

RESPONSE OF NORTH KINCARDINE RURAL COMMUNITY COUNCIL MAIN ISSUES REPORT OF THE LDP

OVERVIEW AND GENERAL COMMENTS

The main content of this response to the MIR will concentrate on suggested policy changes and the various development bids for this Community Council area. However, it is clear that much of what is proposed in the Local Development Plan (LDP) is not merely influenced by the Structure Plan (SP) but is dictated, and therefore constrained, by its conclusions. Those conclusions are thus fundamental to the entire LDP process.

That being so, NKRCC must take the opportunity once more to state our grave concern over the forecasts for housing need and population growth in the SP and the method by which they evolved. We have seen no evidence in the SP or in its supporting documents to justify them. (That is particularly ironic now that we are discussing the LDP, which stems from that SP, as one of the principal documents informing the LDP is Scottish Planning Policy 15 – Planning For Rural Development – which states unequivocally in Para 34..... *‘Policies in development plans must be evidence-based..’*)

We believe that those forecasts – 72,000 houses required in the Plan period and an increase of 40,000 in the working age population – are unrealistic. Even the City and Shire’s own Strategic Forecasts of 53,000 houses may be considered optimistic, but to add a factor of nearly 30% ‘just in case’ (or ‘to provide flexibility..’ as the SP puts it), is to transfer the figure into dangerous territory.

The desired figure of a 40,000 population increase (9%) similarly defies logic, GROS forecasts and the Region’s own Strategic Forecasts. Such an increase, especially in the population of working age, may be greatly to be desired, but would fly in the face of all known demographic trends and forecasts not only for 90 % of the UK, but for Europe and much of the First World. This forecast is, naturally, a further driver of what we consider to be the over-optimistic housing forecast noted above.

The principal driver of course, is the use of the High Case scenario for the region’s economic future, which, again, we believe gives an exceedingly rose-coloured view of what might be expected during the Plan period.

Above all, those housing and population forecasts and the use of the High Case scenario, were first mooted two years ago, were not in any way amended with the onset of national and international economic and financial turmoil, and have yet to be approved by Scottish Ministers for adoption.

Thus we believe that the strategies adopted in the LDP, especially as the process will be foreshortened by elimination of the Draft stage, may well be based on doubtful premises and could be premature, especially where development bids are graded ‘Preferred’.

It is against that background that we set out our views in this response.

PART 4. WHAT SETTLEMENT STRATEGY SHOULD WE ADOPT ?

The Settlement Strategy has at its core the provision of a major new settlement, theoretically independent and reducing the need for commuting through provision of business space within it. That has potential drawbacks.

We have already said that we see no justification for the overall housing forecast of 72,000 in the SP and so there must also be doubt about the scale of housing allocated for the separate corridors. By extension, given the ratio of 1 hectare of serviced employment land per 200 houses, there must also be serious doubt about the scale of employment land allocated, both within and without the SGAs.

What follows from that is that the present concept of specifying a major stand-alone settlement as 'Preferred' has inherent dangers. First, a significantly smaller number of houses (possibly stemming from Scottish Ministers' review of the SP), may invalidate the need for it. Second, the risk in opting for a new settlement, if that strategy were to be adopted, is that, if the region's economic development were to fall short of the very optimistic economic outlook projected, then the possibility of incomplete developments or settlements would be a very real one. The implications then are that the region might be faced with half-built, isolated settlements or developments (in more than one area), with incomplete infrastructure, unfinished 'community cores' or business areas, half-empty schools and the like.

If developers cannot sell, they will not build. Therein lies a further problem for the local authority in respect of infrastructure, which would be the major need for any new settlement. The proposal in the Draft Policy on Developer's Contributions (q.v.), is that infrastructure should be funded with public money, which would subsequently be reclaimed from developers. In the event of half-finished projects, economic downturn or further financial chaos (possibly leading to developer failure), the taxpayer might be left bearing that burden.

Finally, a stand-alone settlement is premature in one other respect. The present 'Preferred' option of Banchory-Leggart is wholly within the Green Belt, yet it is being proposed (and with 'Preferred' status almost taken as fact), before the instigation of the Green Belt review specified in the Structure Plan.

It also appears that, in giving 'Preferred' status to Banchory-Leggart and 'Possible' status to Elsick – in each case as major stand-alone settlements to the South of Aberdeen – the planning authority has consciously cast aside the conclusions of the Portlethen Corridor Capacity Study. That study discussed, inter alia, the possibility of a major expansion to the town; highlighted the potential improvements to Portlethen station (combined with a 'bus interchange'), which could improve public transport for the town and acknowledged the need for a town centre. All this to be triggered by a major extension of Portlethen using one of, or a combination of, the Options presented.

Infrastructure improvements involved in such a development would surely be smaller and less costly than those needed for independent new settlements. Extensions to the existing settlement of Portlethen would be able to make greater use of public transport, especially the train, and would have no greater effect on traffic at Bridge of Dee than a similar number of houses in a new settlement.

Importantly, it would also coincide much more closely with the requirements of SPP 3 (Planning for Housing) on Guiding Development to the Right Places - Paras 27 to 47 inclusive. Those paragraphs, it is worth recalling, state variously that :

.... *'where planning authorities set targets for housing on brownfield land, they should be realistic and should normally be supported by the findings of a survey such as an urban capacity study..'*

... *'the Scottish Executive looks to planning authorities to maintain the effectiveness of existing green belts...'*

.... *'where brownfield...sites cannot meet....housing requirements, it will be necessary to release greenfield land **next to** built-up areas. '(our emphasis)*

... *'in planning the expansion of existing settlements or the development of new ones, preference should be given to locations which can be well integrated with existing and proposed public transport.'*

Throughout this section it is clear that the hierarchy of land use is, in descending order of importance :

Use of previously developed / brownfield land
Extensions to existing settlements
New settlements

The section makes it clear that the last-named should be the last resort. Para 47 states (our emphasis) :

.. *'a new settlement **may** have a part to play in meeting housing requirements...where
-there are substantial physical, environmental or infrastructural
constraints to the further growth of existing settlements...
-it could assist in reducing development pressure on the greenbelt or
areas of attractive countryside
-it can be readily serviced by public transport..'*

Points 1, 2 and 3 support an extension to Portlethen and Point 2 militates against Banchory-Leggart.

PART 4. QUESTION 5

IS THIS AN APPROPRIATE STRATEGY...FOR..PORTLETHEN TO STONEHAVEN ...AREA ?

In the light of our foregoing comments on Settlement Strategy, it is probably not.

We believe the... *'scale of development anticipated by the structure plan..'* to be unrealistic, the overall housing need to be overstated and thus the scale of development set out for this area probably is as well.

In addition to the above, when discussing this area, the LDP does not lay sufficient emphasis on the potential problems to be encountered at the Bridge of Dee, one of the city's main traffic choke points, nor does it suggest any solution. The recent outline approval for 280 houses at Blairs drew criticism from Transport Scotland as well as from the City Council owing to the effect on traffic at Bridge of Dee. The 1995 Inquiry into the creation of a new settlement at Banchory-Devenick (of 4,500 houses plus Business Park), emphasised the same concerns, (over additional traffic at Bridge of Dee) and saw the problem as incapable of resolution.

The only thing which has changed in the interim is that there is now a possibility that the AWPR may be built. Even if it were to be built, the benefit it would provide at Bridge of Dee is small **and that benefit was calculated by anticipating the implementation of ALL the Transport Strategy's elements, including Crossrail.** As there now appears to be a strong possibility that Crossrail has been either postponed or abandoned, the calculated benefit from the AWPR and other transport measures at Bridge of Dee must also diminish.

Even the original (all-measure) benefit, however, would be more than cancelled by the construction of just the 4,550 'Preferred' houses at Banchory-Leggart and Portlethen - K121 and K125 - (without the further 430 'Preferred' at Stonehaven – Mains of Cowie and Ury). As the first two have no convenient access to rail travel, it must be assumed that most of the consequent commuting – for work, shopping and leisure – would be by private car.

The Shire's own statistics show that, of the working population who live in Portlethen and Stonehaven, 64% commute to work in Aberdeen from the former and 47% from the latter. Integral business 'cores' or Business Parks within settlements – however well-intentioned - will probably change that to only a small degree, and would also attract some reverse commuting as people drive out to work in them.

PART 4 (ii)
SETTLEMENT STRATEGY FOR RGAs, AHMA AND RHMA OUTWITH SGAs

QUESTION 9. IS THIS AN APPROPRIATE STRATEGY TO FOLLOW FOR THE RURAL AREAS ?

We consider that the Preferred option is better than the two alternatives given on Page 16 ; (more stand-alone settlements in the first case and *'significantly more development in the countryside'* in the second).

Unfortunately, the Preferred option is not entirely clear in what it says. When espousing a *"key settlement"* approach, are these 'key settlements' only those shown in Figure 1 (P 17) , Banchory, Aboyne etc, or are there others as yet unspecified ? In other words does 'key' merely mean bigger, or are there others where it is considered that there should be development ? If the latter, then they should have been specified.

Also, exactly what is meant when Para 2 states that in those settlements.....

... 'land allocations made will largely match the size of the village or town in which it is made...'

That could be taken to mean that the allocation will be the same size as the existing settlement. If so, that would constitute unacceptable over-development, completely contrary to National policy as expressed in SPP 15 (Planning for Rural Development) where, in Para 8 we see discussed...

... 'a more welcoming stance to development in rural Scotland....'

but which adds the caveat...

... 'The aim is not to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the Scottish countryside or to erode the high quality of its environment..'

further emphasising that planning policies are in place to...

... 'accommodate selective, modest growth..'

If, on the other hand the statement merely means that there will be a 'pro rata' allocation, depending on the size of the place, then that is clearly the right approach.

Para 4 talks about... *'outwith the settlements a more welcoming approach to development...'* but does not make it clear whether that applies to the AHMA or the RHMA – or both. In our view it should especially apply to the RHMA, or the more 'remote areas' as described both elsewhere in the LDP (Draft preferred policy on rural development in Appx 1 – page 61) as well as in SPP 15. To apply it too readily in the AHMA, which might be described as the commuting area and which broadly

coincides with the '*Accessible hinterlands around Aberdeen city and towns*' described in the LDP, would be wrong.

To have a too welcoming approach to development within the city's commuting area (or indeed the commuting area of other major towns) would put further pressure on those areas already acknowledged as suffering from high demand and would lead to further urban sprawl. Such areas have always been, and remain, attractive both to developers and their customers for their sheer convenience.

To allow that urban sprawl to develop - what is often described as the tendency towards 'a house in every field' - would, in turn, erode the clear and valuable distinction between urban and rural areas. It is the character, accessibility and the very difference of the rural areas which we believe must be maintained, both for those who choose to live there and for those who wish to visit such areas and relax there. That applies equally not only to remote rural areas but to 'accessible' ones as well - perhaps even more so to the latter.

SPP 15 spells this out very clearly, in Para 9, where we see the vision of creating opportunities for development followed once again by this important qualification...

*... 'Rural and urban areas are recognised as interdependent, e.g. rural areas depend on urban areas for a range of services and jobs **while providing quality recreational and leisure experience for the urban population****New development must be carefully planned if the character and quality of the countryside is not to be undermined....**' (our emphasis)*

In the same vein, Paragraph 8 (p. 16) of 'Settlement Strategy for RGAs etc' discusses allowing greater flexibility with a policy approach outside the towns and larger villages. The text then goes on to propose

... 'opportunities.....to develop on appropriate sites in the open countryside....'

The key here, in our view, is that....

... 'the policy will need to vary in relation to the type of area, for instance, whether it is close to Aberdeen's commuter pressures, or it is more remote...'

That is vital. We believe that it must be made crystal clear that the 'new leniency', the more supportive attitude towards appropriate development, applies principally to remote areas as opposed to the accessible, commuter areas, wherein there shall be stricter control on all development.

It is worth quoting SPP 15 (Para 8) once again ...

... 'The aim.....is not to suburbanise the Scottish countryside or to erode the high quality of its environment...'

PART 5 (i). DEVELOPER CONTRIBUTIONS (INCLUDING THE DRAFT POLICY).

The preferred policy approach we believe to be the correct one.

The first of the 'Issues' stated is that the ...

... 'policy must be robust enough so that Aberdeenshire Council will have reasonable control of where and when new infrastructure will take place..'

To seek '*reasonable control*' is scarcely a 'robust' aim, especially where one alternative giving developers too great a degree of control has been ruled out !

There is an inherent risk in the policy and the approach to it. In Point 2 of the approach, on P19, the text declares...

... 'Up-front funding for selected strategic new infrastructure would be provided by Aberdeenshire Council and then recouped from developers...'

That seems to refer to the 'masterplanning' areas referred to in the Justification (on the grounds that masterplanning would only be needed on major or strategic developments). In the same Justification paragraph, however, again referring to 'masterplanned' areas, in apparent contradiction it states...

... 'In many cases the developer will be expected to fund the infrastructure as it is required. However, there may also be opportunities for up-front funding from Aberdeenshire Council.....within the masterplanned area and for it then to be recouped from developers...'

One statement implies that ALL major developments would initially be funded by the Shire and the other that it may be possible or optional.

As the subsequent paragraph states...

... 'Outwith these masterplanned areas the emphasis will focus on up-front funding from the Council...'

it thus seems that the majority of ALL development, big and small, would be funded by the Shire for later reclamation. That is, in our view a very high risk policy for the Council to adopt. It is acknowledged in the text that... '*if external factors change...*' there is a risk. It is a serious risk which we do not think the Council should bear alone. Some of that risk should be borne by developers : if their projects succeed to them go the spoils, if they fail, to the Council and its taxpayers goes the burden.

In our view that risk, of being saddled with such losses, will be increased if the very ambitious SP housing figures are taken forward in the LDP. As already stated above, in our comments on the overall Settlement Strategy, there could be a very serious risk

of developers walking away from half-finished developments, and half-completed infrastructure if the expected economic boom and influx of migrants does not occur as predicted. The possibility of further financial turmoil merely adds to that concern.

The other aspect of the approach which is to be welcomed is ...

... 'Being clear up-front about the type and scale of infrastructure that will be needed so that... developers are aware of.... cost implications...'

We believe it to be essential that this is applied to all but the most modest developments, not only for the developer's benefit but that of the Council as well. Not only should general principles be adduced in Supplementary Guidance documents, but specific non-negotiable requirements should be listed each and every time, particularly for major developments.

As an example we would give K142 and K121. Although we realise that bids listed in the MIR are only suggestions at this stage, there is nevertheless a worrying absence of any realistic appraisal, or even acknowledgement, in the MIR of the very significant infrastructure projects that would be needed for the two possible new stand-alone settlements, Banchory-Leggart and Elsieck.

Therein lies the danger for the Council ; that it is so keen on its pet project (the major stand-alone new settlement), as the answer to the very large housing allocation, that it does not apply as rigorous an examination as each plainly needs. Once any such proposal is at the formal application stage, that cannot be allowed to happen.

PART 5 (iv) - PLANNING WITHIN THE LANDSCAPE (AND DRAFT POLICY).

Notwithstanding the European Landscape Convention encouraging protection of ALL landscapes, there is nevertheless a strong case to be made for highlighting certain areas as worthy of special protection, in this case the former Areas of Landscape Value (ALV).

To claim that they are “outdated” is patently false : if they were important parts of the landscape formerly, they are obviously equally so now, as overall landscape and those areas’ status within it do not change much. If ... *‘subsequent development is starting to undermine their value and quality..’*, then that must lie at the door of the planners and elected members in not applying the policies of previous Local Plans.

To subsume ALVs into the more detailed LCAs will be acceptable providing that no former ALV is dramatically reduced or altered. It is important that certain areas must be recognised as more valuable, attractive and worthy of protection than others.

In the Draft Policy, within the criteria (a) to (e), which detail those factors which will count against any development, we believe there to be two omissions. There should be a reference in (b) to one of the ‘key features’ of the landscape character being

... ‘the established pattern of housing development in an area...’
as scattered housing, for example, forms one of the characteristics of any landscape. The criteria should also include a reference to, not only *‘development intruding visually...’*, but to....
‘development which has an adverse impact through noise, dust or other pollution..’

In the Policy Justification we note that the Landscape Character Assessments will be published in Supplementary Guidance (SG). The LCAs have been extant since the 1990s. Similarly, the...

... *‘audit of scenic views of special value to each community across Aberdeenshire...’*

is to be published in SG notes. These scenic views have been under discussion, by both officers and members, since the PLI into the present Local Plan in 2005 / 6.

We have been told that the SG, and thus both LCAs and scenic views, will be published AFTER the LDP next year, with the reason given that, as the LDP will be subject to objections (and a PLI), it would be premature to publish them sooner.

That does not seem to be a credible argument. Not only will it be principally the policies and development allocations in the LDP which will be the subject of debate, but the LCAs are already long-established (with some recent subsequent amendment for ALVs) and the scenic views must be known and listed by now and are of interest to people throughout the Shire.

We believe that both should be published as soon as possible.

SECTION 5 (v) ENABLING DEVELOPMENT (INCLUDING DRAFT POLICY)

We concur with the Preferred approach.

Alternative No 2 would be wide open to abuse by developers and landowners and No. 1 does not accord with the provisions of SPP 15 which encourages some loosening of the existing policy.

The statement in Para 16 of SPP 15 suggests...

... 'The formation of some new businesses can depend on having new build or conversion housing, for sale or rent, providing early funding...'

That needs to be applied with great care and we fully support the Council's stance, in specifying in Section B of the Draft Policy, that the use of this aspect of the policy should be...

... 'In the case of employment, leisure or tourism use within regeneration or remote rural areas....'

We would go further and suggest first, that a clause be included in the policy itself specifically to exclude 'Accessible' areas and that, in the Justification, '*limited circumstances*' be amplified to emphasise, once again, that this means...

... 'in the Regeneration Areas and the Remote Rural Areas....'

(The words quoted above in the Draft Policy, Sec. B referring to 'regeneration' and 'remote' may be merely typographical errors, i.e. without the capitals but, for the avoidance of doubt, should be re-written to coincide with the correct, formal titles of those areas. It is easy to conceive of a landowner 'innocently' claiming that he believes that his land needs 'regenerating' and that Sec B of the policy should apply in areas other than those intended.)

We also strongly support the criteria (1 – 3) of Sec B which will be used to judge the acceptability of these developments - '*essential*'.... '*minimum necessary*'... and '*not intended to subsidise the profitability..*'

We further believe that, owing to the foreshortened process on the LDP, any development bid claiming to be a 'public benefit' development and therefore qualifying for the new enabling provisions, should be examined very carefully indeed. If it does not qualify according to all the strict qualifications and criteria which the Council clearly intends should eventually obtain, then it must not be included as an allocation in the Plan. Otherwise, once there it will gain official status (in tablets of reinforced concrete) and be difficult for elected members to deny.

PART 5 (vii). HOW SHOULD RURAL DEVELOPMENT.....BE ACCOMMODATED ?

In view of the injunctions in both SPP 3 and SPP 15, Alternative 1 could not be pursued, whilst Alternative 3 would be far too lenient and would lead to the urban sprawl which we have already inveighed against in this response.

The Council's Preferred approach is, in our opinion, the correct one.

The use of rural 'typologies' is welcomed, though the fact that no view on which approach to use, what the boundaries might be or which qualifications would apply is of concern. Figures 2 and 3 – pages 34 and 35 – have been provided as examples of what might provide an answer, but neither is totally satisfactory.

QUESTION 17 - Is the use of the 8-fold rural classification appropriate...?

At first sight the 8-fold classification in Figure 2 would appear to categorise some parts of the region as 'Accessible' which are, by any common sense view, 'Remote', particularly in respect of distance from Aberdeen.

We recognise that accessibility is also judged as being a certain distance from other towns, but particular attention needs to be paid to the area surrounding the city as that is where the greatest pressure comes to build houses, or in the words of the MIR...

..... '*where there is a huge demand for housing..*' (our emphasis)

To that end, there is perhaps a case to be made for aligning the 'Aberdeen Accessible Area' with the rural part of the Aberdeen Housing Market Area (AHMA). It is the AHMA that is, by definition, the commuting area for the city and is a well understood (and delineated) concept.

Figure 3, on the surface, seems a more sensible typology than that in Fig 2, although even here much of the category 'Intermediate' would more naturally fall into 'Accessible' and we fail to see the relevance of two colours of Remote area, unless the red represents the National Park.

In summary, our view is that there should be some combination **and simplification** of the two typologies, and that this should be published as soon as possible.

DRAFT POLICY.

Here again, we see it as vital that an early decision is made on the exact classification of Accessible etc. areas. There are now three categories, namely Accessible, Intermediate Remote and Very Remote. The ... '*presumption against..*' in Accessible and ... '*presumption in favour..*' for Intermediate and Very Remote appear to be correct, but we cannot give unqualified support to that distinction until we know exactly where one area finishes and another starts.

The policy states, in respect of Accessible rural areas...

.... *'there will be a presumption against new development unless...'*

(c) it is the redevelopment or replacement of an existing or disused building, or site which has previously been developed..'

At present this is a very prescriptive area of housing policy, the effect of which has been that steading conversions were not permitted unless the building was in a nearly whole state which had to include a roof and virtually all walls. If that aspect of existing policy is to be overturned, we welcome it, as it could eliminate some 'blots on the landscape' at the same time as providing useful housing conforming to the existing pattern of development. That relaxation ought to be spelled out within the policy itself as well as in the Justification, which would be amply supported by Scottish Planning Policy documents and would cover the reservations about existing policy expressed in 'Other Issues', Page 39, 'Conversion of Derelict Rural Buildings' on which we comment elsewhere in this response.

SPP 3 (Para 56) talks of...

... *'conversion or rehabilitation of buildings...'*

and SPP 15 (Para 23) amplifies that in saying that planning authorities...

... *'should not unreasonably constrain such modernisation and steading conversion within the original footprint or height limit unless there are compelling design or conservation reasons for doing so. They should adopt a supportive approach and ensure that new development fits in the landscape...'*

We also contend that these documents would support the removal of the present ban on conversion of any steading within the Green Belt, a change which we would also welcome. It would affect few sites but could undoubtedly improve them.

Within the Justification – last paragraph – the first sentence is not totally clear. When it states that...

... *'The policy applies to all forms of development outwith settlements...'*

is that solely in the Remote Areas or in all areas ? That needs clarification as the paragraph immediately preceding it refers to ... *'the most remote rural areas..'*

The last sentence similarly states...

... *'If proposals for replacement of buildings require any measure of undeveloped land, then this would be classed as a new dwellinghouse rather than a redevelopment..'*

That appears to be at odds with the preceding sentence which states...

... *'no restriction is placed on.....the footprint that such a building should occupy..'*

as increasing the footprint would presumably involve 'undeveloped land'. Would adding a garage invoke the 'new dwellinghouse' rule ? I think we should be told.

PAGE 39 - OTHER IMPORTANT ISSUES

Question 19. Do you have any views on the way that we deliver these ?

THE CONVERSION OF DERELICT RURAL BUILDINGS

Since the adoption of the present Local Plan (ALP), this has been, and will continue to be whilst the existing policy applies, a very contentious point.

At the Public Inquiry into ALP this Community Council and other objectors argued very strongly that the proposed policy was excessively restrictive. It was common to all objectors that the policy would result in eyesores in the landscape and a loss of worthwhile housing in harmony with the traditional pattern of development

The Reporter at that time was naturally constrained by the policy in the adopted NEST and thus had no option but to recommend no change in the draft ALP policy. The opportunity now arises to set that anomaly right, through the prompting of, and with the support of, SPP 3 and SPP 15.

We agree that it need not be a 'main issue' providing that the point is adequately covered, and spelled out, as we request above, in our response to the proposed policy on Rural Housing (q v).

We would welcome the correction of what we see as an anomaly in the policy in the extant Development Plan. In addition to the writing of a new policy (in this case the Rural Development policy), this change of policy may also require further amendments to existing housing policy.

THE OVER-DEVELOPMENT OF ALLOCATED SITES

Again, we would welcome some greater certainty being brought to another contentious issue (and which is sometimes seen by many of our residents as an example of developers or landowners 'trying it on' and hoodwinking the Local Authority).

We agree that it can be covered through amendment of existing policy