minimise impact. The natural direction for growth of the settlement is northwards to avoid a ribbon form to the community. The site has the ability to form an integral part of the village and to accommodate parking for facilities in the heart of the village. Connectivity and walkways could be created to provide safe and secure routes to the primary school and playing field (276).

**Echt - Additional Sites**

**Bid Site Ga031**

The allocation of this site for development would result in significant cost savings as it will utilise the existing access infrastructure and shared drainage connections with sites to the south and west. The site does not comprise prime agricultural land and in topographic terms is relatively flat. The land to the north rises, thereby helping to contain the site and the landscape setting of Echt. Development would comprise a mix of properties, affordable housing and public open space, which would deliver positive benefits (179).

**Garlogie**

Garlogie should be identified as a settlement in the Local Development Plan 2016 and site Ga033 should be allocated for the development of around 15 houses (180).

**Kirkton of Skene - Additional Sites**

**Bid Site Ga017**

Allocation of site Ga017 is logical and appropriate for the long term sustainability of both employment and housing opportunities in the area. Constraints associated with infrastructure and school provision could be overcome. Any concerns of coalescence can be resolved at the detailed planning stage through discussions and careful consideration in the design of proposals to ensure a sufficient buffer is in place. The Westhill Capacity Study 2008 identified site Ga017 as the most suitable location for residential development (513).

**Lyne of Skene - Additional Sites**

**Bid Site Ga052**

The identification of site Ga052 for housing and possible community facilities could deliver a carefully planned and logical extension to the village. Lyne of Skene is capable of
absorbing development of this scale. This site’s location at the heart of the settlement makes it the only logical and sustainable expansion to the village. The development would have minimal landscape impact. It is a deliverable site which would contribute to the timeous delivery of the housing land requirement in the Aberdeen Housing Market Area (412).

**Modifications sought by those submitting representations:**

**Dunecht - Allocated Sites**

OP1 Land west of the school

Reduce the density from 24 to 14 houses on site OP1. Amend the NE corner of site OP1, behind Dunecht Primary School, to site P3 to provide land for a school playing field as per the approved planning application (APP/2011/2651). A new pavement leading to a new A944 pedestrian crossing at the post office, along with traffic calming measures on the A944 at Dunecht Primary School, should be provided with funding coming from developer contributions from site OP1 (39, 40).

**Additional Sites**

**Bid Site Ga032**

An additional site, OP2, should be allocated for around 50 units. This should coincide with Site Ga032 identified in the MIR. The Settlement Statement for Dunecht should be adjusted to include site OP2 and the site itself should be identified on the proposals map. Consequential additions should be made to Appendix 5 to allow for the development of 50 units in the period 2017-2026 (276).

**Echt - Additional Sites**

**Bid Site Ga031**

Site Ga031 should be allocated for around 25 units. The Settlement Statement for Echt should be adjusted to include site Ga031 and the site identified on the Proposals Map. Consequential additions should be made to Appendix 5 (179).

**Garlogie**

A Settlement Statement should be included within the Local Development Plan for Garlogie. That Settlement Statement should make provision for the development of around 15 houses on site Ga033 (180).

**Kirkton of Skene - Additional Sites**

**Bid Site Ga017**

Include site Ga017 within the Local Development Plan as a site which is suitable of accommodating up to 250 houses (513).
Lyne of Skene

Additional Sites

Bid Site Ga052

Allocate site Ga052 for 35 houses (2016 to 2026) as a new OP1 allocation in Lyne of Skene (412).

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<th>Summary of response (including reasons) by Planning Authority:</th>
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**Dunecht**

Dunecht is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The development allocations within the settlement have been carried forward from the settlement-based Supplementary Guidance that was published to support the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Dunecht).

**Allocated Sites**

**OP1 Land west of the school**

The acceptability of developing 24 houses on the OP1 site has already been established through the grant of Planning Permission in Principle (see the decision notice and indicative site layout plan for application APP/2011/2651, which was approved in May 2014). The approved indicative site layout plan shows an area in the north-eastern part of the site to be set aside for a potential school playing area. The Section 75 legal agreement associated with the planning consent includes specific provision for this part of the site to be leased to the Council, if requested, so that it can be used as a playground/playing field for the primary school. It is, therefore, not necessary to apply any further level of protection to this part of the OP1 site. The further proposal to secure developer contributions to a road crossing and traffic calming measures could only be accommodated if these measures were shown to be directly required as a consequence of the proposed development. This is not the case and the existing Section 75 agreement makes no reference to any requirement towards such measures. No modification of the Plan is required in response to these comments. A minor technical change is proposed to update the capacity of the site in line with the approved consent (i.e. to replace the text "up to 14 homes" with "up to 24 homes" within the Allocated Sites section of the Settlement Statement and to amend the site entry accordingly within Appendix 5, Table 5).

**Additional Sites**

**Bid Site Ga032**

This site was assessed at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 11). The assessment acknowledged that the site would help to support existing services and would benefit from existing footpath connections into the settlement. However, it also raised a number of concerns regarding the site. In particular, it referred to
the comments of the Reporter at the Examination of the 2012 Local Development Plan who considered this site and concluded that the scale of the development was inappropriate and that it would constitute a significant intrusion into open countryside with no relationship with the existing form of the settlement. The Reporter also noted the constraints associated with a large part of the site lying within the National Transmission Pipeline outer and middle safeguarding zones.

Although it is accepted that the pipeline corridor is unlikely to present an absolute constraint, the Proposed Plan takes a precautionary approach by avoiding development within pipeline consultation zones wherever possible. The Reporter’s previous concerns in respect of landscape/visual impact remain valid.

Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy demonstrate that there is an adequate supply of appropriate and deliverable sites within the Aberdeen Housing Market Area and there is, therefore, no justification for allocating this site for development within the Plan. No change is required.

**Echt**

Echt is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The development allocations/designations within the settlement have been largely carried forward from the settlement-based Supplementary Guidance that was published to support the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Echt). The only exception is the former EH1 allocation, which has not been carried forward as the site is now complete.

**Additional Sites**

**Bid Site Ga031**

Site Ga031 was assessed at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 16). The assessment considered the site to have some potential for development and acknowledged many of the factors that the respondent has identified in favour of the site. The Main Issues Report therefore identified site Ga031 as an Officers’ preference in the event that additional development was required to meet future needs for housing.

However, as set out within MIR 2013, Issues and Actions Paper 114: Echt, it was concluded that there are currently sufficient site allocations within the Aberdeen Housing Market Area that are expected to become effective during the Plan period. This has been confirmed by Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy. Site OP1 will also provide housing to meet local demand within the settlement during the Plan period. There is consequently no requirement to allocate site Ga031 for development at this time and no change to the Plan is necessary.

**Garlogie**

Bid site Ga033 was considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 79). The assessment concluded that the site relates poorly to the existing form of the settlement. It also reiterated the comments of the Reporter at the
Examination of the 2012 Local Development Plan, who considered this site (reference G37 at the time) and concluded that: “The proposed site projects into open countryside and any development on this site would constitute a significant intrusion into the landscape. The proposed development of 16 houses would also be out of scale with the form and character of this essentially linear settlement” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 622, paragraph 10). There has been no significant change in circumstances that would justify the allocation of this site.

As there are no other allocated, reserved, protected or safeguarded sites within Garlogie, there is no justification to identify it as a settlement within the Plan. No change is required in respect of this comment.

Kirkton of Skene

Kirkton of Skene has been subject to significant development pressure within recent years owing to its proximity to Westhill and Aberdeen. The settlement is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43).

The land designations proposed within the settlement are essentially unchanged from those within the Kirkton of Skene Settlement Statement that was published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Kirkton of Skene). The only exception is the former EH1 site, which has not been carried forward from the 2012 Development Plan as it is now complete. The proposed land designations were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 53), when it was concluded that no changes should be made to the settlement.

Additional Sites

Bid Site Ga017

The Ga017 site was considered by the Reporter at the examination of the 2012 Local Development Plan, who concluded that "...this scale of development would be totally out of proportion with the form and character of the existing settlement and there is no over-riding reason for such a scale of development at Kirkton of Skene” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 621, paragraph 5). It is considered that these conclusions remain valid and that there has been no clear change in circumstances that would warrant supporting development in this location at this time.

Kirkton of Skene is not a settlement which specifically requires development to support local services. The settlement has a good range of services and facilities for its size. The primary school is currently significantly over capacity and is projected to be operating at 307% capacity in 2019. At the Main Issues Report stage, a number of respondents raised concern about future developments resulting in the coalescence and loss of green space between Kirkton of Skene and Westhill (see MIR 2013, Issues and Actions Paper 123: Kirkton of Skene). The need to prevent the coalescence of Kirkton of Skene and Westhill is therefore a key consideration for the 2016 Local Development Plan.

The Ga017 site is of a scale that would overwhelm the existing village and further erode
the countryside between Kirkton of Skene and Westhill. Moreover, it is not of a scale aimed at meeting local needs and would therefore not accord with the Strategic Development Plan's Spatial Strategy for the local growth and diversification area. The western part of the site (the area adjoining the junction of the A944 and the B979) would also result in the unnecessary loss of an area of prime agricultural land, contrary to the guidance in paragraph 80 of Scottish Planning Policy. In addition, the proposed development would be likely to exacerbate existing traffic congestion issues within Westhill, which are currently acute (see Schedule 4 Issue 50: Westhill).

The respondent has pointed out that the Westhill Capacity Study 2008 supported the site as being 'most suitable' for the potential expansion of Westhill. However, a Westhill Capacity Study Update was published in 2014. The updated assessment classifies the majority of the Ga017 site as being outside the most suitable areas for expansion, with a large proportion of the site falling within an area defined as 'less suitable' for expansion. This is in part due to concerns regarding the need to maintain the separate identities of Kirkton of Skene and Westhill through preventing the coalescence of these settlements, which forms one of the strategic objectives of the updated assessment (see Westhill Capacity Study Update 2014).

Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy demonstrate that there is an adequate supply of appropriate and deliverable development sites within the Aberdeen Housing Market Area. Accordingly, no change is required in response to this comment.

Lyne of Skene

Lyne of Skene is located within a "local growth and diversification area", which the Strategic Development Plan (SDP) 2014 identifies as being appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43). The land designations proposed within the settlement are unchanged from those within the Lyne of Skene Settlement Statement that was published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Lyne of Skene). The proposed land designations were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 56), when it was concluded that no changes should be made to the settlement.

Additional Sites

Bid Site Ga052

Site Ga052 was assessed at the MIR stage, albeit for a larger proposal of 65 houses. The assessment concluded that the level of development proposed would be out of scale with the existing settlement. It is maintained that, even at the lower level now proposed, the development would be out of scale with the existing settlement. Moreover, the level of development is not of a scale aimed at meeting local needs and would therefore not accord with the Strategic Development Plan's Spatial Strategy for the local growth and diversification area.

Whilst it is accepted that the most recent school roll forecasts indicate there is likely to be capacity within Dunecht Primary School, there remain concerns that Lyne of Skene lacks other facilities and has relatively limited public transport connectivity. Contrary to the
suggestions of the respondent, it is not considered that the level of development proposed
would be sufficient to bring new facilities back into the village. The development would
therefore be likely to depend on such facilities elsewhere, resulting in additional car based
travel.

For the reasons outlined above, Lyne of Skene is not considered an appropriate location
for further expansion. In any event, there is a sufficient supply of deliverable housing sites
within the Aberdeen Housing Market Area (see Schedule 4 Issues 7 & 8: Housing Land
Supply and Housing Land Spatial Strategy). As a result, there is no over-riding reason to
support further housing development in this location at this time. No change is required.

Reporter's conclusions:

OP1 Land west of the school

1. Through Issue 7 I set out my conclusions on the indicative nature of the capacity of
sites as allocated through the local development plan. This is an example of an instance
where progress through the planning system and the submissions of indicative layout
drawings has shown a higher than anticipated density for the site. I note that planning
permission in principle has been granted on this basis. The indicative layout shows land
to be set aside for a potential school playing area and a section 75 agreement would
enable this land to be leased to the council for this purpose. There is nothing to clearly
demonstrate, given its limited scale, that the development relies on a road crossing or on
traffic calming measures. The text accompanying the allocation explains the status of the
planning application and the potential provision of the playing field. Consequently with a
change to reflect the potentially higher density of housing on the site as demonstrated
through the outline planning application my conclusion is that no change is required.

Bid Site Ga032

2. Paragraph 3.43 of the strategic development plan explains the role of these essentially
rural settlements in providing a level of local growth to meet local needs. In this case, I
have taken into account the existing scale and character of Dunecht. The capacity of OP1
to provide for 24 houses suggests to me, in the absence of any justification to the
contrary, a sufficient level of growth over the plan period without the addition of a
further 50 homes. My conclusions in Issue 7 indicate some limited scope for additional
housing land supply. I accept that Dunecht is relatively well served by local services
including a primary school. However, I consider that more significant levels of growth are
more appropriately directed to more sustainable locations with higher order facilities where
the need to travel would be reduced.

3. I recognise that the pipeline corridor is unlikely to impose an absolute constraint on
development and I note the comments on the limits to linear expansion. However, I share
the concerns of the reporter at the last local development plan examination that the site
would represent a significant incursion into the countryside. I do not consider that this
reflects the established linear pattern of this settlement. Consequently I find insufficient
basis for inclusion of this site at this time.

Echt: Bid Site Ga031

4. I note that the main issues report identifies this site as an officer's preference if
additional land was required over and above that carried forward from the current local development plan. Development has been completed on the site previously identified as EH1 and the remaining allocation OP1 for 25 homes has progressed through the planning application process. However, like Dunecht the extent of recent and proposed development relative to the scale of the settlement appears proportionate to its role in meeting local needs. I do not consider that there is a clear case for the allocation of an additional 30 houses at this time.

Garlogie: Bid site GA033

5. Despite including a linear arrangement of housing and some local services including a village hall the council do not recognise Garlogie as a settlement. It has no allocated, reserved, protected or safeguarded sites. I also note the reference to part of the village being allocated as a conservation area. It is not identified as a settlement in the context of Policy R2 so a constrained approach to development in the countryside would apply.

6. I accept there may be a case to identify Garlogie as a settlement despite the absence of current development proposals. However, I would be concerned to adopt a piecemeal approach to such designation as I consider this should be consistently applied throughout the local development plan area. That said given the lack of a primary school (where even the nearest provision at Skene primary school has capacity issues) or any other higher order services I am not convinced of the capacity of the community to absorb anything more than a very minor scale of development.

7. I appreciate that the proposed site is relatively well contained in the landscape and could be related to the clustering of development around the junction to create a village core. However I am not convinced about the appropriateness of adding this scale of development (15 houses) in this countryside location. Consequently, I am not persuaded of the case for inclusion at this time. In addition for reasons of consistency I do not consider that the linear arrangement of housing should be identified as a settlement without future consideration of a consistent approach to such definitions through the next local development plan.

Kirkton of Skene: Bid Site Ga017

8. The village has a relatively compact form grouped around the church and village square. The submissions in support of the site reference the capacity to contribute to the housing supply in relation to Westhill recognising existing constraints and the extent of market demand. This takes into account Westhill’s important role as an employment centre. I note the conclusions of the Westhill Capacity Study 2008 which recognise the potential for expansion on its western edge. However this does not appear to take any account of the avoidance of coalescence between the two communities. The May 2014 update to the capacity study through strategic objective 6 references “maintenance of the separate identities of Kirkton of Skene and Westhill through prevention of coalescence of these settlements.” This then concluded the most suitable areas for expansion as lying to the south and east of Westhill.

9. This site has capacity for up to 250 houses and I agree that this scale of development could potentially deliver any necessary infrastructure. However this would in my view represent a scale of development beyond which could be considered to address local needs or appropriate to the scale and character of the settlement. As such this would be contrary to the settlement strategy and the sustainability objectives of the plan. I have
addressed my conclusions on Westhill in Issue 50. My view is that housing would more appropriately focus on Westhill than as a significant extension to a small scale rural community which whilst relatively close retains a distinct identity and village character. I consider this character and amenity would be eroded by growth on this scale even if an appropriate buffer could be retained between the village and Westhill. Consequently I do not recommend this site for inclusion.

**Lyne of Skene: Bid Site Ga052**

10. The site was originally proposed for 65 houses on an area extending to 4 hectares. However the submissions now refer to 35 units phased over the period 2016-2026. However, I consider this would still represent a scale of development over and above that which could be considered as appropriate to meet local needs in a village of this scale and nature. The submissions reference the decline of local amenities and the location in the centre of the village as an opportunity to support a planned and logical extension to the village as a more sustainable community.

11. However it is unclear to me that the proposed scale of development would be sufficient to enable enhanced provision of services and amenities. Proximity to Westhill is referenced as is the need for more choice in the Aberdeen Housing Market and the availability of school’s capacity taking advantage of a declining school roll. I note that Policy R2 supports organic growth in this settlement and I consider this is a more appropriate approach in such a small rural community. I consider that any more significant expansion would run contrary to the settlement strategy and the sustainability objectives of the plan. Through Issues 7 and 8 I acknowledge a potential time lag in the delivery of housing completions but I do not consider this outweighs my concerns regarding the role of Lyne of Skene in accommodating any more than an organic scale of growth.

**Reporter’s recommendations:**

1. In the text box alongside OP1 in the Dunecht Settlement Statement replace the text “up to 14 homes” with “24 homes”. 


### Issue 53

**Shaping Garioch – Other Garioch Settlements RHMA**

| Development Plan reference: | Appendix 8, Page Garioch 6 | Reporter: R W Maslin |

#### Body or person(s) submitting a representation raising the issue (including reference number):

- **Chapel of Garioch**
  - Chapel of Garioch Primary School Parent Council (364)
  - Bennachie Community Council (413)

- **Durno**
  - Stephen McMinn (288)

- **Old Rayne**
  - Ian Duncan Developments (183)
  - Bennachie Community Council (413)

- **Oyne**
  - Patrick Quinn (58)
  - Bennachie Community Council (413)

- **Whiteford**
  - Drumrossie Land Development Company Ltd (607)

#### Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

#### Planning Authority’s summary of the representation(s):

**Chapel of Garioch**

**Support**

Bennachie Community Council welcomes and supports the Settlement Statement (413).

**Settlement Features**

Whilst the school is within walking distance from the southern part of the village, there is no proper footpath connecting the southern part of the village through to the northern part containing the school (364).

Given the increase in housing to be built in the village, a play park should be allocated. The sports and recreation requirements are noted, however the Parent Council wishes to see a site allocated for an outdoor play facility (364).
Durno

Settlement Features

There was a protected area along either side of the watercourse running through the middle of the settlement in previous Plans. There is no apparent good reason for its removal. Without the burn side area being designated a protected open space it will fill up with further inappropriate housing causing quantifiable detriment to the settlement, environment and those who reside there. By restoring the protection of the open burn side space in the middle of the settlement, the character and amenity of the settlement can be maintained (288).

Old Rayne

Support

Bennachie Community Council welcomes and supports the Settlement Statement (413).

Additional Sites

Bid Site Ga004

Site Ga004 should be allocated for the development of around 30 units with provision for business and retail units. The Proposed Plan fails to make sufficient provision for new housing in Old Rayne. There is no impediment to the development of site Ga004; there is adequate drainage and infrastructure capacity, and the MIR acknowledges that the site provides a logical expansion of the village. None of the houses proposed lie within an area at risk from flooding (183).

Oyne - Allocated Sites

OP1 Former Archaeolink

There is no need for more housing development in Oyne. If the Plan proceeds regardless, the OP1 site must not be allowed to become a phased development with more houses later. The following issues should also be taken into account: existing trees around the perimeter should be retained; houses should be restricted to one and a half storeys; proper drainage must be a priority; access to Berryhill for walkers must be maintained; existing recycling facilities should be maintained on site; and additional speed reduction measures should be put in place (58).

The text for site OP1 states “development must provide access to the adjoining BUS site”, but it makes no mention of protected access to site P3. An all-abilities access from the settlement of Oyne (through OP1) to site P3 should be provided (413).

Whiteford - Additional Sites

Bid Site Ga043

The principle of residential development has been accepted on site Ga043 through its former allocation within the Aberdeenshire Local Plan 2006 and the approval of 3 dwellings on land within the southern segment of the site. The site would be a logical
extension to the settlement. There will be a shortfall in housing in the Huntly - Pitcaple Strategic Growth Area and allocated sites in Huntly are subject to constraints. These constrained sites should be removed from the plan and allocated to alternatives, one of which should be site Ga043 at Whiteford (607).

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**Chapel of Garioch**  
**Settlement Features**  
The Settlement Statement should include the allocation of a safe route to school in the form of a proper footpath between the two main sections of the village (364).  
Land allocated for a play park should be included in the Local Development Plan (364).

**Durno**  
**Settlement Features**  
Insert a protected area along either side of the watercourse running through the middle of the settlement to retain open space as an important local amenity (288).

**Old Rayne - Additional Sites**  
**Bid Site Ga004**  
Site OP1 should be deleted and replaced with site Ga004 for the development of around 30 units with provision for business and retail units (183).

**Oyne**  
**Allocated Sites**  
**OP1 Former Archaeolink**  
Do not designate site OP1 for housing (58).  
Amend third sentence of the settlement statement for site OP1 to include all-abilities access to site P3 from the settlement of Oyne (413).

**Whiteford**  
**Additional Sites**  
**Bid Site Ga043**  
Allocate bid site Ga043 for 15 homes and amend the Settlement Statement, the Proposal Maps, and Table 5 of Appendix A5 to reflect this (607).
Summary of response (including reasons) by Planning Authority:

Chapel of Garioch

Support

The support for the Settlement Statement from the Community Council is welcomed.

Settlement Features

The comments in respect of pedestrian access from the southern part of the village to the northern part are noted. However, as there is no known firm proposal to deliver a footpath of this nature, there would be no benefit in reserving land within the Local Development Plan for this purpose. No change is required.

Similar concerns apply in respect of the comments regarding the provision of a play park. Again, there are currently no known firm proposals for such a facility and it would, therefore, be inappropriate to reserve land specifically for this purpose within the Local Development Plan. Moreover, Policy P5 (Community Facilities) is generally supportive of new community facilities in accessible locations, so the lack of a reserved site would not preclude the development of a play park in the event that proposals emerge during the Plan period. No modification is required in response to this comment.

Other Issues

Whilst not the subject of a specific representation, it should be noted that, following publication of the Proposed Plan, planning permission has been granted for the development of a house on site P2 (see the decision notice and approved proposed site plan for application ref. APP/2015/0015). As a minor technical change, it may, therefore, be appropriate to delete the P2 designation from the table showing Protected Land and the Proposals Map should the development commence prior to adoption of the Plan.

Durno

Settlement Features

It is acknowledged that the Aberdeenshire Local Plan 2006 included a protected area around the watercourse which runs through Durno. However, the 2006 Local Plan defined a larger settlement boundary for Durno, which incorporated the distinct clusters of development at Durno, Howes of Durno, Knowes of Durno and part of Kemmels of Durno within a single boundary. As such, the area around the watercourse would potentially have been subject to development pressure through the Plan’s Infill Development Policy. It was therefore necessary to apply a protected designation to this area in order to safeguard it from inappropriate development.

However, within the 2012 Local Development Plan, the Durno settlement boundary was revised and three separate boundaries were identified (see Local Development Plan 2012, Supplementary Guidance Volume G: Durno). These were drawn more tightly around the distinct development clusters. This resulted in the watercourse and surrounding area (including the entire area that was previously subject to the protected designation) being excluded from the settlement boundary. As such, this area was no
longer subject to the Development Plan’s Infill Policy and, instead, was offered protection from inappropriate development through the rural development policies. As a consequence, there was no requirement to retain the protected designation for this area.

This position persists within the Proposed 2016 Local Development Plan. The watercourse and surrounding area are located outside of the defined settlement boundary and protection from inappropriate development is afforded to this area by rural development policies R1-R3. It is therefore not considered necessary to apply any specific protected designation to the watercourse and its surrounding area.

Old Rayne

Old Rayne is located in the Rural Housing Market Area. The development allocations for Old Rayne were subject to consideration at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 64).

The allocations in the Proposed Plan have been modified from the Old Rayne Settlement Statement that was published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Old Rayne). Former site EH2 has been deleted from the Proposed Plan in response to representations from SEPA on flood risk at the MIR stage (see MIR 2013, Issues and Actions Paper 128: Old Rayne). Site OP1 (formerly site EH1) has been retained despite some respondents at the MIR stage expressing the view that this site is undeliverable because of the presence of a Scheduled Monument within the site. This is because agreement has now been reached on the appropriate development of this site with the Council’s Archaeology Service, and development is therefore able to proceed without adversely impacting on the Scheduled Monument. The site is being actively progressed on this basis (again, see MIR 2013, Issues and Actions Paper 128: Old Rayne).

The support for the Settlement Statement from Bennachie Community Council is welcomed.

Additional Sites

Bid Site Ga004

Site Ga004 was assessed at the Main Issues Report stage (see MIR 2013, Appendix Garioch, page 64). The assessment considered the site to have potential for development and acknowledged many of the factors that the respondent has identified in favour of the site. The Main Issues Report identified site Ga004 as an Officer’s preference for the development of around 20 houses in the event that additional development was required to meet housing needs. However, a number of concerns about the site were raised in response to the Main Issues Report, including from SEPA who indicated that they would object to the allocation of this site unless additional information was provided to address potential flood risk concerns.

In respect of the respondent’s comments on flood risk, it is acknowledged that the proposal aims to exclude built development from the part of the site that is at risk of flooding. However, the remainder of the site is classified as prime agricultural land. Development in this part of the site would therefore not accord with the guidance in paragraph 80 of Scottish Planning Policy.
As outlined above, the Proposed Plan makes appropriate and sufficient provision for new housing in Old Rayne that is deliverable and is being actively pursued. Moreover, as demonstrated in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites in the Rural Housing Market Area. There are therefore no over-riding reasons that would justify supporting development on this site at this time. No change is required.

Oyne

Allocated Sites

OP1 Former Archaeolink

Site OP1 and the adjoining BUS allocation were assessed at the Main Issues Report (MIR) stage (see bid site Ga089 in MIR 2013, Appendix Garioch, page 67). The Ga089 bid proposed the development of 15-20 houses and employment land at the former Archaeolink site. The MIR assessment concluded that the site is well related to the existing village and that development would make productive use of a previously developed site, help provide local job opportunities and support the primary school.

A number of comments were submitted in relation to the Ga089 MIR bid and these were subsequently summarised in MIR 2013, Issues and Actions Paper 129: Oyne. This paper noted that concerns had been raised about the development bid, but ultimately acknowledged that an allocation would not necessarily be required for development to proceed on the site. It concluded that, based on the density of surrounding development and the inclusion of an appropriate level of open space, the whole site could accommodate around 35 houses. In order to provide clear guidance, a specific housing allocation was promoted. A housing allocation of up to 15 houses was initially recommended but, following discussion at the Garioch Area Committee, an allocation of up to 10 houses was agreed as an appropriate level of growth for the settlement.

It is therefore significant to note that the allocation of site OP1 is not intended to address any housing shortfall (Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy make clear that there is a sufficient supply of deliverable housing sites within the Rural Housing Market Area). Rather, the allocation is intended to provide clarity and certainty over the amount of development that is appropriate for the site during the Plan period. Deleting the OP1 allocation would remove this level of clarity and certainty, and would simply result in any future redevelopment proposals being considered against the Local Development Plan’s infill policy. Any proposals for further phases of development on the site would need to be submitted as development bids to a future Local Development Plan and would be considered on their merits at that time. The remainder of the issues raised by respondent 58 are addressed by other policies of the Plan and will be considered at the future planning application stage. No modification is required in response to these comments.

In response to the comments concerning public access, it is acknowledged that retaining public access to Berryhill is an important objective. However, Proposed Local Development Plan Policy P2 (Open Space and Access in New Development) requires that existing and potential public access routes should be protected and that new developments must include appropriate opportunities for informal recreation. It is therefore not considered necessary to make specific reference to this requirement within the text relating to the OP1 site.
Following publication of the Proposed Plan, agreement has been reached with the promoter of the former Archaeolink site that the boundary between the OP1 and BUS allocations should be subject to a minor technical change to take better account of existing site features and provide for a more appropriate level of car parking for the BUS site. This technical change will not result in any change to the capacity of the OP1 allocation (which will remain at up to 10 dwellings) or any significant amendment to the total area of the BUS designation (which remains at approximately 1.2ha).

Whiteford

Whiteford is a small settlement within which growth opportunities are restricted by a number of factors. In particular, there is a lack of primary school capacity, with Logie Durno Primary School projected to be operating at 145% capacity in 2019.

The proposed land designations at Whiteford are unchanged from the settlement-based Supplementary Guidance that was published to support the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Whiteford). The proposed designations were considered at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 75).

Additional Sites

Bid Site Ga043

It is acknowledged that bid site Ga043 was previously allocated in the Aberdeenshire Local Plan 2006 for 15 houses (site fh1). However, following widespread community engagement, the Council’s conclusion was to exclude this site from the 2012 Local Development Plan.

This conclusion was supported at the Examination of the 2012 Local Development Plan, when the Reporter considered a specific request for the fh1 site to be reinstated but concluded that: “…this site in the absence of any development on site eh1 (which was also included in the 2006 Local Plan but removed from the 2012 Local Development Plan), projects into open countryside and a housing development on this site would bear little relationship with the form and character of the existing settlement” (see Examination Report – Aberdeenshire Local Development Plan 2012, page 249, paragraph 11).

It is acknowledged that planning permission has subsequently been approved for 3 dwellings within a small part of the Ga043 site (see the decision notice for application APP/2011/1926). However, it should be noted that an application for 15 dwellings on the full Ga043 site was refused (see the decision notice for application APP/2011/1927). This refusal was subject to an appeal and the Appeal Reporter reiterated the concerns of the Local Development Plan Examination Reporter in concluding that the site, if developed in isolation, would project into open countryside and would harm the character and appearance of the locality (see the decision for Planning Application Appeal PPA-110-2139).

In light of the comments above, the respondent’s suggestions that the Ga043 site would represent a logical extension to the settlement are not accepted. Furthermore, the development of the site would result in the unnecessary loss of an area of prime agricultural land, contrary to the guidance in paragraph 80 of Scottish Planning Policy.
Issues regarding the overall provision of housing land within the Huntly - Pitcaple Strategic Growth Area are discussed in more detail in Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy, where it is concluded that an adequate supply of appropriate and deliverable housing sites exists. Accordingly, it is not considered appropriate to support development on this site at this time. No change is required.

**Reporter's conclusions:**

**Chapel of Garioch - footpath**

1. The representation says that the settlement map for Chapel of Garioch should include the allocation of a safe route to school in the form of a proper footpath between the two main sections of the village.

2. From my inspection, I note that there is no footway beside the road going east from the old post office, then, on the north side of the road, there is a worn footpath in the grass verge as far as the road junction. From the junction, on the east side of the road to the school there is a rough-surfaced footway. This ends as one crosses the settlement boundary line shown on the proposals map. For the rest of the way to the school, pedestrians in effect share the carriageway with vehicular traffic - there is no kerb line and raised surface to differentiate a footway from the carriageway.

3. My conclusions are that the provision for travel on foot between the two parts of the village is unsatisfactory and that need for improvement will increase when sites OP1 and OP2 are developed.

4. Part of one of the aims of the Aberdeen City and Shire Strategic Development Plan (page 6) is making sure that walking is an attractive choice for journeys. Scottish Planning Policy (paragraph 270) says that the planning system should support patterns of development that provide safe and convenient opportunities for walking. “The aim is to promote development which maximises the extent to which its travel demands are met first through walking …” (paragraph 273).

5. I find that the policies mentioned above and the unsatisfactory existing conditions justify some requirement for an improved route between the two parts of the village. I take it that a detailed design of necessary footway improvements at Chapel of Garioch has not been prepared. Without this, I find that a line for an improved route cannot be identified on the proposals map. Instead, text in the Chapel of Garioch section of the proposed plan should make reference to the need for an improved connection. The proposed plan should be altered accordingly.

**Chapel of Garioch - play park**

6. To show on the proposals map for Chapel of Garioch a play park, it would be necessary to identify a particular site, to demonstrate that the site had been subject to an environmental assessment process and to demonstrate that there had been public consultation. Views of affected landowners and evidence that there was a realistic prospect of implementation would also be needed. None of this information is included in the representation.
7. The representation does not include evidence to demonstrate the extent to which there is a need for a play park.

8. From the foregoing, I conclude that the proposals map should not be altered.

Durno

9. I note that the 2006 local plan included a protected area around the watercourse. This was at a time when the settlement boundary included more of the watercourse. In the proposed plan, a very short section of the watercourse is included in the settlement boundary. At the two places where the boundary adjoins the watercourse, there appears, from my inspection, to be little scope for new development.

10. I also note the restriction on new development contained in policy R2 and the reference to the water environment in policy PR1.

11. From the foregoing, my conclusion is that there is no need to have a protected area around the watercourse. The proposed plan need not be altered.

Old Rayne site OP1 East of School

12. Part of the case for development on site Ga004 is that the Old Rayne OP1 site should be removed from the proposed plan. It is contended that OP1 is constrained.

13. In its response, the Council says that the site is being actively progressed. In response to a further information request, the Council says that it has “low confidence that a planning consent will be issued for this site in the period covered by the Local Development Plan. There are one or more constraints (other than marketability) operating on this site that may preclude development. This site falls into that category of sites that Aberdeenshire Council will reconsider for removal from the plan in 2021 should development not have started on the site by the time of the next Main Issues Report.” The representor maintains that OP1 should be deleted from the proposed plan.

14. It appears to me that resources have been expended by the developer interest for OP1, including archaeological investigation. I also note from my inspection that the south-west corner of OP1, which contains the scheduled monument, is in poor condition and presumably would, at the least, be tidied up as part of any development.

15. From the submissions, I have some doubt as to whether development on OP1 will proceed within the next five years. However, Scottish Planning Policy (paragraph 119) says that plans should allocate a range of sites which are effective or expected to become effective up to year 10 from the year of adoption. In order to maintain the continuity of the land supply the relevant period in the present case is up to 2026. I consider there is a reasonable prospect of the site becoming effective over this time. The situation may be reviewed during preparation of the next proposed local development plan.

16. From all the foregoing considerations, my conclusion is that the balance of advantage lies in retaining the OP1 allocation for the moment. Accordingly, the proposed plan, with regard to site Old Rayne OP1, need not be altered.
Old Rayne site Ga004, Barreldykes

17. In its response to the representation, the Council highlights concern about potential flood risk, but indicates that this concern has been satisfactorily addressed. The Council also refers to policy regarding prime agricultural land and lack of need for additional housing land.

18. Paragraph 80 of Scottish Planning Policy says, among other things, that development on prime agricultural land should not be permitted except where it is essential as a component of the settlement strategy.

19. I find that development on Ga004 may be justified as an essential component of the settlement strategy. The reasons for this are as follows.

- There is some doubt surrounding development on site OP1.
- Site EH2 in the current plan has been deleted, thus reducing the previous land supply at Old Rayne.
- A conclusion in Issue 7 is that there is a sufficient supply of housing land that is effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.
- There is a need to identify land for housing, business and retail uses at Old Rayne to help make the community more sustainable

In view of this, I find that the prime agricultural land classification is not a bar to the development proposed in the representation.

20. In the Main Issues Report, I note that the overview for site Ga004 says that the site would provide a logical extension to and fit well with existing development. Development on the site would not be overly prominent and would be well-screened by vegetation. Development would support the primary school which is projected to be under capacity. A new footbridge over the Bonnyton Burn would provide good pedestrian connectivity. The part of the site that is at flood risk could be used as public open space. The Main Issues Report conclusion for Old Rayne says that, if need for further effective development sites is identified, “site Ga004 is considered a suitable option ….” I agree with these aspects of the overview and conclusion.

21. My overall conclusion is that site Ga004 should be allocated for development. The proposed plan should be altered accordingly.

22. The Main Issues Report suggests that a development of around 20 dwellings would be appropriate. Representation 183 contends that the site should be allocated for around 30 dwellings along with the business and retail space. I find no reason why the site should not accommodate this larger number of dwellings if suitably designed to be in keeping with the village character.

23. I find nothing in the submissions to indicate that development on site Ga004 would have any unacceptable environmental impact, provided flood risk is addressed.
24. Part of the justification for allocating site Ga004 is the prospect of attracting business and retail uses to the village. In view of this, the business and retail use elements of the development should be provided at the same time as the residential element and not be postponed to an unknown future date. The representation refers to provision of a pedestrian bridge across the Bonnyton Burn and to open space provision on that part of the site which is at risk of being flooded. I find that these features are essential if development on the site is to be satisfactory. The residential part of the development should include six affordable homes.

Oyne

25. With regard to need or demand for more houses, the proposed plan must conform to the housing land supply requirements of the Aberdeen City and Shire Strategic Development Plan. Housing on the Archaeolink site would contribute to this requirement. In addition, it is national policy that the planning system should identify a generous supply of land for each housing market area (Scottish Planning Policy, paragraph 110).

26. The proposed allocation for the Archaeolink site is up to ten homes. The site is within the settlement boundary and, as indicated by the Council, it might be difficult to resist proposals for a greater number of houses if the site were not identified with a limit of ten.

27. From the foregoing, I find that Oyne site OP1 should be retained in the proposed plan.

28. From my inspection, I find that retention of boundary trees, limiting the height of houses to 1½ storeys and retaining footpath access to Berry Hill are appropriate requirements. The recycling facility should be retained somewhere within OP1. All of these matters should be mentioned in the proposed plan. The proposed plan should be altered accordingly.

29. Construction of housing developments is related to market demand and development finance. For this reason, I find it would not be appropriate to require all houses to be built at the same time. Provision of drainage and traffic management measures are matters that would be addressed as part of the application for planning permission process. It would be up to the present owner of site OP1 to decide whether to impose restrictions on future development of the site. For the purposes of the proposed plan, control of future development is exercised through the planning application process. I find that there is no need to alter the proposed plan with regard to these various matters.

Whiteford - bid site Ga043

30. From submissions and my inspection, I find that Whiteford is a compact village of some 60 houses. About 300 metres north of the village is a primary school, a hall and a playing field. The Council’s submission indicates that the primary school will soon have a number of pupils much greater than its capacity. I note the history of site Ga043, which includes being allocated in the 2006 local plan, a planning appeal that was dismissed in 2013 and a planning permission granted in 2014 for three houses on land within the southeast part of the site. I find that the merits of allocating bid site Ga043 for development must be judged in the light of present planning policy and current circumstances.
31. I note that flood risk can be addressed by a culvert-improvement scheme for which planning permission has been granted and that the approved three-house development incorporates an access that could be used for development on Ga043. I also note the statement that education contributions have been agreed.

32. The basis of our assessment of “bid” and “new sites” is set out through Issue 7. This follows the conclusion that there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites. However, for the reasons given in the following three paragraphs, I do not consider that site Ga043 should be allocated for development.

33. Development on Ga043 would not be satisfactory in relation to the existing built-up area and its landscape setting. The south side of the site is well-defined by the road and roadside trees, but development would result in a built-up area that juts out into the countryside. The watercourse on the north boundary of the site is barely visible from the surrounding area and is of no significance in landscape terms. There is no landscape feature on the west side of the site. The proposed boundary planting would take time to become an effective landscape feature.

34. From submissions and my inspection, it appears that Whiteford does not have important facilities and services such as shops, employment, frequent public transport and healthcare. From this, I find that new housing development in the village is likely to be car-dependent. This would be contrary to aims and objectives of the Aberdeen City and Shire Strategic Development Plan (fourth aim, page 6 and objective, page 38) and contrary to Scottish Planning Policy (paragraph 270).

35. The primary school does not have spare capacity.

36. I conclude that site Ga043 is not an appropriate location for housing development and that the proposed plan need not be altered.

**Reporter’s recommendations:**

1. In the Chapel of Garioch section of appendix 8, make the following changes.

   Under “Vision” add the following new paragraph.

   “Provision for pedestrian movement between the two sections of the village is unsatisfactory, particularly for children walking to school. Opportunity should be taken to improve footway provision between the two sections and at the school.”

   Under “Services and Infrastructure” insert at the end of the third bullet point (after “….. Community Action Plan.”) the following sentence.

   “One facility that is needed is improved footway provision between the two sections of the village and at the school.”
2. In the Old Rayne section of appendix 8, under “Allocated Sites” and after the entry for site OP1 insert the following.

   “OP2: Barreldykes Allocation: 30 homes, business use and retail use

   “Part of the site is liable to flooding. A flood risk assessment will be required and its findings must be taken into account in the design of the development. The business and retail elements of the development should be built at the same time as the residential element. If they are not, particulars of how the business and retail elements are to be promoted and when they will be built must be provided. At least one footbridge across the Bonnyton Burn and a link to the existing path network must be provided. A landscaped public open space with a footpath must be provided alongside the Bonnyton Burn. The development should include six affordable homes.”

3. In the Old Rayne section of appendix 8, on the proposals map:

   show site Ga004 as a mixed use site with the reference OP2; and

   extend the settlement boundary so that it takes in the new OP2 site.

4. In the Oyne section of appendix 8, under “Allocated Sites” after the second sentence of the OP1 text (ending “… the site design.”) insert the following.

   “Development proposals must incorporate retention of boundary trees. The height of houses should not exceed 1½ storeys. A link to footpath access to Berry Hill should be provided. The existing recycling facility should be retained somewhere within the site.”
### Issue 54

**Shaping Garioch – Other Garioch Settlements AHMA West**

<table>
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<tr>
<th>Development Plan reference:</th>
<th>Appendix 8, Page Garioch 8</th>
<th>Reporter:</th>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

- **Cluny and Sauchen**
  - Stewart Milne Homes (409)
  - Mr & Mrs Howie and Mr & Mrs Brownie (560)
  - NHS Grampian (610)

- **Millbank**
  - NHS Grampian (610)
  - Sport Scotland (674)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority's summary of the representation(s):**

**Cluny and Sauchen**

**Services and Infrastructure**

There is no reference to healthcare contributions. This should be amended and contributions should go towards healthcare provision at Kemnay (610).

**Allocated Sites**

**OP1 Main Street**

The principle of development on site OP1 was established in the approved Sauchen Masterplan 2012. The OP1 allocation should be extended and the total number increased to 76 houses on the site (an additional 49 units) to match the Sauchen Masterplan. This would meet housing demand in the area, support the primary school and create a park and linkages in the community. The allocation would grow the village in an organic, high quality, sympathetic and considered manner. It would also utilise existing infrastructure. There are no constraints to development and the site would compensate for any sites found to be inadequate or undeliverable in the timescales of the Plan (409).

**Additional Sites**

**Bid Site Ga006**

Site Ga006 should be allocated for up to 100 houses, 2ha of business land and 2ha of
community facilities. It is a viable, deliverable housing site featuring community facilities (560).

Millbank

Settlement Features

The bowling green to the south of site P1 is an outdoor sports facility. The Proposals Map should reflect this and apply the appropriate policy protection (674).

Services and Infrastructure

There is no reference to healthcare contributions from development in the settlement. This should be amended and contributions should go towards Alford Medical Practice (610).

Modifications sought by those submitting representations:

Cluny and Sauchen

Services and Infrastructure

Amend the Settlement Statement to include contributions to healthcare facilities in Kemnay (610).

Allocated Sites

OP1 Main Street

Modify the OP1 allocation for an additional 49 houses (2016-2026) and extend the boundary as identified in the representation and the approved Sauchen Masterplan (409).

Additional Sites

Bid Site Ga006

Allocate site Ga006 for up to 100 houses, 2ha of business land and 2ha of community facilities (560).

Millbank

Settlement Features

Include the bowling green to the south of site P1 with a specific ‘P - Protected Land’ designation (674).

Services and Infrastructure

Amend settlement statement to include contributions to healthcare facilities in Alford Medical Practice (610).
Summary of response (including reasons) by Planning Authority:

Cluny and Sauchen

Cluny and Sauchen are located within a “local growth and diversification area”. In accordance with the Strategic Development Plan (SDP) 2014, the settlements are, therefore, appropriate for a level of growth related to local needs (see SDP 2014, Spatial Strategy, paragraph 3.43).

The proposed land allocations are largely unchanged from the Cluny and Sauchen Settlement Statement that was published as Supplementary Guidance in support of the Aberdeenshire Local Development Plan 2012 (see Local Development Plan 2012, Supplementary Guidance Volume G: Cluny and Sauchen). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Garioch, page 8 and the subsequent MIR 2013, Issues and Actions Paper 111: Cluny and Sauchen).

When considered at the MIR stage, it was initially concluded that no changes should be made to the settlements. However, in the light of submissions made to the MIR, it was agreed that a limited extension to the boundary of the OP1 site (formerly site H1 in the Local Development Plan 2012) would be appropriate. This change was made in order to provide the land required to accommodate the full 50 houses that were originally allocated for site H1 in the Local Development Plan 2012 as it had not been possible for all of these houses to be developed within the original allocation due to flood risk issues (see MIR 2013, Issues and Actions Paper 111: Cluny and Sauchen).

Services and Infrastructure

The decision not to include any reference to healthcare contributions from development in Cluny and Sauchen was taken at the Garioch Area Committee on 3 February 2015. The decision took into account a recent appeal (see the decision notices for application APP/2013/1905 and Planning Application Appeal POA-110-2004), which removed a requirement for healthcare contributions from the legal agreement attached to the planning permission for the OP1/H1 site in Sauchen (see Garioch Area Committee Minute, 3 February 2015).

Analysis of the appeal decision shows that the removal of the healthcare requirement was primarily due to the detailed wording of the legal agreement associated with the planning consent. The appeal did not examine the overall principle of requiring contributions from development in Cluny and Sauchen to healthcare facilities in another settlement (as is proposed by respondent 610). Aberdeenshire Council would not be opposed to the Reporter including the following wording, or a variation thereof, within the Services and Infrastructure section: “Health Facilities: All residential development must contribute towards healthcare facilities in Kemnay”.

Allocated Sites

OP1 Main Street

The proposal to further extend the OP1 site to accommodate additional housing was considered at the MIR stage (see site Ga049 in MIR 2013, Appendix Garioch, page 10).
The assessment acknowledged that the site is logically located, would have minimal landscape impact and would use existing infrastructure delivered as part of the already consented development. However, the MIR ultimately concluded that there are currently sufficient effective development sites within the Housing Market Area that satisfy the Strategic Development Plan’s requirements. It is maintained that this is the case (see Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy). There is therefore no need to extend the site to provide additional development land within the Plan and no modification is required in response to this comment.

Additional Sites

Bid Site Ga006

Site Ga006 was considered at the MIR stage, where it was concluded that the development would be of a scale that may support infrastructure improvements and that the proposal included community and employment facilities which are currently lacking within the settlement. However, the MIR concluded that the site is unsuitable as it is visually intrusive and that the development would be out of scale with the existing village (see MIR 2013 Appendix Garioch, page 10 and the subsequent MIR 2013, Issues and Actions Paper 111: Cluny and Sauchen).

Whilst the further comments in support of this site are noted, it is maintained that the above concerns remain valid. The development would also result in the loss of a large area of prime agricultural land, contrary to the objectives in Scottish Planning Policy, paragraph 80. There is no justification for allocating land on this scale within the settlement as there is an adequate supply of deliverable housing sites within the Aberdeen Housing Market Area (see Schedule 4 Issues 7 & 8: Housing Land Supply and Housing Land Spatial Strategy). Whilst it is noted that the proposal would include the provision of community facilities, it is not considered that these benefits are sufficient in themselves to justify the scale of development proposed. No change is required.

Millbank

Settlement Features

It is acknowledged that the bowling green adjoining the P1 site is an important recreational amenity. As such, it would be offered a level of protection from inappropriate development by Policy P3 of the Proposed Plan, which states that development will be supported on unallocated sites within a settlement boundary as long as it will not erode the amenity of the surrounding area. A specific designation is therefore unlikely to be necessary to prevent inappropriate development from taking place on this site.

Nevertheless, it is accepted that the bowling green, together with the adjoining playing field and tennis courts, which are already subject to the P1 designation, essentially form a single area of outdoor recreation provision within the settlement. Aberdeenshire Council would therefore not be fundamentally opposed to the Reporter making the modification proposed by respondent 674. However, it should be noted that no consultation has been undertaken with the landowner, as this proposal was not raised during earlier stages of Plan production. For the reasons outlined in paragraph 64 of Circular 6/2013 Development Planning, there may therefore be procedural difficulties with applying a protected designation to this site at this stage in the production of the Plan.
Services and Infrastructure

The Proposed Plan was drafted following consultation with NHS Grampian regarding developer obligations towards healthcare facilities. Initial advice indicated that developments in Millbank would not be required to contribute towards healthcare facilities. However, clarification has been obtained from respondent 610 and it has been confirmed that developments in Millbank should contribute towards healthcare facilities in Alford. On this basis, Aberdeenshire Council would not be opposed to the Reporter modifying the Plan to include the following text, or a variation thereof, within the ‘Services and Infrastructure’ section: “Health facilities: All residential development must contribute towards healthcare facilities in Alford”.

Reporter’s conclusions:

Cluny and Sauchen - healthcare

1. I note that appeal POA/110-2004 was allowed because of the wording of the obligation. The decision did not say that it was inappropriate in principle to seek a healthcare contribution. I also note that text for a number of other communities in appendix 8 of the proposed plan, under “Services and Infrastructure”, says that residential development must contribute to healthcare facilities. Similar wording is suggested by the Council in its response to representation 610.

2. Matters relating to health-care provision are addressed in Issue 15: Responsibilities of Developers. The proposed plan recognises that the scale of proposed development may impact on other infrastructure including health and community facilities. The conclusion on that issue is that there is a current lack of information on the scale of such requirements and how this should be addressed. Whilst it may be appropriate to seek contributions for such provision, any requirement would need to be considered on a case-by-case basis where a clear justification can be provided in the context of Circular 3/2012. The feasibility of including such additional contributions and the impact on development viability would also have to be assessed.

3. I have no information as to what existing healthcare facilities there might be in Kemnay and whether they are unable to meet any additional demands arising from new housing in Cluny and Sauchen. Nor do I have information about any plans and funding that might exist to upgrade or increase the capacity of healthcare facilities in Kemnay. Situations can change over time, and it might be that any present lack of necessary facilities in Kemnay would be made good prior to housing being built at Cluny and Sauchen.

4. Taking into account all the foregoing, I find that it has not been demonstrated that there is bound to be a requirement for a healthcare contribution and that such a contribution would accord with the five tests in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. For these reasons, in the text suggested by the Council “must” should be replaced by “may be required to”. With this change, I find that the Cluny and Sauchen section of the proposed plan should be altered to make reference to healthcare.
5. The current local development plan allocates a site for up to 50 houses at Main Street. Identification of flood risk meant that the development that has now taken place on the allocated site is of 23 houses. In the proposed plan, the Main Street site is extended to the south-east to form the Sauchen OP1 site. This would permit erection of a further 27 houses, thus achieving the amount of development envisaged in the current plan. The representation seeks a further south-east extension of the housing site, to permit erection of an additional 49 houses.

6. I note that the proposed plan, in the text for site OP1 at Sauchen, makes reference to the master plan that the Council approved in October 2012. This master plan shows the overall development of 99 houses.

7. From my inspection, I find that the eastern part of Sauchen occupies land that is generally flat and low-lying. These characteristics also apply to the land within OP1. The one-and-a-half storey houses that have been built on the northern part of the OP1 site are, in terms of the surrounding landscape, unobtrusive. I find no reason why houses on the balance of the OP1 site and on the sought-for extension to the south-east should not be similarly unobtrusive. The southern boundary of the extension would be identified by the private access to Mill of Sauchen.

8. From submissions, I find that, in terms of infrastructure provision, there is no impediment to the extension of OP1.

9. The Council rejects extension of the Sauchen OP1 site because, within the housing market area, there are sufficient effective development sites to satisfy the requirements of the strategic development plan. I note that Cluny and Sauchen are located within a local growth and diversification area (Aberdeen City and Shire Strategic Development Plan, page 22) and that levels of growth in individual settlements should relate to local needs.

10. Housing land supply is considered under issue 7. The conclusion under issue 7 is that there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.

11. From all the foregoing, I find that the Sauchen OP1 site should be extended. I am satisfied that:

\begin{itemize}
  \item the extension area is capable of enabling house completions within the plan period;
  \item the extension would ensure provision of a generous supply of housing land to meet local needs;
  \item a flood risk assessment would identify which part of the extended site should not be used for built development;
  \item development on the extended site would not have unacceptable adverse impacts, would not conflict with other plan policies and would not conflict with the strategy of the development plan; and
\end{itemize}
a structured environmental assessment process has been undertaken and there is evidence that public engagement has taken place through the site’s identification in the council’s Main Issues Report and through public consultation associated with preparation of the master plan: none of this demonstrates any reason why the extension area is not suitable for housing development.

12. My conclusion is that the Sauchen OP1 site should be extended. The proposed plan should be altered accordingly.

Sauchen - bid site Ga006

13. Bid site Ga006 covers an area of about 16 hectares on the west side of Sauchen. This is a larger area than that occupied by the present built-up area of the village. The southern boundary of the site adjoins a section of the A944 road. The post-and-wire fence on this boundary is of no landscape significance. The southern third of the site rises gradually up from the road and is open to view from passing traffic. The northern two-thirds of the site have a north aspect and are not visible from A944.

14. The western boundary of the existing built-up area of the village is almost wholly screened by perimeter tree and shrub planting. This creates a robust boundary. The western boundary of Ga006 is not marked by a landscape feature of any significance. The northern boundary is marked in part by a hedge on the south side of the track to Mains of Sauchen. I note the proposal that structure planting be provided as part of the development. This would take time to become established. Given the topography and the need for access into the site, I find that, even with established structure planting, the landscape impact of the proposed development is likely to be considerable. For users of the A944, the proposed development would not be readily perceived as an extension to Sauchen because the existing village is so well-screened from view from A944.

15. I note that a residential allocation for site Ga006 would provide the opportunity to consider new community facilities. Part of the site would be for business, employment and local retail. I find that these non-residential aspects of the proposal would be very worthwhile in a village that has a limited range of facilities. I am less convinced of likely success in attracting these other uses to this site. The representation contains little if any evidence to show that there is a demand for business and employment land in this part of Garioch. I am not satisfied that business and employment development would be likely to be attracted to the site within a timescale similar to or not much longer than the timescale for housing development.

16. The representation refers to the possibility that the H1 site in the existing local development plan may not be fully deliverable. This is true, in that part of the site has been identified as being unsuitable for development because of flood risk. The proposed plan compensates for this by including an enlarged version of H1 in the form of the Sauchen OP1 site. In the preceding section of this report, I have concluded that OP1 itself should be extended.

17. I note that site Ga006 is prime agricultural land. Scottish Planning Policy, at paragraph 80, says that development on prime agricultural land should not be permitted except, among other things, where it is essential as a component of the settlement strategy or necessary to meet an established need. Thus the prime agricultural land classification is not necessarily a bar to development. However, I find that development on Ga006 is not essential as a component of the settlement strategy and site OP1,
extended as recommended, would be sufficient to meet local needs. In these circumstances, the proposed development of Ga006 would be contrary to paragraph 80 of Scottish Planning Policy.

18. It is contended that there are flaws in the Council’s housing land supply arguments. Housing land supply is considered under issue 7. The conclusion under issue 7 is that there is a sufficient supply of land effective or capable of becoming effective in the plan period. Nevertheless completions to 2016 have fallen behind the target set out in the strategic plan and this provides some justification for the inclusion of appropriate additional housing sites.

19. In the present case I do not consider inclusion of Ga006 as a housing site is justified. Development on the site would have a significant adverse landscape effect. The Sauchen OP1 site plus the extension to it that I am recommending provides an alternative, more satisfactory site for new housing at Sauchen. The size of site Ga006 is excessive in relation to the size of the existing village. Housing on Ga006 would constitute an inappropriately large addition to the village when development on the extended OP1 site is taken into account. Development on Ga006 would result in loss of prime land contrary to Scottish Planning Policy.

20. My conclusion is that site Ga006 should not be included in the proposed plan as a development site. The plan need not be altered.

Millbank - bowling green

21. In the proposed plan, the playing field is designated as protected land. The adjacent bowling green is not included in the protected land designation. I find that this suggests that the amenity importance ascribed to the playing field does not apply to the bowling green.

22. I note the Council’s reference to policy P3. If policy 3 is adequate to protect the bowling green, it is not clear to me why policy 3 is not also adequate to protect the playing field and why the latter is designated as protected land.

23. I am not convinced that policy 3 affords the same protection as a protected land designation. It could be argued that not eroding the character or amenity of the surrounding area is a requirement that would be met if a proposed development were suitably designed and caused no unacceptable detriment to its neighbours. This part of policy 3 makes no reference to retaining facilities that are seen as having value to the local community.

24. I find that the bowling green at Millbank is likely to be a valuable community asset in a rural area where such facilities are relatively scarce. For this reason, it merits protection.

25. From the foregoing, it appears to me that the change sought in the representation is justified, and the proposed plan should be altered accordingly.

Millbank - healthcare

26. Matters relating to health-care provision are addressed in Issue 15: Responsibilities of Developers. The proposed plan recognises that the scale of proposed development
may impact on other infrastructure including health and community facilities. The conclusion on that issue is that there is a current lack of information on the scale of such requirements and how this should be addressed. Whilst it may be appropriate to seek contributions for such provision, any requirement would need to be considered on a case-by-case basis where a clear justification can be provided in the context of Circular 3/2012. The feasibility of including such additional contributions and the impact on development viability would also have to be assessed.

27. I have no information as to what existing healthcare facilities there might be at Alford Medical Practice and whether they are unable to meet any additional demands arising from new housing at Millbank. Nor do I have information about any plans and funding that might exist to upgrade or increase the capacity of healthcare facilities at Alford. Situations can change over time, and it might be that any present lack of necessary facilities in Alford would be made good prior to housing being built at Millbank.

28. Taking into account the foregoing, I find that it has not been demonstrated that there is bound to be a requirement for a healthcare contribution and that such a contribution would accord with the five tests in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. For these reasons, in the text suggested by the Council “must” should be replaced by “may be required to”. With this change, I find that the Millbank section of the proposed plan should be altered to make reference to healthcare.

**Reporter’s recommendations:**

1. In the Cluny and Sauchen section of appendix 8, under “Services and Infrastructure” add the following new bullet point.

   “Health facilities: All residential development may be required to contribute towards healthcare facilities in Kemnay.”

2. In the Cluny and Sauchen section of appendix 8, under “Allocated Sites” amend the text for OP1 Main Street as follows.

   (a) After “Allocation” delete “Up to 50 homes” and put instead “99 homes”.

   (b) In the first paragraph of text, delete the last sentence (“The boundary …. on the site.”) and put instead:

   “The boundary of the allocation has been extended further to the south-east. This will allow construction of 50 houses, as originally envisaged, and construction of an additional 49 houses.”

   (c) In the third paragraph of text, delete the last sentence (“The remaining ..... affordable homes.”) and put instead:

   “The remaining 76 houses (on the extended part of the allocation) should include a mix of house types, including nineteen affordable homes.”

3. In the Cluny and Sauchen section of appendix 8, on the Cluny and Sauchen proposals map:
(a) extend site OP1 to the south-east so that it includes the area identified on the plan that accompanies representation 409 (Stewart Milne Homes); and

(b) amend the settlement boundary so that it takes in the site OP1 extension.

4. In the Millbank section of appendix 8, under “Settlement Features” delete the text for P1 and put instead the following.

“To conserve the playing field and the bowling green as important local amenities.”

5. In the Millbank section of appendix 8, under “Services and Infrastructure” add the following new bullet point.

“Health facilities: All residential development may be required to contribute towards healthcare facilities in Alford.”

6. In the Millbank section of appendix 8, on the proposals map extend the protected area designation so that it includes the adjoining bowling green and its associated parking area.
## Issue 55

**Shaping Kincardine and Mearns - Drumoak**

<table>
<thead>
<tr>
<th>Development Plan reference:</th>
<th>Appendix 8, Page Kincardine and Mearns 16</th>
<th>Reporter: Christopher Warren</th>
</tr>
</thead>
</table>

### Body or person(s) submitting a representation raising the issue (including reference number):

Helen Smith (49)
Stewart Milne Homes (278, 279)
Bancon Developments Ltd (709)

### Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

### Planning Authority's summary of the representation(s):

#### Allocated Sites

**OP1 Land to the North of Sunnyside Farm**

A respondent objects to site OP1 on grounds of safety of school pupils, increased traffic, lack of amenities (shop, bus stops, and petrol station), loss of wildlife and loss of privacy (49).

Site OP1 has planning permission for 33 houses which have recently been completed. A development bid was submitted to the Main Issues Report (MIR) to increase the allocation number for the site by 15-20 homes. This proposal is entirely sustainable in accordance with Scottish Planning Policy (SPP, unreferenced) and makes efficient use of the existing capacity of an already allocated site within the settlement boundary. Allocating an additional 9 houses to the site would allow for the site to be built out to a similar density to that already completed. The representation contends that the development would accord with SPP and the Aberdeen City and Shire Strategic Development Plan (SDP, unreferenced). A flexible approach is necessary to ensure provision of the housing allocations set out in the SDP. To limit development to only part of the site will leave an area of surplus land with no beneficial use (279).

#### Additional Sites

**Bid Sites KM060, KM061 and KM062**

Development bids (KM060, KM061 and KM062) were submitted to the MIR. The MIR and the Proposed Plan recognise the need and demand for housing in Drumoak but fail to allocate any additional land. It is not accepted, as claimed by the Council, that the settlement needs a period of consolidation to integrate the existing development (278).

The scale of development through the bids is significant but there is no compulsion to
accept any bid in its entirety and it would be appropriate to phase over both periods of the Plan. Bid KM062 could be integrated into the village and accessed from the OP1 site, development of KM060 would allow the provision of a through road and site KM061 is particularly well contained in landscape terms (278).

Bid Site KM075

A site at Drumoak West is identified for around 30 dwellings and the Proposed Plan identifies much of this land as “protected” as P4 to conserve the woodland setting and recreational area. The protection is appropriate for part of the site but the P4 designation is excessive and the woodland would be more usefully conserved and utilised by allowing the incorporation of a modest housing development. The site can be accessed from the A93 and the site is entirely contained within woodland. The small scale development should not generate any significant cumulative traffic impact. There will be capacity at the new Drumoak Primary School, and the roll of Banchory Academy is expected to fall over the next 5 years and be under capacity by 2021 (709).

Modifications sought by those submitting representations:

Allocated Sites

OP1 Land to the north of Sunnyside Farm

Delete the undeveloped part of site OP1 (49).

The number of units allocated to the OP1 site should be increased from 35 to 44 in order to accurately reflect the capacity of the site. Consequential amendments should be made to Appendix 5 to reflect an increased allocation (279).

Additional Sites

Bid Sites KM060, KM061 and KM062

An additional Site OP2 (consisting of all or part of Main Issues Report sites references KM060, KM061 and KM062) should be allocated for around 40 residential units. Consequential additions should be made to Appendix 5 to allow for that development in the period 2017-2026 (278).

Bid Site KM075

The land at Drumoak West should be included in the 2016 LDP, contributing towards the 500 house shortfall identified. The site can deliver around 30 houses in the 2017-2026 Plan period. Accordingly, the P4 protected area should be amended to cover the woodland only, and not the open ground on which this proposal is located (709).

Summary of response (including reasons) by Planning Authority:

Drumoak is located in the Aberdeen Housing Market Area within a "local growth and diversification area". The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this
area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 10-13 and the subsequent MIR 2013, Issues and Actions Paper 138: Drumoak). As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area.

Services and Infrastructure

As a result of a non-notifiable modification to the Settlement Statement for Banchory (see Schedule 4 Issue 67: Banchory), a minor technical change will be made to delete: “Waste and Recycling: All development must contribute to a Household Waste and Recycling Centre in Banchory” from the Drumoak Settlement Statement.

A minor technical change will be made to the secondary education point to state, “Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.” This has been updated to reflect the current position with regards to meeting capacity at Banchory Academy and has been confirmed by Aberdeenshire Council’s Learning Estates Team and subsequently agreed by the Marr Area Committee (see emails of 7 August 2015 and 11 November 2015). This is intended to offer flexibility in terms of delivering secondary education provision in Banchory and surrounding catchment.

Allocated Sites

OP1- Land to the north of Sunnyside Farm

The OP1 site was allocated within the 2012 Local Development Plan (LDP) and at the Examination the Reporter noted that the proposed allocation was consistent with the Council's key planning objectives for the village, would help to meet the local need for housing, and would support local services, without placing undue further pressure on schools or waste water infrastructure (Examination Report – Aberdeenshire Local Development Plan 2012, page 628-629).

A bid was received to increase the number of homes on the site. While this bid received some positive comments in the MIR regarding the possible development of the remainder of the site, this was only possibly because of the higher density of housing being developed on the site through approval of application APP/2013/0196 for 33 houses (see Decision Notice). The level of supporting information provided to justify this addition was very limited. In response to the Main Issues Report (MIR) arguments were promoted by the developer that the additional development should be allowed on the basis of deficit in the housing land supply and the availability of school capacity. This first Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted.

Although there is no need for additional housing and no change is required a planning application, APP/2014/3232, for Full Planning Permission was submitted for an additional 11 houses on the OP1 site which was refused in December 2014. This decision has since been appealed and the decision to grant Full Planning Permission was given by the Local
Review Body in July 2015 (see Decision Notice). As planning permission has been granted a non-notifiable modification requires to be made to the LDP to update the development brief to reflect the agreed capacity in relation to the site. The second sentence should be changed to read: “The site has full planning permission for 33 homes and associated infrastructure, where development is now complete. A second planning application has now been granted full planning permission for a further 11 homes subject to a Section 75 Agreement.”

Additional Sites

There are several requests for more land to be allocated in Drumoak but as demonstrated in Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Bid Site KM060, KM061 and KM062

The sites supported by Stewart Milne Homes were all bids to the MIR. Site specific comments were received from the developer in support of the sites and in relation to housing land supply issues (see MIR Report 2013, Appendix Kincardine and Mearns, page 10-13 and the subsequent MIR 2013, Issues and Actions Paper 138: Drumoak). Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted for any of the three development bids and in this context the Council can have no confidence that any of these sites is an appropriate addition to the Plan. No change is required.

Bid Site KM075

The Drumoak West site (KM075) was a bid to the Main Issues Report, where the Council’s response was that the site would give an opportunity to enhance the protected area which could be seen as a benefit but there was issues raised over overshadowing, education and wastewater treatment capacity. The issue was also raised that the majority of the site is within a protected area in the LDP. Developer support was received in response to the MIR for the allocation of the site. In response to the Proposed Plan the developer has submitted plans of what the proposed access arrangements would be for the site but neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted for the site. No change is required.

Reporter’s conclusions:

Services and Infrastructure

1. The changes proposed by the planning authority are consequential amendments that do not relate to unresolved representations specific to Drumoak. It is therefore beyond the scope of the examination to consider this change.

OP1 – Land to the north of Sunnyside Farm

2. A representation requests that the number of dwellings permitted on this existing allocation be increased from 33 to 44 units. 33 units have already been completed and given that planning permission has now been granted subject to a section 75 agreement
for an additional 11 units, I agree with the planning authority that modifications to the plan
should be made to reflect this. I note that another representee raised some concerns
regarding the increased allocation but these matters have been overtaken by events.
Furthermore, noting the conclusions in Issue 7, site capacities should be regarded as
indicative in any event.

**Bid sites KM060, KM061 and KM062**

3. All three of these bid sites are being promoted by the same developer. Whether
considered individually or in combination, they would represent substantial extensions to
the village. The sites are not without merit and I consider that all three sites could, in the
main, be developed without giving rise to unacceptable impacts upon the landscape and
setting of the village. I consider the most challenging area to be toward the northern
boundary of KM062, which is prominent due to the topography and it is relatively remote
from the village centre and services. I note that the indicative masterplan provided by the
representee shows this area to be proposed for a “community park”, which would
effectively address these concerns.

4. The representee recommends a phased approach to these sites (which in total have
an estimated capacity for over 500 dwellings) and requests an allocation for an
additional 40 dwellings during the new plan period. Whilst in theory it would be possible to
allocate a proportion of one of these sites for development during this plan period, it is
likely that to achieve a satisfactory relationship with the village as a whole (for example,
increasing permeability rather than reinforcing the cul-de-sac layout which is predominant
currently) and to realise the wider benefits referred to in the indicative masterplan, further
development beyond the immediate allocation would be essential.

5. Growth of this scale would likely go some way beyond the scale of development
envisioned by the strategic plan for a settlement within the ‘local growth and diversification
area’ however, with paragraph 3.43 making clear that the scale of growth should relate to
local needs; this issue has not been adequately addressed in representations. A larger
scale development would also potentially give rise to environmental and infrastructure
implications however, and in the absence of any substantive evidence in this regard, I
cannot safely conclude that development of the scale ultimately proposed would be
appropriate in this location.

6. Bearing in mind the conclusions from Issue 7, I recognise that there is some
justification for the inclusion of appropriate additional sites where these could assist in
achieving a higher rate of completions over the plan period. However, taking into account
all the relevant planning considerations I do not consider inclusion of these sites is justified
at this time, as the nature and extent of infrastructure or other constraints (and whether
these could be addressed) is unclear.

**Bid site KM075**

7. This site is being promoted by a developer as a residential site for around 30
dwellings. Approximately two thirds of the site falls within protected land designation P4,
which has been identified “to conserve the woodland setting and the recreational area as
amenities for the village”. The representee has contended that the area included within
the P4 designation is excessive, but does not go on to explain the reason for this
assertion. Whilst I acknowledge that the designated area extends beyond the area of
established woodland, during my site inspection I found that the site does make a positive
contribution to the setting of the village.

8. Despite this, if development was to be permitted on this site it would remain surrounded by woodland which is part of the P4 designation (and the appropriateness of which is acknowledged by the representee) to the west and south. The indicative site layout reaffirms my concerns that the proximity of these trees may lead to overshadowing of some dwellings and their curtilages, which would reduce the level of residential amenity afforded to them and potentially lead to pressure for the removal of trees. From the submitted information I cannot safely conclude that the site could satisfactorily accommodate the approximate number of dwellings being sought. I note also that a similar concern was raised by the planning authority in its consideration of this site in the Main Issues Report. In light of the above assessment, I do not consider an amendment to designation P4 to be adequately justified. As it is not clear whether the site’s constraints could be addressed nor would its allocation for housing be appropriate at this time.

** Reporter's recommendations:

1. Amend the OP1 allocation from “Up to 35 homes” to “44 homes”.

2. Delete the second sentence of the OP1 development brief and replace with:

“The development of 33 homes and associated infrastructure has been completed. Full planning permission has been granted for a further 11 homes subject to a Section 75 Agreement”.

3. Amend Appendix 5 Table 1 and Table 6 to reflect the revised allocation.
### Issue 56
**Shaping Kincardine and Mearns - Laurencekirk**

| Development Plan reference: | Appendix 8, Page Kincardine and Mearns 40 | Reporter: Christopher Warren |

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Shell UK Limited (45)
- Kirkwood Homes Ltd (108)
- BP Midstream Pipelines (375)
- Scotia Homes Ltd (405)
- Nestrans (566)
- Rhys Anderson of Burnton Farmhouse (588)
- Scottish Government (648)
- Angus Council (788)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

A respondent objects to the Nestrans/Transport Scotland “Access to Laurencekirk” STAG report, which is delaying a current application for 310 homes and the delivery of housing land on site OP1. Transport Scotland is unwilling to discuss the Transport Assessment (TA) for a current planning application until the study is published. This TA states that the current road network would allow for 310 homes, and a grade separated junction is not required until road safety issue arise relating to the later phases of site OP1. The respondent is willing to make developer contributions for a grade separated junction and deliver the distributor road, but nothing over and above what is required as a result of their development (108).

The introduction should refer to the ongoing study into Access to Laurencekirk as a ‘Nestrans/Transport Scotland Study’ and specific reference should be made to the need for developers to deliver the outcomes of the study by contributing towards safe accesses on to the A90 (566).

The Plan does not satisfactorily detail the current Transport Scotland position on Laurencekirk that no development should be permitted prior to a scheme of grade separation being in place. The Access to Laurencekirk study is currently considering the potential solutions for the A90(T) and any future design and/or construction works are dependent upon funding and delivery options. The issues of future development at Laurencekirk and potential improvements to the A90(T) are important issues which developers require to be aware of upfront, therefore, the LDP should be clear on this and the potential implications (648).
The improvement of infrastructure onto the A90(T) road is a matter of common concern with Angus Council and requires planning approval for the significant sites in Laurencekirk to be linked to the required upgrade of the junctions onto the trunk road. However this is only once a final option is identified through consultation on the “Access to Laurencekirk” study that there can be any certainty in terms of costs, funding and timing. It is vital that, given the strategic nature of the impacts, there is a national or strategic approach to funding any scheme(s) identified.

Settlement Features

P1 is not in community use at present, and it is difficult to understand why it is to be protected. No justification has been given protection of this land and it seems an arbitrary distinction to exclude this ground from potential development use, when the ground to the immediate north is not. There is no need to buffer the village to the A90(T). Developments at Stonehaven, Portlethen and Newtonhill over the past twenty years have shown that land can be successfully utilised right the way up to the A90(T).

Allocated Sites

OP1 North Laurencekirk

Support was received for the OP1 development of 885 houses, 11 ha of employment land and 16 ha of strategic reserve land.

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to Site OP1.

OP1 North Laurencekirk, OP2 Off Blackiemuir Avenue/ East of Westmuir and OP3 Garvocklea Phase 2

Although the LDP contains a high level reference in the general text under local transportation infrastructure to the need for contributions to grade separated access, this must be included as a specific requirement in the descriptions of the allocations.

Additional Sites

New Site Land to the south of High Street

This site is not currently allocated in the proposed LDP although it has PPP APP/2010/2823 for a mixed use development. A detailed application APP/2010/2822 for 77 homes and 8 commercial units has been granted subject to legal agreement. The site should be allocated for up to 80 homes and commercial/ employment land.

Modifications sought by those submitting representations:

Vision

The reference to the Nestrans/Transport Scotland “Access to Laurencekirk” STAG Report should be removed.

The Vision should refer to the ongoing study into Access to Laurencekirk as a
"Nestrans/Transport Scotland Study' and specific reference should be made to the need for developers to deliver the outcomes of the study by contributing towards safe accesses on to the A90(T) (566).

It is recommended that the Laurencekirk Settlement Statement and the Action Programme should be amended to specifically state that no development shall be permitted prior to a scheme of grade separation being in place on the A90 (T) at Laurencekirk (648).

The Proposed Plan should recognise the possibility of a more strategic approach to solutions on the A90 (T), including potential funding sources (788).

Settlement Features

The P1 designation should be removed from the Proposed Plan (588).

Services and Infrastructure

The Proposed Plan should not solely rely on Developer Contributions to fund junction improvements and/or upgrades on the A90 (T) in the Kincardine and Mearns area. The broader range of potential funding sources for grade separated access to the A90(T) should be reflected in the Settlement Statement (788).

Allocated Sites

OP1 North Laurencekirk

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the text for Site OP1 (45, 375).

OP1 North Laurencekirk, OP2 Off Blackiemuir Avenue/ East of Westmuir and OP3 Garvocklea Phase 2

The need for contributions to grade separated access must be included in the development briefs for OP1, OP2 and OP3 (566).

Additional Sites

New Site Land to the south of High Street

Include Land to the south of High Street as a site in the LDP (405).

Summary of response (including reasons) by Planning Authority:

Laurencekirk is located within the South of Drumlithie to Laurencekirk Strategic Growth Area and within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan (SDP) Spatial Strategy identifies in Paragraph 3.37 that housing and employment development is proposed, but on a more limited scale than in the Aberdeen Housing Market Area. The proposed land allocations are essentially unchanged from the Laurencekirk Settlement Statement (see Local Development Plan 2012, Supplementary Guidance Volume H: Laurencekirk). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and
As demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area.

With reference to the Examination Report for the Aberdeenshire Local Development Plan (page 403 paragraph 31) it remains true that “there are strong reasons for concentrating development on a single site which is large enough to support the infrastructure required to enable the planned expansion of Laurencekirk”. The Reporter made these remarks while acknowledging that “Laurencekirk is the logical location to accept the lion’s share of the Structure Plan allocation” (page 388, paragraph 3) and the rate of development in Laurencekirk was such that there would be a substantial shortfall when compared to the expectations of the Aberdeen City and Shire Structure Plan 2009 (see page 27) and of the Examination Report for the Aberdeenshire Local Development Plan 2012 (see page 403 paragraph 27). He also noted that given historic build rates in Laurencekirk it was most unlikely that the level of development anticipated in the Structure Plan could have been achieved within the Plan periods, even if no such constraints existed (page 403 paragraph 29).

Ministers approved the Strategic Development Plan in 2014 without change to the scale of the allocations in the South of Drumlithie to Laurencekirk Strategic Growth Area. In the Report To Scottish Ministers on the Proposed Aberdeen City and Shire Strategic Development Plan (page 131, paragraph 10) and in the context of considering extending the Strategic Growth Area the Reporter noted with reference to the allocations in the Aberdeenshire Local Development Plan 2012 that “Those allocations at Laurencekirk clearly have the opportunity to support the maintenance and enhancement of local services”. The opportunity was not taken to change the allocations in this part of the Strategic Growth Area despite the known issues.

**Vision**

The Nestrans/Transport Scotland “Access to Laurencekirk” study is important as it both quantifies the significant Trunk Road infrastructure constraints affecting further development in Laurencekirk and presents a preferred solution. It neither costs nor presents a route map for the procurement of the preferred solution. Transport Scotland are clear that this affects all future growth of Laurencekirk and is not solely limited to the later stages of OP1. We agree with this point of view, even though Planning Circular 3/2012 would suggest that by disaggregating the development of OP1 a number of houses could be built prior to that development “needing” full grade separation. Innovative models of infrastructure procurement could be considered to facilitate house building in Laurencekirk, such as a Local Transport Fund, to fairly and equitably assign a share of costs to developments in both Aberdeenshire and Angus. Until there is greater clarity on the costs and proposed funding model the identification of a means of procurement remains outwith the scope of the Proposed Plan. Until this time, it remains appropriate to maintain a reference in the Settlement Statement to the need for contributions to be sought for grade separated access onto the A90 from all development sites. Greater clarity could be introduced through adding a penultimate sentence as follows “As the issues with access to the A90 (T) are partly the result of traffic growth not associated with new development it is likely that a broader range of funding sources will have to be employed beyond developer obligations”.

A non-notifiable modification is proposed within the Vision to rename the Transport
Scotland study to the Nestrans/Transport Scotland ‘Access to Laurencekirk’ Study (2015). Aberdeenshire Council would not be opposed to the Reporter making the above non-notifiable modifications, or a variation thereof.

The current Transport Scotland position regarding development in Laurencekirk is accurately expressed in the settlement statement as in the vision it states “However, there are significant road infrastructure issues which need to be resolved before further development can occur”.

Settlement Features

P1 is protected to provide a landscape buffer as an amenity for the village. The south eastern edge of the OP1 site also falls within the middle zone of the PADHI guidelines associated with the BP Pipeline to the east of the village. This restricts housing developments of more than 30 houses. Protecting the land as open space and not promoting it for development remains the most suitable option. Experience from other settlements may not always demonstrate best practice and ample development lands is otherwise provided in the settlement. No change is required.

Services and Infrastructure

It is noted within the Settlement Statement for Laurencekirk under the vision for the settlement and the Services and Infrastructure section that an upgrade to the A90(T) junction is required. It is not thought that developer contributions are the only method in which to gather money for the upgrade to the A90(T) which is why the statement also features in the vision for the settlement to show that it is an overall aim and not just an aim from which future development must contribute. However, for clarity a further non-notifiable modification could be added to the Local Transportation Infrastructure section to add “a last sentence: “A variety of sources of funding will be required to deliver Trunk Road improvements”. Aberdeenshire Council would not be opposed to the Reporter making the above non-notifiable modifications, or a variation thereof.

Allocated Sites

OP1 North Laurencekirk

The support for the allocation is noted.

It is acknowledged that part of Site OP1 lies within a pipeline consultation zone. A non-notifiable modification is, therefore, proposed to add a reference to this and the requirement for affected developments to comply with the Health and Safety Executive’s PADHI guidance in the supporting text. Please see the Schedule 4 Issue 10: Shaping Places for more information and details of the proposed non-notifiable modification.

OP1 North Laurencekirk, OP2 Off Blackiemuir Avenue/East of Westmuir and OP3 Garvocklea Phase 2

It is not seen as necessary to include the reference regarding the requirements for contributions into the allocation box as there is specific reference under the Services and Infrastructure section. No change is required.
Additional Sites

New Site Land to the south of High Street

The site was not received as a bid site to the Main Issues Report so has therefore not be subject to the same level of public consultation or rigorous assessment as the other sites within the Proposed Local Development Plan. This site does not have planning permission a Section 75 Agreement has still to be agreed relating to providing a grade separated junction onto the A90 (see K&M Committee Report and Minutes of Meeting and ISC Minutes of Meeting). This condition places a degree of uncertainty onto the site as the Section 75 Agreement is still outstanding after the original Committee decision in 2011. Should planning permission be approved before the Plan is adopted a new site OP3 will be introduced into the Plan as a non-technical modification.

Reporter’s conclusions:

Introduction

1. The allocations in Laurencekirk (and particularly site OP1) are of strategic importance to achieving the housing and employment allowances for the Aberdeen to Laurencekirk Strategic Growth Area established by the strategic plan. Within this strategic growth area, the vast majority of the housing allowance for the identified ‘sub-area’ south of Drumlithie – Laurencekirk (referred to by figure 4 of the strategic plan) would be met by the Laurencekirk allocations.

2. In my assessment below relating to unresolved representations, it is clear that there is some uncertainty stemming from the requirements for a grade-separated junction between the A937 and A90 dual carriageway mooted by Nestrans and Transport Scotland. Whilst it is not being contested that these road infrastructure upgrades would be necessary to accommodate the full quantum of development planned for Laurencekirk, details of how, when and where these junction improvements would be delivered remain unconfirmed. The proposed plan places a degree of reliance upon the Nestrans/Transport Scotland ‘Access to Laurencekirk’ Study (2015) (which for brevity I shall refer to as the ‘transport study’) which, as the planning authority has explained, quantifies the trunk road constraints and presents a preferred solution. The costs associated with this solution are unknown however as no detailed proposals have been produced.

Vision

3. The vision statement makes clear reference to the transport study’s findings as having implications for all future development in Laurencekirk. The promoter of site OP1 requested that this reference be removed from the plan because of a delay in the publication of the transport study, which in turn was delaying the determination of planning applications. Given that the transport study has now been published this matter has at least in part resolved itself.

4. Development of the scale proposed in Laurencekirk would inevitably place additional pressure on the nearby junctions with the A90, and in this context I consider it to be justified for the vision to state that the study “…will have an impact on future applications in Laurencekirk”. The need for junction improvements is not being contested and the findings of the transport study are capable of being material to all decision-making, at least
until such time that these upgrades have been made.

5. From the evidence before me, there is continuing disagreement and a lack of clarity over whether the A90 junction upgrades are required before any development in Laurencekirk can go ahead, or whether the situation is such that there is existing capacity and the junctions are adequate in other respects (for example, from a road safety perspective) for some development to take place in advance of junction upgrades being in place. It is however clear that the case for a grade-separated junction is not based solely on accommodating new development in Laurencekirk and there is appetite for these improvements based on the current situation.

6. Transport Scotland’s quoted position is that “…no development shall be permitted prior to a scheme of grade separation being in place”, and the planning authority has confirmed that it shares this view. This position is challenged by the promoter of site OP1, given that a transport assessment (TA), prepared in support of an application for the first phase of 310 dwellings on the site, demonstrates that the existing road network has sufficient capacity for that phase of development.

7. Paragraph 20 of Circular 3/2012 (‘Planning Obligations and Good Neighbour Agreements’) advises that developers can reasonably be expected to pay for or contribute to “…infrastructure which would not have been necessary but for the development”. It also makes clear that it is legitimate to take account of the cumulative impacts of proposed developments, so that costs can be shared. The planning authority has acknowledged that the approach outlined in Circular 3/2012 (the purpose of which is to set out the Scottish Government’s policies on implementing legislation) would indicate that a proportion of the OP1 site could be developed prior to full grade separation of the A90 junction being needed. This implies that some homes could be completed on the site without A90 junction improvements first being made.

8. In light of the above assessment, from the evidence available to me it is apparent that any new development in Laurencekirk would place additional pressure on a junction which would already benefit from improvements, and these improvements would be essential in order to accommodate the full extent of development planned for in the settlement during the plan period. There are existing known issues with the road infrastructure which could not reasonably be expected to be addressed solely through developer obligations, but it is not disputed that the cumulative impact of all anticipated development would require A90 junction improvements. Having regard to the provisions of Circular 3/2012 relating to how cumulative impacts may reasonably be taken into account, I consider it would be justified for all phases of development to be expected to contribute proportionately to the road upgrades referred to above.

9. I cannot however safely draw conclusions over the precise number of new dwellings (if any) that would be appropriate to be permitted and occupied in the absence of these road improvements being implemented. On this basis I recommend modifications to the vision to maintain a degree of flexibility, to ensure the planning authority is able to have due regard to evidence relating to any future planning applications, as it emerges. These minor modifications would not compromise Transport Scotland’s ability to object to detailed proposals if necessary, and the modified vision statement would still clearly highlight the current road infrastructure constraints which must be addressed in order for the vision for Laurencekirk to be achieved.

10. Representees have stated that developer contributions should not solely be relied
upon to deliver the A90 junction improvements, as it would be addressing strategic capacity issues and contributions would be appropriate only where they are reasonably required to mitigate the impacts of development. The vision does not currently refer to funding arrangements and I do not consider the planning authority’s proposed addition to be necessary or appropriate to the purpose of this overarching statement. A modification has been proposed under the ‘services and infrastructure’ subheading, which I consider to be the most logical place for this point to be clarified in the settlement statement.

**Settlement Features**

11. A representee has requested that protected land designation P1 be removed from the plan as there is no justification for its protection, and has questioned that if a buffer zone between the A90 and the village is necessary, why it does not extend along the full length of site OP1. The planning authority considers a landscape buffer would be an amenity for the village, but has not explained the basis for the P1 designation not extending further to the north. I consider there to be some merit in maintaining a degree of separation between new development and the A90. A landscape buffer of this nature would be likely to be of greatest benefit to the occupiers of site OP1, by reducing the impact the A90 may otherwise have upon their amenity. I am not however convinced that this area of land would offer any particular amenity value to the wider community. As such, it would have perhaps been more appropriate to include this area of land within the OP1 allocation and make clear reference in the development brief for the site that a landscape buffer would be required. This would have offered inherently greater flexibility on its precise form and layout, and its relationship to development.

12. There are no requests in representations for site OP1 to be extended or modified in this way and so my ability to recommend the above approach would fall beyond the scope of the examination. Consequently, if I were to simply recommend the removal of the P1 designation, this would somewhat unsatisfactorily leave a long, narrow strip of unallocated land within the settlement boundary. On this basis, I consider the retention of the P1 designation to be the most appropriate course of action available to me.

**Services and Infrastructure**

13. As referred to in my assessment of the vision for Laurencekirk, I consider this section to be the most appropriate place to clarify that the funding of the A90 junction improvements would not be reliant solely on developer contributions. I recommend a modification to the relevant bullet point relating to local transportation infrastructure, based on that proposed by the planning authority to be included in the vision.

**OP1 North Laurencekirk**

14. The proposed modification to the OP1 development brief, to reflect the site’s location within a pipeline consultation zone, is supported. Given that this issue is relevant to development beyond site OP1, I also agree with the planning authority’s proposed modification to add a subheading and text within the settlement statement to identify this potential constraint.

**OP1 North Laurencekirk, OP2 Off Blackiemuir Avenue / East of Westmuir and OP3 Garvocklea Phase 2**

15. Having regard to the changes I have recommended to the settlement statement to
ensure that there is clear reference to the requirement for appropriate contributions towards road infrastructure and the A90 junction improvements in particular, I do not consider it necessary to repeat this in the development briefs for every allocated site.

New site: land to the south of High Street

16. Notwithstanding the planning history for this site, I do not consider the site’s inclusion in the proposed plan is justified as a structured environmental assessment process has not been undertaken for this site as part of the plan’s preparation. Nor has there been public engagement regarding this site’s allocation, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’.

Reporter’s recommendations:

1. Replace the sixth and seventh sentences of the vision with:

“However, there are significant road infrastructure issues which need to be resolved before allocated sites can be fully developed. The outcomes of the Nestrans/Transport Scotland ‘Access to Laurencekirk’ study (2015) will have an impact on future applications in Laurencekirk.”

2. Under the ‘Services and Infrastructure’ subheading replace first bullet point with:

“Local transportation infrastructure: Where appropriate, contributions will be sought for a section of distributor road around Laurencekirk (from the Fordoun Road to the A90) and a grade separated junction with the A90. As the need for this new junction arises only in part from planned new development, it is likely that a broader range of funding sources will be utilised beyond developer obligations.”

3. Add a new section with the subheading “Oil and gas pipelines” below the ‘Flood Risk’ section and add the following text:

“Part of the settlement is within the Health and Safety Executive (HSE) consultation distance associated with one or more oil or gas pipelines in the vicinity. Development within this distance must accord with Policy P4 ‘Hazardous developments and contaminated land’ and the HSE ‘Planning advice for developments near hazardous installations’ (PADHI).”

4. Add a fourth paragraph to the site OP1 development brief as follows:

“Development on the site must accord with Policy P4 ‘Hazardous developments and contaminated land’ and the Health and Safety Executive ‘Planning advice for developments near hazardous installations’ (PADHI) owing to the presence of one or more oil or gas pipelines in the vicinity.”
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<tr>
<th>Issue 57</th>
<th>Shaping Kincardine and Mearns – Newtonhill</th>
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**Development Plan reference:** Appendix 8, Page Kincardine and Mearns 58  
**Reporter:** Christopher Warren

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Newtonhill, Muchalls & Cammachmore Community Council (177)
- Barratt Homes North Scotland (388)
- Polmuir Properties (Newtonhill) Limited (408)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Allocated Sites**

**OP1 Park Place**

In 2014 Newtonhill, Muchalls & Cammachmore Community Council held a community engagement exercise where they asked residents if they supported the Community Council in asking for site OP1 to be removed from the Settlement Statement, to which 85% of respondents agreed. With 4045 new houses being built at Chapelton, about a kilometre away, there is no need to keep OP1 in the Local Development Plan and the respondent asked for it to be removed (177).

A planning gain package has been agreed with the Council for OP1 (H1) and Primary and Secondary School contributions are not required and should be deleted (408).

**Additional Sites**

Additional housing in Newtonhill will help meet the existing demand and deliver housing to offset the lack of completions from the established housing supply (388).

**New Site Land to the south of OP1**

Land to the south of site OP1 (part of bid site KM065) is appropriate for further residential development in line with the Masterplan appended to the representation. The site was favourably considered within the Main Issues Report subject to an agreed Masterplan and a reduced scale. It is suggested that the site would be a logical southern boundary to match the completed Barratt development and the site is free from constraints. The Settlement Statement states 'Future development should ensure the site has two points of access due to the scale of the development'. The reference to 'future development' reflects the MIR position that future allocations of housing land, if required, would be directly south of OP1 (408).
Modifications sought by those submitting representations:

Allocated Sites

OP1 Park Place

Remove OP1 from the Settlement Statement for Newtonhill (177).

Change Newtonhill 'Infrastructure Services' to exclude contributions for Primary and Secondary School contributions for OP1 (408).

Additional Sites

New Site Land to the south of OP1

Include the allocation of land south of Cairnhill Road, Newtonhill for development of approximately 80 homes (388).

Remove land, south of OP1, from within the Aberdeen green belt (Map 9) and allocate the site for 100 houses (408).

Summary of response (including reasons) by Planning Authority:

Newtonhill is located in the Aberdeen Housing Market Area within the Portlethen to Stonehaven Strategic Growth Area. In accordance with paragraph 3.36 of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP), significant new development is proposed in this area, including the new settlement at Chapelton. The proposed land allocations are essentially unchanged from the Newtonhill Settlement Statement (see Local Development Plan 2012, Supplementary Guidance Volume H: Newtonhill). The one major change to the settlement is the redistribution of employment land increasing the amount of employment land and reducing the amount of strategic reserve employment land, moving this allocation to Chapelton. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 51-56 and the subsequent MIR 2013, Issues and Actions Paper 154: Newtonhill). As demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area

Allocated Sites

OP1 Park Place

Work has not commenced on site but the OP1 site is an effective site which is shown by the Housing Land Audit 2015, page 69. The developers are also currently progressing with a Masterplan for the site. The site is still effective and there are no overriding reasons to remove it. No change is required.

Text under the 'Services and Infrastructure' section is included not only for allocated sites but is also included in the case of any infill development under Policy P3 Infill and Householder Developments within Settlements and also change of use applications. Despite the agreement with the Council on developer obligations removal of the statement
could be used as a justification for a re-negotiation of any planning application. It is therefore not appropriate to remove the reference to Primary and Secondary Education from this list. No change is required.

**Additional Sites**

**New Site Land to the south of OP1**

The request for additional land to be allocated for 80 and 100 houses respectively was the subject of review at the Main Issues Report as both sites together formed the bid KM067 (see MIR Report 2013, Appendix Kincardine and Mearns, page 51-56 and the subsequent MIR 2013, Issues and Actions Paper 154: Newtonhill). At this stage in the process it was noted that the site was partially constrained by flood risk and was also distant (not significantly) from existing services. It was however, noted at the MIR stage that there may be merit in additional development on a much smaller scale if it would assist in providing vehicular links. It is again reinforced that there is currently sufficient land within the Strategic Growth Area which means that there is no requirement to allocate further land. No change is required.

**Reporter’s conclusions:**

**OP1 Park Place**

1. I note that the community council held its own engagement exercise and it has stated that a significant proportion of respondents supported the removal of site OP1 from the proposed plan. The only reason given in this representation is that there is a lack of need for this site to be developed due to other sizable allocations nearby. Whilst I accept that the nearby Chapelton allocation is of particular strategic significance, both Chapelton and Newtonhill are within the Aberdeen housing market area and strategic growth area. The growth of Newtonhill is therefore consistent with the strategic plan.

2. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. This site is recognised as being effective and relatively unconstrained, and it contributes to the range and choice of sites and locations available for development. This should in turn enhance the rate of house building in the area. Therefore, its removal from the plan would be counter-productive and unjustified.

3. A representee has requested that the requirement for primary and secondary education contributions be deleted from the ‘services and infrastructure’ section of the settlement statement, on the basis that a “planning gain package” has been agreed for site OP1. However, the planning authority has highlighted that this requirement is relevant to any development that may come forward in Newtonhill, and I support its retention for this reason. Should an alternative package of contributions be sought in the future in relation to site OP1’s development, it is appropriate that this requirement would apply to any such negotiations.

**New Site: Land to the south of OP1**

4. Bid site KM067, which was considered by the planning authority in the 2013 Main
Issues Report (MIR), applied to broadly the same area of land as these two new sites, which essentially divide bid site KM067 into two. Subsequent to the MIR’s conclusion that “…there may be some merit in a much smaller scale development”, the site’s promoter has offered up the land as two separate sites, in order to enable either (or both) areas of land to potentially be allocated. I consider that the structured environmental assessment process and public engagement undertaken in regard to the original bid site could reasonably be applied to the ‘new’ sites and so this would satisfy the requirements of paragraph 118 of Circular 6/2013 ‘Development Planning’.

5. Despite this, neither site is unconstrained. The Newtonhill settlement map in the proposed plan shows the area to fall within the designated greenbelt, and inadequate justification has been provided to suggest why this area of greenbelt would be appropriate to relinquish. The development of either site would contribute to the potential future coalescence of Newtonhill and village of Muchalls to the south. During my site inspection I also observed that the sites were prominent and the character and landscape setting of Muchalls could potentially be adversely affected by the encroachment of development immediately to its north.

6. As explained above, there is some justification for including additional sites that are relatively unconstrained and in marketable locations, where these would bolster housing completion rates. There is no overriding imperative to identify additional housing land however. Consequently, and given the concerns I have outlined above, I do not consider that the inclusion of these sites can currently be adequately justified.

**Reporter’s recommendations:**

None.
### Issue 58

**Shaping Kincardine and Mearns - Portlethen**

| Development Plan reference: | Appendix 8, Page Kincardine and Mearns 65 | Reporter: Christopher Warren |

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Portlethen & District Community Council (133)
- Avant Homes (153)
- Bruce McEwan (599)
- Raemoir Properties Limited (625)
- Stewart Milne Homes (654)
- Stewart Milne Homes (682)

**Provision of the Development Plan to which the issue relates:**

- Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

Portlethen & District Community Council consider that the Portlethen community needs no further housing other than what is already agreed upon. Chapelton should be, and is now, the focus of attention for future housing and development. The new Primary School (yet to be built) will be a major asset and the community expect this to be expedited as soon as possible (133).

**Services and Infrastructure**

Site P5 is identified for the protection and conservation of the golf course. However, sites to the north and west of the Town Centre (TC) designation do not form part of the golf course nor are they controlled by either the Golf Club or the Council. They were submitted as bid KM069 (625).

It is understood the protective zoning of P5 is historic and stems from when the golf course was first laid out. The landscaping of the golf course has now matured and there is a strong argument that the land is no longer needed to be used as a protective buffer for the golf course. Removal of the protected policy would enable the sites to be developed as infill land within the settlement boundary. It is accepted that appropriate assessments will be required and a baseline Ecological Survey has been carried out, as has an Access Strategy. An indicative Masterplan for retail, restaurant, office, and healthcare uses has also been prepared for the site (detailed in the supporting information). These sites have good pedestrian linkages to the existing town centre and would allow for a needed discount food store. If the sites are identified as infill development there would be an opportunity for meaningful planning gain environmental improvements to be delivered (625).
**Bid Site KM056**

The suite was assessed at the MIR stage and was assessed as having no constraints. The MIR assessment stated that the allocation of this land would "elongate the settlement to the north west". This is however, less relevant in light of the other proposals and planning permissions in the area. It is argued that accessibility is no longer an issue due to proposed new access to Badentoy from Schoolhill Road, with upgraded pedestrian and cycle access, and also due to the current development at Hillside, including a school and other community facilities. The site should be considered as a part of wider group of buildings and structures already located in the area rather than alone (599).

**Bid Site KM065**

Schoolhill Phase 2 could contribute to the shortfall of housing provision in the area and provide much needed community facilities to Portlethen. There is clearly still a demand for housing in this location. The Schoolhill Phase 2 site could be developed alongside the Elsick [Chapelton] site to assist with the deficit in housing completions in the short/medium term. The site is more accessible and already has substantial infrastructure in place for the shorter term housing to be built upon. It would allow for a natural extension to the existing settlement and enable the creation of a focused centre providing a wider range of community facilities. A Masterplan has been presented to Aberdeenshire Council at major applications/masterplan meetings on 9th January 2014 and 16th October 2014. The Masterplan was also presented to the Aberdeen City and Shire Design Review Panel on 3rd November 2014 (654).

The Council have already recognised that there is a need for a community core in Portlethen (Kincardine and Mearns appendix of the MIR) as the settlement currently lacks any real centre. The Council have already approved development west of the A90 (T) (i.e. Leathan Fields) and the existing community at Schoolhill would be ideal to create the critical mass required to establish a new community hub. The increase in housing numbers and the proposed location of the first development phase of the Schoolhill Phase 2 site (west of Cookston Road) would allow the community to develop and create that much needed focal point for the area. The creation of a new community core (indicatively including a new Health Centre) would also be in line with the aspirations of the public which were identified at the Stewart Milne Homes consultation events (654).

**Bid Site KM088**

The respondent argues it is a sustainable and natural extension to the settlement in geographic and topographic terms. The Council has failed to deliver sites within an area that is sustainable, is identified as a growth corridor and where there are growing employment developments (balancing new homes with employment growth within the settlement). It is also argued that this in balance will encourage more unsustainable transport movements. In landscape terms, the site is bounded by two defensible boundaries the railway line and Burn of Daff. The site makes an obvious extension to the south of Portlethen in geographic terms that would not in any way result in coalescence with Newtonhill. The respondent disagrees that the site is not within acceptable recognised distances from services. The unplanned nature of Portlethen means that there is a distance between homes and services, but like most growing towns there are a wealth of services which serve the local community and beyond. The local Primary School, play
provision, local shopping and restaurant facilities are within 400m of the site. Supporting documents include a preliminary landscape assessment (682).

**New Site Land at Hillside**

On the basis that additional housing land allocations are required within the Stonehaven to Portlethen corridor there are over-riding reasons why land at Hillside is the most logical location for future development (see supporting statement of submission, page 26 for site plan). The site is free of any constraints and immediately available to deliver up to 300 houses. It is situated on the edge of the existing built-up area and is a natural and logical extension to the town. Designation of this land as greenbelt is illogical and not consistent with the aims of Scottish Planning Policy (SPP), and an alternative use should be considered. The site was ranked "most favourable" for future development as part of the Council's 2008 Portlethen Capacity Study, scoring particularly well on criteria including landscape capacity, access to services, access to the A90 (T) and Railway Station, and closeness to employment opportunities. The site would be well contained within the landscape and has no significant ecological value. It could help to soften the existing urban edge and resolve access issues that currently exist. It could also deliver a contiguous footpath/cycleway connection to the existing network, and there is also the potential of extending existing public transport services into the site (153).

**Modifications sought by those submitting representations:**

**Services and Infrastructure**

Removal of the protected designation on their land at Badentoy Road, Portlethen and identification of bid sites KM069 for appropriate employment uses, including town centre uses (625).

**Additional Sites**

**Bid Site KM056**

Land to the rear of Schoolhill Croft should be included in the settlement boundary for Portlethen. The fields were previously identified as KM056 in the MIR (599).

**Bid Site KM065**

The allocation of Schoolhill Phase 2 as a mixed use development site including residential (indicatively 1550 units), open space, employment, education, retail and associated infrastructure (including land for a Health Centre). To be phased over 5-15 year period with approx. 600 units to be delivered between 2016 and 2021; 600 units in 2021-2026 and 350 units between 2026 and 2031 (654).

**Bid Site KM088**

Allocate 2013 bid site KM088 for up to 150 homes (682).

**New Site Land at Hillside**

Land at Hillside (Portlethen) should be removed from the green belt designation and
identified for residential development (up to 300 houses) post 2017 (153).

### Summary of response (including reasons) by Planning Authority:

Portlethen is located in the Aberdeen Housing Market Area within the Portlethen to Stonehaven Strategic Growth Area. In accordance with paragraph 3.37 of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP), significant new development is proposed in this area, including the new settlement at Chapelton. The proposed land allocations are essentially unchanged from the Portlethen Settlement Statement (see Local Development Plan (LDP) Supplementary Guidance Volume H: Portlethen). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 58-63 and the subsequent MIR 2013, Issues and Actions Paper 156: Portlethen).

**Vision**

The support for the Vision and Settlement Statement from the Community Council are acknowledged.

**Settlement Features**

The sites on site P5 were submitted to the MIR and identified as bid KM069. At the MIR stage it was noted that they lie on land that is identified as P5 to protect and conserve the setting of the golf course and the green network of the area. It is not desirable to extend the Town Centre further west of the dual carriageway as the proposal would not be well integrated with the rest of the Town. Opportunity has been identified in the Plan to increase town centre uses by redesigning of the Badentoy Retail Park.

**Flood Risk**

A technical change should also be introduced to change the text under the Flood Risk section from “E2” to “OP2” to provide clarification.

**Allocated Sites**

**OP2 Fairview**

A technical change will be introduced to include site OP2 within the settlement boundary and this will be shown on the Settlement Statement maps.

**Additional Sites**

There are several requests for more land to be allocated in Portlethen but as demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market area and appropriate allocations have been made in the Portlethen to Stonehaven Strategic Growth area. No additional allocations are required.
Bid Site KM056

The site was submitted and assessed as a bid to the MIR (see MIR Report 2013, Appendix Kincardine and Mearns, page 58-63 and the subsequent MIR 2013, Issues and Actions Paper 156: Portlethen). Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted. The function of the green belt is to direct development to appropriate locations which means that it would be a consequence of this being an appropriate site for development that would result in its removal from the green belt. As no additional allocations are required this circumstance does not arise. No change is required.

Bid Site KM065

This very large site was submitted to the MIR and identified as KM065. It was concluded in the MIR that should there be a shortfall in housing land supply a small part of the site could be developed but this is not the case (see Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy). The site was also subject to Examination for the 2012 LDP, at a time when major new land allocations were being sought, where positives were noted for the site but it was concluded by the Reporter that the site would extend the built up area both north and westwards and would appear as more unchecked urban sprawl. It was also noted that the development is close to the City boundary and the Green Belt in this area is crucial to preserve the separate identity of the towns and villages (see Examination Report – Aberdeenshire Local Development Plan Examination 2012, page 332-333). Apart from the allocation of substantial land elsewhere in the Portlethen to Stonehaven part of the Strategic Growth Area, much of which is effective or likely to be effective in the life of this LDP, there has been no material change that refutes the Reporters views and suggests this major site should be released for development.

Bid Site KM088

The bid site was submitted to the MIR. At that time it was noted that there were issues with the distance to local services and of coalescence with Newtonhill (see MIR Report 2013, Appendix Kincardine and Mearns, page 58-63 and the subsequent MIR 2013, Issues and Actions Paper 156: Portlethen). This site was also subject to examination of the 2012 LDP where the Reporter noted that the development is opposed by Portlethen & District Community Council who are concerned about the outward spread of Portlethen, which would narrow the gap between Portlethen and Newtonhill (see Examination Report – Aberdeenshire Local Development Plan Examination 2012, page 333). Chapelton and other sites within the Strategic Growth Area will continue to supply an appropriate level of housing growth for the area which cannot be used as a justification to release additional sites. It is considered that additional development to the south of Portlethen or north of Newtonhill is likely to erode the character and unique sense of place associated with both villages. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted. No changes are supported.

New Site Land at Hillside

It should be noted that this development proposal was not submitted at the Call for Sites stage in the LDP process. It was, therefore, not included as a development bid within the MIR and has not been subject to any formal public consultation or strategic environmental assessment. Paragraph 64 of Planning Circular 6/2013: Development Planning identifies
the difficulties of including a site within a LDP where these statutory procedures have not been undertaken. For these reasons it is not considered appropriate to modify the LDP to identify this site for development. A Transport Appraisal was submitted alongside the submission which was dated 2010 therefore it is not certain that the conclusions of this assessment are still valid due to the development that has taken place between the base date and current day. While it remains a site which has some clear benefits there is no need for the development and the Transport Appraisal fails to consider potential impacts on the Trunk Road there is no reason for it to be introduced to the plan. No changes are supported.

**Reporter's conclusions:**

**Vision**

1. I have noted the favourable response from Portlethen and District Community Council regarding the proposed approach to Portlethen outlined in the plan. There are no unresolved representations relating to the vision so no further assessment of this section is required.

**Services and Infrastructure**

2. A representee has requested that two areas of land (both of which are identified as site KM069) be removed from the P5 protected land designation, in order to allow for development on the site. The P5 designation principally safeguards the golf course but also forms part of a green network, which is explained in the plan’s glossary as “linked open space within and between settlements used for recreation, nature conservation and landscape protection”. I have noted the findings of the ecology report and all other supporting information submitted in support of the proposed amendment to the P5 designation. The land in question is not considered to be of any particular ecological value and it is not publicly accessible, but I consider that there is nevertheless some merit in protecting the site at this time given its contribution to the landscape setting of the settlement. The vision acknowledges that development in Portlethen has taken place at a relatively high density and with limited open space, and I consider the P5 site as a whole provides some necessary relief, particularly given its position between the town centre and Badentoy industrial estate.

3. I have noted that the indicative masterplan for the site proposes a range of uses which could reasonably be considered as falling within the scope of policy P2 and which ought to be directed to the defined town centre unless a sequential assessment shows the site to be appropriate. Omitting the KM069 sites from the P5 protective designation would potentially make it easier for any sequential assessment to draw a favourable conclusion in regard to the site’s suitability for such uses. The appropriateness of any detailed proposals would ultimately still remain a matter for the planning authority to determine however, through the development management process and having regard to the provisions of the proposed plan as a whole.

4. It is not the purpose of the P5 designation to safeguard against a particular development proposal, but to safeguard the site for the specific value it offers in its current undeveloped state. Conversely, no compelling arguments have been advanced to suggest that this site is required for a town centre extension or that the benefits of the protected land designation would be outweighed by such development. For the above
reasons I conclude that there is insufficient justification to alter the P5 designation.

Bid site KM056

5. A representee has asserted that this site, to the rear of Schoolhill Croft, would most appropriately be included within the settlement boundary and not within the greenbelt. A specific allocation is not sought but its inclusion within the settlement boundary would allow for developments to be assessed against the more permissive infill policy P3 as opposed to the more restrictive policies relating to countryside and greenbelt locations.

6. Various relatively recent planning permissions are referred to in the representation, which aim to demonstrate that it would now be appropriate to amend the greenbelt boundary to incorporate this site. With one exception the cited permissions relate to land to the south of this site, on the opposite side of Schoolhill Road, and I am not persuaded that these provide any particular justification for extending the settlement boundary to the north into countryside and into the greenbelt.

7. The only planning permission on the north side of Schoolhill Road referred to in the representation relates to land immediately to the east of the bid site. This permitted the provision of a firing range. The decision notice issued by the local review body in November 2013 has been included in submissions. I have reviewed the reasoning for this decision, from which I note that there were various material considerations specific to the site and the proposal which, on balance, justified granting planning permission within the greenbelt. I do not consider that this decision established a precedent for accepting development more generally beyond the settlement boundary in the vicinity. The representee has suggested that the inclusion of the bid site would allow for the future expansion of the firing range, but there is no evidence to indicate that further land may be likely to be required. It has also been suggested that the site could accommodate small scale business development which would be unlikely to be accommodated elsewhere. Again, in the absence of any evidence to substantiate this, I am unconvinced that this would be the case.

8. Notwithstanding the locations and nature of recent planning permissions and developments, there is no clear justification for modifying the settlement boundary to incorporate the bid site. On the basis of my assessment above I conclude that the continued designation of the site as greenbelt is appropriate and I do not recommend any modifications to the plan in this regard.

Bid site KM065

9. This bid site would represent a significant strategic extension to the north of Portlethen, with a capacity in the region of 1550 dwellings plus proposed employment and retail developments. The site’s promoter has suggested a phased approach and seeks allowance for 600 dwellings during 2016-2021, a further 600 in the period 2021-2026, with the balance being completed in the five years beyond the plan period. The site is relatively flat and featureless. The Aberdeen Western Peripheral Route (AWPR) is currently under construction a short distance to the north of the site, which would assist in visually containing the development to some extent. However, an urban extension of this scale would be detrimental to the greenbelt’s integrity and the separation it safeguards between Portlethen and the Aberdeen city boundary.

10. Bearing in mind the conclusions from Issue 7, I recognise that there is some
justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. The town is located within the Portlethen to Stonehaven Strategic Growth Area, indicating that this area is an appropriate area within which strategic growth should be accommodate, as outlined by the strategic plan. However, for this site taking into account all the relevant planning considerations, I do not consider inclusion is justified at this time, as the adverse impacts identified above would outweigh the benefits of any consequent increase in the rate of delivery. Despite the bid being supported by relatively detailed information, including evidence of community engagement, it does not adequately address the cumulative impacts of development, which I consider to be a key issue given the scale of development proposed. The site’s inclusion would potentially undermine the strategy of the local development plan due to its scale and location; I am concerned that allowing such a substantial development on this site would compromise the ability to secure delivery of other allocated sites in the area, including the nearby strategic Chapelton allocation.

**Bid site KM088**

11. This bid site for 160 homes would extend Portlethen further south, into an area currently designated as greenbelt. I consider that any development on the south side of Portlethen would inevitably diminish the degree of separation from Newtonhill and also Cammachmore. I acknowledge that this site would be relatively well contained and would not in isolation lead to their coalescence, but its development would nevertheless to some extent compromise all three of the purposes of greenbelt designations set out in paragraph 49 of Scottish Planning Policy, namely directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space. The site’s promoter has asserted that a clear defensible boundary would be created, but I attach little weight to this given that I find that the boundary established by existing development and planting already provides these qualities.

12. I note the planning authority’s comments regarding the site’s distance from services, which is a legitimate concern and cannot be set aside because other development in Portlethen is equally remote. I am also unclear whether the road infrastructure is adequate to accommodate development, particularly as the indicative masterplan submitted by the site’s promoter indicates a single vehicular access point from Bramble Way. In light of the above assessment I do not consider the site’s inclusion in the plan is justified at this time, as the adverse impacts identified above would outweigh the benefits of any consequent increase in the rate of delivery, and it is not clear whether adequate road infrastructure could be provided to serve the number of dwellings proposed.

**New Site: Land at Hillside**

13. This bid site was put forward relatively late in the process of the plan’s production. As such, a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. On this basis alone I do not consider its inclusion can be justified.

14. The site also falls within the designated greenbelt. I am not persuaded by the argument made in the representation that it is illogical for the site to be within the greenbelt. The greenbelt is of importance in this area where there is particular development pressure, in order to safeguard against sprawl and ultimately coalescence of
settlements and other developments. I agree with the site’s promoter however that development of at least some of the site would be achievable without compromising the landscape setting of Portlethen, with most of the site being visually contained. Despite this, there remains no basis for the inclusion of this site in the plan given its late inclusion in the plan-making process, and its resultant failure to satisfy the Circular requirements outlined above.

**Reporter's recommendations:**

None.
Body or person(s) submitting a representation raising the issue (including reference number):

Shell UK Limited (45)
Dr Hugh Morel (60)
Kenneth Melville (81)
Kirkwood Homes Limited (150)
Labinski Limited (229, 443)
Mr Douglas Grimes (246)
Deveron Homes Limited (347, 592)
David Fleming (371)
BP Midstream Pipelines (373, 374)
Dr Keith Stewart (384, 385)
R I Holman-Baird/Rickarton Estate (422)
The Sluie Estate Trust (476, 477, 478)
Leonard Gellatly (480)
Barratt North Scotland and Drum Property Group (510, 511)
Stewart Milne Homes (514, 517)
Nestrans (566)
Regina Erich (586)
Stonehaven & District Community Council (662)
Bancon Developments Ltd (707, 712)
Stewart Milne Homes (714)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

Settlement Features

Protected Sites

The harbour is over 400 years old and an integral part of the character of Stonehaven and life of the community. Although the area has changed over the years the character still remains and should remain for each succeeding generation (662).

It is better to wait for the outcome of the review of catchment areas for the Stonehaven Primary Schools before allocating P9 for the replacement Dunnottar Primary School (81). The respondent objects to site P9 as the Council have not liaised with Stewart Milne Homes, the owner of this site nor have they approached them to purchase the land. As such, the Council are creating planning blight on the land (714). There is also concern that
the contributions sought for Dunnottar Primary School will be given to the refurbishment and extension of Mackie Academy (662).

Reserved Land

The land is not available for the proposed R2 use and is therefore not deliverable, which has previously been stated. Sites that are not deliverable should not be included in the Local Development Plan (229).

Other Designations

A respondent notes that although the Kirktown of Fetteresso Conservation Area is shown on the Settlement Statement maps but there is no mention of it within the Settlement Statement text and this should be added (384).

BUS2 should be protected from development as this summarises the outcome of the Stonehaven Residents Survey in 2009 where the majority want land and greenfield sites around Stonehaven protected from development (586). Very careful consideration should be given to development of BUS2 to make sure the flooding risk to the lower part of Stonehaven is not augmented (81).

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to site BUS3 (45, 373).

Stonehaven Community Council supports the regeneration of Stonehaven’s Market Square with the reduction or elimination of business rates to small businesses surrounding the Square and a range of other measures. Despite the loss of car parking this type of approach is likely to increase footfall to the benefit of all (662).

Public consultations have clearly shown the overwhelming need for better retail facilities in the area. Most of the reasonable proposals put forward have been rejected by the Council on grounds which very few people understand or sympathise with. Some of the suggestions the Council has made to solve the problem have frankly been laughable, and not based on any reality or evidence. As a result of the failure of previous plans and planning policies, approximately 70% of Stonehaven’s expenditure of regular shopping is made out of area, with the huge resultant loss of jobs, rating income and appropriate level of choice for residents. This figure appears to be increasing rather than diminishing (371).

The biggest single lack of policy is in the need to address the absolute lack of a suitable space in Stonehaven Town Centre for a sensible-sized (i.e. between 25,000 and 45,000 sq. ft. (2300-4200 sq. metres) supermarket. The sequential approach on its own, and as interpreted by Council, results in a stalemate. There is no ‘correct’ solution for Stonehaven and this needs to be recognised. This very local condition is simply not allowed for in the Scottish Government policies, and an exception must be argued for. It is notable that in other Aberdeenshire towns this policy has been circumvented (371).

Allocated Sites

OP3 Ury House

For consistency and clarity, specific reference to the pipeline consultation zones and the PADHI guidelines should be made in relation to site OP3 (45, 374).
OP4 Land adjacent to Kirktown of Fetteresso

A typographic mistake in the OP4 allocation box should be corrected to the correct spelling of Kirktown (385).

OP4 is unsuitable for development as there is no mention that the site lies adjacent to a watercourse that is subject to flooding. The development will also increase and contribute to excess water run off that will significantly affect the conservation area and village of Kirktown of Fetteresso. No Roads Assessment has been included in the Plan. The planned access points also have poor visual access to traffic on the loop road (246).

OP5 East Newtonleys

OP5 should be protected from development. In the Stonehaven Residents Survey in 2009 the majority wanted land and greenfield sites around Stonehaven protected from development (586).

Apart from constructing a road to retain the planning permission nothing else has happened on the neighbouring site which is in the same ownership. There is no demand for employment land in this locality and there is no need to earmark further land for similar development (81).

CC1 Spurryhillock and Retailing

There is concern that the land does not represent the aspiration nor the needs of the growing Stonehaven. There is support from the community for an edge of town development. They would still patronise the businesses, activities and attractions within Stonehaven Town Centre (662). The allocation as it is, is unsuitable due to lack of market interest, physically constrained due to road network, ownership and issues of 100 year leases (517). SPP also required sustainable and deliverable spatial strategies, and this site, therefore, fails to meet the requirements of SPP (476, 478, 517). The CC1 site is unsuitable, unavailable and undeliverable (477).

The site will not serve the longstanding requirement for an appropriately sized Supermarket and there is no evidence that the site can be delivered. There are also potential traffic and access difficulties with the site (476, 478). The CC1 allocated site “is proposed for small scale retail” and cannot accommodate a food retail unit of the scale and nature capable of addressing current retail leakage and cannot provide appropriate choice in food retail, the lack of which is the principal cause of retail leakage from Stonehaven. The sequential approach to finding a site for retail should be applied with an appropriate flexibility and realism having regard to what is appropriate to the scale and function of Stonehaven as a main settlement. The approach should not be used to dictate the size of supermarket appropriate for Stonehaven. It should be applied in a manner as finding the sequentially superior site for the size of Supermarket appropriate for Stonehaven. This should be done by having due regard to the spatially constrained Town Centre, edge-of-centre, and also to the site best located to claw back current retail leakage, which leakage is in itself detrimental to the Town Centre and the Town as a whole (443).

One of the key issues in Stonehaven is the restricted availability of car parking close to the Station, which acts as a deterrent to rail use and has limited the growth potential of the Station and rail services to/from the town. The Settlement Statement should recognise this...
constraint in the text and site CC1 should be considered as having potential for station car parking (possibly in association with retail development) with direct access from the site to the north-bound platform (566).

A respondent objects to CC1 as the site is not suitable for such development. It is inappropriate for the Council to allocate a site for retail use that cannot be delivered for such a use. The failure to allocate has led to a large leakage of expenditure from the town. The smaller retail unit that can fit into site CC1 would not address the shortfall of shopping. The lack of market demand and customer demand for a smaller Store is a clear justification for removing the allocation (712).

Additional Sites

Bid Site KM021 and KM022

Whist the land supply may be considered to be sufficient it is important to consider the overall delivery of the allocated sites and whether they meet the demand. To address this, additional sites need to be identified in locations where expected development rates can be met. Mill of Forest is ideally placed and there is substantial demand for housing in this location. Scottish Planning Policy highlights the need for allocated sites to be deliverable within the period of the Plan and to allocate sufficient land for ten years (510, 511).

It would seem logical and most sustainable to develop additional housing in the local area to reduce the need to travel. Allocation of this area will resolve short term issues currently experienced and ensure for longer term planned growth (510, 511).

A new Supermarket alongside housing has previously been confirmed the most sustainable option and the site offers the most logical and deliverable development option in Stonehaven (510, 511).

Support was received for the non-allocation of the land at Mill of Forest for development (60).

Bid Site KM023a and b

An integral part of the housing at Ury is the provision of a link road from the B979 Netherley Road to A957 Slug Road and this will provide direct access between the Mains of Ury site and the existing residential areas to the west of the A90. The site will also be accessible from the AWPR roundabout via the Stonehaven junction, and is also accessible by a choice of transport modes. A Supermarket on KM023a will not adversely impact the Town Centre’s current role for shopping, social and community uses. A POAN was submitted in May 2014 and a public exhibition was undertaken (477).

Bid Site KM024b

Land should be identified on KM024b for an HQ development which is anticipated to accommodate approximately 1000 employees. This site has a significant area, good transport access links, close proximity to a dedicated offshore harbour and direct sight lines to the North Sea for communications and this site complies with the above criteria. The site is a very important strategic location being effectively the ‘gateway’ to the oil industry. The clients are fully aware and appreciate the landscape character of the area and have appointed architects to design an iconic HQ complex. The respondent also
states that Transport Scotland has confirmed at the AWPR public inquiry that the AWPR Stonehaven junction has a significant degree of operational capacity to accommodate future development (476).

**Bid Site KM043**

The site is appropriate for housing and is deliverable. This is the natural choice for the sustainable growth of Stonehaven with a food store retail (4,000m2) comprising a key component. SPP places sustainable economic growth at the heart of the planning system, and this site is a prime example of this type of sustainable development (517). Development of this site would capitalise on the enhanced grade separated junction and create an impact at this new key entrance to the Town and help deliver services. Significant housing land has been allocated to meet targets but a large proportion of these are not in locations that people want to live and impacts on delivery and maintenance of an effective housing land supply. SPP and NPF3 confirms that planning should direct development to the right place and the respondent highlights that this site will meet these criteria. The site is unconstrained and deliverable in terms of access and transportation, accessibility to the Town Centre and services in Stonehaven, flooding and drainage, and ownership and marketability (514).

A Food Store on this site will relate well to the Town Centre, the travel patterns of shoppers and the new AWPR junction. It's location for a retail outlet will attract early interest. Imagine Stonehaven Capacity Study (2009) identified the site as suitable for residential development with a retail component. It was a preferred option in the 2009 MIR. A Retail Impact Assessment for a planning application on the bid site has concluded the proposed Store would reduce journey lengths and times for shoppers; repatriate to Stonehaven (expenditure and jobs that currently leak to other areas); retain and attract shoppers in the Town; and not undermine commercial viability existing stores. An independent Review (see Representation No. 517 extract) of the Retail Impact Assessment by the Council confirms the site would meet the sequential approach for new retail development if site CC1 is either not reasonably suitable for accommodating a 4000sqm Food Store, or is not reasonably available (517).

Consideration has been given to the design of the site - a Landscape and Visual Impact Appraisal has been undertaken. Existing farm buildings will be redeveloped for community use. The site will include 7.25ha of open space and the centre of development within 5min of the Town's shops and facilities (517).

**Bid Site KM051**

The site should be allocated as an expansion of BUS3 as it is no longer suitable for its present use. It is not felt that the reason given for not allocating the site previously (PADHI guidelines and proximity to a pipeline corridor) are justification for not allocating the site and that the issues raised can be addressed through the Policy and Development Management processes. The respondent argues that the site will support the expansion of the settlement and provide employment opportunities to support the 390 homes allocated in Stonehaven. The employment use would be compatible with surrounding uses and is linked to the BUS3 site currently. The site is also easily accessed via the A90 (422).

**Bid Site KM068**

The modest proposal for up to 30 houses would support the settlement objectives of
meeting demand for housing within the strategic growth area and providing much needed affordable housing within the pressurised housing market of Stonehaven. The additional housing would also help sustain and support local services and businesses and the scale of housing proposed would not adversely impact on local infrastructure such as roads, drainage and education. Access (both motorised and non-motorised), landscape impact, and flood risk are all acceptable (150).

Bid Site KM080

This site is suitable for development to meet the stated objectives for Stonehaven including satisfying the demand for housing. It would be extremely well connected to existing services and facilities. It offers the possibility for the creation of a Supermarket site within walking distance of the Town Centre, and access to Dunnottar Castle. Aberdeenshire Council, in the MIR assessment, confirms that the site has no infrastructure constraints. Landscape impact is mitigated by screening from Dunnottar Woods and the existing housing at Braehead. A substantial strategic landscape belt would reduce visual impact from the north so as to protect the setting of the Town and the nearby Monument (347, 592).

Bid Site KM092

This site should be allocated for a small scale retail, business, commercial or industrial development (480).

Bid Site KM095

This site should be allocated for a Supermarket. The site has no development constraints and is deliverable. It is within walking distance of existing facilities and there is an existing Town Bus Service turning at the nearby Kirktown Garden Centre. The site is accessible by all modes of transport and is well located to claw back current food retail leakage from Stonehaven lost to the north and south via the A90 (T) (443).

Bid Site KM098

The site should be included for residential development and the P9 designation removed. The site has no significant constraints with minimum visual impact no issues of connectivity as evidenced by its allocation for a Primary School, it is well placed, sitting adjacent to existing residential development and is appropriate for housing. The site is not sensitive in landscape terms, can deliver much needed housing for Stonehaven, the Strategic Growth Area (SGA) and in line with Scottish Planning Policy (SPP). The site will provide a sustainable extension to the Town with improved accessibility and safety for the south of the Town, access to existing services and amenities with minimum new infrastructure. The Stonehaven Capacity Study identified the site as having the potential to accommodate growth. It will provide effective, deliverable housing land supply to ensure the LDP meets policy strategy as set out within SPP. Chapelton [of Elsick] is behind schedule and this site can address the housing shortfall (714).

The site will be visible from several vantage points but the additional visual impact over the above development already in place at Braehead and the Business Park will minimise the visual impact (707).

The site is located in the catchment area for Dunnottar Primary School which is currently
over capacity and the replacement School has been identified as a key priority. KM098 is adjacent to the proposed site for the School and the Masterplan provides for the delivery of the new school and will also create a walking catchment comparable to the other primary schools in the town. Secondary provision will be provided at Mackie Academy which is expected to exceed capacity ahead of the new School at Chapelton. Given the limited housing allocations in the Mackie Academy catchment area after 2017, it is reasonable to assume that there would be adequate capacity to accommodate this development. The proposed development also comes with community benefits including a new Primary School for Dunnottar and playing fields for Mackie Academy amongst others (707).

New Site Land North of Stonehaven

The history, geology and topography the North of Stonehaven lends itself to the creation of a Technology, Science and Marine Park. The slope and aerial vision gives unique observational opportunities to track satellites and the nearby Great Fault Line has produced some of Scotland’s oldest rocks and fossils (662).

Modifications sought by those submitting representations:

<table>
<thead>
<tr>
<th>Settlement Features</th>
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<tbody>
<tr>
<td>Protected Sites</td>
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<tr>
<td>Protection for Stonehaven Harbour as a working and educational Harbour (662).</td>
</tr>
<tr>
<td>The allocation of P9 for the replacement of Dunnottar Primary School is premature and should be removed until the reallocation of the catchment areas for Primary Schools in Stonehaven (81).</td>
</tr>
<tr>
<td>To allocate alternative land sites for new build Dunnottar Primary School and take contributions for refurbishment/extension to Mackie Academy (662).</td>
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<tr>
<th>Reserved Land</th>
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<td>Delete site R2 for a Cemetery extension (229).</td>
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<th>Other Designations</th>
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<tbody>
<tr>
<td>Amend the Settlement Statement to include the Kirktown of Fetteresso Conservation Area which had been omitted (384).</td>
</tr>
<tr>
<td>Delete site BUS2 (586).</td>
</tr>
<tr>
<td>There should be no further development in this area (BUS2) as it will increase the risk of flooding no matter what calculations are made (81).</td>
</tr>
<tr>
<td>Remove site P9 for a replacement School and include the full extent of the promoted site KM098 for residential development (714).</td>
</tr>
<tr>
<td>Add specific reference to the pipeline consultation zones and the PADHI guidelines to the</td>
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</table>
text for site BUS3 (45, 373).

Include a Civic Town Square Regeneration Programme (662).

There is little or no mention of any places for the retail development of the area whether in the form of Town Centre improvements or a Supermarket and this needs to be addressed (371).

Allocated Sites

**OP3 Ury House**

Add specific reference to the pipeline consultation zones and the PADHI guidelines to the text for site OP3 (45, 374).

**OP4 Land adjacent to Kirktown of Fetteresso**

Correct the spelling error within the OP4 allocation box from ‘Kirkton’ to ‘Kirktown’ (385).

Delete site OP4 (246).

**OP5 East Newtonleys**

Delete site OP5 (586).

Do not allocate OP5 for the purpose of employment land and it should not be zoned for any development (81).

**CC1 Spurryhillock and retailing**

The CC1 site is not suitable, available or desirable for retail use and the allocation should be removed from the LDP (476, 478, 517, 712). Include a deliverable site(s) to incorporate a major Supermarket (4000sq ft. approximately) (662).

CC1 should be considered for its use as potential for station parking possibly in association with retail development (566).

**Additional Sites**

**Bid Site KM021 and KM022**

Include Bid site KM022 for a mixed use development for 700 houses, business land and a 5500m² supermarket at Mill of Forest in the Local Development Plan (510).

Include Bid site KM021 for a mixed use development for 1500 houses, business land and a 5500m² Supermarket at Mill of Forest in the Local Development Plan (511).

**Bid Site KM023a and b**

Allocate land at Mains of Ury (KM023a and b) for a 4500m² Supermarket development (477).
**Bid Site KM024b**
Allocated land at Mains of Ury for a prestigious HQ development (476).

**Bid Site KM043**
Allocate Mains of Cowie (KM043) for 400 houses, a supermarket (up to 4,000m²) land for a primary school (1.2ha), and open space (514, 517).

**Bid Site KM051**
Allocate site KM051 as an expansion of BUS3 (422).

**Bid Site KM068**
An additional area of 4.8 hectares of land be allocated for a residential development of up to 30 houses on bid site KM068 (150).

**Bid Site KM080**
Allocate land at Braehead (KM080) for a mixed use development of 300 residential units and a Supermarket (347, 592).

**Bid Site KM092**
Include site KM092 Beatties Hill in the Local Development Plan for 7.5ha of commercial/retail/ business land (480).

**Bid Site KM095**
The Loop Road site, KM095, should be allocated for a food retail supermarket of around 4180m² (443).

**Bid Site KM098**
Allocate Stonehaven South, KM098, for up to 500 houses in the 2017-2026 plan period, along with business land, a Supermarket, land for a new Primary School, playing fields and a replacement for the dangerous section of the A957 (707).

**New Site Land North of Stonehaven**
Include land to the north of Stonehaven for a Technology, Scientific and Marine Park (662).

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**Summary of response (including reasons) by Planning Authority:**

Stonehaven is located in the Aberdeen Housing Market Area and the Stonehaven to Portlethen Strategic Growth Area, which paragraph 3.35 of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) identifies as appropriate for significant growth. The proposed land allocations are essentially unchanged from the Stonehaven Settlement Statement (see Local Development Plan (LDP) 2012, Supplementary Guidance Volume
The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven).

### Settlement Features

#### Protected Sites

Stonehaven Harbour is acknowledged as being an important area of Stonehaven within the LDP. The area surrounding the harbour is included within the Stonehaven Conservation Area and is protected through Policy HE2 Protecting Historic and Cultural Areas. It is not felt necessary to look into changing the designation of the harbour to a protected site within the LDP. No change is required.

The site for the replacement of Dunnottar Primary School is not a new allocation as it was also protected in the 2012 Local Development Plan (LDP) for this purpose. No objection was received at that time for the protection of the site for the Primary School. In terms of the rezoning exercise for the primary schools in Stonehaven it is likely that formal consultations will take place in spring/summer 2016 and an eventual implementation for the 2017/2018 session. At this stage it is not felt that removing the protection for the replacement Dunnottar Primary School is suitable as this still may be needed. No change is required.

As detailed in Policy RD2 Developers’ Obligations, the contributions sought must fairly and reasonably relate in scale to the proposed development and will be needed to make the proposed development acceptable in planning terms, in line with Planning Circular 3/2012 Planning Obligations and Good neighbour Agreements, (page 5, paragraph 14). This means that contributions sought for the replacement Dunnottar Primary School cannot be used for another purpose. No change is required.

#### Reserved Land

Reservation of land for Fetteresso Cemetery extension (R2) was raised at the examination for the 2012 LDP where it was noted that Aberdeenshire Council’s Property Service had identified it as the optimal location for a Cemetery. The extent of the boundary reflects the need to reserve land for the long term future. As this is not a development proposal, deliverability of the site does not need to be demonstrated. If it were not reserved, it would be “countryside”. This view was supported by the Reporter at the time of the previous Examination and still remains valid. No change is required.

#### Other Designations

A non-notifiable modification should be introduced into the other designations section of the ‘Settlement Features’ table to make reference to the Kirktown of Fetteresso Conservation Area as CA2. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

BUS2 is an effective site as planning permission was granted for a business and industrial park in 2007, (APP/2003/1551) and the permission has been implemented by the formation of an access road. It is not a new allocation. It is constrained by the need to provide water services to the site, which can be resolved through a critical mass of development. Site OP5 (E2) was allocated in the 2012 LDP to provide this critical mass...
and the site was granted planning permission subject to the satisfactory conclusion of negotiations regarding developer obligations, by Kincardine and Mearns Area Committee in June 2015, APP/2014/3671 (see Committee Report and Minute Extract) for the formation of business land. No change is required.

In relation to flood risk on the BUS2 site, the site has an approved planning application and off-site flood risk would have been determined at this stage. No change is required.

It is acknowledged that part of Site BUS3 lies within a pipeline consultation zone. A non-notifiable modification is therefore proposed to add a reference to this and the requirement for affected developments to comply with the Health and Safety Executive’s PADHI guidance in the supporting text. Please see the Schedule 4 Issue 10: Shaping Places for more information and details of the proposed non-notifiable modification.

A technical change will be introduced to include site BUS3 within the settlement boundary and this will be shown on the Settlement Statement maps.

The request for the Town Square Regeneration Programme is acknowledged however this is not something that can be introduced through the LDP. This would have to be completed through the Council’s Regeneration Strategy (see A Focused Regeneration Strategy for Aberdeenshire 2013-2018). No change is required.

The demand for a Supermarket within the Town is noted within the Vision Statement for the settlement. It remains the case that as yet there has not been a site proposed which meets the sequential approach set out within Scottish Planning Policy (paragraph 68) and an appropriate location (paragraph 69). Retailing in Stonehaven was a main issue within the Main Issues Report but there was no clear preference as to which site should be identified, or whether the predicted impacts on the existing town centre were acceptable. In the light of the Town Centre First principle established in paragraph 59 of SPP, Aberdeenshire Council feel it would be inappropriate to promote an out of centre location that could have an adverse effect on the vitality and viability of the existing town centre as evidenced by the most recent retail impact assessment received for development in the town (see APP/2015/2094 Retail Impact Assessment). Active interest is being pursued by a major Supermarket for an edge of Town Centre brownfield site. Site CC1 is allocated to provide an opportunity for additional retail choice in the town due to the very high levels of occupancy in the town centre 4% vacancy in comparison and convenience shops in the Town Centre (Draft Town Centre Health Check 2015) and is not intended to substitute for a major foodstore. A site was identified for a supermarket by the Kincardine and Mearns Area Committee (KM043, Mains of Cowie) for possible inclusion in the LDP, but this was not agreed by Aberdeenshire Council. No change is required.

Allocated Sites

**OP3 Ury House**

It is acknowledged that part of Site OP3 lies within a pipeline consultation zone. A non-notifiable modification is therefore proposed to add a reference to this and the requirement for affected developments to comply with the Health and Safety Executive’s PADHI guidance in the supporting text. Please see the Schedule 4 Issue 10: Shaping Places for more information and details of the proposed non-notifiable modification.

A technical change will be introduced to include site OP3 within the settlement boundary
and this will be shown on the Settlement Statement maps.

OP4 Land at Kirktown of Fetteresso

A non-notifiable modification will be introduced into the title of the OP4 allocation box to correct the spelling of Kirktown of Fetteresso. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

Approval for development of the site was granted at Kincardine and Mearns Area Committee in November subject to a section 75 agreement (see APP/2014/2178 decision notice), which was issued in September 2015. A Traffic Assessment was not required for the application and thus there is no reference to a Roads Study within the LDP. With regard to comments on flood risk, this was considered through the planning application and neither SEPA nor the Council’s Flood Prevention and Coastal Protection Section objected to the application although both asked for appropriate conditions to be placed on the permission. No change is required.

OP5 East Newtonleys

OP5 is an effective employment site. An application for the formation of business land, (APP/2014/3671) (see Committee Report and Minute Extract) was approved subject to the satisfactory conclusion of negotiations regarding developer obligations in June 2015. This site now contributes to the critical mass of development required to deal with the water supply issues which originally was effecting the progress of the BUS2 site. No change is required.

CC1 and Retailing

The site is currently in use by the Council as a Depot. However, as part of the Council’s Asset Management Depot Strategy the Council are developing a new Service Depot to enable the release of the existing facilities at Spurryhillock (CC1) and this strategy was agreed by the Policy and Resources Committee in 2013 (see Committee Report and Minute). Since 2013, there has been progress as the Council have outlined the intent to submit a Proposal of Application Notice (POAN) for the new Depot facility in Stonehaven. The Council is also in the early stages of assessing transport scenarios for the redevelopment of the CC1 site.

The request for the site to hold additional parking for the station along with access to the northbound platform is not currently detailed within the allocation and would need to be subject to public scrutiny. If however, a planning application came in before this point, the details of the parking could then be discussed at this stage. No change is required.

Other Sites

There are several requests for more land to be allocated in Stonehaven but as demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and appropriate allocations have been made in the Portlethen to Stonehaven Strategic Growth Area. There is also an effective employment land supply which is demonstrated in Schedule 4 Issue 5: Shaping Business Development. No additional allocations are required.
Bid Site KM021 and KM022

The two sites were bid sites to the MIR with KM021 for 1,500 houses, 5,500m² superstore and business land and KM022 for 700 houses, 5,500m² superstore and business land. Both sites are located at Mill of Forest with KM021 being the full site and KM022 being half of the same site. As noted in the MIR, both sites are segregated from the settlement, but have visual connectivity with Stonehaven and good access to the road network and public transport. Issues of secondary education and the requirement for a new bridge were also raised. Developer support was received in response to the MIR due to the site’s location (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven).

These sites have also been the subject of the previous Examination for the 2012 LDP where they were analysed as a single site for the 1500 houses. The Reporter noted that although there were some possible positives of this site, the site would be highly visible on approaches from both north and south and also expand the settlement well beyond its current limit (see Examination Report – Aberdeenshire Local Development Plan Examination 2012, page 375). The points raised at the MIR remain valid and therefore, no change is required.

The Council have also received a Proposal of Application Notice for Mixed-Use Development Including Residential, Employment and Retail Land Uses with Landscaping, Formation of Bridge, Roads, Cycleways and Paths and All Other Associated Engineering Works on the majority of the site KM021.

The support for the non-allocation of this site is acknowledged. No change is required.

Bid Site KM023 a and b

The sites were received as bid sites to the MIR where it was stated that whilst the sites could be developed they were not well connected to the settlement, or served by public transport. It was also noted that the AWPR may alter this but would segregate the sites further from the existing settlement. Developer support was received for these sites in relation to their location in response to the MIR. To date a planning application for this site has not been submitted. The issues raised within the MIR remain valid issues and, therefore, no change is required.

Bid Site KM024b

The site in question is proposed on part of a bid site that was received to the MIR for 245 residential units and 11,625m² of employment land. In the Main Issues Report it was noted that the whole site had no constraints but was disconnected from the Town by the A90 (T) and the AWPR and would have an adverse landscape impact. In response to the Issues and Actions Report, comments were received for the wider site which were analysed and assessed and it was then recommended to the Area Committee to consider a prestigious very high quality office development, if road transport impacts could be satisfactorily resolved (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). The level of detail provided for this proposal remains very limited and matters such as road transport impacts and landscape impacts had not been satisfactorily resolved before the publication of the Proposed Plan. These issues still remain valid, therefore, no change is required. No evidence was provided by the respondent regarding the confirmation of Transport.
Scotland’s position and the AWPR. No change is required.

**KM043**

The site was received as a bid site to the MIR for a Supermarket and mixed use residential development. In the MIR it was stated that the site was capable of development but there were a number of issues including landscape impact, access to services, Primary School provision and due to the topography the site is not particularly well related to the Town. The developer supported the bid in response to the MIR stating that the site is accessible and close to the Town Centre (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). The site was recommended for inclusion by the Kincardine and Mearns Area Committee solely for a Supermarket at their meeting in May 2014, this along with issues from other areas in Aberdeenshire was taken to the Infrastructure Services Committee for a final view where it was decided that this site should not be included in the Proposed Plan. The site was considered at the Examination for the 2012 LDP where the Reporter noted that, although the site has very few constraints and is well placed to encourage sustainable travel patterns, it is elevated and open, with little vegetation and even with landscaping the development would be conspicuous in local views (see Examination Report – Aberdeenshire Local Development Plan Examination 2012, page 375). The views above remain valid and, therefore, no change is required.

**Bid Site KM051**

The site was submitted and assessed as a bid to the MIR where it was observed that there were issues relating to a pipeline corridor, the site being remote from the Town, part of the site was a Waste Recycling Depot and another part was rugby pitches used by Mackie Academy Rugby and Football Clubs. The site gained developer support who argued in response to the Main Issues Report, that the site provided much needed employment land and was compatible with the existing uses (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). The land is located within a pipeline consultation zone where development would have to comply with the Health and Safety Executive PADHI guidance. There is also sufficient amount of employment land allocated with the Portlethen to Stonehaven Strategic Growth Area, demonstrated in Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy and as there is no clear demand for extra land there is no reason to allocate this land. No change is required.

**Bid Site KM068**

The site for 24-30 houses was submitted as a bid to the MIR. Within the MIR it notes that while the site is adjacent to the settlement boundary and OP1, the site is remote from services and facilities. It is also noted that there is a burn between this site and OP1, is fairly prominent location, and the proposed density of the site is not appropriate for the location within the Strategic Growth Area. Support from the developer was received in response to the MIR in relation to the site supporting planning objectives to meet local housing needs (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). However, the issues raised at the MIR still remain valid, therefore, no change is required.
Bid Site KM080

The site was a bid site to the MIR for 300 residential units and a Supermarket. Within that Report it was noted that the site had no undevelopable constraints but it would have a significant landscape impact on the setting of the Black Hill Monument, was not well connected to the Town and there were possible transportation issues. In response to the MIR, developer support was received contradicting these observations (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). Part of this site was subject to the examination of the 2012 LDP where the Reporter agreed that the site was technically capable of development, though the land falls very sharply to the west. The Reporter also noted that development on the land was likely to be conspicuous in long range views (see Examination Report – Aberdeenshire Local Development Plan Examination 2012, page 377). These views still remain valid and there is no reason to allocate this site. No change is required.

Bid Site KM092

The site was a bid site to the MIR for 7.5ha of commercial/retail/ employment and business land. Within the Report it is stated that the site is constrained by a pipeline corridor. It was also noted that the site would elongate the settlement and is a steeply sloping site. No developer support was received in response to the Main Issues Report (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). The issues above still remain valid and as there is no need to allocate additional land, no change is required.

Bid Site KM095

The site was submitted and assessed as a bid to the MIR for a Supermarket where it was noted that there were no undevelopable constraints but it was poorly connected to the Town, had issues with transportation as it was not within walking distance of any existing facilities and would result in the loss of prime agricultural land. Developer support for this site was received in response to the MIR on the grounds of accessibility (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven). KM095 was also the subject of the Examination of the 2012 LDP where the Reporter stated that the site would have good access to the A90(T) northbound but not for the A90(T) southbound and the site was isolated from the main residential areas of the town. It is also stated that due to its location it would not encourage sustainable modes of travel. These views still remain valid and therefore no change is required to the Settlement Statement.

Bid Site KM098

The site was a bid to the MIR for a mixed use development of 500 residential units, Supermarket, Primary School and playing fields where it was noted that there were no significant constraints with the site but that it is not well connected to the settlement. It was also noted that the site was not easily walkable to the Town Centre and there were possible transportation impacts. Developer support was also received for the bid in response to the MIR on the grounds of location and the need for housing (see MIR Report 2013, Appendix Kincardine and Mearns, page 70-78 and the subsequent MIR 2013, Issues and Actions Paper 160: Stonehaven).
Part of this site is allocated for the replacement of Dunnottar Primary School and was also allocated in the 2012 LDP for this purpose. No objection was received at this time for the allocation of the site for the Primary School. There has not been any significant changes nor a valid reason given to change the allocation of the P9 site from a replacement Primary School. No change is required.

Land North of Stonehaven

During the preparation of the MIR there was no development bid received for this purpose nor were there any comments received in response to the MIR. No information was also given by the respondent to the location or scale of this desired allocation. As the site was not received as a bid to the MIR it was therefore not subject to the same checks as all of the other sites within the LDP and also neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted with the representation. Due to the lack of evidence provided it is not appropriate to consider this site for inclusion in the LDP and, therefore, no change is required.

Reporter's conclusions:

Protected sites

1. Stonehaven Community Council has stated that the harbour should not be allowed to be overtly commercialised, as its character is principally as a working and educational area. I am satisfied that the harbour’s inclusion within the Stonehaven conservation area (supported by the provisions of policy HE2) provides an effective safeguard against development, including changes of use, where this would be detrimental to its special character. I do not consider any additional safeguards or criteria for development proposals in the harbour area are necessary.

2. Site P9 is proposed to be designated as protected land to provide a replacement for the current Dunnottar Primary School site. This designation was also made in the 2012 local development plan (LDP). The landowner has objected to the site’s inclusion because the planning authority has not sought to purchase the site, and because the designation is causing planning blight.

3. This site lies adjacent to but outside the proposed settlement boundary. Notwithstanding that bid site KM098 incorporates site P9 (the merits of which are considered separately below), the degree of any blight being caused by this designation is tempered by its countryside location and the associated restrictions upon development set out by policy R2. Furthermore, given the site is a protective designation as opposed to an allocation, the deliverability of the development is not required to be demonstrated.

4. Another representee has recommended that the outcome of a review of school catchments ought to be completed before site P9 is included in the plan. However, given the timings of the review (confirmed by the planning authority) extend beyond the examination of this plan, there remains potential for a continued need for a new site for the primary school. It is appropriate for the plan to take account of this potential need and on the basis of the above assessment, I consider the P6 designation should be retained and no modifications to the plan are necessary in this regard.

5. I am of the view that the planning authority has misinterpreted the comments of the
community council regarding Mackie Academy. The planning authority has understood these comments to be raising concern that developer contributions for the replacement Dunnottar Primary School may be used at Mackie Academy. My understanding is that the community council was highlighting that a commitment to refurbish and extend Mackie Academy is required to accommodate growth, in addition to addressing primary school capacity. Despite this, I am satisfied that this matter is appropriately addressed in the fourth bullet point in the ‘Services and Infrastructure’ section of the settlement statement.

Reserved Land

6. A representee has objected to the designation of site R2, reserved for an extension to Fetteresso Cemetery, on the basis that the site is not available for this use and the designation would thereby be undeliverable. I consider it appropriate for the planning authority to plan for a future need to extend the cemetery and the site is logically located adjacent to the existing cemetery. Being a site reserved for a particular purpose rather than a development allocation, the current availability of the land for the intended purpose does not need to be demonstrated.

Other Designations

7. The planning authority has confirmed its agreement to a modification to make reference to the Kirktown of Fetteresso Conservation Area as requested in a representation. I support the addition of this reference given this designation would potentially have a direct bearing on development management decisions. For the avoidance of doubt this is included in the list of recommended modifications.

8. A representee has stated that land at Eastnewton Leys (OP5 and BUS2) is an area which many residents wish to see protected from development. Quantitative results of public consultation have been cited but no other reasons have been provided to substantiate the expressed view that these sites, which contribute to the strategic requirement of meeting housing and employment needs, should be deleted. On this basis a modification to the plan would be inadequately justified. Another representee has highlighted the importance of ensuring the development of the BUS2 site does not exacerbate flood risk elsewhere in Stonehaven. Notwithstanding that there is an extant planning permission on this site, matters relating to the management of foul and surface water are detailed considerations most appropriately addressed through the development management process. Consequently I find there would be no added value provided by a reference to the issue of flood risk.

9. As site BUS3 falls within a pipeline consultation zone a modification to the plan to reflect this is justified. I do not consider it essential for a site-specific reference to this issue to be made. The presence of a pipeline consultation zone is potentially relevant to development proposals on various sites, so I support the planning authority’s proposed modification to add a subheading and text within the settlement statement to identify this potential constraint.

10. The community council’s support for a town square regeneration programme is noted. No evidence has been provided of there being a firm commitment to such a programme. Consequently it is unclear whether or not this may give rise to any land use implications to which the LDP would be relevant. In this context I find that a modification in this regard would not be adequately justified.
11. A representee has raised concern that the plan inadequately addresses a need for retail development and in particular the lack of suitable space for a supermarket. The representee has stated that applying the sequential approach (which is set out in Scottish Planning Policy (SPP) paragraph 68), as interpreted, is preventing the town’s retail need being met.

12. I note the vision statement refers both to the demand for a supermarket and that there have not been any sites which meet the sequential approach. The plan proposes to allocate site CC1 for small-scale retail use but the planning authority has confirmed that it does not see this site as capable of accommodating a major foodstore. The planning authority has stated that it has not been able to identify a preferred site for additional retail development, on the basis that it considered it would be inappropriate to promote an out-of-centre location. Whilst clearly an important consideration is maintaining the vitality and viability of the town centre, given the recognised retail capacity in Stonehaven it would have been appropriate, in principle, to allocate an out-of-centre site for retail development as long as there was no reasonable prospect of a sequentially preferable location being secured. Paragraph 69 of SPP calls for flexibility and realism when applying the sequential approach, and I consider it would have been desirable for the plan to have more fully addressed this locally significant issue, by considering locational options holistically and identifying a site that was preferred overall. Without this certainty, the development management process will need to be relied upon to consider the relative merits of proposals as and when they come forward.

13. Notwithstanding the above, various bid sites have been put forward which include proposals for retail provision, and I have given consideration to the justification for their inclusion in the plan below in the context that the planning authority confirmed that on 30 June 2016 an application (reference APP/2015/3716) for a 3750 m² supermarket and other development was approved subject to conditions and the completion of a section 75 agreement. That site is located outwith the settlement boundary on land at Ury Estate, accessed from Slug Road. The land had not previously been put forward as a bid site for inclusion in the plan.

14. I have also considered the appropriateness of site CC1 in the context of this decision and the numerous objections to its inclusion in the plan. I return to this matter below. It is relevant to note here that a modification to the vision statement will be required to reflect both the decision referred to above and my conclusions regarding site CC1 and the various bid sites.

OP3 Ury House

15. Site OP3 falls within the pipeline consultation zone referred to above. As this site is allocated for development, I support the proposed amendment to the OP3 development brief to identify this potential constraint. The planning authority has also stated it intends to modify the settlement boundary to include the site, but as this does not relate to any unresolved representations this is not a matter for the examination to consider.

OP4 Land at Kirktown of Fetteresso

16. A representee has stated that the site is unsuitable for development for reasons relating to flooding, the effect on the Kirktown of Fetteresso conservation area, and road safety. The planning authority has stated that planning permission was granted in September 2015 for residential development on the site. My site inspection confirmed that
17. A spelling error has been identified in a separate representation which the planning authority has acknowledged. This could be amended by the planning authority but for the avoidance of doubt I have included this in my recommendations.

OP5 East Newtonleys

18. A representee has stated the site should be protected based on the views expressed during a residents’ survey undertaken in 2009. In the absence of any further justification, and in the context that this site contributes to the strategic requirement to meet the need for additional housing, this view does not warrant a modification to the plan.

19. Another representee has stated there is no demand for employment land, as demonstrated by the lack of take-up of the adjacent BUS2 site. The planning authority has stated that the BUS2 site had previously been constrained by water supply issues and the OP5 site allows for a critical mass of development to overcome this constraint. I note that a planning application (reference APP/2014/3671) has recently been made and this was approved in June 2015 subject to a section 75 agreement. This strongly indicates that there is some developer interest and the site can reasonably be considered as effective. On this basis, I do not recommend any changes to this allocation.

CC1 and Retailing

20. Numerous representees have objected to the inclusion of site CC1 for retail use, principally on grounds relating to the site’s suitability, viability and deliverability. These objections have been reiterated in comments received following the planning authority’s decision to grant planning permission for a supermarket at Ury Estate, as referred to above. Some representees have argued that the Ury Estate decision further undermines the justification for its continued allocation.

21. The rationale for the allocation of CC1 has been explained by the planning authority to be to provide additional retail choice given the high occupancy levels of retail units in the town centre. The planning authority has explicitly stated that the site “…is not intended to be a substitute for a major foodstore”. I also acknowledge that the examination of the 2012 LDP found CC1 to be the best site sequentially for a supermarket, albeit of a small-scale. Notwithstanding these factors, there has clearly been a significant material change to the context in which I must assess the appropriateness of the CC1 allocation, which arises from the recent decision of the planning authority to grant planning permission (subject to a section 75 agreement) for a larger-scale supermarket at the Ury Estate site.

22. An extract from the Aberdeen City and Aberdeenshire Retail Study 2013 (ACARS) has been provided as an appendix to one of several detailed representations regarding retail provision in Stonehaven. Paragraph 3.191 of ACARS states “The recommended Retail Strategy … continues to identify the centre as a Town Centre … and seeks to protect this from adverse retail impact. Furthermore a new supermarket of 4000 sq m gross floor area is proposed to serve the town although no specific location is proposed for this".

the site is now under construction, so I consider the concerns raised regarding the suitability of the site have been overtaken by events and a modification to the plan at this stage would have no bearing on the development.
23. The assessment and recommendations within the ACARS document are material to both the CC1 allocation and the various bid sites proposed to satisfy the identified deficiency in retail provision. Whilst I recognise that the approach of the LDP is not bound by the recommendations of ACARS, it is relevant to note that the allocation of CC1 does not garner support from the study, as CC1 would neither support the town centre nor be capable of accommodating a retail development of the size identified as required in the town. However, of particular pertinence to my assessment of CC1 is that the capacity for a 4000m² supermarket would now potentially substantially be met at the Ury Estate site. Whilst I acknowledge that there cannot be absolute certainty that the development will be built (particularly given a section 75 agreement is currently outstanding), neither is there any basis for me to assume that the proposed development will falter. Therefore consider that the inclusion of any other sites for retail provision could only be viewed favourably if there was robust evidence that this would not have an unacceptable cumulative impact on the viability and vitality of the town centre. No such evidence has been provided and consequently there is no valid case in favour of making allowance for additional retail floorspace. Whilst the planning authority considers the site continues to offer value and public benefit as a retail allocation, there is inadequate evidence to suggest that additional retail choice outwith the town centre would be beneficial or even sustainable in Stonehaven. Consequently, for the reasons explained above and having regard to all of the further information responses regarding this matter, I conclude that site CC1 should be removed from the LDP.

24. A representee has stated that the potential for growth of the station and rail services to and from the town has been limited by the lack of car parking, and site CC1 offers the potential to provide additional car parking. Given my conclusion that the site should not be allocated for retail development, the opportunity for exploring other uses for the site is increased. As an urban site within the settlement boundary, removal of this allocation would not preclude development proposals, including for retail, to be brought forward and considered through the development management process against relevant plan policies.

25. The planning authority has responded to its decision to approve a supermarket at Ury Estate by proposing the allocation of the site as OP6 to reflect the decision, accompanied by a modification to the settlement boundary. It was not however proposed in representations to the proposed plan and only introduced at a very late stage in this process. However it is a relevant consideration as, if implemented, it would effectively meet the identified need for a supermarket. Given that an extant permission would enable development to proceed, this counters the argument for competing proposals as there would be no remaining capacity justification, consequently raising concerns about cumulative retail impact. Given that the permission is subject to confirmation of a legal agreement and given the focus of this examination is on matters raised in representations, I do not consider that it would be appropriate for me to recommend allocation of this site at this time. However given its potential relevance in terms of future retail provision in the town I consider the status of the site is appropriately referenced in the text of the vision statement. My recommendation reflects this.

Other sites

26. Bearing in mind the conclusions from Issue 7 I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of housing completions over the plan period. However, given there is a generous effective housing land supply in both housing market areas across Aberdeenshire, there is no imperative to identify additional sites. A number of bid sites
incorporate proposals for retail development, but in light of my conclusions above in relation to site CC1 and retailing in Stonehaven, in the absence of any evidence relating to the cumulative impacts of further retail provision in addition to the proposed supermarket at the Ury Estate site, I cannot safely give favourable consideration to any additional sites for retail provision. It is in this context that I have assessed the bid sites in Stonehaven.

Bid Sites KM021 and KM022

27. Site KM021 is an extensive area of land to the southwest of Stonehaven, beyond the settlement boundary and on the west side of the A90. Site KM022 is essentially the eastern half of KM021. However, the development of either site would represent a strategic extension to the town, which would be inconsistent and potentially undermine the strategy of the local development plan by virtue of its scale and location. I also have concerns regarding the sites’ relative remoteness from the town centre and their visual prominence. Any development in this location would be highly visible and would have some adverse impacts on the landscape setting of the town. I acknowledge that a new bridge over the A90 would be proposed, but the A90 would nevertheless restrict permeability between the sites and the town. For the above reasons, and noting my previous conclusions regarding retail provision, I do not consider the inclusion of these sites would be justified. As an aside, I note that a planning application for a mixed use development was refused by the planning authority on 30 June 2016.

Bid Sites KM023a and KM023b

28. These sites have been put forward as proposed locations for a supermarket development. Given my conclusions regarding the retailing situation in Stonehaven, and the implications of the decision at the Ury Estate site, there is no basis for me to recommend these sites be included in the LDP. In this context there is no need for me to consider the relative merits of this site against the Ury Estate site and other retail bid sites. I do however agree with the planning authority’s conclusion that the sites are not well connected to the town. I note also that a planning application (reference APP/2015/2094) for a proposed supermarket on site KM023a was considered and refused by the planning authority on 30 June 2016, at the same committee meeting that supported the Ury Estate supermarket proposal.

Bid site KM024b

29. This site is immediately to the east side of the currently under-construction Aberdeen western peripheral route (AWPR). It has been put forward as an employment site, described by the site’s promoter as being for a “prestigious HQ / operations development”. The site is remote from the town and notwithstanding its proximity to the A90 and AWPR, it maintains a countryside character. No evidence has been provided regarding the traffic and transport implications of the development, which could potentially be significant given the site’s location and the indicated intention to accommodate approximately 1000 employees at this site. There is also a lack of evidence to explain how the allocation of this site would satisfy paragraph 68 of Scottish Planning Policy, which sets out the town centre first sequential approach for various uses including offices. For these reasons I do not consider the inclusion of the site in the LDP would be justified.

Bid site KM043

30. This substantial site, known as Mains of Cowie, is being promoted for a mixed use
development, comprising of up to 400 dwellings, supermarket (up to 4000m²), land for a primary school and open space. I note that a planning application that was broadly consistent with the above but for 250 dwellings was considered by the planning authority at the same committee meeting as applications at the Ury Estate, and sites KM021, KM022 and KM023a. The application was refused.

31. The approval (subject to a section 75 agreement) of a supermarket at the Ury Estate site undermines the justification for the inclusion of the Mains of Cowie site for this purpose. This is notwithstanding that I consider the site relates relatively well to the town centre. The topography would present some difficulties for providing direct, easily accessible active travel routes between the site and the town centre. The site is relatively prominent, but I consider the representations made in support of this site adequately illustrate that the development could be successfully accommodated without necessarily giving rise to unacceptable effects upon the landscape setting, visual amenity or character of the town, and issues relating to movement would be capable of being satisfactorily addressed. The railway, adjacent to the site's north boundary, provides a clear defensible boundary which helps to visually contain the site and it would limit any pressure or potential for additional future development to encroach further into the countryside.

32. Whilst the site is relatively unconstrained, the number of dwellings proposed would represent a significant urban extension to Stonehaven. Residential development of the scale envisaged for this site would potentially be detrimental to the delivery of other allocated sites in the housing market area. In the context that there is no imperative to identify further housing land at this time, coupled to an absence of evidence regarding the cumulative effects of an additional supermarket alongside the potential supermarket development at the Ury Estate site, for these reasons I do not consider the site's inclusion in the plan to be appropriate.

Bid site KM051

33. A representee is seeking the allocation of land for employment development, which would be an expansion of the BUS3 site. The site is within a pipeline consultation zone but I consider this is unlikely to be an insurmountable constraint to development. The site is outwith the current settlement boundary but relates reasonably well to existing development on the BUS3 site. Part of the bid site includes rugby pitches which the representee has stated are used by Mackie Academy Rugby Football Club. Whilst I acknowledge that the representee has stated that the pitches are no longer fit for purpose and the team are looking to relocate, no evidence has been provided to show that an alternative site has been secured, or even whether reasonable alternative sites within Stonehaven are available.

34. Paragraph 226 of Scottish Planning Policy makes clear that outdoor sports facilities should be safeguarded unless, amongst other criteria, the facility would be replaced by a comparable or better facility in a convenient location, or the need met by upgrading existing facilities in a convenient location and which would maintain or improve overall playing capacity. Without these assurances, and in the absence of a shortfall of employment land in the Portlethen to Stonehaven Strategic Growth Area, the allocation of this site would be unjustified.

Bid site KM068

35. Whilst the number of dwellings proposed on this site is relatively modest, the site is
significantly constrained by virtue of vehicular access being via a single track road with no
footway. The promoter of the site has indicated that road widening and passing places
could potentially be provided (shown as an annotation on the submitted outline
masterplan). No other consideration has been given to access arrangements. Given the
nature of the surrounding routes, the site’s location may discourage active travel by
residents of a development. I am concerned that satisfactory access arrangements may
be unachievable. The site is relatively remote from the town centre and services and
whilst there is residential development immediately to the north and the site is bound by
the A90 to the west, the site’s character is essentially rural and it bears a strong
relationship with the adjacent P4 protected land. I do not consider inclusion is justified as
it is not clear that the access constraints could be addressed.

Bid site KM080

36. A representee is seeking the allocation of this site for the provision of 300 dwellings
and a supermarket. Given the planning authority’s decision to support a supermarket
proposal at Ury Estate, there is inadequate evidence regarding cumulative effects to
consider an allocation for retail on this site. The scale of residential development would
also be of a scale that would potentially serve to undermine the delivery of allocated sites
elsewhere in the housing market area.

37. In addition to these matters of principle, I share the concerns of the planning authority
regarding the landscape impact that would arise from the development of this site. This
would affect the setting of both the Black Hill Monument and the town itself, with the site
being particularly prominent in wide ranging views from the north. My concerns in this
regard are not alleviated by the representee’s proposal to establish a landscaping belt. A
positive aspect of the site’s development is its proximity to the town centre, but this is
insufficient to outweigh the more fundamental issues relating to the lack of justification for
retail development, the potential for a development of this scale to undermine the strategy
of the LDP, and the site-specific landscape impact concerns discussed above. On this
basis, it would be inappropriate to allocate this site.

Bid site KM092

38. A representee is seeking the allocation of this site for a “small scale retail, business,
commercial or industrial development”. Whilst there is some limited development in the
immediate vicinity at Kirktown of Fetteresso and site OP4, I agree with the planning
authority that development of this site would elongate the settlement. The site does
benefit from there being a nearby junction with the A90, but this only allows for access and
egress with the northbound carriageway. The site is otherwise relatively remote from the
town and its location would be unlikely to encourage active travel. The road which links
Broomhill Road with the A90 currently provides a defensible boundary and I consider any
development to the west side of the road would be detrimental to the essentially rural
character of this location. This character also makes a positive contribution to the setting
of the Kirktown of Fetteresso Conservation Area. Setting aside the retailing situation in
the town, I do not consider that the inclusion of this site for the other suggested uses
would be appropriate on the basis of the above assessment.

Bid site KM095

39. This bid site is being promoted as a location for a 4180m² supermarket. Given the
recent decision by the planning authority to support a supermarket proposal at Ury Estate,
and in the absence of any evidence regarding the cumulative effects of allowing further retail provision in addition to this, I consider the principle of allocating this site to be unjustified. In any case, I am not persuaded that this site would be well suited to such a use. It is in a location which relates poorly to the residential areas of the town, and as such access to the site would be likely to be heavily reliant upon the private car. The site is immediately accessible from the A90 but, as with bid site KM092, the benefits of this are limited by the junction serving the northbound carriageway only. Approximately half of the bid site is subject to designation R2, which seeks to reserve land for an extension to Fetteresso Cemetery. I note the site’s promoter states a cemetery extension could be provided as a developer contribution, but this does not address whether sufficient land would remain available for this purpose, also having regard to the constraints presented by the steeply sloping nature of the site.

Bid site KM098

40. This is a substantial bid site for 500 dwellings, supermarket and primary school. Again, there is no longer any justification for the retail component of the bid in the absence of evidence relating to its cumulative effect alongside the potential supermarket at Ury Estate. The scale of the residential development would represent a relatively substantial urban extension, for which no strategic need has been identified (having regard again to Issue 7 conclusions). There is little in the way of evidence in regard to the cumulative effect of residential development of the scale proposed on this site alongside that on other allocations in the town; for example the extent and significance of cumulative traffic impacts.

41. In landscape terms the western half of the site would be reasonably well contained, but the eastern half of the site would be significantly more prominent from the coastal area and Black Hill Monument where development would appear as detached from the town. The eastern part of the site would also be more remote from the town centre whereas, on balance, I consider the western part of the site would have sufficient proximity and accessibility to the town and it would relate well to the OP5 and BUS1 sites.

42. I have given consideration to the appropriateness of the P9 designation for a new primary school above and so it is unnecessary to repeat my assessment of that matter here.

43. Based on my assessment above, I do not consider there to be sufficient clarity regarding the potential cumulative impacts of development and I am not persuaded that the whole allocation would be appropriate in landscape terms. Taking into account all the relevant planning considerations I do not accept that inclusion of this site would be justified.

New Site: Land north of Stonehaven

44. A representee has requested that land be identified to the north of Stonehaven for provision of a technology, science and marine park. However no specific site was identified and there is a lack of any supporting information. There is no basis upon which a site could be selected for such a purpose given that no consideration has been given to the concept or possible sites during the formulation of the LDP.
1. In the ‘Settlement Features’ table add a new row to identify “C2: Kirktown of Fetteresso Conservation Area”. Amend “CA” to “CA1” and make consequential changes to the Stonehaven keymap and maps 1 to 4 as required.

2. Add a new section to the Stonehaven settlement statement with the subheading “Oil and gas pipelines”, to be inserted after the Flood Risk section:

“Part of the settlement is within the Health and Safety Executive (HSE) consultation distance associated with one or more oil or gas pipelines in the vicinity. Development within this distance must accord with Policy P4 ‘Hazardous developments and contaminated land’ and the HSE ‘Planning advice for developments near hazardous installations’ (PADHI).”

3. Replace the fifth sentence of the Vision with the following:

“There is demand for a supermarket within the town and planning permission has been granted, subject to a section 75 agreement, for a 3750m² supermarket and other development at the Ury Estate adjacent to the A957 Slug Road.”

4. Delete the sixth sentence of the Vision which currently states:

“It should be noted however, that there is a commercial centre which has been identified for small scale retail use.”

5. Add a new fourth paragraph to the OP3 development brief as follows:

“Development on the site must accord with Policy P4 “Hazardous Developments and Contaminated Land” and the Health and Safety Executive Planning Advice for Developments near Hazardous Installations (PADHI) owing to the presence of one or more oil or gas pipeline(s) in the vicinity.”

6. Amend the OP4 title to correctly spell Kirktown of Fetteresso.

7. Delete the CC1 allocation by removing the CC1 development brief and amending the Stonehaven Keymap, map 1 and map 3 to remove the site boundary and CC1 annotation. Amend Appendix 2 “Retail Centres” to remove reference to “Spurryhillock, Stonehaven” in the “other commercial centres and retail parks” row.
<table>
<thead>
<tr>
<th>Issue 60</th>
<th>Shaping Kincardine and Mearns - Other Settlements in the Portlethen-Stonehaven SGA - Banchory Devenick, Cammachmore, Chapelton, Downies and Muchalls</th>
</tr>
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<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Kincardine and Mearns 8, 56 and Other Appendix 8</td>
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<tr>
<td>Reporter:</td>
<td>Christopher Warren</td>
</tr>
</tbody>
</table>

Body or person(s) submitting a representation raising the issue (including reference number):

**Banchory Devenick**
Robert Gordon University (280)

**Cammachmore**
George Scott (317)
G & M Scott (378)
Bancon Developments Ltd (707)

**Chapelton**
Elsick Development Company Limited (612, 614)
Scottish Government (647)

**Downies**
George Scott (317)
G & M Scott (378)

**Muchalls**
Aberdeen Endowments Trust (290)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

**Banchory Devenick**

Bid Site KM044

Robert Gordon University (RGU) disagrees with the assessment of the site made in the Main Issues Report (MIR) and Issues and Actions papers. The site was submitted to the MIR for recreation, outdoor sports and training facilities. RGU argue that connectivity issues will be addressed through the provision of a pedestrian/cycle path as an integral aspect of the development. It is argued that RGU's commitment to sustainable transport and the existing public transport connections (within 400 metres of the site) would prevent an increase in car journeys. It is also argued that ongoing consultation between RGU, Transport Scotland and Aberdeen City Council regarding an additional River Dee crossing would allow a solution to be found taking access to the south from the A90 (T), negating the use of the existing Bridge of Dee. A Transport Assessment will also be provided (280).

The respondent has confidence that a solution to the flood risk on the site can be found
through design and technical solutions. Sustainable urban drainage systems (SUDs), flood risk assessment (FRA) and a flood management plan will be developed in consultation with the Scottish Environment Protection Agency (SEPA). The respondent also highlights RGU's confidence that a design solution can be found to the environmental and landscape concerns, and provides a commitment to carrying out an appropriate environmental impact assessment (EIA) and consultation with statutory consultees. It is argued that a Landscape and Visual Impact Assessment and design solutions will remove the significant landscape impact identified in the MIR (280).

Cammachmore

Until the 2012 LDP, Cammachmore has always been considered a 'settlement' and reasonable infill within the settlement has been allowed, providing small-scale development opportunities and locational choice for house buyers. Re-establishing a settlement envelope for Cammachmore would reflect sound planning practice (378). Opportunity for infill would provide an alternative to large sites to enable competitiveness in the housing market as larger sites are perceived to create a monopoly (317).

Bid Site KM097

Cammachmore currently relies upon Newtonhill for most services and facilities as the settlement only offers a hotel and a garage. There is, however, an existing underpass below the A90 that provides access for pedestrians and cyclists to Newtonhill. The two settlements currently function as a single unit due to the lack of facilities in Cammachmore. The site, proposed for 100 houses, would be accessed from the existing loop road from the A90 (T) with an emphasis on pedestrian and cycle connectivity and safety. The provision of the AWPR will also reduce projected traffic movements on the A90 (T) (707). The site is well screened by topography and existing mature trees and much of the site is not visible from the A90 (T) due to bunding and trees. Newtonhill Primary School and Portlethen Academy will serve the development but at this stage the school rolls are difficult to determine due to the slow progression of Chapelton (707).

Chapelton

Allocated Sites

OP1 Chapelton

Support was received from the developer for the continued allocation of site OP1 for up to 4,045 homes, 11.5ha of employment land and 11ha of strategic reserve (612).

The wording of the Settlement Statement is not specific enough and should be amended to reflect the conditions on the planning consent requiring that no more than 1740 houses be built until such time that the AWPR is complete and Bourtreebush grade separation is in place; or, if the closure of the Bruntland Road right turn has not been implemented, no more than 266 houses. These changes should be made to provide clarification on the current position as reflected in the consent for the development (647).

Settlement Map

The approved Development Framework includes a Principal Town Centre as well as a number of neighbourhood centres and these should be shown in the Settlement
Statement map for Chapelton (614).

Downies

Downies has long been established as a settlement in previous iterations of the Aberdeenshire Local Plan. Infill development provides small scale development opportunities and locational choice for house purchasers. There is also precedent for its inclusion, as the coastal zone maps show several existing settlements including Findon and Portlethen Village which are rightly excluded from the coastal zone. There is no planning reason for treating Downies any differently (378).

Opportunity for infill would provide an alternative to large sites to enable competitiveness in the housing market as larger sites are perceived to create a monopoly (317).

Muchalls

Additional Sites

Bid Site KM103

There is a shortfall in the allocations in the Stonehaven to Portlethen Strategic Growth Area (SGA) in the period to from 2017 to 2026 from that required by the Strategic Development Plan which could be addressed by development of site KM103 in Muchalls for 30 houses. The site was previously identified as "preferred" by Officers for 10 houses (290).

The conservation area has been degraded by inappropriate extensions and use of poor materials. An appropriately designed development could enhance the conservation area. The amenity of the village can be preserved through good design. Capacity issues at Portlethen Academy could be resolved through developer contributions and does not need to prevent development from happening. An Access Strategy has also been attached with the representation detailing no issues with the junction to the A90. Transport Scotland would have no objection to this site after the completion of the AWPR and once an access point has been identified. The land is agricultural Grade 2.1 and therefore "prime", it is a self-contained parcel of land and does not set a precedent for further development on surrounding land (290).

Modifications sought by those submitting representations:

Banchory Devenick

Bid Site KM044

Allocate bid site KM044 at Banchory Devenick for University uses, including teaching/education facilities, student accommodation, sports and recreation land, and associated car parking. Remove site from the green belt (280).

Cammachmore

Identify Cammachmore as a settlement (378) and allow infill development (317).
### Proposed Aberdeenshire Local Development Plan

**Bid Site KM097**

Allocate land at Cammachmore for the early delivery of 100 houses in the 2017-2026 Plan period (707).

**Chapelton - Allocated Sites**

**OP1 Chapelton**

The Chapelton Settlement Statement should be amended to reflect the conditions on the planning consent requiring that no more than 1740 houses be built until such time that the AWPR is complete and Bourtreebush grade separation is in place; or if the closure of the Bruntland Road right turn has not been implemented, no more than 266 houses (647).

**Settlement Map**

The Chapelton Settlement Statement should identify the Principal Town Centre and neighbourhood centres, as shown in the approved Development Framework (614).

**Downies**

Identify Downies as a settlement (378) and allow infill development (317).

**Muchalls**

Allocation of the land on the western boundary of Muchalls for a medium scale residential development of up to 32 houses in the Plan period (290).

### Summary of response (including reasons) by Planning Authority:

**Banchory Devenick**

**Bid Site KM044**

The site was a bid site (KM044) to the MIR where it was stated that the site was not well related to Aberdeen, on the other side of the River Dee to the main campus with no direct access. Issues of flood risk and significant impacts on the River Dee SAC were also noted. In response to the MIR objections were received from members of the public along with comments from SEPA and SNH. No developer comments were received to address any of the issues raised. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted and the concerns raised in the MIR remain valid (see MIR Report 2013, Appendix Kincardine and Mearns, page 97 and the subsequent MIR 2013, Issues and Actions Paper 162: Landward Sites in Kincardine and Mearns). No change is required.

**Cammachmore**

**Bid Site KM097**

The site was submitted as a bid to the MIR (KM097) and at this stage it was noted that the site was remote from services, constrained by flood risk and also could result in
coalescence with Newtonhill. Developer support was received in response to the MIR on the grounds of proximity to employment land and the need for more housing in the village (see MIR Report 2013, Appendix Kincardine and Mearns, page 51-56 and the subsequent MIR 2013, Issues and Actions Paper 154: Newtonhill). The site has also previously been subject to Examination for the 2012 LDP where the Reporter concluded that the scale of development would threaten the identity of Cammachmore as it would be absorbed into Newtonhill (see Examination Report – Aberdeenshire Local Development Plan 2012, page 358). This position still remains valid as it is not seen that the scale of development proposed is suited to the small hamlet. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted and the implications of this development proposal are largely unknown. No change is required.

The request by the respondent for infill opportunities in Cammachmore is noted. However Cammachmore is located in the green belt. This means that policy, R1 Special Rural Areas applies. This sets out criteria for development that is permitted in these types of locations and does not include infill as an opportunity. There is not a strong enough argument given by the respondent as to why these areas should be removed from the boundaries of the green belt so it is therefore considered that no changes are required. Cammachmore is also not identified as a settlement within the Proposed Local Development Plan as the areas have no allocated, reserved, protected or safeguarded sites which need to be considered. The modification requested to include Cammachmore as a settlement is not supported.

Chapelton

OP1

The support from the developer of the site is acknowledged.

It is not considered necessary to include the information regarding the Transport Scotland conditions within the development brief for OP1 as these are binding conditions of the planning application consent which is referenced in the development brief. This information however, has been added to the Action Programme. Any future applications will be assessed on their own merits and transport appraisals at that time may require a different solution set. No change is required.

Settlement map

In relation to the Town Centre and neighbourhood centres there is a policy in the Proposed Plan, Policy B2 Town centres and Office Developments and Appendix 2 Retail Centres, which set out the guidelines for development relating to town centres. For that reason it is not proposed to show the extent of the Principal Town Centres or the neighbourhood centres in Chapelton until they are built. It is felt that this request is premature and it would be more appropriate to review this later in the development of Chapelton, to reflect the implementation of the approved Development Framework and Masterplan. No change is required.

Downies

The request by the respondent for infill opportunities in Downies is noted. However Downies is located in the coastal zone. This means that policy, R1 Special Rural Areas applies. This sets out criteria for development that is permitted in these types of locations
and does not include infill as an opportunity. There is not a strong enough argument given by the respondent as to why these areas should be removed from the boundaries of the Coastal Zone respectfully so it is therefore considered that no changes are required. Downies is also not identified as a settlement within the Proposed Local Development Plan as the areas have no allocated, reserved, protected or safeguarded sites which need to be considered. The modification requested to include Downies as a settlement is not supported.

**Muchalls**

**Additional Sites**

**Bid Site KM103**

Housing Land Supply is discussed in Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy. In relation to the Portlethen to Stonehaven SGA there is sufficient land available for development and, therefore, there is no need to release any further land at this time.

A bid (KM103) was submitted to the Main Issues Report (MIR) where it was stated by the Council that the site would likely have a limited positive impact on the few services in Muchalls and also that it is fundamentally undesirable to increase traffic using the junction onto the A90. It was also noted that there were sufficient allocations to satisfy the requirements of the Strategic Development Plan. The developer supported the bid with a response to the MIR (see MIR 2013, Issues and Actions Paper 153: Muchalls).

Also in response to the Proposed Plan the respondent has supplied additional information with an access appraisal, turning vehicle waiting times, Transport Scotland response, flood risk assessment and site plan to try to address some of the concerns raised in the MIR. The Council’s Transportation Service have looked at the information provided and state that the site does not comply with policy for access to public transport, and there are delays to vehicles attempting to access the A90 (T), which would be exacerbated by the development. Transport Scotland also has a desire to reduce the number of existing right turn ‘at grade’ junctions on the A90 from a road safety perspective, removing them where appropriate. No evidence has been presented justifying the increase in use of this junction. In addition there are safety concerns in respect to pedestrians having to cross the A90 (T) to access public transport. No change is required.

The Council’s Transportation Service also note that it is also stated within the respondents report that the implementation of the Aberdeen Western Peripheral Route (AWPR) will reduce the flows on the A90 (T) allowing for additional capacity at the junction. These assertions are not quantified, and without this information it is difficult to fully comment on the issues raised. No change is required.

Within the Proposed Plan Policy, PR1 Protecting important resources echoes Scottish Planning Policy (SPP) in defining that prime agricultural land, is defined as Classes 1, 2 and 3.1. The bid site is on prime agricultural land. Paragraph 80 of SPP advises that development on prime agricultural land should not be permitted except where it is essential as a component of the settlement strategy or necessary to meet an established need where no other suitable site is available. At this stage there is no requirement for further housing therefore there is no need to consider development of this land. No change is required.
### Reporter's conclusions:

#### Banchory Devenick

**Bid Site KM044**

1. This site sits on the opposite bank of the River Dee to Robert Gordon University’s Garthdee Campus. The bid seeks the allocation of land for recreation, outdoor sports and training facilities. The land is currently overgrown and Waterside Farm is derelict. The land is generally flat and in this regard it would be well suited for the proposed use. Whilst the south side of the River Dee in this location is predominantly rural in character, views in to the site would only be from short range and would be seen with the backdrop of the campus site which overlooks the river. In landscape and visual terms therefore, I consider the site would potentially be capable of satisfactorily accommodating a development of the type proposed.

2. The absence of a bridge in this location is a significant constraint to the site’s development, and I agree with the site’s promoter that a footbridge would need to be “at the very core” of taking the site forward. Whilst a new bridge could help to address the site’s relatively poor accessibility, insufficient evidence has been provided to demonstrate that a bridge would be deliverable. There is also little evidence relating to the potential traffic and transport implications even in broad terms, and there are unresolved constraints relating to flood risk and nature conservation interests. It is not clear that these matters could be satisfactorily addressed and on this basis the allocation of the site would be unjustified.

#### Cammachmore

3. Two representees have requested that infill opportunities be permitted in the settlement. The entirety of Cammachmore is within designated greenbelt. A representee has drawn attention to Scottish Planning Policy (SPP) and in particular paragraph 51 which sets out relevant matters in designating greenbelts, which includes giving consideration to excluding existing settlements. However, SPP does not establish a requirement to exclude existing settlements, and it is relevant to note that Cammachmore is not recognised by the plan as a settlement. The justification for this is discussed in Issue 6, which concluded that Cammachmore should be retained in the greenbelt. There is no basis for me to reach a different conclusion here and no modifications are recommended.

**Bid Site KM097**

4. Bid site KM097 is being promoted for development of up to 100 homes. Bearing in mind the conclusions from Issue 7 I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. However, the development of this site would lead to the coalescence of Cammachmore and Newtonhill. This would be inconsistent with one of the purposes of greenbelt designation identified by paragraph 49 of SPP, namely “protecting and enhancing the character, landscape setting and identity of the settlement…”. Cammachmore’s character as a hamlet would be lost with a development of this scale and in this location, and it would instead appear as a rather sprawling urban extension of Newtonhill. I do not consider inclusion of this site is justified, as the adverse
impacts identified above would outweigh the benefits of any consequent increase in the rate of housing delivery.

Chapelton

OP1

5. A representee has requested that the plan and action programme be amended to reflect particular conditions of an existing planning permission for development of the site. These limit the number of dwellings that can be built until specified road infrastructure upgrades have been implemented. The planning authority has included this requirement in the action programme. Whilst it is appropriate for the plan to also include requirements and principles that would apply to allocations, it may be that road infrastructure requirements and/or thresholds for its provision would differ for an alternative scheme. I consider an appropriate balance between providing flexibility and certainty on this matter would be a modification to identify this issue in general terms within the OP1 development brief. This would make clear that development will be restricted until any road infrastructure, deemed necessary to accommodate it, has been provided.

Settlement map

6. A representee has requested that Chapelton be identified in appendix 2 of the plan, which lists the types and locations of retail centres within the plan area. The planning authority has stated that it does not propose to define the extent of the retail centres in Chapelton until they are built. Whilst I agree that this is an appropriate approach, the representee is not seeking areas to be specifically defined, but considers the intended role of Chapelton acting as a centre should be recognised in appendix 2.

7. Given the scale and nature of the allocation at Chapelton, I consider it to be likely that a town centre, and potentially local centres, will be developed. Presently however there cannot be any certainty over the precise type, scale or location of retail floorspace or other town centre uses that may be developed. The settlement statement indicates a clear ambition for centres to be formed in Chapelton, but I consider it would be unjustified for Chapelton to be identified as part of the network of centres listed in Appendix 2 of the proposed plan at this time, because currently it serves no such function. As development progresses it would be appropriate for the status of Chapelton to be reviewed during the preparation of future local development plans; if a centre has emerged at that time this could be reflected in future plans as appropriate. At this time however, I find it would be premature and misleading to elevate the status of Chapelton by identifying it in Appendix 2.

Downies

8. The question of whether Downies should be identified as a settlement has been considered in Issue 6. This concludes that there is no overriding need to exclude Downies from being within the coastal zone, and if there is any potential for infill development in Downies, it could be dealt with through the development management process, taking account of the relevant policies and specific circumstances. No evidence has been submitted in relation to this Issue to suggest than an alternative conclusion would be justified here. No modifications are recommended on this basis.
9. This bid site has been put forward for a residential development of 32 dwellings. As already stated above, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period, having regard to the conclusions from Issue 7. In landscape terms I consider this site to have some merit and it would relate well to the existing settlement. I see no reason why an appropriately designed development would be detrimental to the overall character of the settlement.

10. I note that the planning authority maintains concern regarding the suitability of the access to the A90 from Muchalls. The site’s promoter has submitted a preliminary access appraisal and whilst I acknowledge that Transport Scotland has indicated the A90 junction may not present an insurmountable constraint (subject to the timing of development), I recognise that it is undesirable for development to give rise to any additional traffic making right turns at ‘at grade’ junctions with the dual carriageway. The site is prime agricultural land. Paragraph 80 of SPP establishes the limited circumstances where development of such land may be justified. This would potentially allow for development “as a component of the settlement strategy…”, but given that no particular need for development in Muchalls has been identified, and having regard to the conclusions of Issue 7 which found there to be an adequate supply of effective housing land, I do not consider there to be adequate justification at this time for the site’s inclusion.

Reporter’s recommendations:

1. Insert an additional sentence to the end of first paragraph of the Chapelton OP1 development brief as follows:

“The construction of development will be restricted until necessary upgrades and alterations to strategic and local road infrastructure has been completed.”
### Issue 61

**Shaping Kincardine and Mearns – AHMA North Kincardine and Mearns - Banchory Leggart, Kirkton of Maryculter, Lairhillock, Netherley, Park, Park Quarry and Woodlands of Durris**

| Development Plan reference: | Appendix 8, Page Kincardine and Mearns 38, 61, 87 and Appendix 8 Other | Reporter: Christopher Warren |

### Body or person(s) submitting a representation raising the issue (including reference number):

- **Banchory Leggart**
  - Rupert Lumsden (696)

- **Kirkton of Maryculter**
  - Mel Griffiths (12)
  - NHS Grampian (610)
  - Scottish Natural Heritage (656)
  - Stewart Milne Homes (681)

- **Lairhillock**
  - R Thorne (187)
  - Bancon Developments Ltd (709)

- **Netherley**
  - Linda Pirie (68)
  - Balgrannach Properties Ltd (185)
  - Leonard Gellatly (481)

- **Park**
  - Scottish Natural Heritage (656)

- **Park Quarry**
  - Kincluny Development Trust and CHAP Group (559)

- **Woodlands of Durris**
  - Cabardunn Development Company Limited and Dunecht Estates (275)

### Provision of the Development Plan to which the issue relates:

- Settlement vision, infrastructure and opportunities

### Planning Authority’s summary of the representation(s):

- **Banchory Leggart**

  **New Site Land at Banchory Leggart**

  The representation seeks a 35 hectare business park, landscaping and a potential park and ride facility. The site was a bid to the 2008 MIR at which time Council Officers were supportive of the proposal as a preferred site. The site was not included in the 2009 Proposed Plan but at Examination the Reporter agreed that the Business Park, and its excellent access, was a positive element of the overall proposal (696).
The Reporter also noted that there was a danger that the full development could lead to coalescence with Portlethen, which could threaten its identity. The Portlethen map in the Proposed Plan now allocates site OP2 to the south of the AWPR as strategic reserve employment land. The other allocated land (BUS1) is some 1km to the south. The OP2 site may be seen in conjunction with the proposed business park however, if both were built and designed properly they would form a positive gateway feature to the AWPR, demonstrating that Aberdeenshire is a vibrant, successful and desirable place to live and work. In that circumstance the proposed Business Park would be a positive and appropriate development, making use of the opportunity provided by the AWPR junction with the A90 (T) to provide high quality employment use in a location that will be very attractive to business. The site would also, therefore, be commercially deliverable (696).

Kirkton of Maryculter

Natural and Historic Environment

SNH suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Kirkton of Maryculter may require an appropriate assessment (656).

Services and Infrastructure

There is no reference to health care contributions. This should be amended and contributions should go towards Peterculter Health Centre (610).

Allocated Sites

OP1 Land of Polston Road

Site OP1 should be developed with affordable housing, which is in desperately short supply in the area. There is no evidence of sustainable housing from consented developments at either Blairs or Crathes. It would seem that the Council is only interested in approving developments that will render the greatest return (12).

Additional Sites

Bid Site KM070

Object to the failure of allocating KM070 as identified in the Main Issues Report (681). The site sits adjacent to the existing housing allocation OP1 and would be appropriate for a small infill extension to the village boundary for 4 houses. The settlement boundary line has been unnaturally drawn along one side of the existing Polston Road, leaving a single sided development. This does not maximise the use of available land within the village and would provide a well-considered and modest addition to the village whilst contributing to the planning objective of sustainable development (681).

Lairhillock

Bid Site KM099

The proposed site, (KM099) at Lairhillock was a bid to the Main Issues Report, and is
located immediately adjacent to the Primary School, which currently has capacity to accommodate the development, and there are two hotels to the south of the site. The proposal is to create a mixed use development, with 70 houses, 5 commercial units and a children’s Nursery around a village green. Lairhillock is a rural area in which the proposed development will enhance the viability and sustainability of the few existing facilities. The provision of allotments and community orchard would not be limited to new residents but would provide a central community facility for existing residents too. The site is readily accessible by car and public transport to Aberdeen and Stonehaven as bus stops will be within 400m of the site. A planning application was submitted in 2010 for the development and the refusal appealed as the site was not proposed for inclusion in the 2012 Local Development Plan (709).

Bid Site KM079

Another respondent seeks the inclusion of bid site KM079. The site would deliver housing for local need and support local services including Lairhillock Inn & Lodge, Primary School and include a village green and strategic landscaping. It lies adjacent to existing development and is considered suitable for development contributing to housing land requirements. A 2008 bid was rejected in favour of redeveloping brownfield sites and that Lairhillock Primary School serves a rural catchment and is not intended to attract development. The LDP Examination in 2011 did not consider an allocation necessary to support the school but since then a 16 bedroom hotel has altered the area. The site would be in keeping with small groups of houses in the locality. The existing development means the site will not be visually intrusive. Existing sites are being delivered slower than expected, second phase sites being brought forward in the first phase and non-effective sites mean there’s a shortage in supply. This site can ensure there is an effective supply of housing for Lairhillock and local services are supported (187).

Lairhillock should be identified as a settlement in the LDP given there is services, and this development would be a good example of sustainable development. Utilities and infrastructure are already in the area. It is a modest scale development in-keeping with the area. Finally it is not far from Elsick [Chapelton] and can take advantage of its public transport services (187).

Netherley

Bid Site KM091

A respondent would like to see bid site KM091 allocated within the LDP for small scale residential and community development. The bid site was supported by the local Community Council at a smaller scale than proposed at the MIR stage (481).

Bid Site KM033

Site KM033 represents an opportunity for growth as the site is well connected and served 6 days a week by the Stagecoach 103 service, with the nearest bus stop approximately 425m from the site. An existing school bus service would be utilised by pupils attending Lairhillock Primary School and Mackie Academy, both of which are currently operating under capacity. This would ensure the site would maximise the use of existing facilities and promote the use of sustainable modes of transport. The site can be developed through sensitive layout, siting and design in order to ensure that the surrounding landscape character is enhanced and the setting of the B-listed building at Netherley
House is maintained. The site is effective and can be delivered in the short term. Allocation of the site would be a logical extension to the established group of housing at Netherley and an optimum use of vacant land which is surplus to the requirements of the owner (185).

Bid Site KM016

Main Issues Report bid site KM016 is no longer being promoted for a Nursery but for 3 houses. This small scale development would comply with the principles of Scottish Planning Policy (SPP) through energy efficient dwelling design, as seen in the consented dwelling at Rothnick Croft. The land is of poor agricultural quality, and confirmed to be poorly drained by the James Hutton Institute and is unsuitable for farming practices and as such should be considered for housing development. The site lies 920m from Lairhillock Primary School which has a declining school roll. The development site also lies 1km east of the AWPR which is to be completed in 2018. Significant levels of screening are in place along the northern and eastern edges to ensure privacy to the existing croft. The site lies within a local growth and diversification area designated by the Strategic Development Plan (SDP) and the allocation would ensure that local services in the area are sustained, as well as promoting economic growth and establishing a vibrant rural community. The area can make a valuable contribution to the Aberdeen Housing Market Area (AHMA) housing requirements through development of a suitable scale and design, which complements the surrounding established settlement pattern and integrated appropriately with the nature of its environment (68).

Park

Natural and Historic Environment

SNH suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Park may require an appropriate assessment (656).

Park Quarry

Kincluny Village/Park Quarry

Bid Site KM034

The proposed development at Kincluny Village/Park Quarry (KM034) for a mixed use development, including 1,500 homes, a business park, Town Centre and community facilities, provides an opportunity to deliver a high quality development at an early stage in the lifetime of the plan, a third of which will be affordable units to deal with the chronic shortage of this type along Deeside. Furthermore, the proposed Business Park will also address the demand for affordable commercial facilities (559).

Woodlands of Durris - Additional Sites

Bid Site KM058

Site KM058 was submitted as a bid to the MIR, but was not preferred for development. The developer objected to this on the basis that it presented a clear opportunity to provide
quality residential development. The development would be in keeping with the existing scale and character of the settlement and also support the school roll (see appendix 2 of the Representation No. 275 to the Proposed Plan). There is clear demand for housing to satisfy local needs as evidenced by previous development and house builder interest in the site. Development of the site would be in accordance with the objectives of Scottish Planning Policy in that it would direct development to a sustainable location which would encourage investment in a rural area thus meeting local needs. It would also meet with the objectives of Scottish Planning Policy (SPP) in allowing development in, or adjacent to, existing settlements and ensuring the vitality and viability of the settlement in years to come (275).

Development would maximise the use of existing infrastructure; help encourage the use of rural services, facilities and work places; and, help to provide housing choice in rural areas. There are also opportunities to provide enhanced linkages through the settlement to the wider area through footpath links allowing recreational access to the adjacent woodlands, as well as improving links and access to the existing school and the proposed playing field/area of open space. The proposals would also result in the improvement of local infrastructure, in particular, the upgrade or replacement of the Waste Water Treatment Works. The site was considered at Examination for the 2012 LDP. The Reporter recognised the need to sustain the Primary School but considered the scale to be out of keeping with the settlement and it is felt that the current proposal addresses these issues (275).

**Modifications sought by those submitting representations:**

**Banchory Leggart**

**New Site Land at Banchory Leggart**

Include land for a business park alongside the Junction of the AWPR and the A90 at Banchory & Leggart Estate (696).

**Kirkton of Maryculter**

**Natural and Historic Environment**

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

**Services and Infrastructure**

Amend Settlement Statement to include contributions to health care facilities in Peterculter Health Centre (610).

**Allocated Sites**

**OP1 Land of Polston Road**

Site OP1 should include affordable housing (12).
**PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN**

<table>
<thead>
<tr>
<th>Additional Sites</th>
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<tbody>
<tr>
<td><strong>Bid Site KM070</strong></td>
<td></td>
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<tr>
<td>Proposals map for Kirkton of Maryculter should be amended to include this site within the settlement boundary and identified as OP2. Subsequent changes should be made to the Green Belt Boundary. The site should be identified for up to 4 homes (681).</td>
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<tr>
<td><strong>Lairhillock</strong></td>
<td></td>
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<tr>
<td><strong>Bid Site KM099</strong></td>
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<tr>
<td>Allocate land at Lairhillock for around 70 houses in the 2017-2026 Plan period, and an exemplar of sustainable development (709).</td>
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<tr>
<td><strong>Bid Site KM079</strong></td>
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<tr>
<td>Allocate site KM079, Crynoch Lodge, for residential development (187).</td>
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<tr>
<td><strong>Netherley</strong></td>
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<tr>
<td><strong>Bid Site KM091</strong></td>
<td></td>
</tr>
<tr>
<td>Allocate site KM091 at Netherley for small scale residential and community development (481).</td>
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<tr>
<td><strong>Bid Site KM033</strong></td>
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<tr>
<td>Designate Netherley as a settlement within the LDP and allocate site KM033 for the development of approximately 4 dwellings (185).</td>
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<tr>
<td><strong>Bid Site KM016</strong></td>
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<tr>
<td>Allocate land at Rothnick Croft, Netherley, for 3 residential units (68).</td>
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<td>Allocate land at Park Quarry (KM034) for mixed use development including 1,500 homes (of which 500 are affordable), a Business Park, Town Centre, and leisure and community facilities (559).</td>
<td></td>
</tr>
</tbody>
</table>
Woodlands of Durris

An additional site OP2 should be included for around 30 units coincidental with site KM058 in the MIR for development in the period 2017-2026 (275).

Summary of response (including reasons) by Planning Authority:

Additional Sites

There are several requests for more land to be allocated but as demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Banchory Leggart

New Site Land at Banchory Leggart

No development bid was received for this site to the MIR in 2013. It was therefore not included as a development bid within the MIR and has not been subject to any formal public consultation or strategic environmental assessment. Paragraph 64 of Planning Circular 6/2013: Development Planning identifies the difficulties of including a site within a LDP where these statutory procedures have not been undertaken. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted. For these reasons it is not considered appropriate to modify the Plan to identify this site for development. No change is required.

Kirkton of Maryculter

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Absence of this reference does not preclude the need for statutory obligations to be met.

Services and Infrastructure

Aberdeenshire Council received information from NHS Grampian at the Main Issues Report but this information did not provide any information regarding Kirkton of Maryculter (see Main Issues Report 2013, Submission No. 1687: NHS Grampian). The Council also had a further stakeholder meeting to set out the wording that would appear in each of the settlement statements (see Minute of Meeting). At this later stage no information was provided regarding contributions being sought for Peterculter Health Centre, which is why there is no reference in the LDP. NHS Grampian have confirmed that works to this Centre to accommodate growth within its catchment are not currently in a programme for delivery. No change is required.
Allocated Sites

OP1 Land of Polston Road

Policy H2 Affordable Housing, stipulates that all new housing developments of four or more houses must include no less than 25% of the serviced plots for affordable housing. This then ensures that appropriate provision of affordable housing is being met within the area.

Additional Sites

Bid Site KM070

Kirkton of Maryculter is located in the Local Growth and Diversification Area within the Aberdeen Housing Market Area. The site (KM070) was submitted to the Main Issues Report (MIR) where it was concluded that whilst the site was a modest extension to the settlement there was no identified need for additional houses. Should development have been supported this would have been a reason to exclude it from the green belt. The developer supported the bid site in a response to the MIR, but it was again highlighted through the Issues and Actions Paper (see MIR 2013, Issues and Actions Paper 148: Kirkton of Maryculter) that there was no additional needs identified in the settlement and no reason to allocate additional land. This position is still maintained by the Council as there is a sufficient land supply within the Aberdeen Housing Market Area as demonstrated in Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, and there is not an identified need within the settlement to allocate more land. No change is required.

Lairhillock

Bid Site KM099

The site was submitted and considered in the MIR (KM099) where it was stated that the site was remote from services, out of scale with the surrounding area and encouraged car use making the development unsustainable. The site received objection from members of the public as well as support from the developer, who stated that the proposal would help to meet local needs and, contrary to what is in the MIR, was close to services. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted. The site has also been subject to a planning application for 70 houses, 5 commercial units, children’s Nursery and associated roads which was refused. The application was then also subject to an appeal which was also refused. No change is required.

Bid Site KM079

Another bid, KM079, was submitted and considered in the MIR where it was noted that the development was out of scale with the rural area, remote from services and development should be adjoining existing settlements rather than significant development in the countryside. Developer support was also received in response to the MIR where they objected to the term ‘significant’ describing the scale of the development and also the assessment that it was not well related to any settlement or services, as it is located beside Lairhillock Primary School and one Lairhillock Inn (see MIR Report 2013, Appendix Kincardine and Mearns, page 83 and the subsequent MIR 2013, Issues and Actions
Paper 162: Landward Sites in Kincardine and Mearns). This site has also been subject to Examination in the 2012 LDP where the Reporter stated that development of this scale would be contrary to SPP and that the School was designed to cater for an extensive rural catchment and it is not necessary or appropriate to develop a new settlement to increase the School roll (see Examination Report - Aberdeenshire Local Development Plan 2012, page 638). No change is required.

Netherley

Bid Site KM091

The site KM091 was a bid to the Main Issues Report (MIR) where the site was assessed and noted to be remote, distant from services and reliance on the private car would be likely. No comments were received in support of the site by the proposer in response to the Main Issues Report (see MIR Report 2013, Appendix Kincardine and Mearns, page 89 and the subsequent MIR 2013, Issues and Actions Paper 162: Landward Sites in Kincardine and Mearns). These concerns advised above remain valid. No change is required.

Bid Site KM033

KM033 was submitted and considered in the MIR where it was noted that the development would affect the setting of a Listed Building, is remote from services, and would most likely result in removal of trees. Developer support was received for the site in response to the MIR and the issues which had been raised (see MIR Report Appendix Kincardine and Mearns, page 89 and the subsequent Issues and Actions Paper 162: Landward Sites in Kincardine and Mearns). The site has also been subject to Examination at the 2012 Local Development Plan (LDP) where the reporter noted that the hamlet had no services or public transport, is over 2km distance from the primary school and its allocation would be contrary to SPP (see Examination Report – Aberdeenshire Local Development 2012, page 638). As development of the site would involve the removal of trees compensatory planting must also be undertaken. It is not clear through the representation if the developer would be willing to do this. Within the response to the Proposed Plan the developer also suggests that Mackie Academy is under capacity. This is not the case as Mackie Academy is currently operating at 103% and is projected to be 104% in 2016 with an increasing forecast (see School Roll Forecasts 2015 – Stonehaven Community Schools Network). No change is required.

Bid Site KM016

MIR bid site, KM016 was originally for a Nursery and 12 homes. It was noted in the MIR that while the Nursery may provide some level of employment, the site is remote and is not served by public transport resulting in an increase in private car usage. Developer support was received in response to the MIR in addressing the issues raised (see MIR Report 2013, Appendix Kincardine and Mearns, page 95 and the subsequent MIR 2013, Issues and Actions Paper 162: Landward Sites in Kincardine and Mearns). The respondent in the submission to the Proposed Plan has removed the Nursery component from the bid and is now proposing only 3 residential units. The concerns raised at the MIR Stage of the site being remote and not served by public transport remain valid and make this an unsustainable site which is contrary to the principles in Scottish Planning Policy (SPP). No change is required.
**Natural and Historic Environment**

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

**Services and Infrastructure**

As a result of a non-notifiable modification to the Settlement Statement for Banchory (see Schedule 4 Banchory), a minor technical change will be made to delete: “Waste and Recycling: All development must contribute to a Household Waste and Recycling Centre in Banchory” from the Park Settlement Statement.

A minor technical change will be made to the secondary education point to state, “Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.” This has been updated to reflect the current position with regards to meeting capacity at Banchory Academy and has been confirmed by Aberdeenshire Council’s Learning Estates Team and subsequently agreed by the Marr Area Committee (see emails of 7 August 2015 and 11 November 2015). This is intended to offer flexibility in terms of delivering secondary education provision in Banchory and surrounding catchment.

**Park Quarry**

**Kincluny Village/Park Quarry**

**Bid Site KM034**

The site KM034 for a significant mixed use development of 1500 homes in an area of local growth and diversification was a bid to the MIR where it was assessed to be inappropriate for a local growth area, remote from Drumoak, not served by public transport, had no water supply and has potential to adversely impact on the River Dee SAC. In response to the MIR the developer submitted a response in support of the bid on the basis of lack of housing land supply (see MIR Report 2013, Appendix Kincardine and Mearn, page 10-13 and the subsequent Issues and Actions Paper 138: Drumoak). This site has also been the subject of the 2012 LDP Examination where it was stated by the Reporter that even if technical solutions can be found to overcome issues of drainage and flooding there are a number of reasons that the site should not form part of the LDP. Some issues noted by the Reporter were that the site does not fall within a Strategic Growth Area where development is expected, it was contrary to the Spatial Strategy of the LDP, there was no justified need for local housing and the road network was already congested (see Examination Report – Aberdeenshire Local Development Plan 2012, pages 639-640). These reasons raised by the Reporter remain valid and as this proposal is significantly contrary to Spatial Strategy of the Strategic Development Plan (SDP) it should not be included. No change is required.

**Woodlands of Durris**

Woodlands of Durris is located in the Aberdeen Housing Market Area and the Local
Growth and Diversification Areas and in this area. There is a sufficient supply of housing land as detailed in Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, and there is no strategic reason to allocate more development land.

Additional Sites

Bid Site KM058

The site was considered by the Reporter at the Examination of the 2012 Local Development Plan albeit at a larger scale, who concluded that "The proposal to construct 125 houses on the site at Woodlands of Durrus is entirely out of keeping with the nature and scale of the settlement, and is larger than is required to maintain the school, and to enable the sewage treatment works to be upgraded" (Examination Report - Local Development Plan 2012, page 639, para. 11). It is considered that these conclusions remain valid, even though the proposal has reduced in scale it is still seen that it is larger than required to maintain the School and enable the required upgrade to the Sewage Works. Durris Primary School will have capacity for 21 pupils by 2019. Including the amended proposals, this new development would result in tripling the size of the community over a 10 year period but would still only result in a School at 86% capacity.

While comfort can be taken by the developer from paragraphs 76 and 81 of SPP, the Council do not feel that this over-rides the risk of suburbanisation of the countryside that this development promotes. Development rates should reflect the character and sense of place of existing communities and not redefine them through over-development. No change is required.

It should also be noted that Woodlands of Durris is still an identified settlement in Policy R2 Housing and business development elsewhere in the countryside (Appendix 4), which will allow small scale development on unallocated sites adjacent to the settlement (in accordance with SPP para 81). Development permitted through the existing allocation and this policy will be sufficient to sustain the Primary School.

A minor technical change will be made to the secondary education point to state, “Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.” This has been updated to reflect the current position with regards to meeting capacity at Banchory Academy and has been confirmed by Aberdeenshire Council’s Learning Estates Team and subsequently agreed by the Marr Area Committee (see emails of 7 August 2015 and 11 November 2015). This is intended to offer flexibility in terms of delivering secondary education provision in Banchory and surrounding catchment.

Reporter's conclusions:

New site at Banchory Leggart

1. This substantial site has been put forward for allocation for a business park development. However, the bid was received at a relatively late stage of plan preparation (subsequent to the publication of the MIR in 2013). This means that a structured environmental assessment process has not been undertaken in relation to this site. Nor is there evidence of necessary public engagement, contrary to paragraph 118 of Circular
6/2013 ‘Development Planning’. Additionally, the development of a site of this size in this location would unjustifiably compromise the integrity of the greenbelt. I am also concerned that an additional allocation of this strategic scale would conflict with the spatial strategy of the local development plan by potentially diverting development interest away from other allocated sites. In conclusion, there is inadequate evidence and justification for including the site in the plan and no modifications are recommended.

Kirkton of Maryculter

Natural and Historic Environment

2. I support the planning authority’s proposed modification to the settlement statement, to include a reference to the River Dee Special Area of Conservation (SAC). This modification satisfies the request of Scottish Natural Heritage (SNH) for the presence of the designation to be highlighted, which is appropriate given the importance of the designation.

Services and Infrastructure

3. NHS Grampian has requested that developer contributions be required, which would be towards health care at Peterculter Health Centre. The planning authority has referred to previous correspondence and minutes of a meeting held between the planning authority and NHS Grampian on 7 January 2015. I have reviewed these documents and I note that the table attached to the MIR representation (submitted on 31 January 2014) did identify Kirkton of Maryculter as one of many settlements where NHS Grampian requested reference to health care requirements to be identified in the settlement statement.

4. I recognise that there is however a general lack of detail to support the inclusion of a specific reference in the Kirkton of Maryculter settlement statement. I therefore recommend a modification which maintains a degree of flexibility over whether contributions are sought for this purpose. This would allow further dialogue to take place with NHS Grampian on receipt of a planning application for a specific proposal, to establish whether contributions for this purpose would be necessary.

OP1 Land off Polston Road

5. A representee has requested that development of the site should include affordable housing. LDP policy H2 requires at least 25% of housing to be affordable on developments of four or more units. This site is modest and has an anticipated capacity of up to 6 homes, but on that basis would make a proportionate contribution to affordable housing provision. The development brief for the site also makes explicit reference to the affordable housing requirement, and no change to the plan is required on this basis.

Bid site KM070

6. This modest site is being promoted for a residential development of up to 4 dwellings. The site is well contained and it relates well to existing dwellings on Polston Road and allocated site OP1. The representee wishes the site to be allocated separately as a standalone site rather than as an extension to OP1. The drawback of this approach is that it would potentially limit the number of affordable homes that would be provided across this site and OP1. I am uncertain that this bid site is capable of satisfactorily accommodating 4 dwellings, and if this were the case the policy H2 requirement for 25%
affordable housing would not apply. This is not of such significance as to be pivotal to my assessment however.

7. Kirkton of Maryculter is a particularly small village, and the development of up to 6 homes on the allocated OP1 site would be a substantial percentage increase in dwellings in the settlement. The village also provides very few services, and whilst I do not consider the development of the bid site would compromise the integrity of the greenbelt, I do not consider that the need for an additional allocation for residential development in this location has been adequately justified. On the basis of this assessment no change to the plan is required.

Lairhillock

Bid site KM099

8. This bid site is being promoted for a development of 70 dwellings and 5 commercial units. Lairhillock is not an identified settlement in the LDP. Notwithstanding the site being close to a primary school and public house, the area has a countryside character and a development of this scale would in effect be creating a new settlement. Residents would be likely to be highly dependent on the private car to access employment and services. I am not persuaded that there is any justification for development of this scale in this location. The development of this site would be contrary to the strategy of the local development plan, which itself is consistent with paragraph 81 of SPP which promotes a restrictive approach to new housing in accessible or pressurised rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside. On this basis I do not consider this site, which is remote from an identified settlement, to be suitable for allocation.

Bid site KM079

9. This site has been requested to be allocated for 27 dwellings. Although somewhat smaller than bid site KM099, the same issues and concerns apply to this site. The site’s promoter has asserted that small clusters of development are a characteristic of the area, but I do not consider that a development of the scale proposed would reflect the overall pattern of development in the wider area. Instead it would allow for the formation of a new (albeit modest) settlement. This is a countryside location and inadequate justification has been provided for such a deviation away from the strategy of the local development plan regarding locational considerations for new development. On this basis no change to the plan is required.

Netherley

Bid site KM091

10. Netherley is not an identified settlement in the local development plan and is therefore classed as countryside. Whilst there is a limited amount of sporadic development in the vicinity, the character of the area befits its ‘countryside’ classification in the plan. Development in this location would be remote from services and whilst there is a bus service along the B979, I would anticipate residents of any development in this location to be heavily reliant upon private car use. In the absence of any compelling reasons for why development of the scale proposed would be appropriate in this location, I find its inclusion in the plan would be unjustified.
Bid site KM033

11. The same overarching locational concerns identified for bid site KM091 apply to this site. In addition, development of this site would potentially be constrained by the presence of mature trees surrounding the site. Whilst I acknowledge that other residential development has taken place in the vicinity of the Grade B listed Netherley House, housing on the bid site would potentially have a more significant bearing on the character and appearance of the immediate setting of the listed building. I do not consider that these issues have been adequately addressed to allow me to safely conclude that development of this site would not have unacceptable effects. In any event, there is inadequate evidence to justify the allocation given its countryside location, outwith an identified settlement. Having regard to these issues there is no basis for me to recommend the site’s inclusion in the plan.

Bid site KM016

12. Whilst the development proposed on this site has been scaled back somewhat relative to what had originally been sought, the policy presumption against residential development in countryside locations continues to apply. The site’s promoter has sought to garner support from SPP. The representation refers to paragraph 83 of SPP, which I do not accept as applicable to this location as this relates to “remote rural areas”. Government policy relating to development in “accessible or pressured rural areas” is set out in paragraph 81, which I consider should more appropriately be applied in this location. Consistent with paragraph 81, the proposed plan guides most new development to locations within or adjacent to settlements, and sets out the circumstances in which new housing outwith settlements may be appropriate. This site is in a countryside location with no services in the vicinity, and as such the allocation of this site would be contrary to the provisions of both SPP and LDP policies.

Park

Natural and Historic Environment

13. I support the planning authority’s suggested modification, as requested by Scottish Natural Heritage, to include reference to the River Dee SAC, given its relative proximity to the settlement. For the avoidance of doubt I recommend a modification in line with that proposed by the planning authority.

Services and Infrastructure

14. Having regard to Issue 67, there is no longer a need for developer contributions toward a household waste and recycling centre in Banchory. There are no representations specifically relating to this requirement for Park, so this is outwith the scope of the examination. This consequential amendment can be made by the planning authority without formal modification.

15. Similarly, the planning authority’s proposed amendment to the secondary education bullet point in the settlement statement, does not relate to an unresolved representation and as such it is not a matter for the examination to consider.
Park Quarry
Bid site KM034

16. Allocation of this quarry site is being sought for the provision of a new settlement ("Kincluny Village"), consisting of 1500 homes, a business park, town centre, leisure and community facilities. Bearing in mind the conclusions from Issue 7 I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. There is however an adequate effective housing land supply and there is no imperative for further sites to be identified.

17. The scale of development proposed at bid site KM034 would be strategically significant, and as such it would undermine the spatial strategy of the local development plan. The site’s promoter has referred to the site’s proximity to the Aberdeen City administrative boundary. I do not consider that any support for this site can be garnered from Aberdeen City being a strategic growth area (as established by the adopted strategic plan). The site is clearly outside of this area, subject to a different local development plan and the site falls outside of Aberdeenshire’s strategic growth areas. I attach no weight to the representee’s statement that there have been “...significant calls for the creation of a Western Growth Corridor through the progression of the latest SDP” as this has no bearing on the adopted strategic plan which sets the strategic context for the proposed plan. The site is unequivocally located outwith a strategic growth area and development of this scale in this location would be contrary to paragraph 3.43 of the strategic plan, which states that growth of settlements in ‘local growth and diversification areas’ should relate to local need. The site is not within or adjacent to a settlement and its identification would potentially undermine the spatial strategy of the local development plan and strategic plan because of the above issues.

18. Various technical constraints have been identified and there is a general lack of clarity over whether these are capable of being satisfactorily addressed. In particular, whilst I note that the representation states that “substantial traffic impact assessment work is being undertaken”, no assessments of traffic impact or cumulative effects even at a strategic level have been provided. The absence of such information would have prevented the site’s inclusion in the event that I had otherwise accepted the basic principle of a new settlement in this location. There is however no basis to support the site’s inclusion and accordingly I do not recommend a modification in this regard.

Woodlands of Durris
Bid site KM058

19. This bid site is being promoted as an extension to the OP1 site, which is currently under construction. The OP1 allocation allows for up to 20 homes and the site’s promoter is seeking an allocation for up to 30 dwellings but including the balance of dwellings permitted on OP1. I agree with the representee that the area of land identified by the planning authority as bid site KM058 is misleading, as it includes land to the southeast of site OP1 which was not being put forward for allocation. Appendix A on page 13 of the representation clarifies the area of land for which allocation is being sought.

20. The planning authority has referred to the reporter’s findings set out in the examination report for the 2012 LDP. However, those findings related to a proposed
allocation for 125 homes, which was a materially different and larger scale proposal to that now being sought. On this basis, I do not accept that the conclusions of the 2012 LDP examination can be applied to the revised allocation that is currently being sought.

21. Overall, I am satisfied that the inclusion of the bid site as an extension to site OP1 would be a scale of development that would continue to respect the size, character and location of this small settlement, and would be consistent with the provisions of paragraph 3.43 of the strategic plan as previously referred to. Visually the site would represent a logical extension to OP1 and it would relate well to the existing village. A planting scheme to reinforce an extended edge to the settlement would help to establish a clear and robust boundary and would help to assimilate the development into the landscape. An appropriate scale of additional development would also support the primary school, given the considerable capacity available. I consider the support that this relatively modest additional allocation would offer to local services would outweigh the relatively high reliance upon private cars residents are likely to have for any journeys beyond the village.

22. No specific individual or cumulative constraints to the development of this site have been raised. I have had regard to the findings of the Strategic Environmental Assessment in relation to this site, and the overview of the site in the relevant appendix to the Main Issues Report, and neither of these indicate any significant concerns or constraints.

23. From my conclusions above I consider that this site should be allocated for housing (as an extension to site OP1) as I am satisfied that it is capable of enabling completions over the plan period and it would not have unacceptable adverse impacts or raise conflict with other plan policies or with the strategy of the development plan. A structured environmental assessment process has been undertaken and there is evidence that public engagement has taken place (through the site’s identification in the planning authority’s Main Issues Report) and none of this signals any reason why the site is not suitable for inclusion.

**Reporter's recommendations:**

1. In the Kirkton of Maryculter settlement statement add a second sentence under the ‘Natural and Historic Environment’ subheading as follows:

   “The River Dee Special Area of Conservation, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

2. In the Kirkton of Maryculter settlement statement add an additional bullet point under the ‘Services and Infrastructure’ subheading as follows:

   “All residential development may be required to contribute towards the creation of additional capacity at Peterculter Health Centre.”

3. Add a new subheading and sentence to the Park settlement statement, to be inserted between ‘Vision’ and ‘Services and Infrastructure’ as follows:

   “Natural and Historic Environment

   The River Dee Special Area of Conservation, which includes all tributaries leading to the
River Dee, is situated in close proximity to the settlement.”

4. Replace the Woodlands of Durris OP1 development brief with the following text:


Part of this site was previously allocated as site EH1 in the 2012 LDP and is currently under construction.

It is important that through the design pedestrian links are put in place to ensure safe routes to school. There is mature tree planting along the eastern edge of the site which should be retained where possible, and landscaping along the north and west boundaries will be required. Access should be taken from the unnamed road to the east of the development site.

In accordance with policy H2 it is expected that at least 7 affordable homes will be provided onsite by the developer and these should be integrated into the design of the development to provide a mix of house types and sizes to meet local needs.”

5. Amend the Woodlands of Durris proposals map to extend site OP1 to include land immediately to the north of the site (as marked as “residential expansion” in Appendix A on page 13 of representation 275). Make a consequential amendment to the settlement boundary to incorporate this land.

6. Make consequential amendments to Appendix 5 table 1 and table 6 to reflect the increased allocation for OP1, Woodlands of Durris.
**Issue 62**

| Development Plan reference: | Appendix 8, Page Kincardine and Mearns 6, 14 and 54 | Reporter: Christopher Warren |

**Body or person(s) submitting a representation raising the issue (including reference number):**

- **Catterline**
  - Mr Argo (463)

- **Drumlithie**
  - Kim Lees (55)

- **Mill of Uras**
  - John & Linda Will (72)
  - Gordon Duncan (132)
  - Dot Plummer (245)
  - Michaela Bentley (261)
  - Duncan Talbert (370)
  - Deborah Murray (386)

- Catterline, Kinneff and Dunnottar Community Council (390)
- Alison and Fraser Campbell (395)
- John and Fiona Carr (444)
- Nichola Wicks (567)
- Philip Murray (581)
- Emma Towler (589)
- William Cameron Millar (697)

**Provision of the Development Plan to which the issue relates:**

- Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

- **Catterline**

  **Additional Sites**

  **New Site Land at Catterline**

  Catterline needs new housing to support the School, as the school roll is currently falling and is forecast to decrease to 29% in 2019. There is also demand for new family housing including affordable housing which needs to be addressed. The Proposed Plan states that there seems to be little appetite for change which may be the view of some but there are also people who do not want to see the School close and others who would like the opportunity to move to the village (463).
The Aberdeen City and Shire Strategic Development Plan (SDP) also requires housing to be provided in a range of locations and particularly in the regeneration priority areas in which Catterline is located which is why more land should be allocated in Catterline (SDP, unreferences) (463).

**Drumlithie**

**Additional Sites**

**New Site Land at Burnside Croft**

It is suggested that the site adjacent to Brunside Croft is a logical direction for limited expansion and would be sympathetic to the surrounding areas and would give an opportunity to improve the entrance to Drumlithie. The site is a brownfield site and is now vacant, underused and overgrown. In its current state it has a negative impact on the visual impact of the entrance to the village. As the site is brownfield it is supported by both Scottish Planning Policy (SPP, paragraph 40) and the Aberdeen City and Shire Strategic Development Plan 2014 (SDP, paragraph 3.50) as these documents both state that developing brownfield should be a priority (55).

It is noted that the land currently falls within P1 but the limited development of the site would not conflict with the overall aim of conserving the woodland corridor and amenity area for the village. Developing the site would not affect the woodland in any way as this would be maintained (55).

**Mill of Uras**

**Allocated Sites**

**OP1 Mill of Uras Paddock**

The development of site OP1 is supported. OP1 is developable in the short term and is ideally positioned to bring benefits to the wider rural community. There are no existing allocations in Mill of Uras or Catterline, and to ensure an effective supply of housing there is a requirement for housing to be identified. It remains a possibility that the site could be developed by ‘self-builders’ or by ‘community build projects’. The allocation of 5 units, likely to be developed as family-sized homes will provide an opportunity to bolster pupil numbers at both Catterline Primary School and Mackie Academy in Stonehaven as well as supporting population growth and sustainable mixed communities in accordance with the objectives of the Strategic Development Plan (SDP). The site benefits from good connectivity both by private car and public transport. The site is free from constraints and is, therefore, well placed to support development. The proposed Settlement Statement makes reference to OP1 having a watercourse on the boundary and this is incorrect. There are two watercourses but both lie at least 50m from the site boundary (132).

The area has never been planned for a village or settlement, the houses are generally redundant farm building conversions (444). There is also no guarantee that these new houses will have children school age or that the children will, in fact, go to that School (390, 395, 444, 567, 589, 697). The school roll is considered to be inaccurate as the current roll is 50 (projection 51) with next year’s roll expected to be 54 (projection 47). This would appear that the school roll appears to be growing not declining (245).
There is no local need for more housing (390), and the houses that are currently in Mill of Uras are not selling (395). There is a history of proposals which have been refused on this site (581, 697). Permission has already been refused on the paddock (261). Development of this site may lead to a precedent for more houses to be added at a later date (72, 395, 444, 697).

The density of the site is also out keeping with the character of the other houses currently in Mill of Uras (72, 261, 370).

Affordable housing must be in keeping with the rest of the properties in the area (589).

The area is unable to accommodate more houses due to poor draining land and the inadequate drainage of the access roads (395, 567, 697). There is also a history of flooding in the area (245, 261, 370, 386, 395, 444, 581, 697). There may also be an adverse effect on the ecosystem of the Catterline Burn (444). More development would also result in more traffic which the road would not cope with (245, 261, 370, 386, 395, 444, 567, 589).

The junction onto the A92 is particularly dangerous (245, 261, 370, 386, 390, 444, 581, 589, 697), which has been recognised by Aberdeenshire Council Roads Service who have erected speed camera signs and painted chevrons on the centre road lines (697). There is also currently no pavement for safe access for children to reach the school bus (567, 589). There is also only very basic internet connection (261, 370, 444, 567, 697), which will be made worse by more usage (567).

The minutes submitted by Catterline, Kinneff and Dunnottar Community Council two years ago were misconstrued (386).

**Modifications sought by those submitting representations:**

**Catterline**

Land identified in representation as Figure 1 (page 6 of response) should be allocated for future housing development in Catterline to sustain the local Primary School and to provide much needed housing in the village (463).

**Drumlithie**

The settlement boundary of Drumlithie should be extended to include the vacant and disused land adjacent to Burnside Croft, Glenbervie Road for three units (55).

**Mill of Uras**

**Allocated Sites**

**OP1 Mill of Uras Paddock**

OP1 should be retained in the Local Development Plan (LDP) (132).

Remove site OP1 from the Local Development Plan (LDP) (72, 245, 261, 370, 386, 390, 395, 444, 567, 581, 589, 697).
### Summary of response (including reasons) by Planning Authority:

<table>
<thead>
<tr>
<th>Location</th>
<th>Details</th>
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| **Catterline** | Catterline is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The SDP 2014 Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). Catterline is also located within a Regeneration Priority Area, which is determined by the SDP and over which the Local Development Plan (LDP) has no influence.  
Additional Sites  
**New Site Land at Catterline**  
There are no land use planning issues resulting from the Aberdeenshire Council Regeneration Strategy 2013-2018 that require a response from the LDP in the Catterline area (see A Focused Regeneration Strategy for Aberdeenshire, 2013-2018). Catterline is sat within a conservation area. This helps to ensure that development is of the highest quality and design possible in order to protect character of the village.  
Issues relating to Catterline raised in the Main Issues Report (MIR) related to the falling school roll and affordable housing. The SDP makes no specific requirement for affordable housing in the regeneration areas (see SDP paragraphs 3.47-3.54 and 4.35). Policy H2 sets out that all new housing developments of four or more houses will have to provide 25% affordable housing, which as previously stated, in the Issues and Actions paper, can be met elsewhere rather than in Catterline itself (see MIR Report 2013, Appendix Kincardine and Mearns, page 5 and the subsequent MIR Report 2013, Issues and Actions Paper 135: Catterline).  
It is acknowledged that the school roll is forecast to be at 29% by 2019, however, there have been allocations made in the wider school catchment area, notably Mill of Uras (see School Catchment Area Map) and opportunities for development through the Rural Development Policy, Policy R2 Housing and business development, exist and will help to maintain and hopefully increase the school roll.  
There is a sufficient supply of deliverable housing sites within the Rural Housing Market Area and, as a result, there is no over-riding reason to support further housing development in Catterline at this time. No change is required.  
**Settlement Map**  
A minor technical change will be introduced to put a label onto the conservation area on the settlement map.  
**Drumlithie - Additional Sites**  
**New Site Land at Burnside Croft**  
The site at Burnside Croft was not submitted to the Main Issues Report (MIR) as a bid site nor was it submitted in response to the MIR. This means that the site has not be subject to... |
the same public consultation or rigorous assessments looking at the suitability or environmental impacts as other sites within the Plan have been.

Drumlithie is situated in the Aberdeen to Laurencekirk Strategic Growth Area and as such plays its role in providing housing and employment allocations albeit at a small scale. This site is on land which is designated as protected land and it is noted by the respondent that allocating the site would not conflict with the overall aim of the protected area. It is however, felt that this is not the case as the protected land within the settlement not only plays an important role for conserving the woodland corridor in this case but also plays an important role in contributing to the Green Network for the area and with the bowling club hedge marking the entrance to the village. It is not “brownfield” land as the Council would interpret it.

As the site is only for 3 houses it is not of a scale that would make a significant contribution to the need for housing within the strategic growth area. Moreover, as demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there are already sufficient allocations to meet the SDP land requirements. No change is required.

Mill of Uras

Allocated Sites

OP1 Mill of Uras Paddock

Mill of Uras is located in the Aberdeen Housing Market Area within a "local growth and diversification area". The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43).

The support for the development of the site is welcomed.

It was recommended through the Issues and Actions Paper that the site be allocated for 5 houses. At this stage there was significant opposition to the site but in response to the comments it was noted that the allocation would be appropriate to support the school roll at Catterline Primary School. It should be noted that there is no strategic need for housing as demonstrated in the Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. There was however, a local need identified to support the falling school roll at Catterline Primary School which is forecast to fall from 43% capacity in 2016 to 29% in 2019 (see School Roll Forecast 2015, Catterline Primary).

Also, in the Issues and Actions paper it was noted that the full bid (KM004) for 11 houses was seen as over development and should be resisted (see MIR Report 2013, Appendix Kincardine and Mearns, page 88 and the subsequent MIR 2013 Issues and Actions Paper 162: Landward Sites in Kincardine and Mearns).

Catterline, Kinneff and Dunnottar Community Council made representations to the Main Issues Report in the form of a minute of the meeting. The Council apologises if the Community Council feel that their minutes have been misconstrued at that time, but the Proposed Plan provides an opportunity for the Community Council to correct any
misjudgement made. No changes are required.

The information regarding the watercourses was gained from SEPA which accurately demonstrates the current position. No changes are, therefore, seen to be required to this statement. Catterline Burn has not been identified as being ecologically sensitive. No changes are required.

The comments relating to the transport issues with the junction onto the A92 are noted however no issues were raised through the DPMTAG which considers possible transportation issues. Lack of a pavement to the collection point for school transport is an issue that could be addressed at the detailed planning stage of the proposal. No change to the allocation is required on the basis of transportation. Superfast Broadband is supplied from the Catterline exchange and BT Open Reach are working on a programme to connect rural properties to this. No changes are required.

Some of the other issues raised including the design of the affordable housing and flooding and drainage issues will be dealt with through the development management process when a detailed application is submitted. The proposed density is appropriate for a rural hamlet such as this, providing local choice. No changes are required.

As a technical change it is proposed to remove the settlement boundary annotation for the settlement map to provide consistency with other similar locations in the Proposed Plan.

Reporter’s conclusions:

Catterline

New Site Land at Catterline

1. This site has been proposed in a representation principally to address the falling school roll. I note that other allocations are proposed elsewhere, which would fall within Catterline primary school’s catchment. The suggested site would represent a substantial extension to this modest village. It would be relatively prominent in the immediate setting of the church, and the whole village, proposed site and surrounding countryside is within a conservation area. Pedestrian access between the site and school would be constrained, with the road at Catterline Bridge being of insufficient width to provide a footway. Catterline Burn is within a deep gully immediately to the east of the site, which would make it difficult to provide an alternative access point.

2. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. However, I do not consider inclusion of this site is justified as a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. It is also unclear whether access constraints could be satisfactorily resolved, and there is an absence of any further information on how the development could be successfully accommodated on this site, having regard to the importance of the character and appearance of the area.
Settlement map

3. The planning authority proposes to label the conservation area on the settlement map. This has not been raised as an issue in representations however and so is not a matter for this examination.

Drumlithie

New Site Land at Burnside Croft

4. This modest triangular site falls within the protected land designation P1, which is intended “to conserve the woodland corridor and amenity area for the village”. The site does have a rather unkempt appearance, and given it relates well to the village and site OP1 I consider that a modest development which retained the trees adjacent to the burn, together with the two mature trees on the western boundary of the site, would not compromise the integrity of the P1 designation.

5. Whilst I find the site does have some planning merit, the inclusion of this site is unjustified as a structured environmental assessment process has not been undertaken, nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. On this basis no modifications are recommended. There is however scope for a small-scale proposal on the site to be considered through the development management process, in the context of policy R2.

Mill of Uras

OP1 Mill of Uras Paddock

6. Mill of Uras is a hamlet immediately to the west of the A92. The proposed allocation would allow for a development of up to 5 dwellings. A relatively significant number of representations have been received objecting to the site’s inclusion, particularly given the modest size of the settlement.

7. The basis for this allocation is to support the school roll for the primary school in Catterline, which is predicted to have on-going capacity. I acknowledge that there is no guarantee that the development would result in more pupils at Catterline primary school, but I consider that on the balance of probabilities if family-sized homes are provided it is likely that over time some additional pupils would attend the school. This development alone clearly would not significantly reduce the excess capacity of the school, but the cumulative effect of modest population growth within the school catchment is likely to assist with school roll forecasts. I recognise their limitations but it provides the best available evidence and a sufficiently reliable indicator of future school capacity.

8. I note that proposals for larger numbers of dwellings have previously been refused planning permission, but I consider a more modest development of up to 5 dwellings on this site, as proposed for allocation, would be of an appropriate scale and density relative to the small size of the established settlement. The site relates well to existing development and I am satisfied that the development would not significantly affect the rural character or landscape setting of Mill of Uras. The sustained interest in developing the site, coupled to the aim of addressing school capacity, indicates that there is a local need for a small scale development in this locality. However, the inclusion of this
allocation would not establish a precedent for accepting further development in the settlement. This would be a matter for future reviews of the LDP to consider.

9. Road safety concerns are particularly prevalent in representations, with the main concern relating to the junction onto the A92. In response, the planning authority has stated that no issues were identified as part of the ‘Development planning and management transport appraisal assessment’ undertaken in 2015. However, I have reviewed that document and found that consideration of the A92 was beyond its scope. Therefore any reliance upon that assessment regarding Mill of Uras site OP1 is misplaced. However, the roads authority has not objected to the inclusion of this site. The site would be accessed via a local road which has an existing junction with the A92, and the degree of intensification of the use of the A92 junction arising from a development of up to 5 dwellings would be negligible. Representees have stated that serious accidents have occurred on the A92 at this location in the past. However, no further evidence has been provided in this regard, and there is no basis for me to conclude that the increased vehicular movements arising from development of this site would compromise road safety. I also found there to be excellent and unhindered visibility of approaching traffic from both directions when joining the A92 using the junction in question. I do not consider the absence of a footway on the local road presents an unacceptable road safety risk but this could be required through the development management process if deemed necessary.

10. Issues relating to flood risk, drainage and waste water treatment have been raised by representees. These are important issues which would be required to be considered fully as part of any forthcoming detailed planning application. I note the site’s development brief reinforces that a flood risk assessment may be required. There are two watercourses relatively close to the site, but they are not subject to any ecological designations and there is no evidence to suggest the site’s development would potentially be harmful to nature conservation interests.

11. A representee has stated that residential development would be incompatible with the adjacent equestrian use of land. However, it is not unusual for equestrian uses to be located adjacent to residential areas, and I see no reason why development of this site would compromise the suitability of adjacent land for this purpose.

12. I recognise that many areas outside of the major centres have poorer than average internet connection speeds. The planning authority has identified that there is a rollout programme of superfast broadband which would benefit the settlement. I see no benefit in modifying the plan in this regard however, as the rollout is not being driven by the planning system, and planning permission is seldom required for the necessary infrastructure.

13. The design of the development, referred to by a representee, is more appropriately addressed through the development management process as the allocation simply establishes the principle of development.

14. Having regard to all relevant planning considerations raised in representations, I am satisfied that the allocation of this site is appropriate and its removal would be unjustified. On this basis I do not recommend any modifications to the plan in this regard.

Reporter's recommendations:

None.
**Issue 63**

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<th>Development Plan reference:</th>
<th>Reporter:</th>
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<td>Appendix 8, Page Kincardine and Mearns 3, 26 and 86</td>
<td>Christopher Warren</td>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

**Auchenblae**
- Tim Horsfall (26)

**Fordoun**
- Paul Green (9)
- Huntaven Properties Ltd (111)
- Councillor Dave Stewart (213)
- Mearns Community Council (223)
- Councillor Carl Nelson (315)
- Councillor George Carr (344)
- Mr & Mrs Mackenzie (356, 357)
- Mr Mitchell (464)

**West Cairnbeg**
- Hugh Stewart (41)
- Carol Garvie (47)
- Lloyd Garvie (51)
- Craigallan Homes Ltd (52)

**Provision of the Development Plan to which the issue relates:**

- Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Auchenblae**

Services and Infrastructure

A respondent questions whether due consideration has been given to potential pressures on Auchenblae Primary School, the GP Clinic, the suitability of the current road infrastructure, and on improving public transport by allocating sites (26).

**Fordoun**

Vision

The Mearns Community Council do not support the comments in the Plan regarding industrial development at Fordoun Airfield. The Area Committee recognised it as being suitable for industrial development and this view is supported by the Community
Allocated sites

OP1 Station Road

Site OP1 is at continued risk from flooding due to the high water table in the area. Development would ruin views from our property and remove privacy from a private back garden and access is poor into the site. There is also no shops, school or public transport in the village, so general infrastructure could not cope. There is no need for this development. It brings nothing to the village apart from misery, and it is not required (9).

Additional Sites

Bid Site KM019

The site for 40 dwellings lies within the Strategic Growth Area where 98% of the allocations are concentrated in Laurencekirk. The huge shortfall in predicted delivery of land at OP1 in Laurencekirk would suggest that there is no possibility that the allocation can be achieved during the lifetime of the Local Development Plan (LDP) and gives support to the allocation of additional sites within the Drumlithie to Laurencekirk corridor. The location of the settlement means that it is well related to a range of transport options and the proximity to the A90 gives convenient access to the Truck Road. A site for 40 Houses is proposed. There are no reasons related to the presence of the pipeline to the north of the site which would prevent its development (357).

Bid Site KM032

Objection is made to the failure of the LDP to identify the land at Fordoun Airfield as a BUS designation (111, 213), and subsequent land to the south of this (111). The site is a brownfield site (111, 464), development of which is supported by SPP. The site has planning history dating back to 1996 and the full extent of the Aerodrome now benefits from planning consent. The site as a business location was fully supported by Aberdeenshire Council and Kincardine & Mearns Area Committee but not taken forward to the Proposed Plan. The view of Infrastructure Services Committee that its identification would be to the detriment of other locations in the Strategic Growth Area is refuted (111). The Kincardine and Mearns Area committee unanimously voted to include this site in the Proposed Plan (213, 315, 344), as this site is well served by good access roads to the A90 North and South and also has huge potential to provide long term employment in the South Mearns area (213, 344, 464). Other sites in South Mearns are not suited for large scale businesses and as such allocation of this site would not adversely affect the requirement or usage of the other allocated sites (213, 344). In fact it is felt that it will probably attract smaller support businesses who may choose the quieter suburban business park (344).

As the business site at Laurencekirk is part of a wider Masterplan it may take years to come forward and in the interim additional allocations should be found in the Strategic Growth Area in deliverable locations (464).

Parts of the site are already in use by large scale businesses (213, 315, 344, 464) and it is believed that it is incumbent for Aberdeenshire Council to ensure there are options for large scale investment in this area (213). There is also a proven need for more space on
This site which is available (315, 344, 464).

There are no reasons relating to the presence of the pipeline to the north which would prevent this development (356, 464) and the development would not result in unsustainable travel patterns. There is also an acute shortage of employment land within the southern Strategic Growth Area. The site has no landscape or infrastructure issues (356).

The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (SDP, unreferenced), aims to provide a range of opportunities but currently in the SGA there is only 11ha of employment land in Laurencekirk and this is contrary to the aim of providing a range of locations. It should therefore be ensured that land is allocated at Fordoun Aerodrome (464).

West Cairnbeg

Vision

The respondents support the inclusion of West Cairnbeg as a settlement in the Plan but disagree with the Vision Statement that there are no facilities. They state it has a Council maintained Recycling Centre that serves the settlement and surrounding rural area. It is also stated that the West Cairnbeg Resident's Committee have identified a need for a play park and bus shelter in the settlement, which should be reflected in the 'Vision' Section of the Settlement Statement. The final point noted is that the settlement boundary is inaccurate and appears not to include the recent development granted planning consent (APP/2012/3525) (47, 51, 52).

Settlement Map

At the time the Main Issues Report was published, planning applications APP/2012/3525 and APP/2012/3725 were approved and are now under construction. These sites should be included within the settlement boundary (41).

Modifications sought by those submitting representations:

Auchenblae

Services and Infrastructure

The Settlement Statement should address the likely schooling, GP Practice, road infrastructure and public transport needs of the settlement (26).

Fordoun

Vision

In Vision Statement, delete "...but this is an unsustainable location and further development here is resisted." and replace with 'Fordoun Airfield could be developed for industry' (223).
Allocated sites

OP1 Station Road

Delete site OP1 Fourdon (9).

Additional Sites

Bid Site KM019

Allocation of land (KM019) on the west of the village, Fordoun (357).

Bid Site KM032

Inclusion of MIR bid side KM032 (land at Fordoun Aerodrome) as a BUS site (111).

Fourdon Airfield should be included in the LDP as land suitable for business use (213, 315, 344, 356, 464).

West Cairnbeg

Vision

Amend settlement boundary to include recent development APP/2012/3525 (47, 51, 52).

Amend Vision to state it includes one facility - a Recycling Centre which serves the settlement and surrounding rural area (47, 51, 52).

Amend Vision Statement to include need for a play park and bus shelter (47, 51, 52).

Settlement Map

Amend settlement boundary to include the two planning applications approved for houses which are now under construction. Suggests amending boundary line to the edge of the new ponds (41).

Summary of response (including reasons) by Planning Authority:

Auchenblae

Auchenblae is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Auchenblae Settlement Statement (see Local Development Plan 2012, Supplementary Guidance Volume H: Auchenblae). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 4 and the subsequent MIR 2013, Issues and Actions Paper 134: Auchenblae).
Services and Infrastructure

Policy RD2 Developers’ Obligations details where Aberdeenshire Council may support development if the developer makes a reasonable contribution in cash or in kind, to public facilities and infrastructure to reduce the negative effects of the development. Policy RD2 details what financial contributions can be required and the circumstances that they will be asked for. Within this policy it details that contributions can be sought for local transportation infrastructure, primary education, community facilities, and health facilities. It should however, be noted that developer obligations can only be sought for impacts from new development and cannot be used to solve existing problems within settlements. The likely items for which developer obligations will be required are listed under “Services and Infrastructure”. No change is required.

Fordoun

Fordoun is located within the Strategic Growth Area and within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan, 2014 (SDP) Spatial Strategy identifies in Paragraph 3.37 that housing and employment development is proposed, but on a more limited scale than in the Aberdeen Housing Market Area. The proposed land allocations are essentially unchanged from the Fordoun Settlement Statement (see LDP 2012, Supplementary Guidance Volume H: Fordoun). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 22-25 and the subsequent MIR 2013, Issues and Actions Paper 143: Fordoun).

Vision

The airfield is not seen as a sustainable location for the LDP to promote for employment uses as it is an isolated site some distance from residential properties. This view was supported by both Infrastructure Services Committee and the Full Council of Aberdeenshire. No change is required.

One of the principal policies in Scottish Planning Policy (SPP) relates to sustainability, ensuring that the planning system supports economically, environmentally and socially sustainable places that balances the costs and benefits of a proposal over the longer term (see Scottish Planning Policy, page 9). In this context, Fordoun Airfield is not considered to be a sustainable location and therefore, development there would not contribute to the aims of SPP. No change is required.

Allocated Sites

OP1 Station Road

Flood Risk was noted as an issue by a respondent but it should be noted that a rigorous assessment is undertaken of flood risk, and this is reviewed by SEPA. This particular site was confirmed as not at risk of flooding (see SEPA’s representation 658, page 36). The respondent also raised the issue of views and privacy, but views are not a material consideration which are considered in the planning application process. Privacy however, is something that is dealt with through the planning process and this would be considered when a detailed planning application was submitted. Redmyre Primary School is in the village, located on the other side of the A90 but accessed via an underpass from the main residential area. Deleting this site would not fit with the overall Spatial Strategy of the Plan.
and its implementation of the SDP. No change is required.

Additional Sites

Bid Site KM019

This bid was assessed at the MIR where it was highlighted that the site had potential for development but was constrained by the pipeline. It was also concluded at this stage of the process that there are sufficient allocations that satisfy the requirements of the SDP, therefore, there was no need to allocate further land. The site has also previously been subject to Examination, when it was concluded that its development would involve a substantial westwards expansion of the village and was not deemed as desirable. Within the Issues and Actions Paper support was received for the development of this site however it was again reinforced that there was sufficient allocations that meet the requirements of the SDP.

Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted at the MIR Bid stage, in response to the MIR nor in response to the Proposed Plan. Paragraph 64 of Planning Circular 6/2013 Development Planning identifies the difficulties of including a site within a LDP where these statutory procedures have not been undertaken. It is still maintained that there is sufficient housing land allocations to meet the requirements of the SDP therefore there is no need to allocate any additional housing sites in Fordoun at this time. No change is required.

Bid site KM032

Part of former Fordoun Airfield was received as a bid site to the MIR where it was stated that the site is constrained by a pipeline consultation zone and partially by flood risk however the majority of the site has permission for storage/offices/warehouses. In response to the MIR support was received for the potential to allocate this site (see MIR Report 2013, Appendix Kincardine and Mearns, page 22-25 and the subsequent MIR 2013, Issues and Actions Paper 143: Fordoun). As noted above (under vision) the decision to exclude Fordoun Airfield was properly constituted. The Fordoun Airfield site would have been of such a scale that it could prejudice the development of existing employment allocations in other locations and potentially undermine the spatial strategy for employment in the wider area. Allocation of this site would not accord with the principle policy of Scottish Planning Policy to promote sustainability. No change is required.

West Cairnbeg

Vision

The support for the inclusion of the settlement within the Plan is noted.

The local Recycling Centre at the entrance to the settlement would not be called a “service” in the context of the Local Development Plan which considers services to be the likes of a school, shop or public hall, although it is appreciated that the recycling centre serves a community need. No change is required.

The request for the Vision to reflect the need for a play park is acknowledged but it should be noted that this is not something that would sit within the vision for the settlement. No site has been identified or developed for a play park. Policy, P2 Open Space and Access
in New Development, outlines that all new development should be accompanied by adequate public open space. It would be through this mechanism that open space could be developed for a play park rather than through the vision of the settlement statement. No change is required.

**Settlement Map**

Aberdeenshire Council would agree that a non-notifiable modification to the settlement boundary is required in order to include the two recent planning applications, APP/2012/3525 and APP/2012/3725 which have been approved and on which construction has started (see Decision Notices). This does not affect the strategy of the Plan.

Apart from the modification raised above no other changes are required.

**Reporter's conclusions:**

**Auchenblae**

**Services and Infrastructure**

1. A representee has sought clarification that proposed allocations in Auchenblae are being made having regard to the additional demands that development would place upon education and healthcare, roads and the need for public transport improvements. Whilst I acknowledge that the allocations proposed in Auchenblae remain unchanged from the 2012 local development plan, I consider the points raised by the representee to be legitimate and they warrant consideration.

2. Within the ‘services and infrastructure’ section of the settlement statement, various requirements are established which apply to all development proposals including allocated sites. This states that all developments are required to contribute towards primary and secondary education capacity, and towards an extension to the village’s medical centre. These requirements for contributions are intended to ensure that increased demands upon these services will be able to be accommodated. The settlement statement does not make specific reference to road infrastructure. Within the examination documents is a note of a ‘local roads stakeholder workshop’ held on 25 September 2014 (document 131). Although the note is brief it suggests that no concerns regarding the capacity of the wider road network to accommodate the allocations were identified. With regard to public transport provision this has not been referred to in submissions, but I do not consider this warrants a modification to the plan. Overall I am satisfied that the proposed plan sufficiently takes account of infrastructure requirements in Auchenblae, with detailed matters to be addressed at the planning applications stage.

**Fordoun**

**Vision**

3. The community council object to the vision identifying Fordoun airfield as an unsustainable location where further development will be resisted. The airfield site was put forward as bid site KM032, which I have assessed below. Having regard to that assessment, I consider a modification to the vision to be necessary to reflect the
established employment uses on that site.

OP1 Station Road

4. Notwithstanding the concerns regarding flood risk raised by a representee, I am satisfied that this has been appropriately assessed and I attach particular weight to the comments of the Scottish Environment Protection Agency (SEPA) on this matter, which has confirmed the site is not at risk of flooding. The representee has stated that there are inadequate services and infrastructure to serve new development, but I am satisfied that the proximity and accessibility of Redmyre primary school, together with a public house, recreation ground and employment uses within the settlement boundary, offer an adequate level of service provision for a village and the level of growth proposed by this allocation.

5. Property values, private views and the concern that children may trespass on the adjacent railway are not material planning considerations and as such I have not had regard to these points in my assessment. I am satisfied that the site is capable of accommodating a development without leading to any unacceptable impacts upon residential amenity at neighbouring properties. Station Road is adequate to serve a modest development of 15 homes. On balance, having regard to the above assessment I am satisfied that this allocation is appropriate and its removal would be unjustified.

Bid site KM019

6. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. Whilst I consider there is scope to accommodate development on this site without unacceptable impacts upon the landscape or settlement character, subject to the sensitive treatment of the north and west boundaries of the site, combined with allocation OP1 a further 40 dwellings would result in a significant extension to the settlement.

7. The site’s promoter has indicated the positions of three possible access points for the site. In the absence of a fuller assessment of the adequacy of these options or an assessment of the local road network’s ability to accommodate the predicted increase in traffic, it is not possible for me assess the suitability of the site in this regard. There is no imperative to identify further housing land and given the lack of certainty regarding the adequacy of access and wider transport implications, I do not consider inclusion of the site to be justified.

Bid site KM032

8. In the MIR the Fordoun airfield bid site was recommended for inclusion in the plan as a ‘BUS’ designation, in recognition that the site had been partially developed and planning permission existed for development of much of the remaining site. The site was not however included in the proposed plan on the basis that the planning authority ultimately concluded it would be an unsustainable location, and of a scale that could prejudice the delivery of other allocated employment sites. Representees have objected to the site not being identified in the plan, and request this be addressed in different ways, either as a BUS designation or an employment land allocation.

9. Whilst the site is not fully developed, it is characterised by the business uses that have
been established. The former use as an airfield naturally provides a substantial area of flat open land which in this location lends itself particularly well to large-scale storage uses that are present on the site. Whilst the site is not within or immediately adjacent to a settlement, nor is it in a remote location and the site is easily accessible from the A90. Locating development of this scale and nature in closer proximity to a settlement would potentially present greater challenges regarding matters such as noise, disturbance, residential amenity, settlement character and traffic implications arising particularly from HGV movements. In this context, whilst access to the site is likely to be heavily reliant upon the private car, I am not persuaded that this results in the location being inherently unsustainable for this form of development.

10. The weight I give to the planning authority’s concerns regarding the bid site’s implications for the spatial strategy is limited by virtue of the planning permissions that have been granted, and the substantial development already completed on the site. The principle of much of the site’s development has previously been accepted by the planning authority and the absence of a BUS designation or allocation (between which there is no clear distinction in the plan) has no bearing on the ability for established sites to continue to operate, or for extant planning permissions to be implemented. Given the site is some way outwith the settlement boundary and classed as countryside, there would be no merit in a designation to safeguard against other uses on the site as planning policies are already sufficiently restrictive.

11. I can see that an allocation or designation would be of benefit to the site’s further marketability. In this regard I acknowledge why the planning authority would not wish to elevate the status of the site in the plan, which may divert interest away from other allocated employment sites, such as at the nearby Edzell Woods site. Having regard to the above assessment, I do not consider there to be adequate justification for the site’s inclusion in the plan. As already stated however, given that development has already been completed and planning permission granted for further development at Fordoun airfield, it would appear rather perverse for the vision to state that this site has been “exploited” and refer to it as an “unsustainable location”. Consequently, I recommend a modification to the vision to reflect the established use of the site, and to clarify that future proposals would be assessed against relevant plan policies.

West Cairnbeg

Vision

12. I have noted the suggested amendments by representees. I accept the planning authority’s position that a recycling point is not classed as a ‘service’ and so a modification in this regard would not be justified. Representees have also stated that there is a need for a play park and bus shelter. I do not consider this level of detail is appropriate to the vision, which provides a more general overview of the settlement. No evidence has been provided to confirm whether the wider local community aspire to the provision of these facilities. I note however that the settlement statement establishes the potential requirement for developer contributions towards community facilities identified in the community plan or community action plan. I therefore consider that the plan appropriately makes allowance for how these and other facilities could potentially be delivered. No modifications are required on this basis.

13. I support the proposed modification to the settlement boundary to include development that is under construction, as its exclusion would be illogical.
**Reporter's recommendations:**

1. Delete the last sentence of the Fordoun vision which currently reads:

   “The hard standings at Fordoun airfield have also been exploited as business land, but this is an unsustainable location and further development here is resisted.” and replace with:

   “Some of the hard standings at Fordoun airfield are used for employment purposes, including storage. There is planning permission for further development. Any future proposals at the site will be assessed against relevant policies in this plan.”

2. Amend the West Cairnbig settlement boundary to include development approved under references APP/2012/3525 and APP/2012/3725.
Issue 64

Shaping Kincardine and Mearns – RHMA South Mearns - Edzell Woods and Newesk and Marykirk

Development Plan reference: Appendix 8, Page Kincardine and Mearns 18 and 50

Reporter: Christopher Warren

Body or person(s) submitting a representation raising the issue (including reference number):

Edzell Woods and Newesk
Archial Norr on behalf of Carnegie Base Services (348, 591)
Angus Council (788)

Marykirk
Christopher Rushbridge (204)
Mearns Community Council (221, 224)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

Edzell Woods and Newesk

Services and Infrastructure

There is a lack of firm commitment to the timing for improvements to the relevant A90 (T) road junctions associated with the Edzell Woods and Laurencekirk developments. While the need for works is noted in the Settlement Statement it is essential that any planning approval for these sites is linked to the required upgrade of the junctions on the trunk road, as informed by the NESTRANS Access to Laurencekirk Study. It is only once a final option is identified for all of the junctions that there can be any more certainty in terms of costs, funding and timing. Thereafter the Proposed Local Development Plan could give a commitment to a timetable for their funding and delivery including the levels of developer contributions required. Whilst it would be too early for any certainty in terms of funding for the current Proposed Local Development Plan it should recognise the possibility of a more strategic approach to solutions on the A90 (T), including potential funding sources (788).

Allocated Site

OP1 Newesk

The allocation excludes significant areas within the boundaries of the base which have planning permission, and are being used for employment and storage purposes. The entire base has been granted outline planning permission, APP/1999/2005, for a mixed use development. A revised application, APP/2012/0037, for the redevelopment of the entire base has been approved by the K&M Area Committee subject to Legal Agreement (see Committee Report and Minute extract). Further detailed permissions have been
granted for storage and commercial uses outwith the allocated site but within the boundary of the Base. (348)

The entire area of the former Base was included in Aberdeenshire Local Plan 2006 and is a brownfield site (348, 591).

The geographical boundary of the allocation should be revised and the number of homes and business land allocations should be raised to match the approved Masterplan. The S75 Agreement was competed in February 2015. A masterplan for the residential element of this site has also been approved. The allocation was questioned at the Examination for the 2012 plan and the findings of the Reporters suggest that additional land could be allocated at the former Base in the event that a Masterplan is prepared. It would also allow for reuse of brownfield land which is supported by Scottish Planning Policy (SPP) and the Strategic Development Plan (SDP). The allocation of the full site would allow for a high quality of urban design. Reducing it from 1000 to 300 houses unpicks the careful design preparation upon which the Masterplan is based. The full 1000 house development could provide benefits to the existing community in Ezell Woods. The site is also accessible as it is served by a regular Bus Service (591).

Marykirk

Allocated Sites

OP1 Land to the West of Marykirk

Clarification is sought for the status of the planning application on site OP1. It is believed there is an anomaly between the Aberdeenshire Council website that states planning application APP/2013/0063 is 'pending review' and the Proposed Local Development Plan (LDP) which states it was delegated approval by Kincardine and Mearns Area Committee in October 2013 (224).

It is also noted that that Marykirk Primary School is forecast to be over capacity and this is not stated in the Proposed LDP and the development of OP1 would take the School over capacity (224).

Public Transport is at times poor especially with the last bus leaving Montrose, the nearest town with reasonable amenities, at 17:10. Marykirk Primary School is also forecast to be over capacity in 2016 and it is unsuitable for further expansion and apart from the football pitch and children’s play area there are no public facilities in Marykirk (204).

Public transport is provided by a bus service which is very much reduced at evenings and weekends (221).

**Modifications sought by those submitting representations:**

Edzell Woods and Newesk

Services and Infrastructure

The Proposed Plan should not solely rely on Developer Contributions to fund junction improvements and/or upgrades on the A90 (T) in the Kincardine and Mearns area and
should recognise the possibility of a more strategic approach to solutions on the A90 (T), including potential funding sources. The broader range of potential funding sources should be reflected in the Settlement Statement (788).

Allocated Site

OP1 Newesk

Modify boundary OP1 - Newesk allocation to match the boundary of the former Edzell Base, and increase the housing allocation to 1000 units (348, 591).

Marykirk

Allocated Sites

OP1 Land to the West of Marykirk

Site OP1 amend second sentence in first para to 'There is a planning application for 30 houses at this site. This application has a status of pending decision.' (224). Remove reference to good transport links from OP1 allocation box (204, 221).

Summary of response (including reasons) by Planning Authority:

Edzell Woods and Newesk

Edzell Woods and Newesk is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Edzell Woods Settlement Statement (see Local Development Plan (LDP) 2012, Supplementary Guidance Volume H: Edzell Woods). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 14-15 and the subsequent MIR 2013, Issues and Actions Paper 139: Edzell Woods).

Allocated Site

OP1 Newesk

It is noted within the Settlement Statement for Edzell Woods and Newesk under the Vision for the settlement and the Services and Infrastructure section that an upgrade to the A90(T) junction is required. There is only a very limited transportation link to Laurencekirk and while the points made by Angus Council are valid there is no argument to require development at Edzell Woods and Newesk to contribute to works at Laurencekirk. Development at Edzell Woods and Newesk require to contribute to an upgrade to the A90 North Water Bridge junction, this is one of the planning conditions associated with the application which has been granted including a Section 75 Agreement.

The request to increase the allocation in terms of both scale and numbers (increasing the residential component from 300 to 1000 houses) was received as a bid to the MIR
It was noted that the site is partially constrained by flood risk, woodland and a hazardous site and there are significant infrastructure constraints to overcome. In response to the MIR the developer argued that the size of the allocation should be increased to match the extent of the former RAF Airfield (see MIR Report 2013, Appendix Kincardine and Mearns, page 14-15 and the subsequent MIR 2013, Issues and Actions Paper 139: Edzell Woods). The site has also been subject to examination for the 2012 LDP and at this point the Reporter noted that "I consider that the 1100 house development at Edzell Woods which was suggested at the main issues report stage would be excessive in relation to the scale of the settlement and the limited services available. It would also create a counter attraction that might threaten the success of the housing strategy of the Plan which seeks to concentrate development at nearby Laurencekirk in order to resolve the town's severe infrastructure constraints" (see Examination Report – Aberdeenshire Local Development Plan 2012, page 827). This position still remains valid as it is felt that by increasing the allocation to 1000 houses at Edzell Woods would potentially significantly compromise the Housing Strategy of the Plan.

It should also be noted that in April 2013 Kincardine and Mearns Area Committee granted planning permission in principle (APP/2012/0037) for 300 residential units, open space, retail, commercial, business, community facilities, general industrial and storage and distribution subject to the signing of the Section 75 Legal Agreement. This application is currently still pending but the Section 75 remains to be agreed. It is worth highlighting that the initial application which the Council received was for 1000 houses and this was then reduced to 300 houses in line with the LDP. No change is required.

## Marykirk

### Allocated Sites

**OP1 Land to the West of Marykirk**

All new residential areas in Marykirk including site OP1 are required to provide an amount of open space per dwelling, detailed in, Policy P2 (Open space and access in new development). This will help towards providing areas for recreation but it should also be noted that further residential development within the area is required to contribute to facilities in Marykirk or in the wider catchment at Laurencekirk. No change is required. The application on site OP1, APP/2013/0063, was approved by Kincardine and Mearns Area Committee on 29 October 2013 subject to the signing of a Section 75 Agreement. The application is currently waiting on the Section 75 Agreement to be signed which is why on the planning portal website it states that the application is "pending" a decision. However, the Council has accepted the principle of development on this site, in the form that the applicant has suggested and with heads of terms agreement, agreed. Even if the application were now withdrawn, or passed back to Committee, after unsuccessful negotiation, for refusal on the basis of being unable to comply with policy RD2 Developer Obligations, the principle of development would remain. No change is required.

Under the Services and Infrastructure section it states that 'All residential development must contribute to the provision of additional capacity at Marykirk Primary School.' This is shown through the Committee Report produced for the application on the OP1 site, APP/2013/0063, where Developer Obligations state that contributions are required for affordable housing, education and community facilities and local health care provision (see Committee Report and Extract of Minutes). The details of these contributions will be agreed through the signing of the Section 75 Agreement which is currently progressing. No change is required.
A non-notifiable modification should be made to the text in the OP1 allocation box to remove the reference to public transport in light of the information received. Aberdeenshire Council would not be opposed to the Reporter making the above modification, or a variation thereof.

**Reporter's conclusions:**

**Edzell Woods and Newesk**

**Services and infrastructure**

1. Angus Council’s representation states that developer contributions should not be relied upon solely to deliver strategic improvements to the A90 and its junctions, and a broader range of potential funding sources should be acknowledged. I have had regard to the conclusions on Issue 56, which recognises that development in Laurencekirk would be required to contribute to junction upgrades, but potentially not fully fund them given this would in part be addressing existing issues. The evidential basis for that conclusion was based on the Nestrans/Transport Scotland ‘Access to Laurencekirk’ study (2015). However, the purpose and findings of that study are not of any direct relevance to proposed development at Edzell Woods and Newesk.

2. Whilst I recognise the potential advantages of a more holistic approach to A90 junction upgrades, I am satisfied that the settlement statement gives due regard to the road improvements necessary to accommodate the scale of development that is planned for. This specifically identifies that an upgrade to the A90 junction (which is not one of the junctions considered in the study referred to above) would be required, and contributions would be sought for this purpose. This does not preclude other funding sources being used in addition or instead, if available. On the basis of the above assessment I do not consider there to be sufficient justification to make a modification in this regard.

**OP1 Newesk**

3. The site’s promoter has requested that the OP1 boundary be extended to reflect the full extent of the former airbase and the housing allocation be increased to 1000 units. There is a long and relatively complex planning history relating to this site. The 2012 LDP reduced the size of the allocated site relative to that which had previously been identified in the 2006 local plan. I note that planning permission in principle for a mixed use development was approved in 2012 subject to the completion of a section 75 agreement, and this related to the full extent of the airbase, reflecting the 2006 allocation boundary. Whilst the basis for these inconsistencies is unclear, I do not consider that this alone provides sufficient justification for extending the allocation boundary.

4. I acknowledge that the proposed boundary extension would fall within the confines of the former airbase and therefore would be recognised as previously developed land. Scottish Planning Policy requires that the development of previously developed land should be considered before releasing greenfield sites. However I am mindful that considerable capacity remains for development within the allocation, as the site has been subject only to partial redevelopment for business uses. No substantive evidence has been provided to demonstrate any specific need for further land to be identified for business/employment purposes during the plan period.
5. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of additional housing sites or, as in this case an increased housing allocation, where these could assist in achieving a higher rate of completions over the plan period. The representee is seeking an increase in the housing component of the allocation from 300 to 1000 units. Whilst I consider the site to be physically capable of accommodating a development of this size (based on the indicative masterplan for the site) there is little in the way of accompanying evidence regarding the capacity of services, facilities and infrastructure including the road network to accommodate such a substantial additional development, nor is there any clarity on how any deficiencies could be addressed.

6. I am concerned that such a substantial increase to the scale of the allocation in this location would potentially undermine the plan’s spatial strategy, reducing developer interest on other allocated sites. In Issue 7 it was also concluded that some flexibility in the capacity of sites should be permitted, but any such flexibility would not extend to increasing an allocation by this magnitude. On the basis of the above assessment and taking into account all the relevant planning considerations, I do not consider increasing the OP1 allocation (in terms of land area or the number of dwellings) to be justified, and so no changes to the plan are required.

Marykirk

OP1 Land to the west of Marykirk

7. I note the comments of a representee regarding the limited sports and recreational facilities in Marykirk. The settlement statement recognises that developer contributions may be required towards the provision of such facilities in the area, and alongside the provisions of policy P2 referred to by the planning authority I find the plan establishes an appropriate position on the matter, and no changes are required. Representees have stated that the primary school is forecast to be over capacity from 2016. The settlement statement establishes a requirement for developer contributions towards providing additional capacity for both primary and secondary education (at Marykirk Primary School and Mearns Academy respectively) which I consider addresses this matter adequately.

8. A representee has queried the planning status of the site. I consider the OP1 development brief provides sufficient clarity in this regard, and as the principle of development on this site does not rest on the outcome of an individual application, I do not consider that any changes to the plan are required.

9. Representees have referred to the limited level of public transport provision in the settlement. Given that the reference to “good transport links” in the OP1 development does not relate to requirements or principles for the site’s development, the statement is superfluous in any event, and I support the planning authority’s proposal to remove the sentence.

**Reporter’s recommendations:**

1. Amend the Marykirk OP1 development brief by deleting the penultimate sentence which currently states:

“There are good transport links.”
**PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN**

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**Body or person(s) submitting a representation raising the issue (including reference number):**

**Fettercairn**
Kirkwood Homes Ltd and Fettercairn Estate (628)

**Luthermuir**
Gordon Robertson (15)
Paul and Delia Johnson (27)
Paula Holtom (270)
J W Souttar Architectural Services & Building Construction (312)
Janette Anderson (314)
Gary Hattersley (420)
Hazel Anderson (489)
Kerry Harper (490)
Michelle Anderson (491)
Alan and Barbara Macdonald (496)
Aaron Souttar (499)
Alistair Johnstone (500)
Bill Parr (503)
David Gammie (504)
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Jim Beattie (508)
Jim McWilliam (509)
John Francis Souttar (524)
John McWilliam (525)
Norman McWilliam (529)
Richard and Paula Holtom (530)
Stuart Fern (531)
Stan Innes (532)
Elaine Merchant (535)
Heather Souttar (536)
Mabel Beattie (538)
Mildred McWilliam (540)
Morag Innes (541)
Susan McWilliam (543)
Kaye Harper (544)
Murdoch Anderson (564)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities
### Planning Authority's summary of the representation(s):

#### Fettercairn

**Additional Sites**

**Bid Site KM064**

Change the northern boundary to allow additional housing on the OP1 allocation (see Appendix 1 and 2 from submission 628), and it will allow for provision of vehicular access to the site from Gladstone Gardens. Increasing the number will allow the access road to be double fronted, increase the provision of affordable housing and increase the school roll at Fettercairn Primary School which is under capacity. Allocation of KM064, a bid to the Main Issues Report, was seen as a logical extension to site H1 through Council comments in the MIR. The agents responded to the MIR consultation supporting the sites inclusion and highlighting the significant interest in the site (628).

An additional pedestrian access and emergency access to the development will be provided from Distillery Road if the extension is allocated. The site was discussed with Aberdeenshire Council Planning Officers and consultees at a Major Application pre-application meeting in October 2014 (628).

#### Luthermuir

**Allocated Sites**

**OP1 The Chapel and OP2 Land at Aberluthnott Church**

The road to Muirton House which splits the Glebe in half should be omitted from the Local Development Plan (LDP). The land does not belong to the Church of Scotland, but is owned by the Parish and Populace of Luthermuir (15).

Concern is expressed over the development of OP1 and OP2 and the need for housing allocations in a village of this scale has been questioned, particularly given that Laurencekirk and Edzell Woods have large allocations identified (270).

These sites provide no safe route to school due to the pavement being broken by 3 road crossings and 18 private driveways (312, 420, 489, 490, 491, 496, 499, 500, 503, 504, 505, 506, 507, 508, 509, 524, 525, 529, 530, 531, 532, 535, 536, 538, 540, 541, 543, 544, 564). (See respondent 312 for supporting documentation).

OP1 and OP2 would have a detrimental effect on the village as a whole. It is accepted that more houses would be beneficial for the School but it is questioned why a shop would be an advantage due to the presence of supermarkets elsewhere and online shopping. General utilities such as power, water, sewage and drains are running near to capacity. There is currently a feeling of being safe and sound in the village and this would be lost with the addition of more homes and also reduce privacy. Comparison is made with Marykirk and the fact that new development is completely out of character (27).
Additional Sites

New Site Land at Caldhame Plantation

Any future development should be in the centre of the village in Caldhame Plantation which is not a conservation area. Planning permission already exists for 9 houses in Caldhame Wood and any future development must be located there to resolve Luthermuir’s long outstanding problems. Development in Caldhame Wood would provide these. This must be seriously considered by the Reporter for the benefit of residents who have lived here all their lives (314).

Land at Caldhame Plantation has existing planning permission granted in 1993, with the Council informed that work had begun on the site. Development of the site at Caldhame proposes a village shop and recycling centre, as well as a new access into the village hall and sports fields and 16 acres of land gifted to the community. The trees removed for the Caldhame development would be replaced and the existing trees backing onto Main Street would be retained. Community support is indicated for the development, and funding has been raised for developing the "gift" of the 16 acres (312, 420, 489, 490, 491, 496, 499, 500, 503, 504, 505, 506, 507, 508, 509, 524, 525, 529, 530, 531, 532, 535, 536, 538, 540, 541, 543, 544, 564). (See respondent 312 for supporting documentation).

Modifications sought by those submitting representations:

**Fettercairn**

Northward extension of OP1 and increase capacity to 40 units for delivery in phase 1 which should be reflected in Appendix 6 New Housing Land Table and Appendix 8 Settlement Statement, Fettercairn.

**Luthermuir**

**Allocated Sites**

OP1 The Chapel and OP2 Land at Aberluthnott Church

The access road should be omitted from allocation (15).

Remove sites OP1 and OP2 from the Proposed Plan (27, 270).

**Additional Sites**

**New Site Land at Caldhame Plantation**

Allocate land in the centre of village (314).

Summary of response (including reasons) by Planning Authority:

Fettercairn

Fettercairn sits within the Local Growth and Diversification Area, and is within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). No specific need has been identified for Fettercairn.

Additional Sites

Bid Site KM064

Fettercairn was considered within the Main Issues Report and at this stage the bid (KM064) was only to change the allocation boundary and not to allocate additional housing. At this stage it was an ‘Officer’s preference’ but it was also noted that the site is slightly constrained by flood risk to the north. In the Issues and Actions Paper, support was received from the developer for the change to the boundary of the site but as no additional needs were identified within the settlement there was no reason to allocate additional development land in the settlement.

It should be noted that from 2015, Fettercairn Primary School roll is steadily increasing and in 2019 it will be at 81% capacity (Aberdeenshire School Roll Forecasts, Fettercairn Primary School Extract). It is, therefore, not seen that there is a need for the additional development to support the School roll as it is steadily increasing and being maintained by the existing allocations in Fettercairn and the surrounding areas.

Providing affordable housing is a key planning objective for Fettercairn in particular, providing housing suitable for first time buyers and the elderly. Although this extension to OP1 would provide 3 additional affordable homes this should not be seen as a reason to allocate the additional land.

The site was also discussed at a Major Application pre-application meeting in October 2014 with Officers from different Services in the Council and also external consultees. At the meeting it was noted that the additional land and houses were outwith the allocated site and that the site had also been assessed through the Main Issues Report where it was decided that the site should not be allocated in the Proposed Local Development Plan.

Access to the site from Gladstone Place can be achieved and still allows development on both sides of the access road by leading it in a more western direction than shown in respondents’ Appendix 1. Fettercairn Estate, with Kirkwood Homes, were the developers of Gladstone Place and Craigie Place.

There is a sufficient supply of deliverable housing sites within the Rural Housing Market Area and the Local Growth and Diversification Area and, as a result, there is no overriding reason to support further housing development in this location at this time. No change is required.
Luthermuir

Luthermuir is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Luthermuir Settlement Statement (see Local Development Plan 2012, Supplementary Guidance Volume H: Luthermuir). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 42 and the subsequent MIR 2013, Issues and Actions Paper 150: Luthermuir).

Allocated Sites

OP1 The Chapel and OP2 Land at Aberluthnott Church

It is acknowledged that land has been included as part of the OP1 site which is not in the possession of the developer. This issue is seen as a more detailed issue that should be dealt with through the development management process and involving communication with the landowner. Retention of this access would constrain the development of the OP1 site to two cul-de-sacs and not achieve the network of routes promoted by “Designing Streets”. However, should the Reporter be minded to agree with the landowner, the road could be omitted from the allocated site, to provide clarity on the land ownership.

Sites OP1 and OP2 were recommended by the Reporter in the 2012 LDP Examination where it was noted that “sites K33 and K31 (OP1 and OP2) are the best locations to provide for planned growth to Luthermuir, and avoid the damage to woodland and habitats which would arise if site M1 were developed as proposed in the plan” (see Examination Report for the Local Development Plan 2012, pages 817-819). M1 referred to by the Reporter relates to land that was originally allocated by the Council (on Caldhame Plantation) but was subsequently removed by the Reporter due to its identification on the Scottish Ancient Woodland Inventory. No change is required.

The road network in the village promotes low traffic speeds and the need to cross access roads and driveways does not result in there being no safe route to school. No change is required.

Additional Sites

New Site Land at Caldhame Plantation

The respondent notes that there was a planning permission on the land at Caldhame Plantation which was granted consent in 1993 (reference 01-93-1201). The respondent notes that this permission was implemented but the Council have no record of a start on this site. An application was received and granted outline planning for 9 dwellings in 1997, and a reserved matters application again for the 9 dwellings was granted in 2000.

This land at Caldhame Plantation was removed from the proposed Local Development Plan 2012 by the Reporter on the basis that it is included on the Scottish Ancient Woodland Inventory (see Examination Report for the Local Development Plan 2012, pages 817-819). There have been no changes in circumstances that would overturn this decision. It should also be noted that this site was not submitted as a bid to the Main
Issues Report (MIR) nor was it submitted in response to the MIR. This means that the site has not been subject to the same public consultation or rigorous assessments looking at the suitability or environmental impacts as the other sites within the Plan. General Housing land allowances are set by the Strategic Development Plan and Schedule 4 Issues 7 and 8 Housing Land Supply and Housing Land Supply Spatial Strategy advises that there is sufficient housing to meet the requirements. Each settlement is looked at own its own merit and allocations are made to satisfy local needs. There is not seen to be such scale of local needs within Luthermuir that would suggest that additional allocations should be made.

**Reporter’s conclusions:**

**Fettercairn**

**Bid site KM064**

1. This bid site would incorporate the entirety of allocation OP1 which is for up to 30 homes, extending the current allocation to the north to incorporate an additional 0.76 hectares to enable the site to accommodate a further 10 dwellings.

2. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. The planning authority has stated that there is not a specific local need for further development in Fettercairn, which is within the ‘local growth and diversification area’ and the rural housing market area. There is clear developer interest in this site which indicates a demand for housing in this location. An extension to the existing OP1 allocation of the modest size proposed would remain proportionate to the size of the settlement, and would remain of a scale to meet a local as opposed to a wider strategic housing requirement in line with the provisions of paragraph 3.43 of the strategic plan. Given that the planning authority recognise affordable housing to be a key objective in the settlement, the increased allocation is advantageous in terms of the site’s ability to provide additional affordable homes.

3. The site is relatively unconstrained. There are no school capacity concerns identified and the waste water treatment works are currently the subject of an upgrade project which would also provide capacity for this development. The potential for flood risk arising from Crichie Burn has been identified but this issue would be capable of being satisfactorily addressed by a flood risk assessment. This issue is already applicable to the established OP1 allocation.

4. From my conclusions above I consider that this site should be allocated for housing as I am satisfied that it is capable of enabling completions over the plan period. A structured environmental assessment process has been undertaken, and there is evidence that public engagement has taken place (through the site’s identification in the planning authority’s Main Issues Report) and none of this signals any reason why the site is not suitable for inclusion. I therefore recommend that the boundary of site OP1 be extended accordingly, and the site’s allocation is increased from 30 to 40 units.
OP1 The Chapel and OP2 Land at Aberluthnott Church

5. These sites were previously allocated in the 2012 LDP for residential and employment development, together with small-scale retail. Numerous representees have expressed a preference for land at Caldhame Plantation to be developed instead of these allocations. The main reason given is that there would not be a safe pedestrian route to the primary school from the OP1 and OP2 allocations. During my site inspection I observed that there were footways along Church Road, Main Street and School Road. I saw no reason why the routes to school from either site would present any particular or unusual dangers for pedestrians.

6. I recognise that there is uncertainty over whether a satisfactory vehicular access between OP1 and Church Road would be achievable. However, I am satisfied that the OP1 development brief in the plan makes clear that School Road would be the main access point for the site. I note that the access track to Muirton House is in separate ownership from the rest of the site. However, in the absence of evidence to demonstrate that this would be a constraint to development, I consider its inclusion within the overall allocation to be appropriate at this time.

7. Representees have raised concerns regarding the overall amount of land identified for development relative to the size of the existing village. The two allocations combined would clearly represent a substantial increase in the overall size of the village, potentially increasing the total amount of housing by approaching 50%. That said, the sites relate well to the established settlement and are relatively modest allocations in overall terms. The village is currently to a large degree characterised by ribbon development, and I consider both allocations provide an opportunity to have a positive effect upon the character of the village and pattern of development. Development on these sites would take advantage of capacity at the primary school in the village, and for the above reasons I consider the amount of development being planned for in Luthermuir to be appropriate in scale.

8. Whilst the value of small-scale retail development has been questioned by a representee, I find it would be beneficial for such a service in the settlement by improving accessibility and convenience for all residents and helping to reduce the car dependency of residents.

9. The required upgrades to utilities to accommodate development are identified in the ‘services and infrastructure’ section of the settlement statement. No insurmountable constraints to developing these sites have been identified and the plan establishes a requirement for developer contributions to address such matters in the settlement.

10. I have noted the concerns raised regarding the potential for loss of privacy. This would be a material consideration in the determination of any future planning applications on the sites and is not a matter that could be meaningfully addressed in the plan. Similarly, matters relating to the detailed design and layout, including the character and appearance of the development, would also be most appropriately considered through the development management process. There is nothing at this stage to indicate that an appropriate scheme could not be achieved, in accordance with the relevant policies of the plan.
11. On the basis of the above assessment and having regard to all of the material planning considerations raised in representations, I am satisfied that the inclusion of sites OP1 and OP2 as allocations is appropriate, and there is inadequate justification to require any modifications to the plan in this regard.

New site land at Caldhaime Plantation

12. As referred to above, numerous representations have indicated support for residential development on this site. However, due to this site being introduced at a relatively late stage of the plan-making process, a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’.

13. I am unclear from submissions whether there is an extant planning permission on part of this site, but given that a larger allocation has been proposed this is not a determinative issue. The site was considered for allocation in 2012, and I note the findings of the reporter in the examination report, which have been referred to by the planning authority. The conclusion in the 2012 examination was that this site would be inappropriate for development because the site was designated ancient and semi-natural woodland identified on the Scottish Ancient Woodland Inventory. Since the last examination SPP has been revised (in 2014) but it maintains the policy principle of protecting and enhancing ancient semi-natural woodland, with paragraph 194 recognising that it is an important and irreplaceable resource.

14. Whilst I recognise that the site would be closer to the school than the OP1 and OP2 allocations and would relate well to the village generally, for the reasons outlined above the allocation of this site in the plan would be inappropriate and unjustified.

**Reporter’s recommendations:**

1. Amend the development brief for Fettercairn allocation OP1 by deleting “up to 30 homes” and replacing this with “40 homes”. Make consequential amendments to the figures shown in tables 1 and 6 of Appendix 5.

2. Amend the affordable housing requirement in the last sentence of the Fettercairn allocation OP1 development brief by replacing “7” with “10”.

3. Amend the boundary of allocation OP1 in the Fettercairn settlement map to incorporate additional land to the north identified by bid site KM064. Amend the settlement boundary to incorporate the extension to OP1.
<table>
<thead>
<tr>
<th>Issue 66</th>
<th>Shaping Kincardine and Mearns – RHMA Coastal – Inverbervie, Roadside of Kinneff and St Cyrus</th>
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<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Kincardine and Mearns 31, 72 and 74</td>
</tr>
<tr>
<td>Reporter:</td>
<td>Christopher Warren</td>
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</tbody>
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**Body or person(s) submitting a representation raising the issue (including reference number):**

- **Inverbervie**  
  Mr Colquhoun (256)

- **Roadside of Kinneff**  
  J Forbes (546)

- **St Cyrus**  
  Steven Beaton (194)  
  David and Polly Van Alstynes (518)  
  Mary Singleton (609)  
  Scottish Natural Heritage (656)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

- **Inverbervie**
  
  **Additional Sites**
  
  **KM003**

Scottish Planning Policy (SPP) (SPP, unreferenced) requires settlement boundaries to be robust and defensible and to use easily identifiable features on the ground. However, in this instance, the settlement boundary for Inverbervie is incorrect as it does not follow the field boundary and leaves behind an area of land on the north-west of the village (site KM003) which is effectively a gap site (256).

The parcel of land has capacity to accommodate around 30 houses and currently has housing developments on three sides and the remaining field is of no practical use. In order to define a logical and defensible boundary, the extent of the settlement boundary should be re-drawn to incorporate land to the south which currently sits outside the settlement boundary. This land is within comfortable walking distance from local amenities such as Bervie Primary School, Inverbervie Health Centre and local shops. The allocation of this land for housing development would accord with the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (SDP, unreferenced) objectives of encouraging sustainable development and reducing people’s dependence on the private car (256).
### Roadside of Kinneff - Additional Sites

#### Bid Site KM082b

The allocated site, OP1 has failed to deliver its proposed 30 houses within the current Plan period. No Masterplan, Development Framework or planning applications have been submitted or progressed to date, and it is questioned whether development on this site will ever be delivered. This highlights a further requirement to allocate an alternative housing site KM082b in order to meet the LDP objectives of meeting local housing need, attracting new services and sustaining the local Primary School (546).

A reduced development bid of 30 houses on land adjacent to Smiddy Park would represent a suitable allocation for future development in Kinneff. The site would allow the extension of development at Smiddy Park as well as creating the opportunity for new development between the rear of Smiddy Park and the farm to the west of Kinneff. The site is contiguous with the settlement boundary and adjacent to existing and compatible land uses (546).

#### St Cyrus

**Natural and Historic Environment**

Scottish Natural Heritage suggest additional text should be added under the 'Natural and Historic Environment' section to properly identify the natural assets adjacent to the settlement (656).

#### Allocated Sites

**OP1 Roadside**

There are issues of flooding at the bottom of Mercury Loan on the A92 during periods of heavy rain and the proposed development of OP1 could exacerbate this. The proposed development has the potential to adversely impact the adjacent properties in the area from overlooking and also the employment land is very close to some properties causing noise and nuisance. St Cyrus Primary School currently has a declining school roll but with the house numbers this will nearly double the number of children and there is little room for expansion (194).

The respondent states that they are unable to sell their property due to the impending development of OP1. It is also noted that views of the sea and the village will be obstructed by the new development (518).

#### Additional Sites

**New Site Land at St Cyrus**

A Masterplan for site OP1 was approved in September 2014 and building is likely to commence in 2017 with a build out rate of 15 houses per annum resulting in completion in 2024. This requires further land to be allocated in the 2017-2026 period to maintain an effective supply of land. Additional land will ensure an effective housing land supply is maintained in St Cyrus in the long term to enable population growth and the creation of sustainable mixed communities. Part of the land was previously included in the 2006 Local Development Plan.
Plan as fh4* for future housing so the Council has, therefore, accepted the principle of residential development in this location. The sites, identified as NB1631 as a bid in response to the Main Issues Report, are a logical extension and are both well related to the settlement (see MIR 2013, Issues and Actions Paper 159: St Cyrus). Accessibility as stated in Scottish Planning Policy (SPP) is an attribute which should be capitalised on and St Cyrus could grow as a sustainable location as well as an attractive commuter town (609).

**Modifications sought by those submitting representations:**

### Inverbervie

Land to the north-west of Inverbervie (site KM003) should be included within the Town’s settlement boundary and also be identified as a housing land allocation for up to 30 units within Table 6 of Appendix 5 (256).

### Roadside of Kinneff

Allocate site KM082b for up to 30 houses and potential community uses (546).

### St Cyrus

#### Natural and Historic Environment

Text should be added under Natural and Historic Environment to refer to St Cyrus National Nature Reserve and St Cyrus and Kinnaber Links SSSI, located to the east of the village (656).

#### Allocated Sites

**OP1 Roadside**

Object to the inclusion of OP1 (518).

The proposed development of OP1 should be significantly reduced (194).

#### Additional Sites

**New Site Land at St Cyrus**

Table 6 of Appendix 5, New Housing Land Allocations should be amended to include two additional allocations of 20 units at Lochside Road and 50 units as an extension to the OP1 site for delivery in the period 2017-2026. The Settlement Statement and proposals map for St Cyrus should be modified accordingly to reflect this (609).

**Summary of response (including reasons) by Planning Authority:**

### Inverbervie

Inverbervie is located within the Local Growth and Diversification Area within the Rural
Housing Market Area. The SDP Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Inverbervie Settlement Statement (see Local Development Plan 2012 (LDP), Supplementary Guidance Volume H: Inverbervie). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 28-30 and the subsequent MIR 2013, Issues and Actions Paper 145: Inverbervie).

Additional Sites

KM003

The settlement boundary for Inverbervie follows an approved planning application boundary, APP/2006/0751 (See Decision Notice). The consent for this application has been implemented and development continues. For this reason the development boundary has remained the same through the process from the Main Issues Report 2009 until Proposed Plan 2015, the only change being the removal of the allocation in the Proposed Plan 2010 as the consent was started.

The comments raised by the respondent relating to the robust and defensible boundaries which use easily identifiable features on the ground, relates to greenbelt boundaries as opposed to settlement boundaries as identified. It is also worth noting that even if this was to relate to settlement boundaries, SPP states that hedges and field enclosures will rarely provide a sufficiently robust boundary.

The site in question was proposed as a bid to the Main Issues Report (MIR). It was noted that there would likely be school capacity issues and potentially roads issues with access from Townhead Drive and that there are substantial allocations in Inverbervie which satisfy the Strategic Development Plan's housing requirements. The respondent commented on the Main issues report but the Council's position remained the same, not to allocate any additional land in Inverbervie (MIR 2013, Issues and Actions Paper 145: Inverbervie)

This position still remains valid as there is a sufficient supply of deliverable housing sites within the Rural Housing Market Area and, as a result, there is no over-riding reason to support further housing development in this location at this time. No change is required.

Since the publication of the Plan the OP1 site has been completed and a minor technical change will be made to remove the reference to this within the Settlement Statement and then change the name of the OP2 site accordingly, in both the text and map.

Roadside of Kinneff - Additional Sites

Bid Site KM082b

The OP1 site, previously identified as M1 was introduced into the 2012 Local Development Plan (LDP) by the Reporter in the last Examination. The reasons for including this site over the other sites was that it is outwith the coastal zone and would be a logical expansion of the settlement and better related to village services and form than other sites. The site is also identified in the Housing Land Audit 2015, page 123 as being effective with an anticipated start date within the plan period. This leads to this site still being the most suitable location for development in Roadside of Kinneff. No change is
The additional bid site was identified in the Main Issues Report (MIR) as part of a larger site where development was also proposed to the east of the A92. In the MIR, and as detailed in the respondent’s submission, it was noted that the sites were free from constraints but would have a landscape impact but there was no need to identify additional land as site M1 (OP1) was appropriate to meet local need. In response to the MIR, the developer expressed that they no longer wanted the land to the east of the A92 to be considered, but they still supported the site KM082b for inclusion within the Plan. No change is required.

This position still remains valid as there is a sufficient supply of deliverable housing sites within the Rural Housing Market Area and, as a result, there is no over-riding reason to support further housing development in this location at this time. No change is required.

St Cyrus

St Cyrus is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43).

The proposed land allocations are essentially unchanged from the St Cyrus Settlement Statement (see Local Development Plan (LDP) Supplementary Guidance Volume H: St Cyrus). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR Report 2013, Appendix Kincardine and Mearns, page 67-69 and the subsequent MIR 2013, Issues and Actions Paper 159: St Cyrus).

Natural and Historic Environment

A non-notifiable modification will be introduced to amend the Natural and Historic Environment section of the LDP to reflect the presence of the St Cyrus National Nature Reserve and St Cyrus and Kinnaber Links SSSI to the south east of the settlement.

Allocated Sites

OP1 Roadside

Complete removal of the OP1 site or reduction in its size would not be consistent with the agreed Masterplan for up to 125 houses, employment land, retail and open space. This shows that the site is progressing, and a planning application is expected later this year. The right to a view is not a material planning consideration when allocating land or determining planning applications. However, the layout and design principles of the site were subject to community engagement, as part of the consultation on the Masterplan. No change is required.

Additional Sites

New Site Land at St Cyrus

A bid for the two additional sites was received in response to the Main Issues Report and detailed in the Issues and Actions Paper as NB1631. In response it was outlined that there
was no additional need for land to be allocated as there was sufficient land to meet the SDP requirements. The site has not been subject to formal public engagement or Strategic Environmental Assessment. Paragraph 64 of Planning Circular 6/2013 “Development Planning” identifies the difficulties in allocating a site within the Plan which has not been subject to these formal and statutory processes. As they had been introduced to the LDP at this stage of the process it means that they had not been subject to the same level of public consultation as the other development bids in the MIR. Neither a Transport Appraisal nor an Assessment of potential environmental impacts have been submitted. No change is required.

**Reporter’s conclusions:**

**Inverbervie**

**Bid site KM003**

1. Allocation of this bid site for up to 30 homes is being sought, or in the absence of an allocation, its inclusion within the settlement boundary. The site’s promoter has submitted an extract from school roll forecasts to demonstrate capacity is available at the local Bervie primary school. A ‘transportation review’ prepared in 2009 has also been provided. These submissions have been submitted in response to officer concerns expressed in the Main Issues Report (MIR) in relation to school capacity constraints and the suitability of Townhead (also referred to in submissions as Townhead Drive) as the means of vehicular access to the site.

2. I find the site relates well to recent development, and I consider the site could be developed without giving rise to any unacceptable adverse impacts upon the character and appearance of the town or its landscape setting. It would provide a logical and relatively modest extension to the town, utilising an established field boundary which would also be capable of providing a well-defined settlement boundary. However, the settlement boundary as proposed in the plan accurately reflects the physical extent of the town, including recent development immediately to the southeast of the bid site. On this basis I do not agree with the site promoter’s assertion that the settlement boundary is “an anomaly” or that it is illogical. Whilst I consider the bid site relates well to the settlement, this does not in itself provide sufficient justification to warrant a modification to the settlement boundary.

3. The school roll forecasts provided by the site’s promoter indicate that Bervie primary school would have sufficient capacity to accommodate additional pupils generated by development on this site. I note that this information is relatively dated, forecasting the five-year period from 2013 until 2018. The planning authority has not identified the source of evidence it used in the MIR, in stating that Bervie primary school will be at capacity by 2017. The current, accurate position regarding school capacity is therefore not entirely clear, but noting that the Inverbervie settlement statement identifies that all residential development would be required to contribute to increasing capacity at the school, this would not be an insurmountable constraint.

4. Vehicular access to the site would be required off Townhead, which is a predominantly residential road. The planning authority has raised concern regarding the impact of development upon this road, but has not provided any further explanation or evidence in this regard. The submitted transportation review document was prepared in 2009 and
5. I consider the submitted review document accurately identifies the difficulties of relying upon Townhead for vehicular access. The curve and limited width of the road together with unrestricted on-street parking make it difficult for drivers to negotiate, particularly when meeting other vehicles travelling in the opposite direction. The document recommends against Townhead being used, stating in section 6.5 that “…these restrictions in terms of width, visibility and parked cars are considered to be a significant detriment to the accessibility of further development in the area, with little scope for improvement.” It advises instead that Church Street should be utilised to provide vehicular access, but from my site visit I am not clear how this could be achieved, and I note the site’s promoter only makes reference to pedestrian access at this location.

6. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. However, for this site taking into account all the relevant planning considerations I do not consider inclusion is justified, as given the undesirability of additional traffic using Townhead, it is not clear that access constraints could be satisfactorily addressed.

Roadside of Kinneff

Bid site KM082b

7. The village is located in a ‘local growth and diversification area’. Paragraph 3.43 of the strategic plan advises that the scale of growth of settlements in these areas should relate to local needs. This site is technically unconstrained and there is identified capacity at the local primary school. The vision for the settlement recognises sustaining the school as a priority. The site is being promoted as a potential allocation for 30 dwellings. There is already an allocation within the village and the promoter of the bid site has questioned its effectiveness because of the lack of any progress towards developing the site since it was allocated in 2012. However, I do not consider that this indicates the site is ineffective, as it is not uncommon for sites to take several years to come forward. I note also that the housing land audit recognises the site as being effective.

8. I consider the amount of growth that would be permitted by allocating the bid site, alongside the existing allocation for 30 homes, would be of an excessive scale given the modest size of the established village and the limited services available in the locality. Whilst the school would benefit from an increased roll, I find that a balance must be struck between allowing growth to sustain the school and recognising that few other services or facilities are available; residents would be likely to have high car dependency. The potential addition of 60 homes during the plan period, in a settlement of this size, would exceed what would reasonably appear to be required to meet local needs. In the context of the provisions of the strategic plan referred to above, and as there is no imperative to identify additional housing land, on balance I do not consider the inclusion of this site would be adequately justified at this time. It would be more appropriate for the site to be considered during a future plan review. I note also that the settlement is identified in appendix 4 of the plan, meaning that small-scale residential developments would be supported in principle by policy R2.
Natural and Historic Environment

9. Scottish Natural Heritage (SNH) has requested a modification to acknowledge all nearby nature conservation interests. The planning authority is agreeable to this and has proposed additional wording. I consider the inclusion of these references would be helpful for completeness, and for the avoidance of doubt I have recommended a modification be made.

OP1 Roadside

10. Two representees have objected to the inclusion to this site, which was first allocated in the 2012 local development plan. Concerns have been raised regarding the potential loss of residential amenity that would arise from development of the site. I am satisfied that the site is of a sufficient size to offer flexibility regarding layout, siting and design to ensure that no unacceptable impacts upon neighbouring properties arise, such as overlooking and loss of light. These matters would most appropriately be considered through the development management process as detailed proposals emerge. Specific concern has been noted regarding the location of employment land in the agreed masterplan for the site. Some employment uses are compatible with neighbouring residential uses, and I consider that any potential for noise and disturbance could be safeguarded against through the use of planning conditions attached to any future planning permissions, if necessary. Matters such as property values and loss of view are not material planning considerations, and consequently I have not had regard to these concerns in my assessment.

11. A representee has stated that the A92 floods on occasion and development of the site would exacerbate this and increase the risk of flooding at nearby properties. Having regard to the Scottish Environment Protection Agency (SEPA) flood risk map, this indicates that there are small, localised areas to the north of the site, including parts of the A92, that are at risk of surface water flooding. No part of the allocated site is identified as being at any risk, and I am satisfied that flood risk does not present a particular constraint to development. The proposed management of surface water within the site would be a matter to be considered at the detailed planning application stage, including any specific measures necessary to ensure flood risk would not be increased elsewhere by the development.

12. The local primary school does not currently have the capacity to accommodate additional pupils arising from this development. The settlement statement does however require developer contributions to provide additional capacity. A representee has asserted that there is little scope to do so without reducing outside space at St Cyrus primary school, but I consider there may be options in this respect and I have no conclusive evidence at this stage to demonstrate that school capacity issues could not be addressed. On the basis of the above assessment, and having regard to all relevant planning considerations, I conclude that the allocation is appropriate and there would not be sufficient justification to recommend its removal or reduction.

New Site Land at St Cyrus

13. This suggested allocation is immediately to the west of allocated site OP1 and is bisected by the A92. The part of the site on the north side of the A92 would lead to the
coalescence of St Cyrus and Lochside, which I consider to be undesirable. The site would elongate the village along the A92, and the part of the site on the south side of the A92 would be reliant upon the prior development of site OP1 for it not to appear physically disjointed from the village.

14. Notwithstanding the above issues, this site was suggested when the plan was already in a relatively advanced stage of formulation. Consequently, a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. On this basis the inclusion of this site would be unjustified.

**Reporter's recommendations:**

1. Amend the “Natural and Historic Environment” section of the St Cyrus settlement statement to read as follows:

“The St Cyrus National Nature Reserve and St Cyrus and Kinnaber Links SSSI are to the southeast of the village, and the St Cyrus Local Nature Conservation Site is located to the east.”
<table>
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<th>Issue 67</th>
<th>Banchory</th>
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**Development Plan reference:** Appendix 8, Page Marr 12  
**Reporter:** Christopher Warren

**Body or person(s) submitting a representation raising the issue (including reference number):**

- Mr Michael Adams (10)  
- Mr & Mrs Bob and Carol Greenwood (46)  
- Mr & Mrs Robin & Bryonie Brodie (76)  
- Ms Melissa Adams (113)  
- Mr William Paul (127)  
- Mrs Jean Henretty (142)  
- Knight Frank LLP on behalf of Avant Homes (154)  
- Mr Iain Adams (158)  
- Mr & Mrs Britney and Joris Houvet (166)  
- Mr Forbes Burn (226)  
- Mrs Alexandra Wilowska (239)  
- Ms Kairen Griffiths (241)  
- Ryden LLP on behalf of Westhill Development Company Ltd (283)  
- Banchory Community Council (359)  
- Bancon on behalf of Mr and Mrs D Egan (379)  
- Cecilia Rogers (392)  
- Mrs Julia Davies (456)  
- Mr & Mrs J Dolan (501)  
- Halliday Fraser Munro on behalf of Mr & Mrs Burnett (549)  
- Ryden LLP on behalf of Sandlaw Farming Company Ltd (611)  
- Burness Paull LLP on behalf of Iain Adams (621)  
- Savills on behalf of Caravan Club (627)  
- Scottish Natural Heritage (656)  
- Sport Scotland (677)  
- Bancon Developments Ltd (709)  
- Bancon Developments Ltd (710)  

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Vision**

Support is expressed for the need to recognise the importance to the community of the Corsee Hill area (10).

The Banchory Settlement Statement is supported. No further allocations in Banchory are
The Vision for Banchory is short sighted and is not providing a sustainable community. The present allocations are restricted to one landowner and the area is no longer economically sustainable due to house prices. The present housing and employment allocations do not meet Scottish Planning Policy (SPP) sustainability priorities (see SPP, unreferenced). The allocations do not allow flexibility to fit with the economic challenges and they are ribbon development some distance from the town centre. Alternative sites such as Corsee Wood and south of the River Dee could provide for low cost housing and employment units and the area is on the transport route and in walking distance of the town centre (142). Additional housing land allocations should be made in Local Growth and Diversification Areas within the Aberdeen Housing Market Area, particularly within the settlement of Banchory (154, 710).

Natural and Historic Environment

Respondent (359) has noted an error that east and west are back to front for the Crathes and Inchmarlo Gardens and Designed Landscapes.

Settlement Features

Access to R3 should be taken from Raemoir Road and adequate provision for an access road should be included within the site boundary (359). Development of site R3 would result in significant landscape and natural habitat impact, including the loss of trees. There would be increased car dependency as a result of the site being located away from the town centre and this would have an impact on the road/traffic. The site would have an impact on resident privacy. A site closer to the town centre should be considered (501). The west of the site appears to be currently wooded and is included in the ancient woodland inventory (Type 2b: long-established, of planation origin). In order to comply with the Scottish Government Control of Woodland Removal Policy, substantial compensatory planning is likely to be required. Text should be added to reflect this requirement (656).

Banchory Community Council (359) has indicated its support for the inclusion of a site R4 for a replacement health centre. It is considered to be the most suitable of available sites having good transport links and being largely accessible to the majority of residents. However, respondent (226) believes relocating the medical centre from its current location would have a detrimental impact on the town centre. Allocating site R4 would result in reduced parking spaces at the existing Morrisons car park, affecting existing businesses and users of the sports pitch, would result in the need for off road bus stops, pedestrian safety, increased vehicle movements and disadvantage to elderly residents. The existing site is on the bus route and in close proximity to pharmacies and other shopping facilities.

Services and Infrastructure

A Scottish Water growth project has been initiated for Banchory and the Settlement Statement should be updated to reflect the current position (710).

Respondent (710) suggests that if the rezoning exercise is unsuccessful, contributions should be made towards a potential permanent extension to Hill of Banchory Primary
rather than Banchory Primary School.

Respondents (359, 710) disagree that contributions should be sought for an extension to Banchory Academy. Seeking contributions towards a replacement academy (on site R3) would be better to meet the educational needs of the increasing population.

Contributions should not be sought for a household waste and recycling centre in Banchory because this has been provided (710).

Allocated Sites

OP1 East Banchory/Eco Village

Sports Scotland (677) has indicated that they do not consider the proposed replacement arrangements for pitches currently located on site OP1 are sufficiently clear or robust. It should be made clear, in the text that the requirements of SPP will need to be met as part of any development proposal (see SPP, paragraph 226). Respondent (710) objects to removal of rugby pitches located within the OP1 site boundary. It is reasonable to include a requirement for an additional football pitch to be delivered as part of the OP1 allocation however this could be caveated with the potential for an alternative location that could meet the town’s requirements (710).

OP2/OP3: Hill of Banchory

SNH (656) has noted that the west of site OP2 appears to be currently wooded and is included in the ancient woodland inventory (Type 2b: long-established, of planation origin). In order to comply with the Scottish Government Control of Woodland Removal Policy, substantial compensatory planning is likely to be required. Amendment to the development brief is requested to reflect this requirement.

Site OP2 is renamed, along with site OP3 to “Lochside of Leys” as it is detached from Hill of Banchory in terms of location and character (710).

OP4 Hill of Banchory

Respondent (709) notes that the site is constrained in the Housing Land Audit (HLA) due to ownership and, therefore, should not be considered as an effective site or a site expected to come forward in terms of the requirements of SPP, paragraph 119.

Additional Sites

Bid Site MA016

Bid site MA016 for 400 houses should be allocated to the Local Development Plan (LDP). The respondent (611) suggests that the allocated sites fails to meet the requirements of paragraph 113 of SPP. There is an over reliance on large sites to satisfy land supply and this poses a risk to achieving an effective housing supply.

Bid Site MA017

Bid site MA017 for 15 houses or a medical centre should be allocated to the LDP. No new allocations are proposed for Banchory. The site is adjacent to existing residential
development at Deebank and is only 500m from the town centre. Failure to allocate the site would result in a lack of choice of location for housing. OP4 is constrained and as it is not anticipated to be developed within the plan period it should be removed and site MA017 identified in its place (283).

Bid Site MA054

Bid site MA054 for 10 houses should be allocated to the LDP. The site would provide a high quality small scale housing opportunity. The site is opposite existing development and is not ecologically sensitive. Allocation of the site would increase choice in a housing market dominated by a single house builder (549).

(Part) Bid Site MA058

The easternmost portion of bid site MA058 for 60 houses should be allocated to the LDP. The site is “shovel read” and its allocation would contribute towards the shortfall in housing allocations in Banchory. The site is situated within walking distance of local amenities and well served by public transport. The site has relatively low natural heritage value and has no physical or natural features constraints to development. Whilst there are issues surrounding local road network capacity, this should not impede this site from coming forward. A landscape appraisal, transport delivery appraisal and indicative site layout plan has been included to support the representation (154).

Bid Site MA060

Bid site MA060 for 250 houses should be allocated to the LDP. This site is situated close to the OP2 site and is known as Lochside of Leys Phase 3. An increase in allocation is required and the associated increase in housing numbers will contribute towards addressing the shortfall in housing allocations. The site is a logical progression of the OP2 site. The impact on the road network has been assessed through a detailed Transport Assessment. The proposed rezoning exercise will result in capacity being available at Banchory Primary School. A proposal paper, Landscape Capacity Study and Lochside of Leys Masterplan are appended to the representation (709).

Bid Site MA061

Bid site MA061 for approximately 57-60 houses should be allocated to the LDP. Land at Upper Arbeadie has a relatively low natural heritage and landscape value. The site would utilise an existing vehicular access and is within a short walk to site R3 which is reserved for a replacement secondary school (709). Allocation of this site will contribute towards the shortfall in housing allocations in Banchory (709).

Bid Site MA062

Bid site MA062 for 50-60 houses should be allocated to the LDP. This forms an extension to the existing site at Upper Arbeadie. The site will be accessed by the extension of roads which service that development and a secondary access provided either to the north to Upper Lochton or south to Upper Arbeadie Road. The site is within a short walk to site R3 which is reserved for a replacement secondary school. Allocation of this site will contribute towards the shortfall in housing allocations in Banchory (709).
Bid Site MA063

Bid site MA063 for 34 houses should be allocated to the LDP. This forms an extension to the OP3 site and will be accessed via a new roundabout which will be built as part of the OP3 development. The site is within a short walk to site R3 which is reserved for a replacement secondary school. Allocation of this site will contribute towards the shortfall in housing allocations in Banchory (709).

New Site Land at Silverbank

Respondent (627) requests that the brownfield site at Silverbank is allocated to the LDP for residential development. This site would assist in meeting housing need. The site is now surplus to the needs of the Caravan Club and redevelopment of the site would ensure that the wider Caravan Club is able to continue to operate its other sites in Aberdeenshire. Redevelopment of the site is supported by national policy and policies within the Proposed LDP (namely Policy B3 Tourist Facilities). The site is well screened from the surrounding areas and will have no negative impact on the landscape or on amenity of existing properties. The site has good access and links to public transport. A site location plan and site block plan are provided to support the representation.

Settlement Plan

Respondent (379) suggests that the settlement boundary be amended to include Woodfield (Raemoir Road) and the adjoining Cowshed restaurant. This would give a better reflection of the built up area and a more defensible boundary. Woodfield and the Cowshed have a relationship to the adjoining OP2 and OP3 sites and have been considered in the context of the masterplan for those areas. A suggested amended plan is included to support the representation.

Modifications sought by those submitting representations:

Vision

No additional housing land allocations in Banchory, particularly to the south of the River Dee (46, 76, 158, 239, 241, 359, 621).

Add wording to allow for flexibility to allow for additional sites if they become available to fill demand for new housing and employment (142).

Additional housing land allocations made in Local Growth and Diversification Areas within the Aberdeen Housing Market Area, particularly within the settlement of Banchory (154, 710).

No modification to Banchory settlement statement (113, 127, 158, 166, 239, 456).

Natural and Historic Environment

Correct “east” and “west” error (359).
Amend boundary for site R3 to include a vehicular access from Raemoir Road (359).

Delete site R3 (501).

Amend site R3 description to read, “Woodland loss (ancient woodland) should be minimised. A species survey and mitigation plan should accompany the planning application. In accordance with the Scottish Government Control of Woodland Removal Policy, compensatory tree planting will be required.” (656).

Delete site R4 (226).

Delete reference to a possibility of Scottish Water growth project being initiated (710).

Amend the Primary education Section to state that if the rezoning exercise is unsuccessful, contributions should be made towards a potential permanent extension to Hill of Banchory Primary rather than Banchory Primary School (710).

Amend the Secondary education Section to require that contributions should go towards a new Banchory Academy (359, 710).

Delete reference to contributions being sought towards Waste and recycling (710).

Allocated Sites

OP1 East Banchory/Eco Village

Delete requirement to relocate rugby pitches from the development brief for site OP1 (710).

Add wording to the development brief for site OP1 to reference the SPP requirements in relation to pitch loss (677).

Add wording to the development brief caveating the requirement for a football pitch to be delivered on site OP1 in case a more suitable location be found (710).

OP2/OP3: Hill of Banchory

Amend site OP2 development brief to read, “Woodland loss (ancient woodland) should be minimised. A species survey and mitigation plan should accompany the planning application. In accordance with the Scottish Government Control of Woodland Removal Policy, compensatory tree planting will be required.” (656).

Amend name of sites OP2 and OP3 to “Lochside of Leys” (710).

OP4 Hill of Banchory

Add wording to the development brief for site OP4 to acknowledge the fact that the site is constrained in the HLA due to ownership and is not considered as an effective site (709).
Additional Sites

Allocate bid site MA016 for 400 houses to the LDP (611).

Delete site OP4 and allocate bid site MA017 for 15 houses or a health centre to the LDP (283).

Allocate bid site MA054 for 10 houses to the LDP (549).

Allocate the easternmost portion of bid site MA058 for 60 houses to the LDP (154).

Allocate bid site MA060 for 250 houses to the LDP (709).

Allocate bid site MA061 for 57-60 houses to the LDP (709).

Allocate bid site MA062 for 50-60 houses to the LDP (709).

Allocate bid site MA063 for 34 houses to the LDP (709).

Allocate land at Silverbank for residential development to the LDP (627).

Settlement Plan

Amend settlement boundary to include area at Woodfield and the Cowshed restaurant (379).

Summary of response (including reasons) by Planning Authority:

Banchory is located in the Aberdeen Housing Market Area within a “local growth and diversification area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Banchory Settlement Statement which was published in support of the 2012 Local Development Plan (LDP) (see LDP 2012, Supplementary Guidance Volume I: Banchory). The only addition is the allocation of a reserved site for potential use for a health centre (R4). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Marr, page 13-23 and the subsequent MIR 2013, Issues and Actions Paper 165: Banchory).

Vision

As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. There is no need to allocate any additional sites in Banchory on the basis that there is an appropriate and sufficient supply of deliverable housing sites. The level of objection to development south of the River Dee recorded from consultation on the MIR is noted and this is reflected in the Vision for the town. No change is required.

Support that the Settlement Statement and land allocations should remain unchanged is noted.
PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

Natural and Historic Environment

As a non-notifiable modification reference to the Crathes and Inchmarlo Gardens and Designed Landscapes should be corrected to the right way round to read “The Inchmarlo Gardens and Designed Landscape is found on the western edge of the settlement while the boundary of the Crathes Castle Gardens and Designed Landscape is to the east of the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Settlement Features

Site R3 is reserved for potential education facilities in the long term. The existing academy ranks as poor (showing major problems and/ or not operating optimally) for suitability and satisfactory for condition (performing adequately but with minor problems) in the Annual School Condition and Suitability Return prepared by Aberdeenshire Council and submitted to Scottish Government on an annual basis (see Education, Learning and Leisure Committee, 4 December 2014, Annual School Condition and Suitability Return Committee Paper). It has been stated by Elected Members that there continues to be support amongst the local community for a replacement academy on site R3 (see extract of Marr Area Committee Meeting Minutes, 3 November 2015) and it is recognised that there is a need to agree a course of action to address the condition and suitability of secondary education provision in Banchory. There are several possible access points to the site and this will be subject to consultation with Aberdeenshire Council’s Road’s Service at such time as a proposal comes forward. No change is required.

The reservation of the site R3 would not necessarily mean a new school could not be proposed elsewhere or consolidated on the existing site. However, at this time, the site reserved is identified as the most appropriate location for the provision of education facilities using the sequential town centre first approach promoted through SPP, paragraph 68. The sensitivity of this woodland is noted and any development would have to comply with Policies E1 Natural Heritage (paragraph 5), PR1 Protecting Important Resources (paragraph 6) and C3 Carbon Sinks and Stores. Development of the site allows for the reservation of the site for education uses and therefore has clear public benefits in line with SPP, paragraph 218. Other development types do not benefit from this public benefit. No change is required.

Site R4 is reserved for potential use as a health centre. The existing health centre adjacent to the Bellfield car park has no capacity for expansion and it is appropriate for the LDP to reserve land for this essential community facility. Site R4 is central relative to surrounding population and is not located on the edge of the town. The site is adjacent to the main route through Banchory allowing the site to be accessible by public transport. Development of the site would require to comply with other relevant policies and, therefore, issues such as traffic impacts would require to be assessed and mitigated if necessary. Support from Banchory Community Council is noted. Subsequent correspondence from Aberdeenshire Health and Social Care Partnership and Banchory Group Practice have been received in support for the R4 site (see letters received 31 July 2015 and 3 August 2015). Additionally, evidence supplied by NHS Grampian states commitment to delivering a new Health and Social Care Hub for Banchory and the surrounding community and identifies Silverbank Park as being the preferred option. An Asset Management Plan was approved by the NHS Grampian Board on 4 June 2015 and a copy submitted to the Scottish Government. No change is required.
Services and Infrastructure

No representation has been made by Scottish Water to request any modification to update the position with regards to the water provision in Banchory. Information within the Settlement Statement is reflective of information previously provided by Scottish Water (see extract from spreadsheet submitted by Scottish Water, 20 November 2014). No change is required.

As a non-notifiable modification “Waste and recycling: All development must contribute to a household waste and recycling centre in Banchory” will be removed. Aberdeenshire Council’s Waste Services has confirmed the current position with regards to the waste and recycling provision in Banchory (and surrounding catchment). Information within the Settlement Statement provided by Waste Services (see extract from table submitted by Aberdeenshire Council’s Waste Services, 29 September 2014) is incorrect (see email 11 and 12 August 2015). The household waste recycling centre (HWRC) in Banchory was constructed and became operational in 2007 so the developer contributions are no longer required. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

A minor technical change will be made to the primary education point to state “Primary education: All residential development in the Hill of Banchory catchment area must contribute to the provision of additional capacity at Hill of Banchory School. There is expected to be sufficient capacity at Banchory Primary School during the LDP period.” This has been updated to reflect the ongoing situation with regards to the rezoning exercise and has been confirmed by Aberdeenshire Council’s Leaning Estates Team (see email 7 August 2015).

A minor technical change will be made to the secondary education point to state, “Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.” This has been updated to reflect the current position with regards to meeting capacity at Banchory Academy and has been confirmed by Aberdeenshire Council’s Learning Estates Team and subsequently agreed by the Marr Area Committee (see emails of 7 August 2015 and 11 November 2015). This is intended to offer flexibility in terms of delivering secondary education provision in Banchory and surrounding catchment.

Allocated Sites

OP1 East Banchory/Eco Village

As a non-notifiable modification the wording “the relocation of the rugby pitches will be required as part of the development proposal, however this could be integrated with the football pitch in order to provide a multi-sport facility” should be deleted and replaced with “The rugby pitches should be preserved. The most appropriate way of delivering the football pitch element of the allocation should be discussed with the Council as part of any proposal coming forward for the site.”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

As a non-notifiable modification the following wording will be added to the development brief for site OP2. “Woodland loss (ancient woodland) should be minimised. A species survey and mitigation plan should accompany the planning application. In accordance with the Scottish Government Control of Woodland Removal Policy, compensatory tree
planting will be required.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

A masterplan for the sites OP2 and OP3 was agreed by the Marr Area Committee in March 2015 (see extract of Marr Area Committee Meeting Minutes, 10 March 2015). A minor technical change will be made to replace the second sentence of the development brief to reflect that “A masterplan for these sites was approved by the Marr Area Committee on 10 March 2015. Future development proposals should accord with the principles set out in that document.” (see Lochside of Leys Masterplan).

As a non-notifiable modification the name of sites OP2 and OP3 will be amended to read “Lochside of Leys”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

The HLA 2015 (page 26) notes that site OP4 (H1) is constrained due to ownership. However, the Proposed Action Programme (page 181) indicates that the site is expected to come forward during 2015. Aberdeenshire Council has received written confirmation from the landowner that the site is suitable for future housing provision (see letter dated 30 August 2015). As such, the HLA provides inaccurate information in this case. No change is required.

Additional Sites

There are several requests for more land to be allocated in Banchory but as demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No additional allocations are required.

Bid Site MA016

At the MIR stage, bid site MA016 comprises of 230 houses and community uses. It was not an Officers preference for a number of reasons. The scale of the proposal was significant and is separated from the main town by the River Dee. It does not relate to the existing town and could lead to car dependency. There are significant infrastructure issues related to drainage, access and the road network. The site was subject to consideration by the Reporter as part of examination of the 2012 Proposed LDP in which it was concluded that the site “would result in major intrusion of development into the countryside south of the River Dee… the view from Scolty Hill… would be significantly affected by these developments. Major investment in roads and drainage infrastructure would be required to deliver these proposals. The deliverability of any development within the timescale of the proposed Plan is uncertain” (see MIR 2013, Appendix Marr, page 19). There was overwhelming objection to the site at MIR stage (see MIR 2013, Issues and Actions 165: Banchory).

An application for planning permission in principle for 400 houses, community uses and employment uses has since been considered by Aberdeenshire Council. As a significant departure from the existing 2012 LDP a pre-determination hearing was held and the Marr Area Committee recommended to refuse the application was supported at a meeting of Full Council (see extract of Marr Area Committee Minutes, 5 May 2015). Ten reasons for refusal have been given including that the application was found to be contrary to strategic and local policies, access, impact to local environment and setting and impact on education facilities (see APP/2015/0225 Decision Notice).
It has been demonstrated through the MIR process and subsequent planning application, that this site is not suitable for development on the scale proposed. No change is required.

Bid Site MA017

The bid site was not a preferred option at the MIR stage of the process. The site is in immediate proximity to the River Dee SAC in an area of high biodiversity value. The site was previously subject to examination and the reporter deemed that “This scale and layout of development would be totally unrelated to the existing form of Deebank, which is essentially composed of houses strung along the road side. Deebank lies outwith the settlement boundary of Banchory and any small-scale housing on this site falls to be considered against the appropriate policies of the Proposed Plan” (see MIR 2013, Appendix Marr, page 19). These concerns remain as seen through the level of objection to the site (see MIR 2013, Issues and Actions Paper 165: Banchory).

Site OP4 has been subject to scrutiny as part of the LDP process. It is well related to other allocated sites (primarily sites OP3 and R3) and located within the settlement boundary. It is not considered necessary to delete this site in preference of any of the bid sites, including MA017. No change is required.

Bid Site MA054

The bid site was not a preferred option at the MIR stage of the process. The site is in immediate proximity to the River Dee SAC in an area of high biodiversity value. Although tree planning could provide screening and aid landscape integration, the scale of the proposal is significant in relation to the existing dwellings to the north. The site lies in an area between Inchmarlo and Banchory, and the proposal could contribute to the coalescence of these two separate but closely related settlements (see MIR 2013, Appendix Marr, page 20). These concerns were supported by comments received in response to the MIR (see MIR 2013, Issues and Actions Paper 165: Banchory). No change is required.

Bid Site MA058

At the MIR stage, bid site MA058 formed part of a larger proposal. Bid site MA058 sought allocation for community housing (70 units), community care and workshop developments. The bid was not a preferred option. However it was acknowledged that a smaller proposal in the south eastern portion would be considered preferable (see MIR 2013, Appendix Marr, page 20 & 21). There was significant objection to the site at MIR stage (see MIR 2013, Issues and Actions Paper 165: Banchory). No public engagement has taken place on the revised proposal for substantial private housing on the eastern portion of the site. With this in mind and the assertion made that there is no additional allocations required in Banchory, no change is required.

Bid Site MA060

The bid site was not a preferred option at the MIR stage of the process. The site is in immediate proximity to the River Dee SAC in an area of high biodiversity value. The site is not within walking distance of local services which may result in car dependency. The site relates fairly well to the existing settlement boundary, however extends the town disproportionately to the north east locating people further from the town centre (see MIR 2013, Appendix Marr, page 21). Objection to the site was received by respondents to the
MIR highlighting concerns raised in the MIR (see MIR 2013, Issues and Actions Paper 165: Banchory). No change is required.

Bid Site MA061

The bid site was not a preferred option at the MIR stage of the process. Whilst the site relates fairly well to the existing settlement boundary, it is slightly disjointed from existing surrounding houses. It is contained by some woodland to the north and west which would help aid integration into the landscape. The site is not in close proximity to any services which may result in increased car reliance.

However, there should be scope to improve public transport to the site. The site does contain an area of woodland in the west, and removal of this would have a negative impact on biodiversity. The trees form part of woodland which extends from the north, down the west to the south west and removing them would break up this corridor. The woodland would also be important for the setting of the site and should be retained. In addition, the access to the site is limited and would require significant improvement to accommodate the associated traffic of 57 houses (see MIR 2013, Appendix Marr, page 22). Objection to the site was received by respondents to the MIR highlighting concerns raised in the MIR (see MIR 2013, Issues and Actions Paper 165: Banchory). In line with the decision of the Marr Area Committee this site is being put forward as a Locally Valued Landscape (now known as Special Landscape Areas). No change is required.

Bid Site MA062

The bid site was not a preferred option at the MIR stage of the process. The bid for 56 houses lies just to the north west of the settlement. The site is contained by existing woodland which whilst minimising landscape impacts, also isolates it and does not naturally integrate it with the rest of the town. Development on the site could potential impact on the surrounding woodland and associated biodiversity. Access to the site is also currently limited (see MIR 2013, Appendix Marr, page 22). Objection to the site was received by respondents to the MIR highlighting concerns raised in the MIR (see MIR 2013, Issues and Actions Paper 165: Banchory). In line with the decision of the Marr Area Committee this site is being put forward as a Locally Valued Landscape (now known as Special Landscape Areas). No change is required.

Bid Site MA063

The bid site was a preferred option at the MIR stage of the process. It is contained by existing woodland which would improve integration into the landscape; however development could affect surrounding woodland and associated biodiversity. The site is not within close proximity of any services which may lead to increased car dependency; however there will likely be scope to improve transport services near the site. The site abuts the existing settlement boundary and there is access to the site from the south and east. Access to the site may require improvement to accommodate the additional traffic of 34 houses. Whilst the site lies some distance from Banchory town centre, it is considered that the site provides a suitable alternative for development (see MIR 2013, Appendix Marr, page 18). There were a number of objections to the site in response to the MIR. Respondents raised concerns over the road access to the site, pollution, impact of character and setting as well as noting infrastructure constraints (see MIR 2013, Issues and Actions Paper 165: Banchory). No change is required.
New Site Land at Silverbank

This site has not been subject to public scrutiny through the LDP process. No supporting information is supplied with the proposal to outline what could be delivered on the site, other than it could accommodate residential development. The site is reasonably well situated to existing residential housing and is within the settlement boundary. However, consideration has not been given to the viability and deliverability of a housing proposal and no account has been made for the requirements of the site, such as affordable housing, open space, etc. Neither a Transport Appraisal nor an assessment of potential environmental impacts have been submitted. No public engagement has taken place regarding this site. In this context Aberdeenshire Council can have no confidence that this site is an appropriate addition to the plan. No change is required.

Settlement Plan

At this time the land at Woodfield and the Cow Shed lies away from the built up area of Banchory. Following completion of site OP2 and OP3 it may be appropriate to extend the settlement boundary to include land currently occupied by the Cow Shed and the houses and buildings known as Woodfield. No change is required.

Reporter's conclusions:

Vision

1. A number of representees have expressed support for the vision, and specifically the recognition it provides that areas to the south of the River Dee are valued by the community. I have noted these comments and consider the vision provides an acknowledgement of community opinion whilst maintaining a degree of flexibility, which I consider strikes an appropriate balance for this overarching statement.

2. Other representations have raised some concern regarding the adequacy of allocations in Banchory and the sustainability of those that are identified. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional housing sites where these could assist in achieving a higher rate of completions over the plan period. There is no imperative to identify additional sites however. Banchory is within a ‘local growth and diversification’ area, and the strategic development plan (SDP) explains in paragraph 3.42 that levels of growth should relate to local needs. I consider there to be ample allocations identified for this purpose and there is no basis for the town to become a focus of wider strategic growth, which the SDP directs to identified strategic growth areas. I have assessed individual allocations and bid sites in relation to specific issues that remain unresolved in representations. On this basis no changes to the vision are required.

Natural and Historic Environment

3. An error has been identified by Banchory Community Council which refers to the location of the Inchmarlo gardens and designed landscape, and the Crathes Castle gardens and designed landscape. I support the planning authority’s proposed rectification of this and for the avoidance of doubt I have recommended this modification.
Settlement Features

Site R3

4. A substantial area of land has been reserved for educational uses on this site. This is in response to the likely need for a replacement academy to be provided in Banchory, arising from deficiencies at the current site. On this basis I consider it prudent for the plan to safeguard a site for this purpose.

5. A representee has challenged the appropriateness of the site because it would be located away from the town centre and would give rise to more car dependency and traffic impacts. The planning authority has stated than in identifying this site it has applied the sequential town centre first approach required by paragraph 68 of Scottish Planning Policy (SPP). I note that no other specific sites have been suggested by representees and given the amount of land required to accommodate a use of this nature, I consider that there is a low likelihood of identifying a sequentially preferable site of a sufficient size. I recognise also that the site is within walking distance of a number of residential areas, including some that are recently built and still under construction, as well as allocations in the proposed plan.

6. Most of the site is wooded and identified in the ancient woodland inventory. SPP establishes a presumption in favour of protecting woodland in paragraph 216. Paragraph 218 goes on to set out the circumstances where woodland removal may be justified. I consider that an educational use may be capable of satisfying the requirements of SPP (which are reflected by LDP policy E1) in regard to offering significant public benefits. The provisions of policy C3 of the proposed plan would also be relevant to the assessment of any future development proposals on this site.

7. Various concerns have been raised in relation to the site, including landscape impact, habitat loss, access arrangements, residential amenity, road safety, site layout, landscaping, hours of use, noise, disturbance and lighting. These and other matters would all be of relevance to the formulation and determination of a detailed proposal. The site is 'reserved' for a possible future use rather than being allocated specifically for development, but the plan does not explain what the practical differences are between reserved and allocated sites. Based on submissions and the comments of the planning authority in relation to this site, reserved sites appear to have been subject to a less detailed assessment and therefore it is plausible that development of the type for which the site is reserved may ultimately be deemed to be unacceptable, and / or an alternative more preferable site may be identifiable. For allocated sites, the principle of development is explicitly established in the plan, having regard to all known constraints. Drawing this distinction, I consider it would be disproportionate to attempt to establish development principles for site R3 in the plan. Many of these issues could also only be satisfactorily assessed through the development management process against the relevant plan policies. Having regard to the above assessment, on balance I am satisfied that reserving site R3 for a potential educational facility is appropriate.

Site R4

8. This site has been reserved for a possible new health centre, the potential requirement for which has been identified in the settlement statement. Representations have been received from healthcare organisations, all of which have expressed support for this site.
9. One representee (a resident of the town) has raised concern regarding the intention to relocate the health centre, due to the impact this would have upon the town centre and the reduced accessibility of the site. Whilst the site is not within the designated town centre, it is well positioned within the town. Being located on the A93 offers some advantages in terms of being served by established bus services. The representee also notes that some of the land is used as car parking by nearby businesses and the open space is increasingly used for sport.

10. The site currently provides a limited amount of informal car parking. The effects of displacing this demand (and if necessary any required mitigation or alternative provision) would be a matter to address as part of a detailed development proposal. The reserved land also includes existing playing fields and recreational open space which is protected under designation P11. There would be scope for an enhanced sports facility to be provided on a reduced site, thereby satisfying SPP paragraph 226 which sets out criteria against which the loss of outdoor sports facilities should be assessed.

11. I am satisfied that reserving this site for the specified purpose is justified. I recognise that a detailed proposal would be required to address various issues including those identified above, but none of these matters indicate to me that the site is inherently unsuitable. No changes to the plan are required on this basis.

Services and Infrastructure

12. This section of the settlement statement identifies the services and infrastructure upgrades necessary to accommodate the development planned for in the town. It also indicates the purposes for which developer contributions are likely to be required. Representees have requested amendments to some of these requirements to reflect the most recent situation.

13. A representee has stated that a growth project has already been initiated by Scottish Water. In the absence of Scottish Water confirming that this requirement will be met by the current project, there is inadequate basis to amend the statement in the plan. Notwithstanding this, given the flexible language used in the settlement statement regarding strategic drainage and water supply, there is a clear ability for this issue to be set aside once addressed.

14. Representees had requested changes to reflect uncertainties regarding on-going rezoning of school catchments and the implications this may have on school capacity. In response, the planning authority has provided suggested amendments to reflect the most current situation, and I consider the amendments to be justified on this basis, which provide additional clarity regarding needs relating to primary education capacity, and flexibility regarding secondary education contributions.

15. The planning authority has confirmed that the need for a waste and recycling centre has been addressed in the town, as noted in a representation. I therefore support the proposed removal of this reference and associated requirement for developer contributions.

OP1 East Banchory/Eco Village

16. Within the OP1 site are rugby pitches which are used by Deeside Rugby Club. Two
represeentees (including Sportscotland) have raised concerns regarding the justification for this and a lack of clarity regarding options for alternative pitch provision. Having regard to paragraph 226 of SPP, I consider the planning authority’s proposed amendment, to require the retention of the rugby pitches, to be a more appropriate position, and I recommend this change.

17. The allocation includes a requirement for a full size football pitch. Noting the comments of a representee, I recommend that the OP1 development brief offers a degree of flexibility regarding this requirement, should an alternative site of at least equivalent suitability be secured.

**OP2/OP3 Hill of Banchory**

18. Scottish Natural Heritage (SNH) has highlighted that part of site OP2 is wooded and included in the ancient woodland inventory, and has requested amendments to the development brief to reflect this and the requirements for complying with the Scottish Government Control of Woodland Removal Policy. The planning authority has proposed an amendment which I consider adequately addresses this representation, and which I have accordingly recommended.

19. A representee has requested that the OP2 and OP3 sites be referred to as “Lochside of Leys”, to which the planning authority has confirmed it is agreeable. I have no basis for any concern over this amendment and the name change may offer some minor benefits by providing a clearer distinction between these sites and OP4.

20. A representee has noted that a masterplan has now been agreed for the site. I therefore support the planning authority’s proposed amendment to the development brief to reflect this.

**OP4 Hill of Banchory**

21. The 2015 housing land audit (HLA) identified the site as constrained. On this basis a representee has stated that the site should not be considered as either effective or expected to become effective, having regard to the provisions of SPP paragraph 119. The planning authority has asserted that the HLA was incorrect to identify the site as constrained. I have referred to the 2016 HLA and this identifies the site as effective and under construction. Notwithstanding that during my site visit there were no obvious signs of construction work having commenced, given that the HLA has been agreed, and this provides the most recent evidence relating to the site, I consider it reasonable to rely on it being accurate and so a modification to the plan would not be justified.

**Bid site MA016**

22. This bid site is being promoted for allocation, to provide a substantial residential development of 400 units. It is located on the south side of the River Dee. There is evidence of strong public objection to the principle of development on the south of the river. A recent application for planning permission in principle was refused for a development that would be consistent with the allocation being sought.

23. Bearing in mind the conclusions from Issue 7 referred to previously, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. However, for
this site taking into account all the relevant planning considerations I do not consider inclusion is justified, as I am concerned that the inclusion of an additional site of this scale would not reflect the role of settlements in the local growth and diversification area. Paragraph 3.43 of the strategic plan makes clear that growth of settlements in these areas should relate to local needs. A development of the scale proposed in this location, outwith a strategic growth area, would be contrary to the spatial strategy of the strategic plan reflected by the proposed plan, and may also be detrimental to the rate of uptake of allocated sites.

24. In addition to the potentially adverse strategic implications, development in this location would poorly relate to the town. I disagree with the site’s promoter’s assertion that development of the site would have a “…sympathetic and subservient visual impact when viewed in the context of the surrounding landscape”. I consider that development of this scale in this location would inevitably have a visual impact, particularly given it would appear physically divorced from the town. It would also fundamentally alter the character of this area of countryside and the positive contribution it makes to the landscape setting of the town.

25. Inevitably, substantial infrastructure improvements would be required to accommodate a development of this scale, and there is inadequate evidence to indicate that this site would be deliverable during the plan period. I am unaware of the precise road upgrades that would be necessary to accommodate development, but given direct access to the town is available only via the Bridge of Dee, I cannot safely conclude that satisfactory access arrangements would be achievable.

26. Having regard to the above assessment and taking into account all the relevant planning considerations I do not consider inclusion is justified, and no change to the plan is required.

Bid site MA017

27. This site would be adjacent to an established low density cluster of dwellings at Deebank. Allocation is sought for either 15 homes or the provision of a health centre. Regarding the latter, I have already considered the appropriateness of site R4 as a location for a new health centre, and I concluded that the site would be suitable in principle for that use. I consider site R4 to be preferable to this bid site as it offers better accessibility, being located on the A93 and well served by public transport. It is also in closer proximity to more extensive established residential areas and within the settlement boundary.

28. Whilst there is already some residential development along the road at Deebank, it is not an identified settlement in the plan and it is outwith the Banchory settlement boundary, which does not extend beyond the northern bank of the river. I am not convinced that the River Dee Special Area of Conservation (SAC) designation presents an insurmountable constraint to the development of this site. However, the mature trees within the site, particularly along its boundaries, have amenity value and I consider that even their partial removal would be undesirable. A development of 15 dwellings, whilst modest in overall terms, would represent a relatively substantial extension to Deebank, and would erode the fundamentally more rural character of the south side of the river.

29. I note that the site’s promoter has referred to site OP4 being constrained. As explained above however, the 2016 housing land audit now identifies the site as effective.
Given that the adequacy of the effective housing land supply is considered at a housing market area level, had site OP4 still have been constrained, in isolation this would not add weight to the case for this site’s inclusion in any event. There is not sufficient justification for including bid site MA017 in the plan, and I consider the adverse impacts identified above would outweigh the benefits of any consequent increase in the rate of housing delivery.

Bid site MA054

30. This site is beyond the westernmost extent of the settlement boundary. The planning authority has stated that development of the site would contribute to the coalescence of Banchory and Inchmarlo, and would be out of scale relative to the small group of dwellings on the north side of the A93. From my site visit I found the site to have a weak visual relationship with Banchory. The nearest developments to the east within the settlement boundary predominantly consist of detached dwellings set within substantial curtilages. These provide a gradual and attractive transition between the countryside and town when travelling along the A93. Notwithstanding that there is a group of houses on the opposite side of the road to the site, development of ten dwellings on the bid site would interrupt that transition and would appear as urban sprawl rather than a cohesive and logical extension to the town. I agree with the planning authority that this would also contribute to the perceived coalescence with Inchmarlo, despite there being no scope for the bid site to be extended further west in the future.

31. The planning authority has referred to the biodiversity value of the area and I note that the River Dee SAC abuts the southern site boundary. I consider it likely that any risk to the designation during and post-construction would be capable of being mitigated and this in itself would not be a barrier to development. However, on the basis of the adverse effects identified above, I conclude that the site’s allocation would not be adequately justified.

(Part) Bid site MA058

32. The promoter of bid site MA058 had originally proposed a significantly more extensive area for possible allocation. I note that in the Main Issues Report (MIR), officer comments indicated that “…a smaller proposal in the south eastern portion would be considered preferable”. A landscape appraisal, transport deliverability appraisal and indicative site layout plan have been submitted in support of the reduced bid site.

33. I consider that the site may offer some development potential. It relates well to established residential areas immediately to the south and it would offer relatively good accessibility to the town centre. However, the allocation now being sought is materially different to that which was subject to public engagement (through the MIR) and strategic environmental assessment. I am not convinced that it would be entirely satisfactory to rely upon the engagement and evidence which related to the full extent of the original bid site, as despite the site being a small proportion of the original extensive area identified, it is unlikely that during public engagement a more concentrated residential development on this relatively small part of the site could have been envisaged. It is unclear also whether the environmental implications of the revised allocation would differ. These issues raise doubt over whether inclusion of the site would satisfy paragraph 118 of Circular 6/2013 ‘Development Planning’.

34. As previously stated, Banchory is in a local growth and diversification area where
growth should relate to local needs (as set out in paragraph 3.43 of the strategic plan). Given that I am satisfied that the proposed plan identifies ample sites in this respect, and having regard to the foregoing assessment, I consider that the potential allocation of this site would be more appropriately reviewed during the formulation of a future iteration of the local development plan.

Bid site MA060

35. This bid site comprises two separate areas of land, the development of which is being promoted as a potential ‘phase 3’ connected to development proposals on the OP2 and OP3 sites. The sites would relate well to development on the OP2 sites in particular, and would provide a logical infill, albeit over a substantial area. The bid site would be reliant upon the prior completion of development on site OP2, in order for it to be capable of offering a satisfactory relationship with the town and its landscape setting. The site is relatively distant from the town centre and other services in the town, but would be in close proximity to any educational facilities that may be provided on site R3. Having regard also to the ample provision of sites in Banchory, in the context of its location within the local growth and diversification area, there is insufficient justification to allocate this site in the plan.

36. The scale of development proposed on this bid site is substantial. I consider it would be more appropriate for subsequent plan reviews to explore whether this site would be preferred over any alternative options to accommodate future growth, at such time when further land is required for development. On the basis of this assessment I do not recommend modifications to the plan.

Bid site MA061

37. This bid site relates well to recent development immediately to the east at Provost Black Drive. The site is relatively flat and well contained, and I consider the site could satisfactorily accommodate a residential development without unacceptable impacts upon the landscape or visual amenity.

38. The planning authority has stated that the resultant loss of woodland on the west side of the site would interrupt the woodland corridor. I note that the site is outwith the ‘green network’ identified by the plan, and land immediately to the north is designated as protected land (site P10), which would assist in maintaining connectivity between remaining woodland habitats. The retention of a woodland strip along the west site boundary could also assist in this regard, as well as helping to successfully assimilate development into the site.

39. The planning authority has raised concerns regarding the adequacy of the proposed access arrangements for the site, which would be via Upper Lochton and Provost Black Drive. The site's promoter has stated that the development of sites OP2 and OP3 will provide a roundabout at the junction between Upper Lochton and Raemoir Road (A980). Whilst I acknowledge this would improve the existing junction, no other evidence in relation to the traffic and transport implications of development of this site have been provided. It is unclear whether this site is reliant upon road upgrades associated with the OP2 and OP3 sites and therefore whether this site could be developed should those developments not come forward. I also have insufficient evidence regarding the cumulative impacts on the local road network and whether other road improvements would be necessary and deliverable. Consequently, I do not consider inclusion of this site
would be adequately justified at this time.

Bid site MA062

40. This bid site is immediately to the west of bid site MA061 and vehicular access to it would be reliant upon that bid site also being developed. Given my conclusion above that bid site MA061 should not be allocated due to uncertainties regarding the adequacy of the access and the ability to make necessary upgrades, the allocation of this site would not be appropriate, noting also that development of this site would place further demands on the same roads, the cumulative impact of which has not been assessed.

41. This site does not relate particularly well to the town and would be a less natural extension than offered by bid site MA061. I agree with the planning authority’s view that whilst surrounding woodland would minimise landscape impacts, it would also to some degree isolate the site. On this basis I do not support the site’s inclusion in the plan.

Bid site MA063

42. I note this was a preferred site in the Main Issues Report but the site was not ultimately included in the proposed plan. The site has been put forward for allocation for approximately 34 homes. Development would relate to residential properties on Upper Lochton, although would be of a significantly higher density in a location which is semi-rural in character. The site would be well contained by surrounding woodland however, with the new household waste recycling centre providing a definitive boundary to the west.

43. The site’s distance from the town centre and the majority of services elsewhere in the town would be likely to result in a higher degree of car dependency. I acknowledge that public transport services may be capable of being improved but there can be no certainty in this regard. The vehicular access would utilise the same junction between Upper Lochton and Raemoir Road as proposed for bid sites MA061 and MA062, and the planning authority has noted that access may require improvements. Although this site would accommodate a lower number of dwellings than either of those bid sites, the same concerns apply to this site; in the absence of any evidence on this issue, it is unclear what impact the development would have individually and cumulatively on the local road network, and whether any such impacts could be mitigated. On the basis of the above and taking into account all the relevant planning considerations, I do not consider inclusion of the site is justified and no modifications to the plan are recommended.

New Site land at Silverbank

44. This land is currently in use as a touring caravan site. It is located adjacent to the A93 and therefore benefits from good access to public transport. However, this site was not put forward until a relatively late stage of the plan’s production and consequently a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. On this basis it would not be appropriate for the site to be included as an allocation in the plan. I note that the site is wholly within the settlement boundary and a proposal for an infill development on this site could nevertheless be explored, having regard to the provisions of plan policy P3.
Settlement Plan

45. A representee has requested a modification to the settlement boundary, to incorporate a residential property and the Cowshed restaurant, both of which abut Raemoir Road (on opposite sides) and are adjacent to but outwith the settlement boundary. The planning authority has stated that this area is beyond the built up area but may be appropriate for inclusion once sites OP2 and OP3 have been developed. During my site inspection I observed that whilst there is inter-visibility between the area in question and development at Upper Lochton, sites OP2 and OP3 in their currently undeveloped state do contribute to a distinct and rapid change in character between the town and countryside. I do not consider the requested settlement boundary extension to be justified at this time, but I would agree with the planning authority that its inclusion may be more appropriate once sites OP2 and/or OP3 have been developed.

Reporter's recommendations:

1. In the ‘Natural and Historic Environment’ section of the settlement statement, replace the second sentence with the following:

“The Inchmarlo Gardens and Designed Landscape is found on the western edge of the settlement while the boundary of the Crathes Castle Gardens and Designed Landscape is to the east of the settlement.”

2. In the ‘Services and Infrastructure’ section replace the second and third bullet points with the following:

- “Primary education: All residential development in the Hill of Banchory catchment areas must contribute to the provision of additional capacity at Hill of Banchory School. There is expected to be sufficient capacity at Banchory Primary School during the LDP period.
- Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.”

3. In the ‘Services and Infrastructure’ section delete sixth bullet point referring to waste and recycling.

4. Delete the sixth sentence of the OP1 development brief which states:

“The relocation of the rugby pitches will be required as part of the development proposal, however this use could be integrated with the football pitch in order to provide a multi-sport facility.”

5. Insert a new sixth sentence to the OP1 development brief as follows:

“The rugby pitches must be retained. Additionally, a new football pitch is required within the site unless its provision can be secured at an alternative location of at least equal suitability.”

6. Insert the following text between the third and fourth paragraphs of the OP1 development brief:
“Woodland loss (ancient woodland) should be minimised. A species survey and mitigation plan should accompany the planning application. In accordance with the Scottish Government Control of Woodland Removal Policy, compensatory tree planting will be required.”

7. Replace the second sentence of the OP1 development brief with the following text:

“A masterplan for these sites was approved by the Marr Area Committee on 10 March 2015. Future development proposals should have regard to the principles set out in that document.”

8. Rename the OP2 and OP3 allocations to “Lochside of Leys”.

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN
### Issue 68

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#### Body or person(s) submitting a representation raising the issue (including reference number):

- **Inchmarlo**
  - Holiday Villas, Queens Court, Inchmarlo (88)
  - Glenview Developments Limited (124)
  - Mr and Mrs Burnett (550)
  - Scottish Natural Heritage (656)
  - Sport Scotland (678)
  - Bancon Developments Ltd (709)

- **Other Marr**
  - Bancon Developments Ltd (709)

#### Provision of the Development Plan to which the issue relates:

- **Inchmarlo**
  - Settlement vision, infrastructure and opportunities.

- **Other Marr**
  - Settlement vision, infrastructure and opportunities

#### Planning Authority’s summary of the representation(s):

- **Inchmarlo**

  **Vision**

  Respondent (88) feels that the Vision should be amended to reflect the sustainable mixed community including a continuing care retirement village, existing properties at Queens Court, East Mains and the golf course. The vision within the proposed Local Development Plan (LDP) does not reflect the full extent of the settlement.

  **Natural and Historic Environment**

  SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Inchmarlo may require an appropriate assessment.

  The Historic Garden (HG) reference appears to be removed from the plan (88).

  Protected land status should be given to the golf course, in line with other golf courses.
and sports/recreation land within settlement boundaries (88).

Allocated Site

OP1 Inchmarlo Continuing Care

Development of this site should not be allowed to adversely impact on the golf courses located in close proximity to the site. Any masterplan for the site should identify how the site will be developed in relation to any constraints this may pose, as well as identifying any mitigation required (678).

SNH (656) has noted that the site appears to be currently wooded and is included in the ancient woodland inventory (Type 2b: long-established, of planation origin). In order to comply with the Scottish Government Control of Woodland Removal Policy, substantial compensatory planning is likely to be required. Amendment to the development brief is requested to reflect this requirement.

Additional Sites

Bid Site MA014

Bid site MA014 for 3 houses should be allocated within the Local Development Plan (LDP). The site would make a logical addition to an existing tight cluster of 23 houses. There are excellent public transport accessibility and the site would not lead to car dependency. A Flood Risk Assessment has concluded that the proposed development would not pose any flood risk. Additionally, Bridge of Canny East should be recognised as a settlement on its own merits (124).

Bid Site MA021

Bid site MA021 should be allocated within the LDP. The settlement boundary should be expanded to take account of adjacent and established land uses, including Queens Court. The boundary should not be restricted to the continuing care community associated with the retirement village (88).

Bid Site MA053

Bid site MA053 for 10 houses should be allocated within the LDP. The site would create a high-quality small-scale housing site to supplement the housing land supply. The site has no real biodiversity value and development should incorporate appropriate separation from the River Dee with drainage and other technical solutions incorporated to protect the interests of the River Dee Special Area of Conservation (SAC). The site is well located for access to the bus stop and offers improvement works to the A-road and to the waste treatment works. The reasons used to discount the site during the Main Issues Report (MIR) and Proposed LDP process are not justified. Development in Inchmarlo is dominated by a single house builder and this site will offer choice to the market (550).

Bid Site MA067

Bid site MA067 for 10-20 houses should be allocated within the LDP. The site was a preferred option in the LDP 2012 Main Issues Report but was later omitted from the Proposed LDP. Access would be taken from an improved access between the A93 and
the existing minor road that leads to the golf club. The proposal would consolidate the existing settlement and designed in such a way to complement the existing housing. This site would contribute towards the 500 house shortfall identified and has capacity to deliver around 20 houses in the 2017-2026 plan period (709).

Other Marr

Hirn

Bid Site MA066

Bid site MA066 for 14 houses should be allocated within the Local Development Plan (LDP). Hirn is located about 4km east of Banchory. Crathes Primary School has adequate capacity for the development. There would be little effect on the road network. A new sewage treatment facility would also be developed. This site would contribute towards the 500 house shortfall identified and could accommodate around 70 houses in the 2017-2026 Plan period (709).

**Modifications sought by those submitting representations:**

Inchmarlo

Vision

Amend the Vision to reflect Inchmarlo as a sustainable mixed community including a continuing care retirement village, existing properties at Queens Court, East Mains and the golf course (88).

Natural and Historic Environment

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

Identify the historic gardens (HG) within the settlement plan (88).

Identify the golf course as a protected (P) site (88).

Allocated Site

OP1 Inchmarlo Continuing Care

Amend site OP1 development brief to make reference to the proximity to two existing golf courses and the need for any masterplan to identify how the site will be developed in relation to the constraints that may pose, as well as identifying any mitigation required (678).

Amend site OP1 development brief to read, “Woodland loss (ancient woodland) should be minimised. A species survey and mitigation plan should accompany the planning application. In accordance with the Scottish Government Control of Woodland Removal Policy, compensatory tree planting will be required.” (656).
Additional Sites

Allocate bid site MA014 for 3 houses to the LDP and recognise Bridge of Canny East as a settlement not associated with Inchmarlo (124).

Allocate bid site MA021 to the LDP (88).

Allocate bid site MA053 for 10 houses to the LDP (550).

Allocate bid site MA067 for 10-20 houses to the LDP (709).

Other Marr

Allocate bid site MA066 for 14 houses to the LDP (709).

Summary of responses (including reasons) by Planning Authority:

Inchmarlo

Inchmarlo is located within the Local Growth and Diversification Area within the Aberdeen Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Inchmarlo Settlement Statement which was published in support of the 2012 Local Development Plan (LDP) (see LDP 2012, Supplementary Guidance Volume I: Inchmarlo). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Marr, page 46-40 and the subsequent MIR 2013, Issues and Actions Paper: 178 Inchmarlo).

Vision

The map for Inchmarlo does not indicate a formal boundary for the settlement as such. This is reflected in the specific nature of the Vision and is intended to reflect the specialist nature of the allocation. (A similar approach exists for a non-defined settlement boundary for other specialised allocations, see Proposed LDP, Appendix 8, Settlement Statements Marr, Tarland site OP2). Queens Court does not contribute to that vision and is a business cluster in the countryside. No change is required.

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

In response to the MIR, the Scottish Government noted that the Inchmarlo Gardens and Designed Landscape was already seriously compromised and should be removed from the inventory (see MIR 2013, Issues and Actions Paper 178: Inchmarlo). The historic garden (HG) reference has been removed in anticipation of this action. The Settlement Statement notes, the designed landscape should not be compromised and it is considered unnecessary to amend the plan. No change is required.
Given the specialist nature of the allocated site in Inchmarlo and that it does not have a defined settlement boundary it is not considered necessary to protect additional areas of land around the allocation. No change is required.

**Services and Infrastructure**

As a result of a non-notifiable modification to the Settlement Statement for Banchory (see Schedule 4 Issue 67: Banchory), a minor technical change will be made to delete: “Waste and recycling: All development must contribute to a household waste and recycling centre in Banchory” from the Inchmarlo settlement statement.

**Allocated Sites**

**OP1 Inchmarlo Continuing Care**

A masterplan for the site was agreed by the Marr Area Committee on 31 March 2015. A minor technical change will be made to add the following wording to the development brief for site OP1: “A masterplan for the site was approved by the Marr Area Committee in March 2015 and it is expected that future development proposals should accord with the principles set out in that document.” Existing wording outlining masterplan requirements will be deleted.

The masterplan makes reference to the golf course as providing leisure and community facilities (see Inchmarlo Continuing Care Retirement Community Masterplan Report, page 25), commits the developer to preparing a method statement and makes reference to planting and maintenance. No change is required.

**Additional Sites**

As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area and there is no need allocate any additional development sites in Inchmarlo.

**Bid site MA014**

This site was not a preferred option at the MIR stage (see MIR 2013, Appendix Marr, page 49). The size of the allocation is not considered to be of a scale which merits formal allocation via the LDP.

Bridge of Canny East is not a recognised settlement in respect to the LDP. Bid sites at Bridge of Canny East were considered as part of the Inchmarlo statement in the MIR. There are no allocated, reserved, protected or safeguarded sites which justify its identification as a settlement. No change is required.

**Bid site MA021**

This site was not a preferred option at the MIR stage (see MIR 2013, Appendix Marr, page 49). The site has already been developed for 42 holiday homes and, therefore, the bid did not require assessment of the development itself. As indicated above, the plan for Inchmarlo does not show a defined settlement boundary due to the specialised nature of the allocated site. There is no need to allocate this bid site or to draw a definitive
settlement boundary at Inchmarlo which includes the extent of this site. No change is required.

Bid site MA053

This site was not a preferred option at the MIR stage (see MIR 2013, Appendix Marr, page 49). The site is in immediate proximity to the River Dee SAC and a Local Nature Conservation Site and no assessment of potential impact has been undertaken. The site is also isolated by the road to the north and waterway to the west. The bid site received a number of objections following publication of the MIR (see MIR 2013, Issues and Actions Paper: 178 Inchmarlo). No change is required.

Bid site MA067

This site was not a preferred option at the MIR stage (see MIR 2013, Appendix Marr, page 50). The scale of the proposal is relatively large in relation to its surroundings. No assessment of potential impact on the Dee SAC has been undertaken. Development of the site could cause coalescence between the large cluster and Inchmarlo. There are also to be visual and landscape implications as a result of the proposal. No change is required.

Other Marr

Hirn is located within the Local Growth and Diversification Area within the Aberdeen Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43).

The site was subject to consultation as part of the Main Issues Report (MIR) (see MIR 2013, Appendix Marr: Landward Sites, page 85). The site was not an Officer’s preference on the basis that the proposal is out of proportion to its surroundings, particularly in the absence of any services and could result in increased car dependency. It was noted that the site had previously been subject to examination and it was concluded that the site lies within a landfill zone of potential contamination. Development needs for the community would be better delivered through the new rural development policy. This position remains and development in Hirn should come forward in line with Policy R2 Housing and Business Development Elsewhere in the Countryside.

Additionally, Crathes Primary School is forecast to be at 264% capacity in 2016 with a small reduction to 243% in 2019. Banchory Academy, to which Crathes is a feeder school, is expected to be at 110% in 2016 and 106% in 2019 (see School Roll Forecast 2013 Banchory Community Schools Network, pages 1-2).

As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Aberdeen Housing Market Area. No change is required.
**Reporter’s conclusions:**

**Inchmarlo**

**Vision**

1. A representee has requested that the vision statement be broadened to reflect a “sustainable mixed community” rather than confining its focus to the retirement village. I note that Inchmarlo does not have a defined settlement boundary, and it does not share the characteristics of a true ‘settlement’ by virtue of it consisting principally of a retirement complex. Given that the only basis for an allocation in Inchmarlo is to allow for further intensification of the retirement and care use, I do not consider it justified for the vision to imply that a broader mix of development types may be desirable.

**Natural and Historic Environment**

2. Scottish Natural Heritage has requested that a reference to the River Dee Special Area of Conservation (SAC) be added to the settlement statement. The planning authority is agreeable to this. Given the importance of this designation and its potential implications for development proposals, I have recommended this modification be made for the avoidance of doubt.

3. The reasons for the proposed plan not including explicit reference to the historic garden are noted. However, I am not persuaded that this provides any justification for extending the OP1 allocation as suggested by the site’s promoter, and as there is no settlement boundary delineated for Inchmarlo there is no opportunity for it to be extended to incorporate other areas of land. In the absence of a settlement boundary I do not consider the golf course requires a protective designation, as its countryside location benefits from adequate policy protection and neutralises any development pressure.

**Services and Infrastructure**

4. I note the planning authority’s proposed deletion of the reference to contributions being required towards waste and recycling facilities in Banchory. As this does not relate to representations received in relation to this issue but is a consequential change arising from Issue 67, this is not a matter that requires my further consideration.

**OP1 Inchmarlo Continuing Care**

5. Sportscotland has requested that it should be made clear in the plan that development must not have an adverse impact upon the two golf courses that are adjacent to the site. The planning authority has proposed a modification to refer to the principles established in the agreed masterplan which makes reference to the golf courses. Whilst a reference to the masterplan is helpful, I do not consider this can be relied upon to establish principles and requirements of development, as it does not form part of the statutory development plan. I therefore recommend a modification that also makes explicit reference to the golf courses and the importance of safeguarding their use and amenity.

6. I note that the site’s promoter has requested that site OP1 be extended to include Queens Court (which was also assessed separately as bid site MA021) and other neighbouring land. These extensions would represent an expansion as well as
7. The representee has referred to various provisions of Scottish Planning Policy (SPP) and the strategic plan which lend support to the creation of inclusive and mixed communities. However, this argument fails to address the issue that the sole basis for site OP1 being identified is to support and augment the retirement homes and continuing care that it provides. The ‘retirement village’ is set entirely within private land and I am not persuaded that there is any case for permitting a wider mix of development in this location, which extending the site allocation to incorporate other uses (or establishing a settlement boundary) would inevitably facilitate. On this basis, I consider the site should continue to be recognised only for the specialised development opportunity it provides and no modifications are required.

Bid site MA014

8. A representee has objected to this bid site not being identified as a residential allocation, and to the failure to identify Bridge of Canny East as a settlement in the plan. Bridge of Canny East is a hamlet consisting of a small group of approximately 23 dwellings. It has no services but it is on a relatively well served bus route. The site relates well to residential properties at Smiddy Park and I am satisfied that there are no particular constraints to its development.

9. The planning authority has not identified Bridge of Canny East as a settlement on the basis of there being no proposed allocations or designations of any kind in the hamlet. Notwithstanding that this approach implies that allocating this or any other site would automatically give the hamlet ‘settlement’ status, given the lack of services in the locality I find there is inadequate justification for allocations to be made at Bridge of Canny East. Paragraph 81 of Scottish Planning Policy states that most new development should be within or adjacent to settlements, reflecting a more restrictive approach to development in accessible or pressured rural areas. Again having regard to the absence of services, I am not persuaded by the representee that identifying Bridge of Canny East as a settlement would be appropriate, and inclusion of the site would not be adequately unjustified.

Bid site MA021

10. Having regard to my assessment in relation to allocated site OP1 above, and the specific circumstances which justify that allocation, this concluded that identifying a settlement boundary for Inchmarlo would be unjustified. This significantly weakens the case for allocating this site, which is in a countryside location, given that Scottish Planning Policy paragraph 81 specifies that most new development in rural areas of this nature should be within or adjacent to settlements. The site has already been developed with holiday homes and there is no obvious scope or justification for additional development within the site. Taking all relevant considerations into account I conclude that the allocation of this site would be inappropriate.
Bid site MA053

11. This bid site is to the south of the OP1 allocation at Inchmarlo. The arguments against bid site MA021, regarding the principle of allocating sites away from an identified settlement, are equally applicable to this site. Despite there being a small number of other developments in the vicinity, the site is in a countryside location and no substantive evidence has been provided to justify why this location should be considered appropriate in this context. Whilst I acknowledge that the site is physically capable of being developed and an improvement to the junction between the A93 and minor road would be beneficial, this falls some way short of justifying the allocation of the site, given its development would be contrary to the provisions of Scottish Planning Policy and the local development plan, both of which seek to direct development to sustainable locations.

Bid site MA067

12. My assessment and conclusions regarding bid site MA014, insofar as these refer to the appropriateness of development in Bridge of Canny East, are equally applicable to this bid site. As the hamlet is not an identified settlement, and as there is inadequate justification for a modification to identify it as such, this proposed allocation sits within the countryside. No information has been provided in the representation relating to this site to justify such an allocation in a countryside location.

13. Additionally, the proposed allocation would almost double the number of dwellings in the hamlet, forming a more substantial cluster of development that would continue to suffer from a lack of service provision. I agree with the planning authority that combined with development on allocated site OP1 at Inchmarlo, visual coalescence may result, which would be likely to appear as sprawl rather than planned growth.

Other Marr – Hirn

14. This bid site is located in Hirn, which consists of a small grouping of dwellings and a farm. There are no services in Hirn and it is not identified as a settlement by the proposed plan. The site’s promoter has suggested that the site should be allocated for up to 14 dwellings. The site relates well to other properties and whilst such a development would more than double the number of dwellings in the hamlet, I am satisfied that this would not give rise to unacceptable effects upon the character and appearance of the settlement or the landscape.

15. More fundamentally however, inadequate justification has been provided by the site’s promoter to demonstrate that this location is appropriate for residential development. The site’s promoter has stated that the development would make a positive contribution to the long term viability of Crathes primary school. However, the planning authority has highlighted that school roll forecasts predict this school to be operating significantly above capacity (243% in 2019), and it is not clear whether any additional demands on this school could be accommodated.

16. On the basis of the above assessment, I find there to be no case for supporting the allocation of this site. It is in a countryside location and residents would be heavily car dependent given the lack of services. Inclusion of an allocation in this location would be contrary to the provisions of paragraph 81 of Scottish Planning Policy and inconsistent with the spatial strategy of the proposed plan.
**Reporter's recommendations:**

1. Under the ‘Natural and Historic Environment’ subheading in the Inchmarlo settlement statement, delete the second sentence and replace with the following:

   “The River Dee Special Area of Conservation (SAC), which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

2. Replace the third sentence of the Inchmarlo site OP1 development brief with the following text:

   “A masterplan for the site was approved by the Marr Area Committee in March 2015 and future development proposals are expected to reflect this. A method statement is required to take account of the potential impacts to the qualifying interests of the River Dee Special Area of Conservation.”

3. Insert the following text in front of the penultimate sentence of the Inchmarlo site OP1 development brief:

   “Development must not have an adverse effect upon the use and amenity of the adjacent golf courses.”
<table>
<thead>
<tr>
<th>Issue 69</th>
<th>RHMA North Marr – Forgue, Huntly, Rhynie and Ruthven</th>
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| Development Plan reference: | Appendix 8, Page Marr 31  
Appendix 8, Page Marr 38  
Appendix 8, Page Marr 68  
Appendix 8, Page Marr 70 | Reporter:  
Christopher Warren |

**Body or person(s) submitting a representation raising the issue (including reference number):**

**Forgue**  
Strutt & Parker on behalf of the BMF Group (159)

**Huntly**  
Mr Patrick Scott (205)  
Mrs J Donald (238)  
Huntly Community Council (248)  
Mr Anthony Gill (309)  
Bennachie Community Council (413)  
Ryden on behalf of Drumrobbie Land Development Company Ltd (608)

**Rhynie**  
Mr & Mrs Michael & Margate Muirden (73)  
Mr & Mrs Andrew & Kate Brown (99)  
Ms Anne Muirden (100)  
Ms Mary Thomson (101)  
Mr & Mrs Mick & Martha Bastable (102)  
Mr & Mrs Chris & Sarah Cowperthwaite (103)  
Mr Richard Evans (104)  
Ms Elizabeth Moodie (105)  
Ms Fiona Orr (106)  
Mr & Mrs Struan & Isla Gardner (107)  
Tap O’ Noth Community Council (683)

**Ruthven**  
Mr Ian Stables (61)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Forgue - Allocated Sites**  
**OP1 Land to East of the Rectory**

Respondent (159) supports continuation of site OP1 however requests that the reference to “trees to the north of the site should be retained to provide screening between the
development and the primary school” within the development brief for the site be removed as there are no trees to the north of the site and the primary school is to the south of the site. The area of trees the comment refers to is believed to be those included within the P2 designation.

OP2 Chapelhill

Respondent (159) supports continuation of site OP2 however, requests that the site boundary is amended to reflect the approved consent under APP/2012/0430 (see Decision Notice) and the allocation changed to read “up to 4 homes”. Respondent notes that the area identified on the proposals map crosses the primary school playing fields, which will not be available for development.

Huntly

Vision

Huntly Community Council (248) suggest that other sites, other than those identified, should be actively considered for development e.g. south of the A96 towards Gartly and west towards and around the auction mart.

Settlement Features

Respondent (238) raises concern regarding the possibility of disruption during development of site BUS1 site. No specific modification is sought.

Services and Infrastructure

Huntly Community Council (248) considers that any additional primary school provision required as a result of development should be accommodated at the existing school site towards the centre of the town. The Proposed Local Development Plan (LDP) is not specific enough about how additional infrastructure will be delivered.

Allocated Sites

OP1 Land to the north of Pirriesmill

Bennachie Community Council (413) indicates that a masterplan is being progressed for sites OP1 and OP2. They contend that sites east of Huntly are deliverable and will meet any need for additional residential development in the Huntly to Pitcaple section of the Strategic Growth Area (SGA). No specific modification is sought.

Huntly Community Council (248) welcomes site OP1 and further allocated land around Pirriesmill/Battlehill but considers that construction of access roads is a major issue given the current access constraints, implications of the A96 being duelled and the associated safety issues. They seek an acknowledgement that the existing entry off the A96 into the Battlehill is inadequate for access to new housing development and roads and access will need to be carefully considered.

No building of any kind should be permitted at site OP1 other than that necessary to rebuild the farm of Pirriesmill (205). The scale of the proposal would fundamentally alter the character of the town. The respondent (205) also raises concerns regarding potential
water pollution and impact on red squirrels.

Site OP1 should be removed from the LDP and be replaced with effective sites at Insch (Ga039 and Ga040) and Whiteford (Ga043). Site OP1 is constrained and incapable of being delivered thus threatening the ability of the Huntly to Pitcaple section of the SGA from meeting strategic housing requirements (608).

OP2 Land at Ward Farm

Site OP2 should be removed from the LDP and be replaced with effective sites at Insch (Ga039 and Ga040) and Whiteford (Ga043). Site OP2 is constrained and incapable of being delivered thus threatening the ability of the Huntly to Pitcaple section of the SGA from meeting strategic housing requirements (608).

OP3 Land at Bogie Bridge

Respondents (248, 309) request that the strip of land between the railway line and River Bogie with the track running from the Bogie Bridge to the row of existing cottages known as Crows Wood is not to be included as part of site OP3 but should instead be protected land.

Huntly Community Council (248) suggest that additional information is included within the development brief for site OP3, namely a requirement for the parapet of the Bogie Bridge to be modified and a new sewage connection to be make across the River Bogie.

Site OP3 should be removed from the LDP and be replaced with effective sites at Insch (Ga039 and Ga040) and Whiteford (Ga043). Site OP3 is constrained and incapable of being delivered thus threatening the ability of the Huntly to Pitcaple section of the SGA from meeting strategic housing requirements (608).

OP4 Land on Aberdeen Road

Site OP4 should be removed from the LDP and be replaced with effective sites at Insch (Ga039 and Ga040) and Whiteford (Ga043). Site OP4 is constrained and incapable of being delivered thus threatening the ability of the Huntly to Pitcaple section of the SGA from meeting strategic housing requirements (608).

Rhynie

Settlement Features

All respondents object to the reclassification of site P3 within the Local Development Plan 2012 to a reserved site allocation (R1). Responses 73, 99, 100, 101, 102, 103, 104, 105, 106 and 107 form part of a petition submitted raising objection.

Respondents indicate that the land is currently used as a playing field, an area for exercising dogs, and provides general outdoor activity space. However the Tap O’Noth Community Council (683) feel that the playing fields are going to waste and have consulted local children about a better use for the space.

The Community Council (683) advise that Aberdeenshire Council has earmarked a £4,000 grant for drainage works to be undertaken in the playing fields which are to be carried out
in the near future.

Respondents indicate that they have been led to believe that the current use of the playing field would be maintained and improved upon rather than built upon (73, 99, 100, 101, 102, 103, 104, 105, 106, 107).

Responses as part of the petition outline that proposals have been drawn up for a large community building, housing sport and recreational facilities for the community to use. These plans were subject to extensive community engagement and are currently being assessed for funding. Moss Road playing fields were overwhelmingly discounted as a potential site for the community facilities during the community engagement last year. Poor access, out of the way, loss of valuable outdoor sports land, too many affected properties were reasons provided for disregarding the playing fields as a potential site. The chosen site (renovation and extension of what is currently the Gordon Arms Hotel on Main Street) is centrally located within the village and is already used as a social and community building. It would allow for the rejuvenation of the last hotel in the village and would provide a much needed community presence in the centre of the village. The community consultation identified a number of other sites for the community facilities (73, 99, 100, 101, 102, 103, 104, 105, 106, 107).

There is concern from respondents that the community were not consulted about the proposed change in designation for the site (73, 99, 100, 101, 102, 103, 104, 105, 106, 107).

The Community Council (683) suggest that children of the village believe that a basketball court and/or tennis court would be a better use for the playing field.

Ruthven

Allocated Site

OP1 School Road

The access road to site OP1 would not be able to cope with in excess of approximately 8-16 cars using the road on a regular basis and there are questions with regard to providing water and drainage (61).

**Modifications sought by those submitting representations:**

**Forgue - Allocated Sites**

OP1 Land to East of the Rectory

Delete reference in development brief for site OP1 to the trees being retained, these are separately protected by P2 (159).

OP2 Chapelhill

Amend the area covered by site OP2 to reflect that granted consent under APP/2012/0430 and amend capacity to “up to 4 homes” to reflect the revised area and the planning permission (159).
Huntly

Vision

Allocate further sites in Huntly (248).

Services and Infrastructure

Add wording to Services and Infrastructure Section to require contributions towards an additional facility at the existing Gordon Schools Primary (248).

Allocated Sites

OP1 Land to the north of Pirriesmill

Add wording to the development brief for site OP1 to state that the existing entry off the A96 into the Battlehill is inadequate for access to new housing development and roads and access will need to be carefully considered (248).

Delete allocation at site OP1 in favour of a small allocation which is restricted to redevelopment of the existing farm buildings (205).

Delete site OP1 from the Local Development Plan in favour of bid sites Ga039, Ga040 and Ga043 (608).

OP2 Land at Ward Farm

Delete site OP2 from the Local Development Plan in favour of bid sites Ga039, Ga040 and Ga043 (608).

OP3 Land at Bogie Bridge

Remove Crows Wood from site OP3 and reallocate as a protected area of land (248, 309).

Add wording to the development brief for site OP3 requiring modifications to be made to the Bogie Bridge and a new sewage connection across the River Bogie (248).

Delete site OP3 from the Local Development Plan in favour of bid sites Ga039, Ga040 and Ga043 (608).

OP4 Land on Aberdeen Road

Delete site OP4 from the Local Development Plan in favour of bid sites Ga039, Ga040 and Ga043 (608).

Rhynie

Re-designate site R1 to a protected site to conserve the playing field (73, 99, 100, 101, 102, 103, 104, 105, 106, 107, 683).
Delete site OP1 from the Local Development Plan (61).

<table>
<thead>
<tr>
<th>Forgue - Allocated Sites</th>
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<td>The support expressed for the continuation of the allocated opportunity sites is noted.</td>
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OP1 Land to East of the Rectory

As a non-notifiable modification the wording should be deleted: “Trees to the north of the site should be retained to provide screening between the development and the primary school”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

OP2 Chapelhill

The planning permission granted for a large part of site OP2 is for a planning permission in principle approved in July 2013 (see Decision Notice). At this time we are not aware of any planning application for full planning permission for any of the 4 dwellings approved in principle, although it is expected the site will come forward on a plot by plot basis. Additionally, the site has capacity for up to 5 houses, even though the planning permission in principle sought permission for 4 houses. No change is required.

A minor technical change will be made to amend the boundary to exclude the playground at Forgue Primary School to the north of the site and to exclude the path and wooded area to the south of the site.

Huntly

Vision

Sites in Huntly have been subject to scrutiny through the MIR and Proposed LDP process. Being within the SGA, Huntly has substantial allocations and whilst it is acknowledged that there remain significant constraints, these are in the process of being resolved. The sites are still considered deliverable and it would not be appropriated to consider other sites at this time. Given the continued effort to deliver the existing sites and the uncertainty as to the duelling of the A96, it would be inappropriate to consider sites to the south of Huntly at this time. In addition, as demonstrated in Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the SGA and there is no need to allocate any additional development sites in Huntly. No change is required.

Settlement Features

Redevelopment of land within towns for business uses inevitably results in a measure of disruption. Such issues can be mitigated at the planning application stage of such development. No change is required.
Services and Infrastructure

Contributions towards primary and secondary education provision have been agreed by Aberdeenshire Council's Education, Developer Obligations and Planning Policy Teams at a workshop (see extract of Education Baseline Information, 12 November 2014). Contributions sought are a culmination of these discussions and accord with Policy RD1 Providing Suitable Services and Policy RD2 Developer Obligations set out in Section 19 of the Proposed LDP, Supplementary Guidance 7 Developers Obligations and the tests of Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements (page 5-8). At the present time, there is a preference to replace the existing temporary units at the Gordon Schools Primary, however the exact impact on school provision from the development of more than 3 houses will be considered at the time of any application. No change is required.

Allocated Sites

OP1 Land to the north of Pirriesmill

The options for the growth of Huntly are limited and no bids were made for alternatives for the scale required to accommodate up to 600 houses. This scale of growth could not be accommodated in any other settlement within this part of the SGA. It is acknowledged that at this time site OP1 (H1) experiences physical and infrastructure constraints (see Housing Land Audit 2015, page 57) however, work is currently ongoing to overcome these. The development brief references the constraints associated with roads infrastructure and the respondents concerns are already included within the development brief. No change is required.

The OP1 allocation is for up to 485 homes and covers an area larger than that of the existing redundant farm buildings. No design proposals have yet come forward which indicate whether it is the developer’s intention to retain and convert the existing buildings. In order to meet the objectives of the SGA and deliver the level of growth earmarked for Huntly, reducing the scope of the OP1 allocation is not considered appropriate. The size of development, when combined with sites OP2 and OP3, will allow for economies of scale to be achieved in overcoming the site constraints in order to deliver these sites. The level of housing proposed allows for meaningful infrastructure improvements to be delivered. There are no other reasonable alternatives or need to consider other sites within the SGA at this time. No change is required.

Site OP2 Land at Ward Farm

Site OP2 is allocated for up to 105 homes and is expected to come forward alongside sites OP1 and OP3. The size of development, when combined with sites OP1 and OP3, will allow for economies of scale to be achieved in overcoming the site constraints in order to deliver these sites. The level of housing proposed allows for meaningful infrastructure improvements to be delivered. There are no other reasonable alternatives or need to consider other sites within the SGA at this time. No change is required.

Site OP3 Land at Bogie Bridge

Site OP3 is allocated for up to 31 homes and is expected to come forward alongside sites OP1 and OP2. The design and layout of the site is not yet established. Given the local access and infrastructure constraints associated with the site and the potential need for
this site to provide an access route to site OP1, it is expected that significant infrastructure is likely to be required resulting in the loss of trees and woodland. It would be inappropriate, at this stage, to allocate part of the OP3 site as protected land as this may create a barrier to development and delivery of the site. Development of the site will however have to accord with Policy PR1 Protecting Important Resources under Section 17 of the Proposed LDP with regard to tree loss and the need for compensatory planting where trees cannot be retained. No change is required.

Improvements to infrastructure such as the Bogie Bridge and sewage treatment will be considered through the pre-application consultation. No change is required.

**Site OP4 Land on Aberdeen Road**

Site OP4 is allocated for up to 40 homes. It is acknowledged that at this time there are infrastructure constraints associated with the A96 (see Housing Land Audit 2015, page 57). However, this is outlined within the development brief for the site and work is currently ongoing to overcome the constraint. Once this constraint has been addressed, the site offers an ideal infill opportunity and until such time there are no other reasonable alternatives or need to consider other sites within the SGA at this time. No change is required.

**Rhynie**

**Settlement Features**

The recommendation to reclassify the existing P3 allocation to a reserved site was in response to comments received to the Main Issues Report (MIR) from the Community Council (see MIR 2013, Issues and Actions Paper: 189 Rhynie). Things have clearly moved on. While the reserved land designation enables any future community development to take place it also protects the playing field from commercial development. The position presented in the LDP gives uncertainty with regards to the development of further community facilities in Rhynie at this time. Reinstating the previous “P” protection does not impact on the Vision presented for Rhynie until such time as a firm proposal for the space is brought forward with certainty.

As a non-notifiable modification wording should be amended to read: “P4” “Protected to conserve the playing field” and site “R1” deleted. The Settlement Plan shall also be amended accordingly. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

**Ruthven**

**Allocated Site**

**OP1 School Road**

Issues associated with site infrastructure were raised in response to the MIR (see MIR 2013, Issues and Actions Paper 190: Ruthven). Aberdeenshire Council considered the issues and agreed they could be resolved at the time of a planning application and did not agree that the site to be deleted as irretrievably constrained. This position remains unchanged. The Proposed Action Programme, March 2015 (page 206) notes that offsite works are required to improve visibility from School Road and this has been confirmed by
the Road Service (see Local Roads Stakeholder Workshop Note of Meeting, 25 September 2014).

The Proposed Action Programme, March 2015 (page 206) indicates that plots are expected to be sold off individually. Scottish Water has indicated that there is sufficient waste water (Ruthven Housing Septic Tank) and water (Turriff Waste Treatment Works) capacity available to service the site allocated. Should additional water capacity be required then a growth project would be initiated once a developer meets Scottish Water's 5 growth criteria. No change is required.

**Reporter's conclusions:**

**Forgue**

OP1 Land to east of the Rectory

1. A representee has identified an erroneous reference to the presence of trees to the north of the site. The planning authority has proposed to delete this sentence, and for the avoidance of doubt I have recommended this modification be made.

OP2 Chapelhill

2. Having regard to the conclusion in Issue 7 that the number of dwellings allocated on sites should be treated as indicative rather than absolute, I do not consider that any conflict arises from there being a difference between the number of units identified in the plan for this site, and the number of units which have been granted planning permission in principle. Noting also that the planning authority remains satisfied that the site offers the potential to accommodate five dwellings, a modification is unjustified.

3. The allocated site includes part of the playground at Forgue primary school. Given that this land is not available for development, I recommend the boundary of site OP2 be modified accordingly.

**Huntly**

**Vision**

4. Huntly Community Council has recommended that additional allocations be identified by the plan, as the housing allocations in the town are currently constrained. However, no specific sites have been identified in the representation, and no bid sites in Huntly are subject to unresolved representations. Consequently there is no basis upon which any additional sites could be considered for inclusion as part of this examination.

**Settlement Features**

5. Issues raised by a representee regarding the lack of maintenance of fencing, littering and the unkempt appearance of land are not material planning considerations and these cannot be addressed by this examination. The potential for disturbance and loss of residential amenity arising from development are material considerations. Such concerns would be most appropriately assessed in relation to any planning applications for specific development proposals however. No specific amendments to the proposed plan have
been requested and there is nothing at this stage to indicate that a development for business use could not be appropriately planned to avoid any adverse impact on residential amenity. I do not consider a modification in this regard would be justified.

Services and Infrastructure

6. The settlement statement establishes the requirement for residential developments to contribute to providing additional primary and secondary education capacity. I acknowledge that where it is possible to do so, it is helpful to provide more specific information regarding how school capacity issues are proposed to be addressed. I note however that at present, the precise means of providing additional primary school capacity has not been decided, but there is a preference to replace temporary buildings at Gordon Primary School. For the purposes of the proposed plan, this adequately indicates that school capacity issues can be addressed and the issue has been actively considered by the planning authority.

7. There is nothing to suggest to me that an appropriate solution to providing necessary additional capacity would be unachievable. I do not consider it essential for the plan to be entirely prescriptive regarding the precise means of providing additional capacity, as long as there is a reasonable degree of certainty that it would be achievable, and that the plan establishes the requirement for developer contributions to be made towards such provision.

OP1 Land to the north of Pirriesmill

8. The development brief for site OP1 acknowledges the constraints to its development, which centre on difficulties of providing vehicular access of a satisfactory standard. The site is also bisected by the railway. The planning authority acknowledge that the site is constrained (and this is reflected by its status in the housing land audit) but no alternative sites were able to be identified to accommodate the level of growth required in Huntly, to reflect its role as a major settlement in the Aberdeen to Huntly strategic growth area.

9. Huntly Community Council has requested that the access constraints should be acknowledged by the plan. I consider the OP1 development brief provides an appropriate level of detail in this regard, as it makes clear that the means of establishing access to the site is unresolved. It also recognises this site’s potential reliance upon site OP2 to provide access, and requires a masterplan to consider both sites together on this basis.

10. A representee has argued that site OP1 should be removed from the proposed plan because of the constraints to its development, and requests that alternative sites in Insch and Whiteford be allocated. The merits of those sites are considered in Issues 45 and 53 respectively. Regardless of the acceptability or otherwise of those alternative site suggestions, I am not persuaded that the constrained status of this site warrants its removal from the plan. In the context of the conclusion in Issue 7, retention of allocated sites in Huntly to reflect the focus of the settlement strategy would not necessarily preclude the consideration of other appropriate sites in other settlements. These could still be included in the proposed plan if effective, and acceptable in all other respects when assessed against relevant planning considerations (such as the need to secure appropriate infrastructure provision including schools; and to direct development to sustainable locations).

11. Concerns regarding the impact of development upon the character of the town have
been raised by a representee. I recognise that development of the scale proposed on this
site, and cumulatively alongside other proposed allocations, would represent significant
growth. That said, I do not agree that this would be detrimental to the character of the
town and I consider that development of the scale envisaged would appropriately reflect
the range of services, facilities and employment opportunities available in the town. There
would inevitably be change to the landscape setting of the town and development of this
site would represent a significant eastward urban extension. This would be relatively well
contained however, taking advantage of woodland and the topography at Battle Hill.

12. A representee has requested that no development should be permitted, with the
exception of rebuilding the farm at Pirriesmill. Subject to resolving access constraints I am
satisfied that the site is suitable, in principle, for accommodating development of a scale
that would make a substantial contribution towards meeting the housing requirements for
the strategic growth area. It is logical for Huntly to be the focus of growth as it provides a
relatively sustainable location by virtue of the site’s relative proximity to a wide range of
services and facilities. On the basis of the above assessment, and having regard to all
relevant considerations raised in representations, I consider the allocation to be
appropriate and no modifications would be justified.

Site OP2 Land at Ward Farm

13. As outlined above, a single masterplan would be required for the development of
sites OP1 and OP2, in order to address the constraints common to both sites. The
planning authority has stated that by considering these sites together, and also alongside
site OP3, there are economies of scale to address the access and infrastructure
constraints. The planning authority acknowledges this site to be currently constrained.
No evidence has been provided in representations to demonstrate that the identified
constraints are incapable of being satisfactorily resolved, and so I do not consider the
removal of this site to be justified by its current constrained status. The allocation of this
and other sites in Huntly is appropriate in order to reflect the focus of the spatial strategy,
but as explained in relation to site OP1 above, this does not necessarily preclude sites in
other settlements being included in the plan.

Site OP3 Land at Bogie Bridge

14. The southern part of the site is known as Crows Wood, which is an area of
predominantly deciduous mature woodland. It has been stated in representations that this
woodland should be protected from development. During my site inspection I found this
wooded area to make a positive contribution to the amenity of the area, and in particular
the setting of the river from the west and Bogie Bridge. I recognise that it would be
desirable to retain the existing mature trees on this part of the site where practicable to do
so.

15. I acknowledge that site OP3 may provide an opportunity to address the current
access constraints at site OP1 (and also site OP2). I therefore appreciate why the
planning authority would not wish to protect the wooded area at this time. On balance, I
do not consider Crows Wood to be of such importance as to warrant protection in the
event that this would prevent the development of the significant housing allocations at
sites OP1 and/or OP2. That said, I find it would be appropriate to safeguard against its
unnecessary loss or damage. Consequently, I conclude that an appropriate approach
would be to identify the need to minimise the loss of trees in the development brief,
allowing felling only where necessary to establish suitable access and infrastructure. It
would be appropriate for retained woodland to contribute towards the open space requirements of the site, or that of a larger development if site OP3 was brought forward as part of a single larger scheme including the other allocated sites.

16. A representee has requested that the absence of sewers should be acknowledged. Noting that this is referred to in the development briefs for sites OP1 and OP2, for consistency I recommend a modification to note this important issue in the OP3 development brief. It is not clear that modifications to Bogie Bridge would be required and I consider this to be a more detailed matter that does not require to be referred to in the plan. As with site OP1 and OP2, I do not consider that sites in other settlements should be considered as reasonable alternatives to this allocation, for the same reasons as already outlined.

Site OP4 Land on Aberdeen Road

17. Site OP4 has also been requested to be removed from the plan by a representee, in favour of alternative sites in Insch and Whiteford. No additional issues have been raised that are specific to why this site should be removed, and so for the same reasons as stated above regarding other housing allocations in Huntly, I do not consider that such a modification to the plan would be justified.

Rhynie

Settlement Features

18. A relatively significant number of objections have been made to the identification of the playing field on Moss Road as reserved “for development of future community uses”. These representations strongly indicate that the playing field is valued locally. I note that in response to these representations the planning authority has proposed to modify the plan, to designate the site as protected land. Whilst there are aspirations to provide new community facilities in Rhynie, locating this on the playing field has not been justified given that a site for a replacement playing field has not been identified; neither has any evidence been provided to indicate there is excess playing field provision in the area. In the absence of such evidence, reserving the site for development (regardless of the type of development proposed) would be contrary to the provisions of Scottish Planning Policy, paragraph 226 in particular. Accordingly, and for the avoidance of doubt, I have recommended a modification in line with that proposed by the planning authority to designate the site as protected land.

Ruthven

OP1 School Road

19. A representee has queried the adequacy of School Road for use by additional vehicles. The planning authority has confirmed that off-site improvements to the road junction would be required to provide adequate visibility. In light of this I consider it would be appropriate and justified to refer to this requirement in the development brief, and I have recommended a modification on this basis.

20. No particular constraints regarding water supply, drainage or treatment have been identified, so I do not find any need to modify the development brief in this regard.
<table>
<thead>
<tr>
<th>Reporter's recommendations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. In the Forgue site OP1 development brief delete the sixth sentence which currently reads “Trees to the north of the site should be retained to provide screening between the development and the primary school.”</td>
</tr>
<tr>
<td>2. Modify the boundary of Forgue site OP2 to remove the primary school playground from the allocation.</td>
</tr>
<tr>
<td>3. Amend the Huntly site OP3 development brief by inserting the following text between the first and second paragraphs:</td>
</tr>
<tr>
<td>“Development should seek to retain trees wherever possible on the southern part of the site known as Crows Wood. Felling of trees will only be permitted where this is shown to be necessary to provide adequate access and infrastructure necessary for development on this site and/or sites OP1 and OP2.</td>
</tr>
<tr>
<td>A drainage impact assessment is required. Development of the site is likely to require to pump across the river as there are no sewers along the east of the River Bogie.”</td>
</tr>
<tr>
<td>4. Under the “Settlement Features” subheading of the Rhynie settlement statement, delete the “reserved land” and “R1” references, and under “protected land” insert “P4 – Protected to conserve the playing field.” Make consequential amendments to the settlement map.</td>
</tr>
<tr>
<td>5. Add the following sentence to the end of the first paragraph of the Ruthven site OP1 development brief:</td>
</tr>
<tr>
<td>“Road improvements will be required to increase visibility from School Road.”</td>
</tr>
</tbody>
</table>
## Issue 70

| Development Plan reference: | Reporter:  
|---|---|
| Appendix 8, Page Marr 7  
Appendix 8, Page Marr 37  
Appendix 8, Page Marr 61 | Christopher Warren |

### Body or person(s) submitting a representation raising the issue (including reference number):

**Alford**
- Scotia Homes Ltd (118)
- Kirkwood Homes Limited (143)
- William Chalmers (199)
- GP Partners at Alford Medical Practice (424)
- John Joss (446)
- R Drennan Watson (582)
- Rachel Watson (585)

**Glenkindie**
- Frogmore (Scotland) Ltd (362)

**Lumsden**
- Mary Forbes (225)

### Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

### Planning Authority’s summary of the representation(s):

#### Alford

**Settlement Features**

There is no case for expanding car parking facilities on site R4. There is already a large public car park within easy reach of the town hall. Most of the users of the hall live within walking distance. A car park closer to the hall would discourage people from walking, possibly contributing to an unhealthy lifestyle. There are already allocated spaces for disabled users available at the front of the hall and this could be increased by allocating two more on the roadside. The respondent suggests that there is a need for a drop off area at the hall and that the remaining area should be yellow-lined to forbid parking. A green space could instead be created to the rear of the hall to provide indoor and outdoor community space (582).

**Services and Infrastructure**

Alford Medical Practice (424) has indicated that housing allocations in Alford and the surrounding catchment will result in an increase to the practice list and would require additional GP staffing. There is no scope to accommodate staff at the practice without
renovating the practice and then looking to extend. Contributions should be sought for renovation and expansion of the practice.

Allocated Sites

OP1 School Campus Site

Development of housing at site OP1 should be of a low density to be in keeping with the rural nature of the town. The site is bounded on 3 sites by existing houses therefore, any development needs to be sensitive to the surroundings. The industrial use of the site would be wrong given the residential nature of the area and its access limitations. There are alternative sites in Alford for such a use. Community uses should include a community garden (199).

OP4 Land at Kingsford Road

Site OP4 should be deleted (446). No reasons are provided by the respondent in support of the modification.

Additional Sites

Bid Site MA034

Bid site MA034 for 140 houses and community uses should be allocated within the Local Development Plan (LDP). Respondents (585, 118) consider this site to be a logical and natural expansion of Alford which would balance the existing housing along the main A944 Aberdeen Road. The allocation of the site would provide an opportunity to consolidate and round off the settlement to the east to create a robust settlement boundary, which is currently lacking. The proposal for the site would connect with the existing housing to the north and west. The site is suitable, viable, effective and deliverable. The site would provide significant public benefit by meeting local housing need, sustaining local services and enhancing the role and attractiveness of the town (118).

Bid Site MA036

Bid site MA036 for 60 houses should be allocated within the LDP. Respondent considers that allocating this site would support the settlement objectives through the provision of affordable housing to meet market demand. There is a need to provide additional land on the eastern site of the town to meet demand. The respondent states that site OP4 is allocated for 85 homes however a start on development of that site is 2-3 years away and that the Housing Land Audit identifies the site as “constrained” (see Housing Land Audit 2015, page 51). The site was considered suitable by the Scottish Government Reporters in 2012 and was only rejected due to the uncertainty of the community campus, which is now scheduled for completion (see Directorate of Planning and Environmental Appeals Report to Aberdeenshire Council 2012, Issue 150: Alford). The respondent feels there is now a good case for the site. An updated development bid is included in support of the representation (143).
Bid Site MA029

Bid site MA029 for 6 houses should be allocated within the Local Development Plan (LDP). The respondent (362) believes allocation of the site will support economic development of the Glenkindie Estate.

Part of the site has already been granted planning permission in principle for the development of 3 houses (see APP/2013/2077 Decision Notice). The respondent considers the site effective for the delivery of six houses which would act as a natural extension to the existing village (362).

A Flood Risk Assessment, tree report and bid application form have been provided in support of the representation.

Allocated Site

OP1 Land at Smithy Lane

Respondent (225) expresses concern that their view would be lost if housing development on site OP1 be higher than single storey. It is suggested that single storey properties would reflect the existing housing types in the village. The respondent is also concerned with regards to access to the site given the narrow lanes and volume of heavy traffic on the main road. Before development could go ahead, a number of amenities and services in the village would need to be improved, namely, access to a local convenience store, greater access to Post Office services, an improved bus service and an improved sewage capacity.

Modifications sought by those submitting representations:

Alford

Settlement Features

Delete site R4 from the LDP (582).

Services and Infrastructure

Amend Services and Infrastructure Section so that it includes provision to renovate as well as extend Alford Medical Practice (424).

Allocated Sites

OP1 School Campus Site

Amend allocation of site OP1 to specifically require the housing provision to be of a low density and exclude industrial uses with preference for business centre use and
community use, including a community garden (199).

**OP4 Land at Kingsford Road**

Delete site OP4 from the LDP (446).

**Additional Sites**

Allocate bid site MA034 for 140 houses to the LDP (585, 118).
Allocate bid site MA036 for 60 houses to the LDP (143).

**Glenkindie**

**Additional Site**

Allocate bid site MA029 for 6 houses to the LDP (362).

**Lumsden**

**Allocated Site**

**OP1 Land at Smithy Lane**

Amendment to development brief for site OP1 to include reference to a requirement for housing to be single storey (225).

A requirement should be introduced to improve services and amenities before development could proceed (225).

**Summary of responses (including reasons) by Planning Authority:**

**Alford**

Alford is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Alford Settlement Statement which was published as Supplementary Guidance in support of the 2012 LDP (see LDP 2012, Supplementary Guidance Volume I: Alford). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Marr, page 9-12 and the subsequent Issues and Actions Paper 164: Alford).

**Settlement Features**

As the new Alford Academy will be complete before publication of the LDP, a minor technical change will be made to re-designate “R1” as “P3”, land protected “to conserve education and recreation facilities around the Community Campus”. “R2”, “R3” and “R4” will also be relabelled “R1”, “R2” and “R3” accordingly. The Settlement Plans will also be amended to reflect this change.
The reservation of site R4 for use as a car park was received as bid MA074 and discussed as part of the MIR (see MIR 2013, Issues and Actions Paper: 164 Alford). Parking was raised by the respondents to the MIR as a significant issue, particularly road congestion associated with the town hall and around Kingsford Road and Greystone Road with the distance from the hall to the existing parking facilities causing difficulty for elderly and disabled drivers. There was significant support for the allocation/designation of site MA074 as providing potential car parking facilities. It was noted that the site was owned by Aberdeenshire Council, but that it did not have the means to deliver a car park at this time for a privately owned hall. The R4 site has been allocated on the basis of the Alford Community Hall Association assuming responsibility for taking forward the site in the absence of other traffic management solutions being practical. No change is required.

Services and Infrastructure

The developer obligation requirement for an extension to Alford Medical Centre has been agreed between NHS Grampian and Aberdeenshire Council (see NHS contributions – Settlement Statements, Minutes of Meeting, 7 January 2015). It is considered that an extension to the medical centre is the most appropriate response to account for the expected increase to the patient list as indicated by the respondent and that reasonable contributions should be sought through development to deliver this. In line with the tests of Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements (page 5-8), developer obligations cannot be used to maintain or refurbish the existing practice, only to create additional capacity. No change is required.

Allocated Sites

OP1 School Campus Site

Site OP1 is allocated for a mix of uses. Policy P1 Layout, Siting and Design, sets out the obligations of the development in respect of design matters, but does not constrain development to a particular form. The use of the term “industrial” in the development brief of the settlement statement is inconsistent and should be replaced with “business” to provide flexibility and reflect the nature of development that is likely.

As a non-notifiable modification the wording should be amended to read: “Should business uses be considered as part of proposals for the site,...”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

OP4 Land at Kingsford Road

No reasons have been provided why the OP4 site should be removed. No change is required.

Additional Sites

There are several requests for more land to be allocated in Alford but as demonstrated in Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. No additional allocations are required.
Bid Site MA034

This site was not a preferred option at the MIR stage of the process and was not taken forward as development of the prominent site was considered would affect the setting of the town and would be detached from the urban area (see MIR 2013, Appendix Marr, page 11 and MIR 2013, Issues and Actions Paper: 164 Alford). No change is required.

Bid Site MA036

This site was considered at the MIR stage of the process and identified as a preferred site should additional housing land be required due to its setting, proximity to other houses and accessibility to services (see MIR 2013, Appendix Marr, page 11). Despite these positive attributes, as demonstrated above, there is no need allocate any additional development sites in Alford. No change is required.

Glenkindie

Glenkindie is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43).

Additional Site

Bid Site MA029

Bid site MA029 was considered in the Main Issues Report (MIR) for 6 residential units on land to the west of Upper Donside Bowling Club at Glenkindie. It was indicated as an Officer’s preference should additional development land be required, with the scale of development deemed appropriate in relation to the existing surroundings. However, as reported in the MIR 2013, Issues and Actions Paper 176: Glenkindie, there was no requirement to allocate additional development land due to the existing consent and opportunity provided by its status as a settlement where organic growth should be permitted. As demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area and this situation remains true. There is no need to allocate any sites in Glenkindie. No change is required.

Should Glenkindie Estate wish to promote further development in the village, Policy R2 Housing and Business Development Elsewhere in the Countryside would be an appropriate policy instrument to use, rather than promoting an opportunity site which may be constrained by marketability issues. No change is required.

Lumsden

Natural and Historic Environment

A minor technical change will be made to refer to “Natural and Historic Environment” rather than “Natural and Historic Features” within the Settlement Statement.
Allocated Site

OP1 Land at Smithy Lane

The siting, design and layout of site OP1 would be required to be in keeping with the style and character of the existing housing stock within the village. As well as being a policy requirement under the Shaping Places section of the LDP, this requirement is already indicated within the development brief for the site in that “the design of the development should follow that already seen in the layout of the village”. In addition Planning Advice 8/2012 Aberdeenshire Settlement Characterisation Reports (page 33) specifically refers to the characteristic height of development in the village. Impact on a view from a private residence is not a material planning consideration as it is not deemed to meet the tests of being “material” and “relevant” as set out in Annex A of Planning Circular 3/2013 Development Management Procedures.

Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements (page 5-8) sets out the tests for the securing of developer obligations for improvements to services and amenities such as the village shop, Post Office provision and bus service. Development of the scale proposed is unlikely to result in impacts on these facilities that would result in the need for a developer obligation. Contributions sought as a result of development of this site will be discussed at such time as a planning application comes forward. No change is required.

Reporter’s conclusions:

Alford

Settlement Features

1. A representee has objected to site R4 (which I note will be changed to R3) being reserved for additional car parking to serve the community hall, on the basis that there is already adequate car parking provision within a short walk of the hall. The representee has suggested that greater benefits would be had from the site being used as a public open space.

2. I acknowledge that the public car park to the north of Main Street is relatively substantial, and its central location is conveniently located for most users to easily access the hall and other local services and amenities. However, I note that during public engagement, parking was identified as a particular problem by a large number of respondents, with the main focus of the problem occurring on Kingsford Road and Greystone Road.

3. I am unable to safely conclude from submissions whether such problems could be resolved by preventing car parking in unsuitable locations (by using yellow lines for instance) or whether there may be a wider issue regarding the adequacy or capacity of car parking provision. On balance I consider it is appropriate for the plan to respond to this issue by reserving land for an additional car park, given the strength of community opinion on this matter, but I find that any additional car parking should be permitted only if it is demonstrated that this would be (or be part of) the most appropriate solution to the problems identified. I have recommended a modification to reflect this.
Services and Infrastructure

4. The local medical practice has requested that developer contributions be sought for renovation as well as extension to its premises. The planning authority has stated that it considers an extension would be the most appropriate means of accommodating additional patients. I agree that developer contributions could only be used to create additional capacity and not general ‘improvements’, but I see no reason why alterations to the premises should be precluded if these were made to provide additional capacity. I therefore recommend a modification to the wording in order to clarify the purpose of any such contributions.

OP1 School Campus Site

5. Concern has been raised by a representee regarding the reference to “industrial land uses” in the development brief for the site. In response the planning authority has proposed to amend this reference to “business uses”. I consider this modification improves clarity and removes any inference that uses incompatible with adjacent residential properties may be supported on the allocated site. For the avoidance of doubt I have recommended this modification be made. It is desirable for a range and choice of sites to be identified in the plan for business uses, and this site would make a modest but important contribution in this regard, despite there being some limitations to the range of such uses that may be appropriate in this location.

6. The representee has requested that residential development be of a low density, and that any proposed community uses should not compromise residential amenity. I consider that these are matters that are more appropriately considered through the development management process as detailed proposals emerge. Policy P1 of the proposed plan establishes principles for all development, and the provisions of this policy are adequate to require matters relating to density and amenity to be satisfactorily addressed. The allocation would not preclude the suggested creation of a community garden, but there would be insufficient basis for me to include this as a requirement of development in the plan.

OP4 Land and Kingsford Road

7. As no reasons have been given by the representee who has requested the site’s removal from the plan, there is no justification for me to recommend such a modification.

Bid site MA034

8. This bid site would accommodate in the region of 140 dwellings together with open space provision. Bearing in mind the conclusions from Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. There is no imperative to identify further sites however given there is a sufficient effective housing land supply.

9. Notwithstanding the ribbon development which has taken place along the north side of the A944 Aberdeen Road, development of this site would constitute a substantial eastward extension to the town. The site is visually prominent but I do not consider that the site should be deemed unsuitable in principle on this basis; sensitive siting, design and landscaping may be capable of satisfactorily mitigating potential adverse impacts.
upon the town’s landscape setting.

10. However, in order to achieve a satisfactory relationship with the town, intervening land (bid site MA036) would need to be developed. Alford is within the ‘local growth and diversification’ areas where levels of growth should reflect local needs, as specified by paragraph 3.43 of the strategic plan. I consider that allocating bid site MA034 would allow for growth of the town that would be of a strategic rather than local scale. As the site’s ability to establish a satisfactory relationship with the town is reliant upon bid site MA036 also coming forwards at the same time or beforehand, the cumulative effect would result in an even greater quantum of development taking place. On this basis, the allocation of bid site MA034 would be inconsistent with the strategy of the local development plan due to its scale and location and its inclusion is not justified at this time.

Bid site MA036

11. This bid site has capacity for approximately 60 homes. It relates well to recent residential development at Wellheads and this site offers the potential for a logical, proportionate extension to Alford without giving rise to any significant impacts upon the character or appearance of the approach to the town, or its landscape setting in wider views.

12. I note that the site was an officer’s preference in the Main Issues Report, recognising the development potential of the site. I am satisfied that the development would be of an appropriate local scale, having regard to the provisions of the strategic plan referred to above. The site’s promoter has stated there is demand for the development. The site is largely unconstrained, but there is an identified lack of water supply capacity and waste water treatment capacity in Alford. Scottish Water has initiated a growth project and on this basis I am satisfied that this constraint can be addressed.

13. I consider there is a high likelihood that allocating this site would enable additional housing completions during the plan period. I have had regard to the strategic environmental assessment and the Main Issues Report, and there is nothing to indicate to me that this site should not be included. On the basis of this assessment I recommend the site should be allocated for housing. All allocations are accompanied by a development brief in the proposed plan. I have recommended wording for a development brief for this site based on the potential opportunities and issues identified in submissions.

Glenkindie

14. I note that the vision for Glenkindie recognises a need to sustain or increase the primary school roll through "organic growth". Whilst it is a small village, the vision recognises its importance in supporting a community in this sparse rural area, within the rural housing market area. The bid site would accommodate up to 6 dwellings, which I acknowledge would make a modest positive contribution to sustaining the community and local services, including the viability of the Glenkindie Estate.

15. The site was an officer’s preference in the Main Issues Report, on the basis that there would be no significant landscape or environmental effects, it would be of an appropriate scale and would help to sustain the community. No significant constraints to the site’s development were identified. The planning authority has not allocated the site in the proposed plan because policy R2 would allow some additional development in the absence of an allocation, and because planning permission in principle has already been
16. Having regard to the conclusions of Issue 7, I recognise that there is some justification for the inclusion of appropriate additional sites where these could assist in achieving a higher rate of completions over the plan period. In this instance, whilst I acknowledge that policy R2 provides support in principle to small scale housing proposals, it limits proposals to providing a maximum of 3 dwellings. Given the relative fragility of this rural community I consider it would be appropriate to allow a larger development of 6 homes as proposed on this bid site. This would have a greater positive impact upon local services, and a larger development opportunity would provide economies of scale, noting that the development is intended to support Glenkindie Estate.

17. The mature trees along the north boundary of the site adjacent to the road make a positive contribution to the character and amenity of the village and should be retained where possible. It has already been accepted by the planning authority that 3 dwellings could be accommodated on the site, and I have had regard to the submitted tree report. This would need updating to reflect a larger development proposal, and this would offer an opportunity to explore alternative layouts. It may for example be preferable to develop a cul-de-sac arrangement rather than each property having an individual access from the A97, in order to reduce the overall impact upon the row of trees, and potentially also in the interests of road safety. This would be a matter to be considered through the development management process however.

18. From my conclusions above, I consider that this site should be allocated for housing as I am satisfied that it is capable of enabling completions over the plan period, and it would not have unacceptable adverse impacts or raise conflict with other plan policies or with the strategy of the development plan. A structured environmental assessment process has been undertaken and there is evidence that public engagement has taken place (through the site’s identification in the council’s Main Issues Report) and none of this signals any reason why the site is not suitable for inclusion.

Lumsden

OP1 land at Smithy Lane

19. A representee has stated that site OP1 is unsuitable for development due to the nature of the access to the site, lack of services in the village, poor public transport and sewerage capacity issues. The representee has also referred to the loss of view from their property but this is not a material consideration and so this matter has had no bearing on my assessment.

20. The planning authority has commented that the proposed development would not have an impact upon services to the extent that developer contributions would be required. My understanding of the representee’s concern is not whether local services have adequate capacity, but whether there are sufficient local services to justify an allocation for 30 homes in this location. I consider additional development in Lumsden would make a positive contribution to the viability of local services and facilities, which would be beneficial to the local community. Whilst the services provided in Lumsden are limited, I consider the allocation would represent an appropriate scale of growth for the village. The representee has referred to the falling school roll. Additional residential development would be likely to contribute to the school roll at the local primary school, which is in line with the vision for the village. The limited capacity of the waste water
treatment works is referred to in the settlement statement, which states that capacity would be addressed through a Scottish Water growth project.

21. Access is clearly restricted and the difficulties this presents are acknowledged by the development brief. It is not clear whether a satisfactory vehicular access would be achievable. Providing an access directly from the A97 would require additional land to the south of the OP1 site, and I have no evidence to indicate that this land would be available for this purpose. On balance, I consider it appropriate to retain the allocation at this time, given the benefits of development identified above. I acknowledge that the constraints to access may ultimately prevent development of the site, but I am satisfied that there remains some prospect of the site potentially becoming effective during the plan period.

Reporters recommendations:

1. In the ‘Settlement Features’ table for Alford, amend the explanatory text for site R4 as follows:

   “R4 - For potential car parking to be provided if feasible, and if required and justified as part of a traffic management solution to current car parking issues in the locality.”

2. Amend the final bullet point in the ‘Services and Infrastructure’ subheading of the Alford settlement statement as follows:

   “Health facilities: All residential development may be required to contribute to the provision of additional capacity at Alford Medical Practice.”

3. Amend the third paragraph of the Alford site OP1 development brief by replacing “industrial land uses” with “business uses”.

4. Allocate bid site MA036 for 60 homes in Alford. Identify the site as “OP5 - land at Wellheads, east of Castle Road” and amend the Alford Keymap and map 2 accordingly (including a consequential change to the settlement boundary). Insert the following text for the OP5 development brief:

   “This is a newly allocated site. A masterplan is required. Vehicular access should be provided from Castle Road. A landscaping scheme will be required to maintain and enhance the wildlife corridor provided by the burn which runs along the east side of the site, and to provide a robust boundary between the development and countryside.”

5. Make consequential amendments to table 1 and table 7 of appendix 5 to reflect allocation OP5 in Alford referred to above.

6. Allocate bid site MA029 for 6 homes in Glenkindie. Identify the site as “OP1 – land to the west of Glenkindie Bowling Club” and amend the Glenkindie settlement map accordingly (including a consequential change to the settlement boundary). Insert the following text for the OP1 development brief:

   “This is a newly allocated site. Development will be expected to be sympathetic to the rural character of the village. Planning permission in principle has previously been granted for 3 dwellings on part of this site. An updated tree survey will be required and development should seek to retain the row of mature trees along the north boundary of
the site. An updated flood risk assessment may be required.”

7. Make consequential amendments to table 1 and table 7 of appendix 5 to reflect allocation OP1 in Glenkindie referred to above.
<table>
<thead>
<tr>
<th>Issue 71</th>
<th>RHMA South Marr (North Deeside) – Logie Coldstone and Tarland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Marr 57 Appendix 8, Page Marr 74</td>
</tr>
</tbody>
</table>

**Body or person(s) submitting a representation raising the issue (including reference number):**

- **Logie Coldstone**
  - Graeme Massie (168)
  - Matthew Merchant Chartered Architect (173)
  - Scottish Natural Heritage (656)

- **Tarland**
  - Alistair Grant (20)
  - The MacRobert Trust (152)
  - NHS Grampian (610)
  - Scottish Natural Heritage (656)

**Provision of the Development Plan to which the issue relates:**

Settlement vision, infrastructure and opportunities

**Planning Authority’s summary of the representation(s):**

**Logie Coldstone**

**Vision**

The existing allocation does little to promote economic growth in the settlement. Objection has been raised on the basis that the Settlement Statement makes no reference to the employment contribution made by Cairngorm Lodges Tourist accommodation (173).

**Natural and Historic Environment**

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Logie Coldstone may require an appropriate assessment.

**Allocated Site**

**OP1 Land adjacent to Diamond Jubilee Hall**

Support for site OP1 has been expressed with no modification required for Logie Coldstone (168).

Site OP1 has potential connectivity to the River Dee SAC if linked by drainage. The inclusion of suggested wording, “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC”, would
demonstrate an explicit requirement of relevant site specific mitigation that will allow SNH to conclude that there will be no adverse effect on the integrity of the River Dee SAC (656).

Additional Site

New Site Land south of Logie Coldstone

A site to the south of the village is promoted by one respondent (173) and was given preferred bidder status in the Main Issues Report (MIR) 2009 (site M75) (see MIR 2009, Marr Settlements, page 29). The site currently has 5 lodges (known as Cairngorm Lodges) but is believed to have capacity for up to 30 lodges. The respondent argues that further development of the site through a formal allocation within the LDP for the development of 30 holiday lodges to be established using off-site enabling development funding (see Schedule 4 Issue 72 RHMA South Marr (Central Deeside) Kincardine O’Neil, Lumphanan and Torphins) would provide further jobs, opportunity, and help to make the community sustainable. The site at Logie Coldstone should be allocated for 30 holiday lodges.

Tarland

Natural and Historic Environment

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Tarland may require an appropriate assessment.

Flood Risk

There is a typo under bullet 2. “Park” should read “Part”. (152).

Services and Infrastructure

There is no reference to healthcare contributions. Contributions towards Aboyne should be required (610).

Allocated Sites

OP1 Glendeskry

Burnside Road is identified as a flood risk area by SEPA and despite flood alleviation efforts, flooding still occurs (see SEPA Flood Maps, unreferenced). Site OP1 also continues to flood. The respondent is concerned that development of the site will increase runoff and flooding from the burn and this should be recognised in the development brief for the site (20).

Site OP1 has potential connectivity to the River Dee SAC if linked by drainage. The inclusion of suggested wording, “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC”, would demonstrate an explicit requirement of relevant site specific mitigation that will allow SNH to conclude that there will be no adverse effect on the integrity of the River Dee SAC (656).
There is a typo within the development brief. “Visiability” should read “visibility” (152).

**OP2 Land adjacent to Alastrean House**

Respondent (152) does not feel that a Transport Assessment is necessary for a development of up to 10 houses and that this requirement should be removed.

**OP3 Village Farm**

Full planning permission is currently in place for 36 dwellings (see APP/2011/4027 Decision Notice). The allocation should be amended from “up to 24 homes” to “36 homes” to avoid any problems should this planning permission require to be renewed. It is acknowledged elsewhere in the Local Development Plan that the allocated numbers are the maximum and it would be appropriate to amend this (152).

The boundary of site OP3 should be amended to align with the approved consent (152).

**Modifications sought by those submitting representations:**

**Logie Coldstone**

**Vision**

Amend the Vision to recognise the contribution made by Cairngorm Lodges to the village (173).

**Natural and Historic Environment**

Add a Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

**Allocated Sites**

**OP1 Land adjacent to Diamond Jubilee Hall**

Add “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC” to site OP1 development brief (656).

**Additional Site**

Allocate site for 30 holiday lodges to the LDP (173).

**Tarland**

**Natural and Historic Environment**

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).
Flood Risk

Amend typo in Flood Risk section, bullet two (152).

Services and Infrastructure

Add Health facilities to the Services and Infrastructure Section to state that development must contribution towards Aboyne (610).

Allocated Sites

OP1 Glendeskry

Add wording to the Tarland Settlement Statement to state that a Flood Risk Assessment may be required for site OP1 (20).

Add “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC” to site OP1 development brief (656).

Amend typo within development brief for site OP1 (658, 152).

OP2 Land adjacent to Alastrean House

Delete reference to a transport assessment being required for site OP2 (152).

OP3 Village Farm

Amend the area covered by site OP3 to reflect that granted consent under APP/2011/4027 and amend capacity to “36 homes” to reflect the revised area and the planning permission (159).

Summary of responses (including reasons) by Planning Authority:

Logie Coldstone

Logie Coldstone is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Logie Coldstone Settlement Statement which was published in support of the 2012 Local Development Plan (LDP) (see LDP 2012, Supplementary Guidance Volume I: Logie Coldstone). The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013, Appendix Marr, page 58-60 and the subsequent MIR 2013, Issues and Actions Paper 184: Logie Coldstone).

Vision

It is not considered appropriate for the Vision for Logie Coldstone to recognise the economic contribution of a single company or service provider. No change is required.
### Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

### Allocated Site

**OP1 Land adjacent to Diamond Jubilee Hall**

As a non-notifiable modification wording should be added to the development brief to read: “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

### Alternative Site

**New Site Land south of Logie Coldstone**

The site referred to was included in the 2009 MIR as a preferred site for development (MIR 2009 site reference - M75) (see MIR 2009, Marr Settlements, page 29). The proposed development was for a holiday chalet development. Assessment concluded that while 30 chalets would create local employment opportunities, the community might feel the loss of an amenity as the proposed site is 10.5 hectares in area. Following the MIR consultation the site was not taken forward as part of the proposed LDP and subsequently received no objections at the Examination (see Directorate of Planning and Environmental Appeals Report to Aberdeenshire Council, 9 March 2012, page 880, Issue 152: Logie Coldstone).

Part of the M75 bid site received full planning permission on 24 May 2010 for the erection of 4 self-catering chalets (see APP/2009/4017 Decision Notice). It should be noted that Policy R2 Housing and Business Development Elsewhere in the Countryside would permit the development of a small scale employment proposal (development of a chalet complex) to achieve the developers objectives.

The remaining undeveloped part of the site was not submitted when bid sites were invited for the 2016 LDP which closed in April 2013. Planning Circular 6/2013 Development Planning, paragraph 64 encourages promoters of sites to respond positively to Authorities who run a “call for sites” and to provide necessary evidence to justify inclusion of their site as a preferred option at the MIR stage. The site was not subject to public scrutiny as part of the MIR nor is Aberdeenshire Council aware of any community engagement exercise being undertaken. Additionally, no comments were received in response to the MIR seeking alternatives sites other than those included as bid sites be considered (see MIR 2013, Issues and Actions Paper 184: Logie Coldstone).

It would, therefore, be inappropriate to allocate a site which has not been subject to meaningful consultation as outlined by Planning Circular 6/2013 Development Planning, paragraph 21. Additionally, as noted above Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy identifies that there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area.
There is no need to allocate any additional sites in Logie Coldstone. No change is required.

Tarland

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Flood Risk

A minor technical change will be made to correct the typo under the second bullet point should be corrected to read “Part”.

Services and Infrastructure

Health facilities provision have been agreed between NHS Grampian and Aberdeenshire Council. NHS Grampian had previously stated that, “Aboyne Practice has taken this [Tarland] on but there is sufficient capacity at present so no requirement for contributions” (see NHS contributions – Settlement Statements, Minutes of Meeting, 7 January 2015). The representation from NHS Grampian seeks to amend this position. As a non-notifiable modification wording should be added to read: “All residential development must contribute to an extension to Aboyne Health Centre.” This wording is in line with wording for other settlements within the Aboyne Health Centre catchment. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

As a result of a non-notifiable modification to the Settlement Statement for Banchory (see Schedule 4 Issue 67 Banchory), a minor technical change will be made to amend the Tarland Settlement Statement to read: “Waste and recycling: All development must contribute to a household waste and recycling centre in Aboyne” with “and in Banchory” being deleted.

Allocated Sites

OP1 Glendeskry

The Settlement Statement notes under the Flood Risk section that site OP1 is located adjacent to SEPA’s indicative 1 in 200 year flood risk area and has small watercourses adjacent to the site. SEPA’s response to the Main Issues Report (MIR) did state that the site has experienced historic flooding and that a Flood Risk Assessment would be required (see MIR 2013, Issues and Actions: 192 Tarland). Although there is commentary under the Flood Risk section, a non-notifiable modification will be made to include wording within the development brief for site OP1 to state that a Flood Risk Assessment may be required. This approach is consistent with that proposed in Schedule 4 Issue 16: The settlement Statements.

As a non-notifiable modification wording should be added to the development brief to read “A construction method statement will be required to take account of the potential impacts
of the qualifying interests of the River Dee SAC.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

A minor technical change will be made to correct the typo under the second paragraph to read “visibility”.

OP2 Land adjacent to Alastrean House

Aberdeenshire Council’s Supporting Information Checklist (page 6) states that a Transport Assessment will be required as part of any planning application where the development or redevelopment is likely to have significant transport implications, no matter the size. Promoting good practice, Aberdeenshire Council would encourage any developer taking forward the OP2 site to engage in pre-application discussion with the Authority in order to establish the full scope of any proposal to determine if and to what extent a Transport Assessment may be required. The wording of the development brief is not considered to prejudice delivery of the site or what might be required to determine a subsequent planning application for the site. No change is required.

OP3 Village Farm

The Report of Handling associated with the approved planning consent for application APP/2011/4027 states that the applicant had satisfactorily demonstrated that 36 houses could be adequately accommodated, with ample provision left for usable garden space and both informal and formal open space (see Report of Handling, page 7). This has been achieved by decanting open space off-site into the P3 landscape buffer area, effectively increasing the size of the development site by 1.5ha over that shown in the LDP 2012. A valid consent from Tarland Development Group for a community garden on the P3 site has been approved and implemented (see APP/2012/3678 Decision Notice).

This advice relates to a site first allocated in 2006 before the full implications of a plan led system were adopted and a cap was placed on development sites to ensure infrastructure providers had an accurate picture of the likely number of homes to be provided and avoid potentially misleading communities who may not accept a scale of development in the plan, but not accept a much denser development (in this case an increase in density of 33%).

Re-designation of the OP3 site to 36 houses would require that the site boundary be expanded to include the P3 site so as to avoid over-development of the site. The approach taken by the Marr Area Committee to accept that a minor departure was appropriate in the context of the specific application and a specific proposal would be a reasonable alternative approach to take. No change is required.

Reporter’s conclusions:

Logie Coldstone

Vision

1. I find the vision makes a positive statement regarding priorities for the village. I agree with the planning authority that, in this instance, it would not be appropriate for the plan to make specific reference to an individual business and its current or intended economic contribution. I consider that such a reference would only be justified if the retention or
expansion of a specific business would be critical to achieving or maintaining the viability and sustainability of the community. No substantive evidence has been provided to indicate that this would be the case in Logie Coldstone, and I note that, at present, the holiday lodges business which is the subject of the representation is of a modest scale. I do not find the vision to be deficient.

Natural and Historic Environment

2. I note the planning authority propose to include text referring to the River Dee Special Area of Conservation (SAC), to reflect the request of Scottish Natural Heritage (SNH). Given the importance of this designation and its proximity to the village I endorse adding this reference. For the avoidance of doubt I have recommended a modification to this effect.

OP1 Land adjacent to Diamond Jubilee Hall

3. SNH have requested specific reference be made to the requirement for proposals on this site to be accompanied by a construction method statement, to ensure the conservation interests of the River Dee SAC are safeguarded. I note the planning authority has proposed this modification. As this would be a clear requirement for any development on the site, I consider this modification is justified and accordingly I have also recommended this modification, again for the avoidance of doubt.

New Site Land south of Logie Coldstone

4. This site was put forward at a relatively advanced stage of the plan’s preparation. Consequently a structured environmental assessment process has not been undertaken. Nor is there evidence of public engagement, contrary to paragraph 118 of Circular 6/2013 ‘Development Planning’. I am therefore unable to adequately assess the possible implications of the proposed intensification of the established holiday park. In these circumstances there is no basis upon which the inclusion of this site could be justified. Proposals on the site could nevertheless be progressed as a planning application, having particular regard to the provisions of plan policy R2.

Tarland

Natural and Historic Environment

5. Given that Tarland is situated in close proximity to the River Dee SAC, SNH have requested that this be acknowledged in the settlement statement. I note that the planning authority has proposed to make an amendment to this effect. It is appropriate that the SAC is identified as a relevant consideration for development in the village, and accordingly I have recommended this modification be made.

Flood risk

6. The correction of the typo identified by a representee is appropriate and I have recommended this modification be made, for the avoidance of doubt.

Services and Infrastructure

7. The planning authority has explained that NHS Grampian’s position regarding the
capacity of health facilities has changed during the course of the plan’s preparation, which I acknowledge. Having regard to Issue 15 and the consequent recommendation 8, it has been concluded that whilst it may be appropriate to seek contributions for healthcare provision, this should be considered on a case by case basis. I have therefore recommended a modification based on that proposed by the planning authority, to identify that developer contributions may be required towards healthcare provision in Aboyne, but which provides flexibility to consider whether such a contribution would be justified at the time of determining individual planning applications.

8. I note that the planning authority intends to remove the requirement for developer contributions in relation to waste and recycling facilities. As this amendment does not relate to any representations made in regard to this Issue, this is a matter for the planning authority to address and is not a matter for the examination to consider.

OP1 Glendeskry

9. A representee has highlighted that the site is at risk of flooding, and has raised concern that development of the site would exacerbate this problem elsewhere due to increased run-off and reduced floodwater storage capacity. This flood risk issue is addressed by recommendation 122 of Issue 15.

10. Scottish Natural Heritage has requested that wording be added to the development brief to identify the need for a construction method statement, in order to take account of the site’s hydrological links and proximity to the River Dee SAC. This would be consistent with the approach taken for other similar sites and I recommend this modification be made.

11. A representee has identified a typo in the development brief which requires correction. This has been added to the list of recommended modifications for the avoidance of doubt.

OP2 Land adjacent to Alastrean House

12. The site’s promoter has questioned why the development brief states that a transport assessment may be required for a development of up to 10 dwellings, and has requested that this requirement be removed. This reference does appear to be inconsistent with other development briefs both in Tarland and elsewhere. For example, site OP1 in Tarland is allocated for up to 50 homes and 1ha of employment land but the development brief does not require a transport assessment despite the scale of development being several orders of magnitude greater than that proposed at site OP2.

13. The planning authority has not stated why site OP2 would be particularly likely to require a transport assessment. Given that it is a relatively modest allocation and for consistency I consider it would be appropriate for this reference to be removed. In making this recommendation, I acknowledge that the planning authority retains discretion to require a transport assessment to accompany any subsequent planning application on this or any other site, should it consider this to be necessary having reviewed the specifics of a proposal.

OP3 Village Farm

14. It has already been demonstrated that the site is capable of satisfactorily
accommodating 36 dwellings. In order to provide sufficient open space, land has already been provided immediately to the west of the allocated site and this is now in use as a community garden. That area is safeguarded by protected land designation P3.

15. As the site has already been granted planning permission for a 36 dwelling scheme, I am not persuaded by the planning authority’s argument that increasing the allocation may result in the community having been misled. Conversely, I consider that continuing to state that the site is allocated for 24 homes, when planning permission is already in place for 36 homes, is likely to give rise to greater potential for misunderstanding locally. I do not see why the allocated site would need to be expanded to incorporate site P3 in order to avoid over-development. The development brief could instead make clear that site P3 contributes to the open space requirement for site OP3.

16. On the basis of the above assessment I consider it appropriate and justified for modifications to be made, so the allocation more accurately reflects development principles that have already been established for the site. In making this amendment a consequential amendment to the affordable housing requirement referred to in the development brief is also necessary. I recommend the affordable housing requirement of 25% as set out in policy H2 also be reflected in the revised development brief. I recognise that this would not apply to the current planning permission but would be relevant should an alternative proposal be sought.

**Reporter’s recommendations:**

1. After the Logie Coldstone vision statement, Insert the subheading “Natural and Historic Environment” and the following text:

“The River Dee Special Area of Conservation (SAC), which includes all tributaries leading to the River Dee, is situated in close proximity to the village.”

2. Add the following text to the Logie Coldstone site OP1 development brief, to immediately follow “A drainage impact assessment will be required.”:

“A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee Special Area of Conservation (SAC).”

3. In the Tarland settlement statement add the following sentence under the “Natural and Historic Environment” subheading before the existing text:

“The River Dee Special Area of Conservation (SAC), which includes all tributaries leading to the River Dee, is situated in close proximity to the village.”

4. In the Tarland settlement statement, at the beginning of the second bullet point under the “Flood Risk” subheading, replace “Park” with “Part”.

5. In the Tarland settlement statement add an additional bullet point under the “Services and Infrastructure” subheading as follows:

“Health facilities: All residential development may be required to contribute to an extension to Aboyne Health Centre.”
6. Insert the following additional paragraph after the second paragraph of the Tarland OP1 development brief:

“A flood risk assessment is required. A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee Special Area of Conservation (SAC).”

7. In the Tarland OP1 development brief, correct the typo in the second paragraph to read “visibility”.

8. Delete the third sentence of the Tarland site OP2 development brief which reads “A Transport Assessment may be required.”

9. Amend the Tarland OP3 allocation by replacing “up to 24 homes” with “36 homes”. Make consequential amendments to table 1 and table 7 of Appendix 5.

10. Replace the Tarland OP3 development brief with the following text:

“The site was previously allocated as site EH1 in the 2012 LDP. Full planning permission for 36 dwellings has been approved. The full extent of the adjacent P3 protected land designation contributes towards meeting the open space provision requirements of development of this site. In accordance with policy H2, 25% of the homes should be affordable. These should be integrated into the design of the development which should include a range of detached and semi-detached houses.”
Body or person(s) submitting a representation raising the issue (including reference number):

Kincardine O'Neil
Kincardine Estate (63)
Kincardine O'Neil Village Hall Committee (461)
Scottish Natural Heritage (656)
Timothy Stone (690)

Lumphanan
Isobel Robertson (141)
NHS Grampian (610)

Torphins
Matthew Merchant Chartered Architect (173)
Graham Homes Limited (184)
Scottish Natural Heritage (656)
Learney Estates (695)

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority's summary of the representation(s):

Kincardine O'Neil

Natural and Historic Environment

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Kincardine O'Neil may require an appropriate assessment.

Settlement Features

Respondents (63, 690) suggest changing the description of site P1 to allow for greater flexibility should a better alternative site be identified. P1 should read “to preserve the playing field unless/until such time as a better alternative is identified and provided”.

Respondents (461, 690) suggest that the current description for site P2 is too restrictive and that the likely site for a new hall would be in the area now occupied by the public toilets and the tennis court. There is support from within the community to proceed with
the new hall proposals. The tennis court is now in a very poor state of repair and health and safety concerns have led to the decision being taken not to erect the net during the 2014 and 2015 seasons. It should be left up to the community to decide, in due course, whether a tennis court in a different location is a priority or not. For the purpose of the Local Development Plan it is sufficient for the area covered by the Bowling Club, the tennis court, village hall and car park to be retained for recreational use and leave it to the community to decide what the priorities for recreational use in this space are. Respondent (63) requests the wording is amended to read “to retain the area for delivery of community facilities”.

Lumphanan

Settlement Features

Respondent (141) raises concern over the possible change of use of the village park. The park is of extreme value to the community. No specific modification is sought.

Services and Infrastructure

There is no reference to healthcare contributions. Contributions should be required towards Torphins Health and Resource Centre (610).

Torphins

Natural and Historic Environment

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Torphins may require an appropriate assessment.

Allocated Site

OP1 Station Garage

Site OP1 has potential connectivity to the River Dee SAC if linked by drainage. The inclusion of suggested wording, “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC”, would demonstrate an explicit requirement of relevant site specific mitigation that will allow SNH to conclude that there will be no adverse effect on the integrity of the River Dee SAC (656).

Additional Sites

Bid Site MA005

Bid site MA005 for 50 houses should be allocated within the Local Development Plan (LDP). The site is strategically located to accommodate housing and would have minimal impact on the setting of the village. The development of the site would further address concerns that development of the settlement is disjoined and following a ribbon development pattern. This site would be self-contained and provide for natural growth of the village, avoiding the need for further development along the road corridors (184).
Bid Site MA038

Bid site MA038 for 22 houses should be allocated within the LDP. This site would enable development to take place in Logie Coldstone (see Schedule 4 Issue 71 RHMA South Marr (North Deeside), Logie Coldstone). The respondent disagrees with the reasons provided in the MIR for discounting the site as a preferred option. The site has limited landscape and biodiversity value. Visual impact from the A980 would be mitigated through good design and planning. In terms of connectivity, the LDP recognises the village has a disjointed development pattern, but the bid site would provide depth and substance to the already existing ribbon development. The respondent suggests that the site would not lead to car dependency and would be accessible by public transport. This site would be high quality, low density development and complement existing housing and provide affordable rented homes (173).

Bid Site MA056

Bid site MA056 for 54 houses and potential commercial land should be allocated within the LDP. To accompany the representation an updated SWOT analysis has been provided. This concludes that the site has excellent access via the Beltie Road and is located immediately adjacent to the village centre. The SWOT has been used to develop a concept plan with has also been submitted to accompany the representation. The respondent indicates that Torphins has suffered the loss of a number of shops and services in recent years. Additionally there has been limited opportunity for movement within the village. There is a need for more housing, of an appropriate scale, high quality design in a central location. The proposed site would deliver on these requirements. It would also deliver additional community benefits such as a central village square and a circular village walk (695).

Modifications sought by those submitting representations:

Kincardine O’Neil

Natural and Historic Environment

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

Settlement Features

Amend P1 to read “to preserve the playing field unless/until such time as a better alternative is identified and provided” (63, 690).

Amend P2 to read “to retain the area identified on the map for the delivery of community facilities of a recreational nature (including the provision of a village hall)” (461, 690).

Amend P2 to read “to retain the area for delivery of community facilities” (63).
<table>
<thead>
<tr>
<th>Lumphanan Services and Infrastructure</th>
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<tbody>
<tr>
<td>Add “Health facilities” to the Services and Infrastructure section to state that development must contribute towards Torphins Health and Resource Centre (610).</td>
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**Summary of response (including reasons) by Planning Authority:**

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<tbody>
<tr>
<td>At the time of writing, Aberdeenshire Council was not aware of any confirmed proposals to relocate the playing fields at P1 or the bowling green / tennis court at P2. In order to avoid any unnecessary uncertainty it is not considered appropriate to amend the description of site P1 or P2. No change is required.</td>
</tr>
</tbody>
</table>
Lumphanan

Settlement Features

There is no proposal to change the current use of the town park. No change is required.

Services and Infrastructure

NHS Grampian has previously made no request that contributions for health facilities be sought through residential development in Lumphanan (see NHS contributions – Settlement Statements, Minutes of Meeting, 7 January 2015). The representation from NHS Grampian seeks to amend this position. As a non-notifiable modification wording should be added to read: “All residential development may require to contribute toward the extension of Torphins Health and Resource Centre.” This wording is in line with wording for other settlements within the Torphins Health and Resource Centre catchment. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Torphins

Torphins is located within the Local Growth and Diversification Area within the Rural Housing Market Area. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) Spatial Strategy identifies that levels of growth in individual settlements within this area should relate to local needs (see SDP, page 22, paragraph 3.43). The proposed land allocations are essentially unchanged from the Torphins Settlement Statement which was published in support of the 2012 Local Development Plan (LDP) (see LDP 2012, Supplementary Guidance Volume I: Torphins) with the exception of including site OP1 which was previously safeguarded for business use. The proposed allocations were considered in full at the Main Issues Report (MIR) stage (see MIR 2013 Appendix Marr, page 72-75 and the subsequent MIR 2013, Issues and Actions Paper 193: Torphins).

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Services and Infrastructure

As a result of a non-notifiable modification to the Settlement Statement for Banchory (see Schedule 4 Issue 67 Banchory), a minor technical change will be made to delete: “Waste and recycling: All development must contribute to a household waste and recycling centre in Banchory” from the Torphins Settlement Statement.

Allocated Site

OP1 Station Garage

As a non-notifiable modification wording should added to the development brief to read: “A construction method statement will be required to take account of the potential impacts of
the qualifying interests of the River Dee SAC.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Additional Sites

There are several requests for more land to be allocated in Torphins but as demonstrated in the Schedule 4 Issues 7 and 8: Housing Land Supply and Housing Land Supply Spatial Strategy, there is an appropriate and sufficient supply of deliverable housing sites within the Rural Housing Market Area. No additional allocations are required.

Bid Site MA005

This site was not a preferred option at the MIR stage of the process. The site lies within a large area of flood risk and the scale of the proposal was considered to potentially cause a significant impact on the setting of the village (see MIR 2013, Appendix Marr, page 74). A number of comments were received on the site through the MIR (see MIR 2013, Issues and Actions Paper 193: Torphins). The concerns articulated in these papers remain and have not been addressed, namely the potential impact on the setting of the village and the flood risks associated with the Beltie Burn. No change is required.

Bid Site MA038

This site was not a preferred option at the MIR stage of the process (see MIR 2013 Appendix Marr, page 74). The site is currently covered by extensive woodland and is of biodiversity and landscape value. The site does not connect well to Torphins and extends the village disproportionately to the east. A number of objections were received to the site through the MIR largely supporting the Officer’s reasons for not indicating the site as a preferred site.

A number of objections were received to the site through the MIR (see MIR 2013, Issues and amenity and possible traffic impact and road safety were primary concerns amongst respondents. No change is required.

Bid Site MA056

This site was not a preferred option at the Main Issues Report (MIR) stage of the process (see MIR 2013, Appendix Marr, page 74). Although the site relates well to the existing settlement, the scale of the development is likely to result in some landscape impacts on the approach from the north west. Potential impact to the River Dee SAC was also a concern. It is noted that a larger version of the site has previously been proposed and subject to examination. Although the bid site is for a smaller area than previously considered, the scale of the development is still considered likely to have an impact. A number of objections were received to the site through the MIR (see MIR 2013, Issues and Actions Paper: 193 Torphins). The potential loss of biodiversity, landscape and the potential loss of biodiversity, landscape and amenity and possible traffic impact and road safety were primary concerns amongst respondents. No change is required.

Settlement Plan

A minor technical change will be made to amend the settlement boundary to include site R2.
Reporter's conclusions:

Kincardine O'Neil

Natural and Historic Environment

1. The planning authority proposes to include text referring to the River Dee Special Area of Conservation, to reflect the request of Scottish Natural Heritage (SNH). Given the importance of this designation and its proximity to the village I consider adding this reference is justified. For the avoidance of doubt I have recommended a modification to this effect.

Settlement Features

2. The P1 protected land designation reflects the use of the site as a playing field, and safeguards the facility accordingly. Representees have requested that wording be introduced to indicate that it should be protected unless or until an alternative site is provided. Scottish Planning Policy (SPP) paragraph 226 requires that outdoor sport facilities are safeguarded unless specific criteria are satisfied. As there is no evidence of any alternative proposals being progressed I consider it is appropriate for the site to be protected at this time.

3. Should suitable alternative provision be made, policy P5 of the proposed plan (which is consistent with SPP) would allow for alternative uses of the current site to be explored. This negates any need to make the modification requested by representees, as the policy approach is clear should such a scenario arise in the future.

4. In regard to site P2, which is designated to conserve the bowling green and tennis court, representees have stated that the tennis court may be a suitable location for a new village hall, and are concerned that this designation would prejudice such an opportunity. It has also been stated that the tennis courts are in poor condition. I consider the provisions of SPP paragraph 226 and policy P5 are relevant to this issue also. This means that development of the tennis court is not precluded, but a suitable replacement would be required unless evidence was available to demonstrate that the tennis court was no longer required to meet demand in the area. I do not consider that the suggested modification (to protect the site for community uses more generally) is justified, as the basis for the protected land designation is to reflect its current use.

Lumphanan

Settlement Features

5. A representee has raised concern that the park in Lumphanan is proposed to be developed. The planning authority has confirmed that no such proposals exist and on this basis I am satisfied that no modifications are required in this regard.

Services and Infrastructure

6. In response to NHS Grampian identifying a potential need for increased capacity at the health centre in Torphins, to accommodate additional patients arising from future development in Lumphanan, the planning authority has proposed a modification to reflect
this. I acknowledge the importance of ensuring that adequate healthcare capacity is able to be provided to accommodate the additional demand generated by development, but I must also have regard to the findings in Issue 15, and the consequent recommendation 8, which concluded that whilst it may be appropriate to seek contributions for healthcare provision, this should be considered on a case by case basis. I have therefore recommended a modification based on that proposed by the planning authority, to identify that developer contributions may be required towards healthcare provision, but which maintains flexibility to consider whether such a contribution would be justified at the time of determining individual planning applications.

**Torphins**

**Vision**

7. I note that a representee (173) has made specific comments in relation to the vision for Torphins, but which have not been referred to by the planning authority. The representee challenges the vision’s claim that Torphins is “a thriving village”, and states that the number of businesses in the village has declined from over 55 to about 10. The representee has not stated over what timescale this decline has occurred, and no other information has been provided regarding the types of businesses that have been lost or the reasons for this. I can therefore only comment that, in general terms, I am satisfied that Torphins benefits from a good range of services and facilities for a village of its size, which indicates that the village and its community is in relatively good health. Ultimately, I do not consider that there would be any adverse consequences of retaining the reference to a “thriving” village even if it was accepted to be over-stated.

8. The representee has also commented that whilst ribbon development has taken place, this does not mean that development is “disjointed” as stated in the vision. Ribbon development is principally evident along Beltie Road and Craigmyle Road. In regard to Craigmyle Road I consider this can reasonably be described as disjointed, with development continuing beyond the settlement boundary beyond a small area of intervening woodland. The representee has also commented on which buildings are of architectural merit, which I have noted.

9. A shortfall of affordable housing in the area is noted by the representee. No change to the vision has been requested however, and I am satisfied that requirements for affordable housing provision is appropriately addressed by policy H2 of the plan. Overall, I find that the vision for Torphins is appropriate and there is insufficient justification to recommend any modifications.

**Natural and Historic Environment**

10. Torphins is in close proximity to the River Dee Special Area of Conservation. SNH have a requested this be reflected in the settlement statement. The planning authority is agreeable to this and I consider a modification to this effect to be justified, given the importance and sensitivity of the designation, and to ensure consistency between settlement statements (for instance, Kincardine O’Neil referred to above).

**Services and Infrastructure**

11. A consequential amendment arising from Issue 67 is proposed by the planning authority, to delete the requirement for developer contributions towards a household waste
OP1 Station Garage

12. SNH has requested that the development brief for this site requires a construction method statement to take account of the nearby River Dee Special Area of Conservation. The planning authority has proposed a modification in line with this request. As this information would be required to accompany any future proposal on the site, this modification is justified.

Bid site MA005

13. Bearing in mind the conclusions from Issue 7 I recognise that there is some justification for the inclusion of appropriate additional sites, where these could assist in achieving a higher rate of completions over the plan period. Torphins is in a ‘local growth and diversification area’, meaning growth of settlements should relate to local needs, as set out in paragraph 3.43 of the strategic plan.

14. A substantial proportion of the site is identified at high risk of flooding on the Scottish Environment Protection Agency’s flood risk maps, but I acknowledge that the site’s promoter has made clear that no development would be located within such areas of the site. Having regard to this, I am satisfied that flood risk should not be considered as a total constraint to the site’s development.

15. The site’s promoter has indicated that the part of the site which is identified as being at risk of flooding would be used to provide landscaping (with public access) to mitigate the visual impact of development. I am unconvinced that this landscaping would mitigate the impact of development upon the landscape setting of the settlement however in views from the south. In order to avoid the areas at risk of flooding any development would need to be sited on the elevated parts of the site, and views of this would be uninterrupted because any landscaping would be seen below, rather than in front of, new development. There is currently a strong boundary to the settlement on the south side and weakening this would be detrimental to its setting.

16. I am satisfied that the scale of development proposed on the site would be consistent with the provisions of the strategic plan referred to above, and would be proportionate to meeting local housing needs rather than providing for a more strategic level of need. There is no imperative to identify additional sites however, given that in Issue 7 it has been accepted that an adequate supply of effective housing land has been identified. For this site, taking into account all the relevant planning considerations, I do not therefore consider inclusion is justified as this time, as the adverse impacts identified above would outweigh the benefits of any consequent increase in the rate of delivery during the plan period.

Bid site MA038

17. This site comprises an extensive area of woodland, extending eastwards from Torphins. An allocation to allow a low density development of 22 dwellings is sought. Development of this site would further elongate the settlement into the countryside. I acknowledge that ribbon development has already taken place along Craigmyle Road, but
I do not consider this to be a positive feature of Torphins and it is not a pattern of development which is desirable to further reinforce. Much of the site would be relatively remote from the village centre and consequently development would be likely to encourage car dependency.

18. The site is currently densely wooded and whilst I acknowledge that some or all of this may be felled in the future, the landscape impact and change associated with such felling would not be appropriately mitigated by allowing residential development. Even with a comprehensive landscaping and planting scheme, the character of this site would be fundamentally altered by the sporadic presence of 22 dwellings and the requisite domestic curtilages and access roads. There are clear views of the site from the south, southeast and southwest, and I find that a development of the nature proposed would have a significant detrimental impact upon the landscape setting of Torphins, appearing as unchecked sprawl into the countryside.

19. I have not attached weight to the argument that this site should be supported as ‘enabling development’. No substantive evidence to support such a case has been provided. On the basis of the above assessment, and having regard to all relevant planning considerations, the inclusion of this site would not be adequately justified and I do not recommend any modifications to the plan.

Bid site MA056

20. This site relates particularly well to the village centre and it would offer excellent accessibility to established local services. The bid site covers a relatively substantial area of land which is particularly prominent when approaching the village from the northwest along the A980 Beltie Road. The cemetery and hall provide a well-defined boundary to development, and westward views from these locations across the site make a positive contribution to the rural character of the village.

21. Whilst I consider there is some scope to satisfactorily accommodate development within part of the bid site, I find that the scale of the allocation being sought would have a significant visual impact which would diminish the rural character and landscape setting of the village. I have had regard to the concept plans submitted by the site’s promoter, and whilst I am satisfied that a new boundary could be satisfactorily established, the effects of the physical extent of development referred to above would not be mitigated.

22. The scale of development would be appropriate to the settlement’s location within a local growth and diversification area, but on balance I consider the adverse impacts of developing this whole site would outweigh the benefits of any consequent increase in the rate of delivery at this time. This is in the context of there being no overriding need to identify additional housing land during the proposed plan period. I do not consider this allocation to be sufficiently justified on this basis.

**Reporter’s recommendations:**

1. In the Kincardine O’Neil settlement statement add the following sentence under the “Natural and Historic Environment” subheading before the existing text:

“The River Dee Special Area of Conservation (SAC), which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”
2. In the Lumphanan settlement statement add an additional bullet point under the “Services and Infrastructure” subheading to read:

“Health facilities: All residential development may be required to contribute toward the extension of Torphins Health and Resource Centre.”

3. In the Lumphanan settlement statement add a “Natural and Historic Environment” subheading immediately after the vision statement, together with the following text:

“The River Dee Special Area of Conservation (SAC), which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

4. Insert the following text to the Torphins site OP1 development brief between the first and second paragraphs:

“A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee Special Area of Conservation (SAC).”
<table>
<thead>
<tr>
<th>Issue 73</th>
<th>RHMA South Marr (South Deeside) – Aboyne, Finzean and Strachan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Plan reference:</td>
<td>Appendix 8, Page Marr 72 Appendix 8, Page Marr 29 Appendix 8, Page Marr 1</td>
</tr>
<tr>
<td>Reporter:</td>
<td>Christopher Warren</td>
</tr>
</tbody>
</table>

Body or person(s) submitting a representation raising the issue (including reference number):

**Aboyne**  
Andrew Smith (163)  
John & Muriel Harle (172)  
James Rawson (176)  
William Mitchell (200)  
Arthur Knight (214)  
Ken & Diana Montgomery (244)  
Jon Banks (250)  
Mr & Mrs V Hey (264)  
Anna Dignan (353)  
Darrach Wood Residents Association (367)  
Elena Dugina (382)  
Gordon and Linda Hossack (421)  
John McLeman (454)  
Kemsley Green Residents’ Association (460)  
Scottish Natural Heritage (656)  
Simon Blake (660)  
Stephen Massie (661)  

**Finzean**  
Scottish Natural Heritage (656)  

**Strachan**  
Ian Broughton (50)  
Scottish Natural Heritage (656)  

Provision of the Development Plan to which the issue relates:

Settlement vision, infrastructure and opportunities

Planning Authority’s summary of the representation(s):

**Aboyne**

Natural and Historic Environment

SNH (656) recommend that the Natural and Historic Environment section should be amended to clarify the fact that the Tarland Burn, which runs through the settlement, is a component of the River Dee SAC.
Services and Infrastructure

Development will have a detrimental effect on the schools, which are already at capacity (244, 353). Disappointment is expressed that developer contributions towards the local school(s) is for a possible extension rather than an expansion given the likely increase in population as result of housing development (661). There appears to be no commitment to a new primary and/or secondary school (200, 244).

Allocated Sites

OP1 Land to west of Tarland Road

No objection in principle to housing development at site OP1 (214, 382, 660, 661).

Access points and overall traffic plan should be reviewed to avoid the need to have an access point from Balnagowan Drive. Balnagowan Drive is frequently congested and a curvature in the street layout means that it is unsuitable as an access point on the grounds of safety, access, traffic impact and street design (163, 172, 176, 214, 244, 264, 382, 421, 454, 460, 661, 660). Balnagowan Drive would become a thoroughfare to sites OP1/OP2 (244, 454) and a possible increase of 246+ cars would be unacceptable (250, 454). A risk assessment should be carried out concerning access into the site (264).

There had previously been mention of an access point proposed from the south west side of the OP1 site but this has been discounted as the developers do not currently own that access point (unreferenced). This is seen as a weak and poor reason for failing to develop a suitable strategic traffic management plan for the site (214, 382, 660). The developers have failed to take access properly into account, or may have to take commercial steps to secure the necessary access from the west (382). The developers have effectively ignored Aberdeenshire Council's Roads Service which had also identified a need for access from the A93, south west of site OP1 (163). Access to the site via the south/ south west is the sensible and preferred approach to provide a direct access to the site (163, 172, 176, 200, 214, 244, 250, 460). An alternative to access from the main A93 would be a peripheral road with houses on only one site (e.g. to the north) (172).

If OP1 is approved, a requirement for a new primary school must be included in the development (200).

Development of site OP1 must include a “wildlife corridor” adjoining the Deeside Way, the maintenance and renewal of which is enforceable by Aberdeenshire Council (367). The rural character of the Deeside Way should be maintained and preserved as a country walk as opposed to a path going through a residential area (250).

The land allocation does not accord with the approved masterplan. The allocation of site OP1 should be reduced to “Mixed uses including up to 150 homes and employment land” (367).

Planned children’s play areas or parks should be incorporated into the OP1 site as there will be young families moving into the area (250).

OP2 North of Kinord Drive

No objection in principle to housing development at site OP2 (660).
As a result of the impact to school provision, the number of houses allocated at OP2 should be reduced (353).

Objection to the proposed footpath linking to the Deeside Way at site OP2. It should be moved to the already existing pathway by the electrical station (353).

Finzean

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Finzean may require an appropriate assessment.

Strachan

Natural and Historic Environment

SNH (656) suggest that text should be added under the Natural and Historic Environment section which refers to the nearby River Dee Special Area of Conservation (SAC) to highlight potential need for developers and the Planning Service to consider whether a proposal in Strachan may require an appropriate assessment.

Allocated Site

OP1 Land at Gateside Cottage

Site OP1 has potential connectivity to the River Dee SAC if linked by drainage. The inclusion of suggested wording, “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC”, would demonstrate an explicit requirement of relevant site specific mitigation that will allow SNH to conclude that there will be no adverse effect on the integrity of the River Dee SAC (656).

Respondent (50) requests that a pedestrian access between site OP1 and Bowbutts (west) should be incorporated into the development brief for site OP1. This would have the effect of people avoiding the need to walk along the B974, which is narrow and the pavement brings people close to passing traffic. A pedestrian access would also encourage community interaction.

**Modifications sought by those submitting representations:**

Aboyne

Natural and Historic Environment

Amend last sentence under Natural and Historic Environment to “The River Dee and its tributaries, including the Tarland Burn, is also a Special Area of Conservation” (656).

Services and Infrastructure

Amend section to require contributions towards a new, or expanded, Aboyne Primary and/or Aboyne Academy (200, 244, 661).
Allocated Sites

OP1 Land to west of Tarland Road

Review access points for site OP1 so that development avoids the requirement for the use of Balnagowan Drive (163, 172, 176, 214, 244, 264, 382, 421, 454, 460, 661, 660). Access should be from the A93 (163, 172, 176, 200, 214, 244, 250, 460) or a peripheral road with houses only on one site (e.g. to the north) (172).

Add requirement for a primary school to be required from development of site OP1 (200).

Proposals for environmental protection to be linked to a maintenance and renewal programme enforceable by the Council (367).

The wooded area to the southern boundary, which backs on to the Deeside Way should be increased and preserved as a country walk as opposed to a path going through a residential area (250).

Amend the allocation within the development brief to accord with the approved Masterplan to read 'Mixed uses including up to 150 homes and employment land' (367).

Children’s play areas should be incorporated into site OP1 (250).

OP2 North of Kinord Drive

Reduce allocation at site OP2 (353).

Reconsider the proposed location of the footpath link site OP2 to the Deeside Way (353).

Finzean

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

Strachan

Natural and Historic Environment

Add wording to the Natural and Historic Environment section to refer to the nearby River Dee SAC (656).

Allocated Site

OP1 Land at Gateside Cottage

Add “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC” to site OP1 development brief (656).

Include statement in the development brief for site OP1 requiring a pedestrian access between site OP1 and the Bowbutts development to the west of the site (50).
**Summary of responses (including reasons) by Planning Authority:**

**Aboyne**

**Vision**

In order to reflect the School Roll Forecast 2013, Aboyne Community Schools Network, (pages 1 and 2) Network a minor technical change will be made to delete, "Existing allocations may result in a need for further education provision to be considered as part of development proposals" and replace this with "Both Aboyne Primary School and Aboyne Academy are forecast to be over capacity and remain overcapacity during the Plan period. Education provision should be considered as part of development proposals coming forward in the village."

**Natural and Historic Environment**

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the wording should be amended to read: "The River Dee and its tributaries, including the Tarland Burn, is also a Special Area of Conservation". Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

**Services and Infrastructure**

Contributions towards primary and secondary education provision were agreed by Aberdeenshire Council’s Education, Developer Obligations and Planning Policy Teams at a workshop (see extract of Education Baseline Information, 12 November 2014). Contributions sought are a culmination of these discussions and accord with Policy RD1 Providing suitable services and Policy RD2 Developers’ Obligations set out in Section 19 of the Proposed LDP, Supplementary Guidance 7 Developers’ Obligations: Methods of Calculation and the tests of Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements (page 5-8). The Education Baseline information notes, for Aboyne Academy, that no capacity study has been carried out as yet. On paper it may be over capacity, but in practice it might not be. At present there is no plan to enhance capacity but there is the possibility of future reconfiguration of space. Therefore, contributions towards a reconfiguration are sought at this time. An extra classroom accommodating 25-30 pupils is identified as a requirement at Aboyne Primary School and the LDP identifies this. No change is required.

**Allocated Sites**

**OP1 Land to west of Tarland Road**

A masterplan for site OP1 was agreed in 2014 (see Marr Area Committee, minutes, 25 November 2014). The masterplan outlines an initial transport strategy (see Land to West of Castle Park, Aboyne Masterplan, page 14) which outlines that two access points from the eastern boundary of the site will provide vehicular access into the new development, as a continuation of the Castle Park development. From the outset the approved road layout within Castle Park has been designed and built to accommodate development from the OP1 site. Page 15 of the Land to West of Castle Park, Aboyne Masterplan explains how the masterplan evolved over time to its proposed development and discussions held with Aberdeenshire Council’s Road’s Service. The access points and road arrangement
have been fully considered and will be subject to further discussion as the site comes forward for planning permission. No change is required.

Issues of the creation of a managed wetland area and habitat corridors linking managed woodland throughout the site (see Land to West of Castle Park, Aboyne Masterplan, page 17), public open space (which provides scope of open grass areas for play and general amenity) (see Land to West of Castle Park, Aboyne Masterplan, page 18), reinforcement of the wildlife corridor along the Deeside Way with planted indigenous trees and shrubs (see Land to West of Castle Park, Aboyne Masterplan, page 18), and education provision (see Land to West of Castle Park, Aboyne Masterplan, page 22) are all considered in the approved masterplan. Development Management decisions will be made with reference to complying with this masterplan. No change is required.

The Settlement Statement for Aboyne seeks contributions towards community facilities within the Services and Infrastructure Section. Although no designated area for play equipment/play park has been identified in the masterplan for site OP1, the open space provision is considered appropriate to meet the needs of the site once developed. No change is required.

Reduction of the size of the allocation to accord with the approved masterplan would be inappropriate. The current development proposal could be abandoned and a new masterplan proposed that could accommodate the scale of development identified in the proposed plan. At this time the Council expects 164 homes to come forward. No change is required.

OP2 Tarland Road/North of Kinord Drive

Site OP2 is a committed site currently under construction having gained full planning consent for 130 houses in 2010. Given the extent to which the site is completed it is considered unnecessary to modify the plan and as such the modification is not supported. No change is required.

The existing Deeside Way runs adjacent to the southern boundaries of sites OP1 and OP2. The approved masterplan for site OP1 identifies that additional paths created as part of the development will connect to the Deeside Way and provide a range of lengths of walk through differing habitat corridors (see Land to West of Castle Park, Aboyne Masterplan, page 8). The development is not anticipated to result in any deviation of the existing Deeside Way route, but will only provide additional access points to it for residents, particularly in relation to site OP2 which is already under construction. No change is required.

A minor technical change will be made to remove site OP2 from the LDP with the consented area incorporated into the settlement boundary.

Finzean

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council
would not be opposed to the Reporter making this modification, or a variation thereof.

A minor technical change will be made to refer to “Natural and Historic Environment” rather than “Natural and Historic Features” within the settlement statement.

Allocated Site

OP2 Land east of Glendale (Whitestone)

A minor technical change will be made to remove site OP2 from the Local Development Plan with the consented area incorporated into the settlement boundary.

Strachan

Natural and Historic Environment

It is acknowledged that the River Dee SAC, including all tributaries, are included within the designation. As a non-notifiable modification the following wording should be added to read: “The River Dee Special Conservation Area, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

Services and Infrastructure

As a result of a non-notifiable modification to the settlement statement for Banchory (see Schedule 4 Issue 67: Banchory), a minor technical change will be made to delete: “Waste and recycling: All development must contribute to a household waste and recycling centre in Banchory” from the Strachan settlement statement.

A minor technical change will be made to the secondary education point to state, “Secondary education: All residential development must contribute to the provision of additional capacity for secondary education.” This has been updated to reflect the current position with regards to meeting capacity at Banchory Academy and has been confirmed by Aberdeenshire Council’s Learning Estates Team and subsequently agreed by the Marr Area Committee (see emails of 7 August 2015 and 11 November 2015). This is intended to offer flexibility in terms of delivering secondary education provision in Banchory and surrounding catchment.

Allocated Site

OP1 Land at Gateside Cottage

As a non-notifiable modification wording should be added to the development brief to read “A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee SAC.” Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

The whole of the OP1 is currently under consideration by Aberdeenshire Council as part of a planning application for full planning permission to demolish the existing farm buildings and erect of 16 houses (see APP/2015/2137 planning application form). As part of the assessment of that application the Roads Service have noted that the development would benefit from the inclusion of a footpath to Bowbutts Brae in order to improve
pedestrian permeability as promoted by Scottish Government policy statement Designing Streets. However they also note that the existing footway alongside the B974 exceeds minimum footway width standards (see Technical Consultation – Roads Development and email correspondence, 8 July 2015).

As a non-notifiable modification wording should be added to the development brief to read: “A pedestrian access will be required between the site and the Bowbutts development to the west of the site”. Aberdeenshire Council would not be opposed to the Reporter making this modification, or a variation thereof.

**Reporter’s conclusions:**

**Aboyne**

**Vision**

1. I have noted the amendment proposed by the planning authority to reflect the school roll forecast. This is outwith the scope of the examination however as this matter does not relate to any of the unresolved representations.

**Natural and Historic Environment**

2. Scottish Natural Heritage has requested a modification to the settlement statement to acknowledge that Tarland Burn is part of the River Dee Special Area of Conservation. Given the importance and sensitivity of the designation I consider the amendment proposed by the planning authority to be appropriate, and for the avoidance of doubt I have recommended this modification.

**Services and Infrastructure**

3. Representees have raised concern that there is inadequate school capacity to accommodate the additional pupil numbers that would arise from the planned growth of Aboyne, and state that this would be detrimental to the quality of education available. Representees have also questioned why there are no clear plans in place to address this lack of capacity.

4. The proposed plan requires developer contributions towards the extension of Aboyne primary school, in order to provide additional capacity to accommodate the predicted school roll increase arising from development in the town. The situation for Aboyne Academy is less clear however. The planning authority has stated that a capacity study has not been undertaken and it cannot be assumed that inadequate capacity exists. The planning authority has therefore approached the issue by requiring developer contributions for a “reconfiguration” of the academy rather than explicitly to provide additional capacity. Given the school roll forecasts predict the academy will remain over-capacity during the plan period, this is the best available evidence and it strongly indicates that developer contributions towards increasing capacity at the academy would satisfy the policy tests of Circular 3/2012. I therefore recommend a modification to clarify that developer contributions would be required to provide additional secondary education capacity (regardless of whether this would be through reconfiguration or extension).
OP1 Land to west of Tarland Road

5. Numerous representees have objected to the proposed vehicular access arrangements for this site, and in particular the use of Balnagowan Drive as one of two access routes. The planning authority has confirmed that the approved road layout for the Castle Park development (on site OP2) has been designed to provide suitable access for the scale of development anticipated on site OP1. I therefore consider it appropriate for the development brief to make clear that the principal access should be provided via Tarland Road. The layout of the development and traffic management measures could be effective in encouraging the use of Tarland Road over alternative routes. Notwithstanding this, in the absence of any objections from the roads authority and from my site inspection, I consider there is inadequate evidence to conclude that Balnagowan Drive would be unsuitable as a secondary access point.

6. Representees have requested that direct vehicular access to the site should be required from the A93. I understand that the developer does not currently have control of the land necessary to provide this access point. However, I agree with representees that such an access point would be beneficial as it would be likely to reduce the number of vehicular movements on principally residential roads. Whilst it may ultimately be demonstrated that access from the A93 would be undeliverable, it is nevertheless appropriate to expect this to be more fully explored and I have recommended a modification to reflect this.

7. Concerns regarding construction traffic using Balnagowan Drive are noted, but given this would be a short-term issue confined to the construction period this is a matter more appropriately considered through the development management process. If necessary this could be controlled through the use of a planning condition attached to any future consents.

8. Educational capacity issues in Aboyne have already been considered above. The settlement statement recognises the need for all development (which includes any proposals on this allocated site) to contribute towards providing additional capacity at the primary school and academy. A representee has stated that a new primary school should be provided on site OP1. There is no identified requirement for a new school to be provided within the site or elsewhere in Aboyne, so a modification in this regard would be unjustified.

9. Representees have requested that the importance of wildlife corridors, woodland and the Deeside Way should be recognised by the plan. The planning authority has asserted that these matters are addressed by the approved masterplan. However, the masterplan is not a statutory document and potentially subject to change. It is therefore more appropriate for important requirements and principles regarding the site’s development to be explicit in the plan. I note that the masterplan recognises the importance of the issues identified above and on balance I find that a modification is justified to ensure these issues are given due weight.

10. A representee has noted that the masterplan does not appear to propose any children’s play areas or park, which should be required as the development would attract young families. The planning authority has stated that it considers the open space provision identified in the masterplan to be appropriate. I have referred to policy P2 of the proposed plan, which states that “All new developments should be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire
Parks and Open Spaces Strategy...”. Referring to that strategy as required by policy P2, it indicates that for developments of between 50 and 249 dwellings, there is a requirement for between 0 and 1 community play areas.

11. The lack of a play area does not cause any direct conflict with policy P2, and I consider it appropriate for the planning authority to determine whether in this instance a children’s play area should be insisted upon, having regard to the proximity and accessibility of such facilities elsewhere in the town. I do not consider a modification in this regard would be justified, as it would only duplicate requirements already established by policy P2.

12. The site is proposed to be allocated for up to 175 homes and employment land. A representee has requested that this be reduced to 150 homes to reflect the agreed masterplan. I accept the planning authority’s argument that it is plausible that an alternative scheme may be proposed which could satisfactorily accommodate a larger number of dwellings than indicated in the current masterplan. Notwithstanding this, having regard to the conclusions of Issue 7, the capacities of sites set out in the plan should be regarded as indicative in any event. On this basis I do not consider a modification to the stated site capacity is necessary.

OP2 Tarland Road/North of Kinord Drive

13. I acknowledge the concerns expressed by a representee regarding the number of dwellings proposed and the route of a footpath link to the Deeside Way. However, planning permission has already been granted and the site is now under construction and partially complete. A modification to the plan at this stage would therefore have no bearing on the development already taking place, and would be unjustified on this basis. I note the planning authority proposes to remove the allocation from the plan, presumably because it is now under construction, but this is not a matter for the examination to consider as it does not relate to any unresolved representations.

Finzean

Natural and Historic Environment

14. Scottish Natural Heritage has requested that the settlement statement acknowledges the River Dee Special Areas of Conservation which is immediately adjacent to the settlement boundary. The planning authority has confirmed it is agreeable to incorporate appropriate wording to address this. As for other settlements in close proximity to the designation (including Aboyne referred to above), for the same reasons I consider such a modification to be justified. For the avoidance of doubt I have recommended this modification be made.

15. The planning authority has indicated that it intends to amend a subheading in the settlement statement for consistency. It also proposes to remove site OP2 from the plan, which has been developed. Neither of these matters relate to any unresolved representations however, so these are not matters to be considered by the examination.
### Strachan

#### Natural and Historic Environment

16. Strachan is in close proximity to the River Dee Special Area of Conservation and Scottish Natural Heritage has requested that this is reflected in the settlement statement. The planning authority is agreeable and, as above, I consider the inclusion of such a reference would be appropriate. Accordingly I have recommended this modification.

#### Services and Infrastructure

17. The planning authority has proposed to make modifications in regard to requirements for developer contributions for waste and recycling facilities and secondary education capacity. These are consequential amendments arising from Issue 67 rather than unresolved representations regarding the Strachan settlement statement. These are matters for the planning authority rather than the examination.

#### OP1 Land at Gateside Cottage

18. Scottish Natural Heritage has requested that the development brief makes specific reference to the need for a construction method statement to safeguard the River Dee Special Area of Conservation. As this would be a requirement of any development on the site I consider this modification is justified, and I am agreeable to the wording proposed by the planning authority.

19. A representee has requested that a pedestrian link between the site and Bowbutts Brae be required. The planning authority has stated that it is agreeable to this. I note that the footway on the B974 has been assessed to be of an adequate width. However the improved permeability offered by a pedestrian link would assist the development to accord with paragraph 46 of Scottish Planning Policy, which focuses on ease of movement and encourages the provision of “…paths and routes which connect places directly…”. This provides ample justification to recommend this modification is made to the development brief.

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### Reporter’s recommendations:

1. In the Aboyne settlement statement, under the “Natural and Historic Environment” subheading delete “The River Dee is also a Special Area of Conservation” and replace with:

“The River Dee and its tributaries, including the Tarland Burn, is a Special Area of Conservation.

2. Under the “Services and Infrastructure” subheading of the Aboyne settlement statement, amend the third bullet point as follows:

“Secondary education: All residential development must contribute towards providing additional capacity at Aboyne Academy.”

3. After the third paragraph of the Aboyne site OP1 development brief insert the following text:
“The main vehicular access should be via Tarland Road. The development should also seek to provide access for vehicles directly from the A93.”

4. Add the following text after the final paragraph of the Aboyne site OP1 development brief:

“The maintenance and enhancement of wildlife corridors should be integral to the site’s development, and established woodland to the south and west of the site should be retained. The ‘Deeside Way’ core path runs along the southern boundary. The amenity value of this route should be safeguarded and direct links to the core path are required.”

5. In the Finzean settlement statement, under the “Natural and Historic Environment” subheading (as amended) insert the following text before the first sentence:

“The River Dee Special Area of Conservation, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

6. In the Strachan settlement statement add a new “Natural and Historic Environment” subheading after the vision, accompanied by the following text:

“The River Dee Special Area of Conservation, which includes all tributaries leading to the River Dee, is situated in close proximity to the settlement.”

7. After the fifth sentence of the Strachan site OP1 development brief insert the following text:

“A construction method statement will be required to take account of the potential impacts of the qualifying interests of the River Dee Special Area of Conservation.”

8. After the fourth sentence of the Strachan site OP1 development brief insert the following text:

“A pedestrian access will be required between the site and Bowbutts Brae to the west of the site.”