



North Kincardine Rural Community Council

Secretary: Toby Lenehan, Millbank Lodge, Maryculter, Aberdeen, AB12 5FS
Tel: 01224 739843 email: secretary@nrcc.org.uk

Aberdeenshire Local Development Plan
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

29 September 2010

RE: North Kincardine Rural Community Council Representation on Proposed LDP (2010)

Dear Sirs,

North Kincardine Rural Community Council is pleased to provide the following comments and suggestions on the Aberdeenshire Proposed Local Development Plan as part of the consultation process.

INTRODUCTION - PAGE 1

NKRCC appreciates the opportunity to comment on the significant work incorporated into this document and accepts, endorses and agrees with substantial parts of it. NKRCC has spent time considering and debating its content and by necessity commented more substantially where there was disagreement with the document or points to be made on behalf of the community. The community appreciates the process of engagement and hopes that comments will be received positively and in the best possible light.

Para 5 states that this Development Plan ("DP") has taken account of other documents relating to Aberdeenshire and specifically the Housing Strategy and the City and Shire HNDA. NKRCC has previously commented – and we therefore reiterate – that the housing supply figures adopted in the Structure Plan ("SP") do not appear to follow, or to be logically derived, from those documents. The total number of 72,000 houses evenly split between City and Shire is significantly in excess of any projection or extrapolation that can be derived from either Strategic Forecasts, GROS or the HNDA. The local authority's latest and most recent forecasts, similarly do not support the numbers in the SP and as a consequence the LDP provisions for housing have no basis in fact and must therefore be fatally flawed.

FORMAT OF THE PLAN - PAGE 3

In Para 1 it is stated that the Local Authority ‘have taken advantage of the greater weight that can be placed on Supplementary Guidance (“SG”).’ NKRCC accepts that this has indeed happened, and that great emphasis has been placed on SG and all detailed policy being contained therein.

NKRCC strongly objects, however, to the fact that none of the SG will be subject to independent, public scrutiny at an EIP. In fact, after the current consultation, SG will be automatically adopted 28 days after submission to Ministers. The Policy Team’s claim that any future proposed change to SG will be subject to ‘examination’ - insofar as there will be a period of public consultation before its adoption - is disingenuous. As with the present period of SG consultation, the Local Authority will be both judge and jury of what is acceptable and the vital policy detail contained in SG will, once again, not be subject to scrutiny in public by a Reporter.

NKRCC is of course aware that this matter should be raised and pursued through other channels and our representation on SGs will accordingly also be directed to Edinburgh and to our (national) representative body.

VISION AND AIMS - PAGE 4

Section: a Grow and diversify the economy

This paragraph states that a range of sites will.... ‘allow flexibility to cope with uncertainty in the market..’

The selection of Elsick (q.v.) as a major new town settlement will absorb a very high proportion of the requirement for new housing in the area. Such flexibility will therefore have to be provided within Elsick or if there is later uncertainty in the market then the Local Authority will be forced to review its position creating anomalies and uncertainty;

Section: f To make efficient use of the transport network

A single sentence under this heading fails to build on the vision expressed and outlined in the Structure Plan to improve transport in the North East of Scotland. The absence of a good transport infrastructure is widely recognised as adversely affecting the economy of the area and the quality of the lives of its residents. NKRCC strongly supports the clearly expressed views of the community that the DP must state that improvement to public transport and the development of rail services, including Cross-rail, is essential to the success of any DP.

NKRCC supports the view that there should be direct guidance on the Transport Network in the LDP; however, at an absolute minimum there should at least be a specific statement on the need for such improvement in the local area. Currently there is merely a mention (in the Introduction) of the Regional Transport Strategy as a supporting document.

NKRCC also considers that there should be a stated requirement for developers to:

- 1) demonstrate that any new development maximises the use of public transport;
- 2) that they have consulted with the providers of transportation (such as bus companies) on their desire and ability to provide adequate public transport to and from a site;
- 3) that pedestrian and cycling provision with appropriate walkways and cycle paths have been included within the development and can be linked to existing provisions.

That would particularly apply in the case of developments such as Elsick, or any other major housing site which is not actually attached to an existing settlement where there is potentially some provision for the above.

NKRCC considers that these requirements should be included in Policy 9 – Developer Contributions: SG Developer Contributions 2 - Access to new development.

THE SPATIAL STRATEGY - PAGE 6

NKRCC strongly supports the intention, expressed here for the first time in the Plan and repeated subsequently elsewhere in the Plan, that rural development opportunities will be strictly limited and subject to greater control in the Aberdeen Housing Market Area.

NKRCC also wish to urge the drafters of the Plan to afford the terms ‘rural housing market area’, and the ‘Aberdeen housing market area’ their correct capitalised titles throughout the Plan. This would mean that these terms would be clearly defined and therefore commonly understood by the public, developers, local government and central government in the same consistent way. This point is again covered in a separate submission and is, we believe, important. The same would apply to the terms ‘Regeneration Areas’ and ‘Coastal Zones’.

THE POLICIES - PAGE 8

In the second paragraph, where it refers to SG, for greater clarity at the last sentence *‘It contains detailed guidance on dealing with the specifics of any application made to us..’* should ADD.....

‘and forms part of the Policy and have equal statutory force.’

That would clearly differentiate the presently published SG from the ‘other SG’, referred to in the next paragraph and to come into effect at some later stage, which will not have a statutory basis.

POLICY 3 - DEVELOPMENT IN THE COUNTRYSIDE

NKRCC welcomes the formal statement that the Authority will limit development where the effects of countryside development would be too negative and without community benefits and fully supports the different emphasis on restrictions around towns and a more lenient approach elsewhere which we believe accords with national guidelines.

In this Policy NKRCC considers it to be particularly important that the titles and definitions of each area referred to in our comments on Spatial Strategy (above, are correctly observed. In Para 2 the second and third sentences read...

... ‘In more remote rural areas (including areas identified as regeneration priority areas) the greatest need is to promote economic rural development. In accessible areas, close to Aberdeen and around Aberdeenshire’s major towns, there is a greater need to protect the environment.....etc..’

For the avoidance of doubt that section should read.....

... ‘In the Rural Housing Market Area and in some parts of Regeneration Priority Areas, the greatest need is to promote economic rural development. In the Aberdeen Housing Market Area and in accessible areas around Aberdeenshire’s other major towns, there is a greater need to protect the environment.....etc..’

Similarly, in the Policy box itself the statement.....

... ‘We will exercise greater control of development in those areas that are easily accessible to Aberdeen and our major towns. We will promote small-scale development, especially business development, in the less accessible areas..’

should read....

... **'We will exercise greater control of development in the AHMA and areas accessible to our other major towns. We will promote small-scale development, especially business development in the RHMA..'**

NKRCC considers this an important point.

By way of explanation : The Accessible Area in the Main Issues Report was agreed to be the existing AHMA and has a clearly defined boundary, which definition thus also defines the RHMA. The fact that other major towns do not have a definition of their 'accessible areas' is not sufficient reason to introduce vagueness and ambiguity into Aberdeen's 'accessible area'; **THE AREA AROUND ABERDEEN ATTRACTS MAJOR PRESSURE FOR NEW DEVELOPMENT FROM DEVELOPERS AND THERE THE AUTHORITY NEEDS, BY ITS OWN ADMISSION, TO EXERCISE MUCH STRICTER CONTROL.** Therefore a precise definition of exactly what is intended is a requirement. This simple change would provide it.

POLICY 4 - SPECIAL TYPES OF RURAL LAND

Following from our comments on Policy 3, Para 1 of Policy 4 asserts that certain areas cannot be defined precisely... *'and their boundaries are more a matter of judgement..'*, continuing in the next sentence...

... *'Examples of these boundaries include the definition of the boundary between the Aberdeen and rural housing market areas...'*

That is surely wrong. As stated above, there is a precise delineation of the boundary of the AHMA and therefore the RHMA. For the Regeneration Areas and the Coastal Zones, the 'matter of judgement' may be correct, and will indeed allow for policies that can respond to local circumstances, but not for the HMAs.

POLICY 5 - HOUSING LAND SUPPLY

NKRCC will not rehearse here the potential problems associated with it, but we feel bound to reiterate our concerns, previously expressed in responses to both the Structure Plan and the MIR over what we believe to be the overprovision of housing for the City and Shire during the plan period of 72,000 houses. Those numbers were based on the very ambitious 'High Case' scenario, yet here we see, in the first paragraph, that the numbers ... *'allow for better economic performance than the forecasts predict..'* !

That merely reinforces our previous concerns.

POLICY 9 - DEVELOPER CONTRIBUTIONS

As stated in the section above – Visions and Aims, Section f. – we believe that the policy box of Policy 9 should ADD the phrase..... **'especially for provision of public transport facilities..'** when demanding *'fair and reasonable contributions'* from developers. This would serve to give greater force to any requirement expressed in Settlement Statements.

POLICY 10 - ENABLING DEVELOPMENT

Having accepted the principle that much stricter control will be exercised on development in the AHMA and that small-scale economic development will be encouraged in the RHMA, NKRCC believes that Point 2 of the policy box should read.....

... **'or in exceptional cases, the RHMA..'**

as that is clearly the intention of the Policy and its SG.

VOLUME 3C - PROPOSED SUPPLEMENTARY GUIDANCE

SG BUS 4: TOURIST FACILITIES AND ACCOMMODATION

Section B: NKRCC agrees that a period of 12 months is a reasonable timeframe during which attempts to sell should be made; however, both Policy language and Justification are vague and uncertain when it comes to the provision of evidence that... *'the current business is no longer viable..'*

For example it is unclear if 'no longer viable' means that a period of poor turnover would be sufficient evidence. Would this be assessed differently if it were to coincide with a general economic downturn or a season of poor weather? Should this be a known period of continuing losses such as two years? If so, what is a reasonable period over which that might be measured and judged? We suggest that the wording should be more precise. Currently the Policy invites the possibility that a business might be set up which will later fail in order to allow an easy change of use of the premises. NKRCC has no difficulty where a genuine business which has been run over a reasonable period fails and has to close necessitating the sale and perhaps change of use of the premises.

SG RETAIL 2: RETAIL DEVELOPMENT IN THE COUNTRYSIDE

NKRCC broadly supports the provisions of this Policy, but believes that greater precision is needed in the Justification when referring to farm shops.

... *'produced on-site or locally..'* is vague, as is the phrase.... *'goods...imported from elsewhere..'*

The obvious implication is that these goods should be farm produce, but that is not stated and 'elsewhere' could mean, as an extreme example, from a cash-and-carry outlet 50 miles away. In the same vein, should the Justification perhaps quote a rough guideline percentage, i.e. of farm produce as a percentage of total goods on sale?

SG RURAL DEVELOPMENT 1: HOUSING & BUSINESS DEVELOPMENT IN THE COUNTRYSIDE

NKRCC generally supports this Policy – to restrict development in the AHMA and adopt a more relaxed approach in the RHMA, as well as the use of brownfield sites. As with other Policies and SG there is vagueness and uncertainty in the wording and language. It would be helpful for all concerned if the drafting was tighter and more clearly expressed.

The first lines of both Section A and Section B describe something termed '*small-scale*'. Despite a later mention of three houses near existing settlements, guidance as to what is allowable as small scale would be welcome.

Either Policy or Justification should give better guideline such as..... **'around 'x' houses..'** or..... **'up to around 'x' houses..'** or ... **'not more than 'x' houses..'**

This is important as, under the new Scottish Planning System, any development up to 49 houses is classed as a Local Development. 30 or 40 houses added to Portlethen, Banchory or even Drumoak might well be regarded as a Local Development, but in any rural area a proposal to build even 15 or 20 houses on one site would certainly be considered - by either residents or community representative bodies - as being a Major Development .

Justification - ... *'anticipated in certain parts of Aberdeenshire..'* seems a somewhat coy way of saying what is meant and should read.....

..... **'in the AHMA and near other major towns..'**

This would provide consistency with one part of the LDP supporting and confirming other parts.

Justification, Para 2: The general thrust of the paragraph, to restrict development in the Accessible Areas, which is consistent with National Policy, is welcomed and supported by NKRCC. For greater clarity and to add emphasis, we suggest the addition at the end of the paragraph, the following:
... **‘The aim is not to see small settlements lose their identity, nor to suburbanise the countryside..’**

That statement is key; it was used in the original SPP 15 and has been carried over in its entirety to the new SPP of 2010. It makes the scale of development expected in the Accessible Areas very clear. Justification, Para 3 : ... *‘small-scale’* is again left unresolved, with not even an approximation as to numbers as a guideline. In the same paragraph it states *‘larger developments may be considered in exceptional circumstances..’*. Not only does ‘larger’ demand clearer and better definition, so does ‘exceptional circumstances..’. Could examples be provided?

Justification, Para 4 and Para 5: NKRCC welcomes the change of policy which permits the ‘farming retirement’ option and also the new statement that farm buildings of recent origin cannot be converted.

Justification, Para 6: In order to confirm what is written in SG Enabling Development 1, the following should be added to the end of Para 6. After.... *‘may be considered..’* ADD...
.... **‘within the RHMA or Regeneration Priority Areas.’**

Justification, Para 8 and Para 9: NKRCC especially welcomes the relaxation of the previous restrictions, still extant in the current Local Plan, on conversion of steadings and vernacular buildings.

SG RURAL DEVELOPMENT 2: WIND FARMS AND LARGE WIND TURBINES

The extant policy on this subject, Policy INF 7 of ALP, was not one of those listed in the Main Issues Report as a Policy requiring major change. Accordingly, we suggest the following amendments to this SG:

Criterion 2 – should be changed to..... **‘....and railways to a safe distance, greater than the blade tip height of the turbines.’**

Criterion 4 – should be changed to state that.....
.... **‘ the proposal will minimise any adverse impact on the amenity of dwelling houses and their grounds.’**

Criterion 6 – Following current practice, the consideration of cumulative impact should not be restricted to existing sites and those with.... *‘previously granted consent..’*. It should include existing sites, previously granted consents and proposals which are in any stage of scoping or planning.

Justification: This should reinstate INF 7’s requirement that turbines ... **‘should not be located on the ridgeline..’** and sites should **‘minimise skyline silhouettes..’** from viewpoints, inhabited buildings etc. especially where turbine sites are proposed near settlements or close to significant numbers of houses.

Justification – Para 5, beginning... *‘The proposal must..’* has a complete misunderstanding at its core. The distance that houses should ideally be from turbines TO PREVENT SHADOW FLICKER is correctly stated – from Pan 45 – as a minimum of 10 rotor diameters. That separation distance has no connection with the effects of aerodynamic noise nuisance, shadow throw or visual impact on houses or their occupants and residential amenity. The distance needed to alleviate such nuisances is much greater than 10 rotor diameters.

The paragraph should be re-written to make this differentiation clear.

Justification – Para 7, beginning : *‘Wind energy developers..’* We agree that

.... 'Wind energy proposals should not have the potential to be experienced as dominant or overbearing in relation to the site's scale of topography or the intrinsic sensitivity of the location..'

Much more important however is the potential effect on inhabited dwellings and therefore an additional sentence should be added.....

..... '**Similarly, such proposals must not be dominant or overbearing in relation to those houses within 1 ½ km and particularly those nearest the site.**'

Justification – Last paragraph. NKRCC fails to understand the logic or relevance of the statement that the planning authority has been unable to find any sites suitable for wind farms over 20 MW capacity, but will be content to consider applications for such things! It is not the responsibility of the planning authority to find such sites. It would be sensible to omit this paragraph since it otherwise appears that the planning authority has not properly assessed the land use in its area.

SG STRL TYPE 2: GREEN BELT

Criterion 4 : NKRCC strongly supports this clause since it removes restrictions on the conversion etc of vernacular buildings. In addition to that however in the Justification NKRCC believes it should be linked more directly with paragraph 8 of the Justification for SG Rural Development 1 (Housing and Business Development in the Countryside), which covers the conversion etc of vernacular buildings and steadings in respect of footprint etc.

Such linkage would either be by a cross-reference to paragraph 8 in this SG or by reprinting it within the Justification of this SG.

Extent of Green Belt: NKRCC broadly endorses the Green Belt Plan and boundaries as depicted and as delineated, with a single exception. A small extension of the Green Belt in the Portlethen area – taking the boundary further West to protect the setting of the Causey Mounth - was recently proposed and discussed at Kincardine and Mearns Area Committee. It was narrowly defeated in that forum. NKRCC requests that this extension be reconsidered for inclusion in the Green Belt Plan.

SG LSD 9 – HAZARDOUS DEVELOPMENT

Criterion 1 and Criterion 2 : We suggest that after ... '*nuisance..*' in each of these provisions should be inserted... '**including noise nuisance..**'

Justification : It should clarify in some way more exactly what is ... '*unacceptable..*' – the term is rather vague. As the text commits the Council to consulting the HSE and SEPA, those two bodies may give assistance with such an explanation.

SG DEVELOPER CONTRIBUTIONS 3: WASTE AND WASTE WATER DRAINAGE INFRASTRUCTURE

The supply of potable water and the means of dealing with waste and surface water have been identified as constraints on development. The River Dee, a main source of potable water, must be of .. '*good ecological status..*' by 2015 (Euro Directive).

Granted the above,

- a) has the Proposed Plan taken into account the River Basin Management Plan?, and
- b) the SG should more specifically require a developer to show, in the Water Impact Assessment, that development will not adversely affect either the status of any river affected by a development or the existing surface drainage system.

SG DEVELOPER CONTRIBUTIONS 4: WASTE MANAGEMENT REQUIREMENTS FOR NEW DEVELOPMENT

Whilst the policy requires suitable access WITHIN a development for collection vehicles, the SG should also state that developers must provide, at their expense, access TO the site, for these very large vehicles.

SG ENABLING DEVELOPMENT 1

NKRCC supports the requirements of the SG in respect of Section A (Listed Buildings). NKRCC also welcomes the limitation of enabling development for employment start-up (in Section B), to the Regeneration Priority Areas and the RHMA.

SG LANDSCAPE 2: VALUED VIEWS

NKRCC also welcomes the (final) emergence of the list of Valued Views which are worthy of protection and supports its inclusion in the Plan.

SG SAFEGUARDING 8 : AREAS OF SEARCH FOR WASTE FACILITIES

NKRCC considers it is reasonable that such facilities would often be located on Class 5 or Class 6 land, but it would clearly be preferable that any sites envisaged should be identified and listed in this Plan. To that end the SDPA should aim to produce its SG on waste management facilities before the submission of the Proposed Plan to Ministers.

PROPOSED SUPPLEMENTARY GUIDANCE – SETTLEMENT STATEMENTS

KINCARDINESHIRE

ELSICK

Although allocated as a major new settlement, NKRCC still has considerable reservations over the concept on this scale whether at Elsick or at Banchory-Leggart: The community still requires significant persuasion and reassurance from both the developers and the local authority that such a development is in the best interests of the community as a whole and particularly locally.

NKRCC represents input from the community as follows:-

- the extensive infrastructure required could be more easily provided with an extension to Portlethen,
- either Elsick or B-L would be a commuting, dormitory town for Aberdeen, and would not in fact be truly 'stand-alone'
- that if the region's economic development were to fall short of the Structure Plan's optimistic projections, the possibility of an incomplete development is a very real one (especially in the case of Elsick which accounts for nearly 90% of the Portlethen-Stonehaven allocation for Phase 1 and 2 and 17 % of the whole Shire's).

If Elsick is to be developed however there is a strong local opinion that the authority the planning authority should create an 'informal green belt' at the eastern edge of the site. The developer states that the intention is to create – or maintain as it is now – many acres of open, green space there.

The community welcomes that assurance but asks that the planning authority goes one step further. In order to retain the identity of each existing settlement – Newtonhill, Chapelton and Cammachmore – and to maintain the setting of the Causey Mounth, we ask that a sufficiently large area to achieve that be designated as 'Protected' land within the meaning of the LDP.

In thus preventing future development, either as employment land or for housing, the area would remain as 'informal green belt', abutting the official Green belt and achieving the same or similar objectives.

***HOUSING ALLOCATION IN THE PORTLETHEN / STONEHAVEN AREA
FUTURE ALLOCATIONS UNDER THE RURAL DEVELOPMENT POLICY
MAINTENANCE OF URBAN / RURAL DIFFERENTIATION***

Elsick settlement having already been written into the Proposed Plan and accounting for a substantial part of the housing allocation for the Portlethen/Stonehaven area, NKRCC believes that certain things follow from that.

Four Thousand (4,000) houses with related infrastructure such as employment land, schools etc will substantially alter the area to the South-West of Aberdeen and the Bridge of Dee – the 'Green Wedge' of years past. The most significant factor is clearly the scale of housing and the way in which it will affect the need for, and the scale of, any future development in the area which is roughly bounded by the River Dee, the A90, the B 979 and the northern edge of Stonehaven.

Elsick new town, accommodating the majority of the housing allocation up to the year 2023 (and likely to do the same for the years 2024 – 2030), will fulfil the major part of the housing demands of the Structure Plan but also presents the Planning Authority with a golden opportunity to achieve a different, but complementary, aim :

- to protect and promote part of its rural hinterland.

The rural area described above borders on Aberdeen to. As such it has the important function of providing a recreational and leisure area of value to urban dwellers in Aberdeen and Portlethen. That important function is tacitly recognised in the LDP's consistently reiterated aim of restricting development in the Shire's Accessible areas, especially the AHMA. That 'leisure function' and the LDP's aim, are both consistent with the previous SPP 15 (Planning for Rural Development) and the new over-arching SPP of Feb 2010.

The area is within the AHMA, (by the Plan's own definition the 'Accessible Area'), and therefore the area which has the greatest pressure upon it for new housing. The constant threat is that the AHMA will succumb to sporadic development producing urban sprawl and destroying the most attractive features of the rural environment as a leisure area.

For the reasons above NKRCC believes that the LDP is currently correct to have designated only one other small area for housing in the plan in addition to the above-mentioned Elsick area. NKRCC strongly support the exclusion from the LDP of all other suggested housing 'bids' nearby – 19 in all – in this rural area and urge the authority to reject the suggestion that any should be re-introduced to the LDP at this stage. There should be an ongoing presumption against development in the Green Belt and against anything other than very small-scale development in the AHMA, both of which should be retained for the leisure and recreational use of the people.

NKRCC would go further and say that even if those, or other, developments come forward for consideration under the Rural Policy, the emphasis must exclusively be on very small-scale developments. Again, that would be consistent with SPP which (Para 95) states.....

... 'The aim is not.....to suburbanise the Scottish countryside.'

PROPOSED PLAN - GENERAL COMMENTS – USE OF TITLES AND DESCRIPTIONS

There is an inconsistency in descriptions of areas and their names (already referred to under Spatial Strategy) which applies in many parts of the Proposed Plan.

The Aberdeen Housing Market Area (AHMA) and the Rural Housing Market Area (RHMA) are long-established and clearly-defined areas, but we see them variously called:

‘the Aberdeen housing market area’ the ‘AHMA’and.....

the ‘rural housing market area’ ‘more remote rural areas’ ‘a rural area (as defined on the proposals maps)’ ‘the RHMA’

when it clear that the AHMA or the RHMA is intended in each case.

‘Regeneration Priority Areas’, a key concept within the Plan, is also treated in differing ways. Similar strictures apply to the Green Belt and Coastal Zones.

For the understanding of all concerned - developers, planners and the public - there should be a consistent method of using the terms, which would allow no room for doubt or differing interpretations. We suggest that the addition of a Glossary for such terms as ‘Accessible Areas’ (which is the AHMA in the case of Aberdeen), would be helpful to all users of the Plan.

In conclusion, NKRCC wishes to thank the Council for the significant work incorporated in the Proposed LDP and appreciates the process of engagement. We trust that the preceding comments will be received positively and construed as constructive. If you have any queries please do not hesitate to contact us.

Yours faithfully

Toby Lenehan
Secretary, for and on behalf of NKRCC