



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise.**

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	MR.
First Name:	HARRY
Surname:	McNAB
Date:	JULY 2020
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email:	[REDACTED]

Are you happy to receive future correspondence only by email? Yes No

Are you responding on behalf of another person? Yes No

If yes who are you representing?

NORTH BANCHORY COMPANY.

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

*Section 07. DEVELOPMENT IN THE COUNTRYSIDE
GLOSSARY DEFINITION OF BROWNFIELD LAND.
POLICY R2.
SEE ATTACHED STATEMENT OF CASE.*

Reason for change:

See attached Statement of Case

Aberdeenshire Council Transcription

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If yes who are you representing? North Banchory Company

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Section 07. Development in the countryside.

Glossary definition of Brownfield Land.

Policy R2.

See attached statement of case.

Reason for change:

See attached statement of case.

OBJECTION TO LDP 2022

DEVELOPMENT IN THE COUNTRYSIDE POLICY

INTRODUCTION

This objection relates to Section 07 of the Proposed Plan : Shaping Development in the Countryside. In particular, objection is taken to the definition of 'Brownfield' in the Glossary, as well as several elements of Policy R2 - Development Elsewhere in the Countryside.

The introduction to Section 7 states that *"we want to create a welcoming approach to development in the countryside that meets local needs, and encourages prosperous, sustainable communities and businesses, while protecting and improving the quality of the environment"*. However much of what is contained in the detail of the following policies is neither welcoming, encouraging, or sustainable, and will actively discourage investment, and the improvement of the rural environment. Objection is accordingly taken as follows.

ACCESSIBLE REMOTE RURAL AREAS

The first point to note regarding the revision of Countryside policy, is the change from the AHMA / RHMA boundary to the accessible / remote boundary. This seems to entail a significant change for Banchory. However the only map giving the accessible / rural boundary appears to be the Spatial Strategy map, it is not clear from it where the boundary comes in relation to the settlement envelope. The Scottish Government guidance (Map 2.4) shows the whole west side of Banchory as being contiguous with the remote rural area, and it is said that the plan adopts this boundary. It would however be useful for this to be shown at a larger scale, both on the Proposals Maps in the LDP and in Section 07.

From the Government guidance, it appears that Bridge of Canny and Inchmarlo would be in the remote rural area, whereas Crathes and Hirn would be in the accessible rural area. However it would be useful to know where the boundary runs to the north and south of the settlement envelope.

GLOSSARY

In the Glossary, 'brownfield' land is described as land that has previously been used for a purpose which has now ceased, and on which a new use has not been established. Such land will be vacant, redundant or derelict. This is generally in accord with the definition in Scottish Planning Policy (SPP). However, the Proposed Plan goes much further, and excluded are : private gardens, garages, carports, sports grounds, woodlands, and amenity open space. Also excluded are land and buildings being used for storage, hard-standings, temporary buildings, reinstated sites (such as quarries), and importantly, agricultural buildings constructed of modern materials.

This is an extensive list of additions, which would rule out the redevelopment and restoration of very many sites which scar the rural landscape. For example, it seems buildings previously used for storage, but now redundant, cannot be redeveloped, even although they are falling down and blight

the landscape. The same would apply to redundant non-traditionally built agricultural buildings, although many such abandoned structures can be seen across Aberdeenshire. An embargo on the re-use of such resources is the antithesis of sustainability. It should particularly be noted that many agricultural buildings, consisting of metal cladding, on a timber or steel frame, have significant potential for conversion to a home, with a very modern aesthetic.

Another concern is the ruling out (for redevelopment) of redundant industrial land which has been used as yard space, and is now described as 'hardstanding'. Very many such yards remain, often with abandoned agricultural machinery or equipment. They retain significant potential for redevelopment and investment in the rural economy, yet the glossary definition would rule them out.

While it is accepted that quarries with a condition requiring land restoration and landscaping should be excluded, it is not understood why redundant quarries with no such restoration conditions should be allowed to fester and continue to degrade the landscape.

There is also a strong case for looking again at whether all private gardens should be ruled out. In the rural area, many houses have expansive curtilages, which are not always laid out as gardens. They may contain several buildings such as workshops, outhouses, barns, stabling and paddocks. Many examples can be seen where they have become neglected, as occupiers become older or family priorities change. These sites already attract deliveries, are generally serviced, and may well be able to accommodate some redevelopment without impacting on visual amenity. Is it really 'sustainable' to allow them to deteriorate beyond rehabilitation, repair and re-use ?

In practice, it has become noticeable that the judgement on whether the circumstances of a rural site complies with the glossary definition can be subjective. Rather than rule these out arbitrarily, it would be preferable if there was flexibility for Councillors to consider the site by site circumstances, and come to a balanced decision.

In the light of all these factors, it is submitted that it would be preferable for the definition to be aligned with that in SPP. If any additional 'exclusions' are deemed necessary, they should be more limited, and more flexibility should be given to members to consider each site on its individual merits.

POLICY ISSUES

Our main concern as regards policy is with Policy R2 : 'Development Elsewhere in the Countryside', and we comment on a para by para basis below.

R2.4 : The promotion of brownfield development is welcome, as being in accord with sustainability principles. However as pointed out above, many facets of the current glossary definition of brownfield is actually contrary to sustainability principles.

Further, any such brownfield development will inevitably bring environmental improvement, and we would suggest that the additional requirement (in the policy) for the improvement to be 'significant' is both subjective and superfluous.

R2.10 : This clarification of what must be evident on inspection is welcome, but it is suggested that it would benefit from expansion. For example, 'Low Walls' are not the only indication of previous

development. The presence of building work such as foundations, and floor slabs are equally significant.

That development no longer needs to replicate the 'footprint' of the former building is welcome. However the following requirement that the development must be contained within a 'defined curtilage' is both vague and confusing. We have had recent experience of a paddock within a large residential curtilage being described as a 'recreation ground' and not within the curtilage, as it was 'separate from the buildings proposed to be replaced'. If such an interpretation can be made 'in good faith' by a planning officer, (despite the footnote 7 suggesting – *this is the land which is associated, by either boundary or setting, with the house*), there clearly needs to be more or better clarification of what the policy intends.

R2.11-14 : There also needs to be more clarification of these paras dealing with **Organic Growth of Settlements**. For example, 2.11 and 2.14 talk about a list of identified settlements, but 2.12 talks more generally about 'only settlements without an opportunity site being considered under this policy'. This latter also seems to be applicable in the accessible rural area. It seems from this that organic growth is meant to apply irrespective of which (accessible or remote) rural area a site is found. Yet we have the unresolved suggestion that a list of identified settlements may be produced. Reference is made to Planning Advice on this matter, yet no such Advice is currently available.

To simplify the policy, it is suggested that it should simply say that the organic growth of all settlements is acceptable, provided the site suggested is within 200m of the edge of the settlement, and the growth in any plan period was no more than 20%. The 'edge of the settlement' should be recognised as the village envelope if there is one, but otherwise the feu boundaries of the properties within the settlement. Approval would also be subject to compliance with all normal development control criteria, such as servicing, pedestrian connectivity, along with layout and design considerations.

It is acknowledged that SPP makes a distinction between what is acceptable in the accessible and remote rural areas, and to reflect that, growth in the accessible area, could be restricted to either infill sites, or at a lesser distance from the established settlement boundaries.

Notwithstanding the above, if it is nevertheless felt that if a defined list of 'settlements' needs to be included within the Plan, then it is suggested that the following communities should be included : Bridge of Canny, Inchmarlo, Crathes, and Hirn.

R2.15 : The approval of **retirement homes for farmers** is welcomed. However it is not understood why this is restricted only to enabling family succession. There are many farmers who do not have the ability to pass on their farm to immediate family, and discrimination on this basis is not understood. It is suggested that a willingness to recognise a farmers' wish to continue living in proximity to the land to which he has invested a lifetime of care, should be sufficient in all circumstances.

Neither is it appreciated why the new retirement house needs to be 'within or in the immediate vicinity of the main farm hub'. This may not always be the best siting for the succeeding farmer, or indeed the retiree. Surely the acceptability of the site should be judged on its merits, having regard to factors such as servicing, and connectivity, along with visual and environmental impact.

R2.16-17 : The continuation of the ability to extend **established housing groups or clusters** is welcome. However, the reasoning for restricting the applicability of the policy to the remote rural areas is neither understood nor accepted. Existing 'clusters' of housing are generally already serviced, both with mains infrastructure, and already enjoy regular deliveries. The acceptance and promotion of their appropriately scaled expansion (irrespective of whether in remote or accessible rural areas) has long been accepted, by other authorities, as a reasonable, and sustainable planning strategy.

In addition, it should be noted that the text in the policy defining what could comprise an acceptable cluster, virtually rules out infill or addition. If for example properties have a contiguous boundary (as suggested) then there is no space to infill, without shoe-horning in new sites with consequent potential for over - development.

Bearing in mind what is suggested above about 'organic growth of settlements' - which (if accepted) could include small settlements of around 15 units – irrespective of whether the LDP proposes a settlement envelope - it is suggested that a cluster might be a group of up to 15 houses, whereas a small settlement could be any group comprising more than 15 units.

If this general definition is accepted, then there is no need for the text in R2.17 other than to say that new development would be restricted to 3 new units in the course of a plan period.

R2.18-19 : **The constraint on Employment Proposals** in the accessible area to brownfield sites seems over restrictive. It would rule out for example the MacIntosh Plan Depot at Echt, and the original Bancon Construction Offices at Crathes – both of which have developed as very significant local employers. It is suggested that the constraints in policy R2.19 give sufficient flexibility for members to judge whether employment proposals could be acceptable in both the accessible and remote rural areas.

SUMMARY

Having regard to all the foregoing, it is submitted that :

- 1) The Proposed Plan should contain a more detailed Map, defining the remote / accessible rural area boundary, matching that produced by Scottish Government, within Section 07 of the LDP.
- 2) The LDP Glossary definition of 'brownfield' land requires adjustment, to be in line with the definition in SPP. This will make it less cumbersome, more easily understood by laymen, and would simplify the areas of Policy R2 which rely on it.
- 3) The policy on Organic Growth is welcome, but requires clarification, particularly around where it is applicable, and what constitutes a 'settlement' to which the policy is applicable.
- 4) The Policy on the extension of 'existing Housing Clusters' is also welcome, but as an equally sustainable strategy, it should be extended to cover all rural areas, irrespective of whether they are defined as accessible or remote.
- 5) The Policy on Retirement Farmers needs to be adjusted to remove the discriminatory requirement to meet the needs of 'family succession'. The policy relating to the location of a retirement home within the farm, also needs to be reconsidered.

- 6) The requirement for Employment Proposals in the accessible area to be located on brownfield land is too restrictive, and rules out many possible locations, which in the past, have provided sites for important incubators for small business.

If you would wish to discuss the terms of this objection further, please do not hesitate to contact the writer.

Harry McNab

On behalf of

North Banchory Company.

